

AN ORDINANCE DISAPPROVING THE ANNEXATION OF UNINHABITED TERRITORY KNOWN AS McBRIDE ADDITION TO THE CITY OF MODESTO.

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

SECTION 1. That the annexation of the hereinafter described property to the City of Modesto is hereby disapproved.

SECTION 2. The area designated as McBride 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, being a portion of Sections 1 and 12, Township 4 South, Range 8 East, Mount Diablo Base and Meridian, and more particularly described as follows:

Beginning at the Section corner common to Sections 1 and 12, Township 4 South, Range 8 East, and Sections 6 and 7, Township 4 South, Range 9 East, said corner also being a point on the Western line of the Riverview Tract as shown on the map filed in Volume 14 of Maps at Page 44, Stanislaus County Records, and the existing City Limits; thence along said City Limits and Western line of Riverview Tract North 00° 14' 50" West, 816.16 feet, to the Northwestern corner of the existing City Limits; thence continuing along said Western line of Riverview Tract, Northerly to the Southern line of Robertson Road as shown on the Map of Tuolumne Terrace filed in Volume 14 of Maps, at Page 39, Stanislaus County Records; thence along said Southern line of Robertson Road, Westerly to the Southwestern corner of said Tuolumne Terrace, said point being on the quarter, quarter section line of said Section 1; thence along said quarter, quarter section line, Southerly to the center line of the Tuolumne River; thence along said center line of Tuolumne River, meandering Southeasterly upstream to the Southwestern corner of the existing City Limits and said section line common to Sections 7 and 12; thence along said section line, Northerly to the point of beginning, containing 38.79 acres, more or less.

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

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

SECTION 5. Ordinance No. 187-C.S. adopted by the Council of the City of Modesto on the 21st day of August, 1957, is hereby repealed.

The foregoing Ordinance was introduced at a regular meeting of

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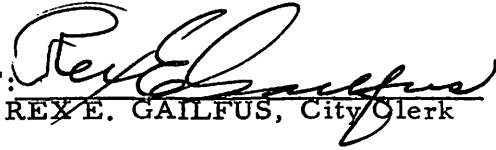
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of the Council of the City of Modesto held on the 18 day of
September, 1957, by Councilman Anderson, who moved
its adoption and passage to print, which motion being duly seconded by
Councilman Hammond, was upon roll call carried and
ordered printed and published by the following vote:

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

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

1 AN ORDINANCE AUTHORIZING CONVEYANCE OF CERTAIN
2 REAL PROPERTY BELONGING TO THE CITY OF MODESTO
3 TO THE MODESTO IRRIGATION DISTRICT.

4 WHEREAS, by Tax Deed dated December 24, 1940 and recorded
5 December 30, 1940, the City of Modesto accepted the conveyance of
6 certain real property from H. E. Gragg, Tax Collector of the said
7 City of Modesto, Stanislaus County, California, for non-payment of
8 delinquent taxes which had been legally levied in the year of 1933
9 and were then a lien on said real property in the total amount for
10 which the same was being sold, to-wit, Twenty One and 99/100ths
11 (\$21.99) Dollars, and

12 WHEREAS, by reason of the fact that Everett Bowman paid
13 the delinquent taxes on this property which had been in the name
14 of U. G. Bowman, the City did not sell the property at public
15 auction, but continued to assess it from the date of December 30,
16 1940, until the present time, and

17 WHEREAS, inasmuch as the City has no claim against said
18 property by reason of the fact that city taxes have been paid to
19 date by said Everett Bowman, brother of U. G. Bowman, deceased, the
20 City desires to quitclaim said property to the Modesto Irrigation
21 District in order that said Modesto Irrigation District can convey
22 the title to said property to Everett Bowman.

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

25 SECTION 1. CONVEYANCE OF PROPERTY. That the following
26 described real property belonging to the City of Modesto be con-
27 veyed to the Modesto Irrigation District, a public corporation:

28 The West half of Lot 8, and all of Lots 9 and
29 10 in Block 339 of the CITY OF MODESTO, also
30 Lots 21 and 22 in Block 401, of the CITY OF MODESTO,
31 according to the Officials Map thereof, filed in
32 the office of the County Recorder of Stanislaus
County, California, on July 15, 1938 in Vol. 13
of Maps.

SECTION 2. EXECUTION OF QUITCLAIM DEED. That the Mayor
and the City Clerk be, and they are hereby authorized to execute

1 and attest respectively the quitclaim deed to the aforesaid property
2 on behalf of the City of Modesto to the Modesto Irrigation District,
3 a public corporation.

4 SECTION 3. RECORDATION OF DEED. That the City Clerk
5 be, and he is hereby authorized and directed to cause the above
6 mentioned quitclaim deed to be recorded in the Office of the
7 Recorder of Stanislaus County immediately following the execution
8 of said quitclaim deed.

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

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

16 The foregoing ordinance was introduced at a regular meet-
17 ing of the Council of the City of Modesto held on the 18 day of
18 September, 1957, by Councilman Arata, who
19 moved its introduction and passage to print, which motion being
20 duly seconded by Councilman Hammond, was upon roll call
21 carried and ordered printed and published by the following vote:

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

26 APPROVED: 
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 ^{adjourned} regular meeting of the Council of the City of Modesto held on the 26 day of September, 1957, Councilman Hammond 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, Mayor Marks

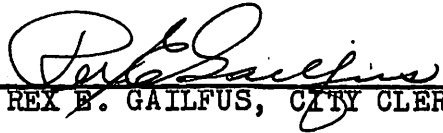
NOES: Councilmen: None

ABSENT: Councilmen: Adams and Robinson

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX B. GAILFUS, CITY CLERK

EFFECTIVE DATE: October 11, 1957

AN ORDINANCE AMENDING SECTION 20(A) OF ORDINANCE NO. 345-N.S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO," AND REPEALING ORDINANCE NO. 18-C.S.

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

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

SECTION 20 (A). TRAFFIC CONTROL THROUGH CERTAIN ALLEYS. It shall be unlawful to drive any vehicle through the alleys between Ninth and Tenth Streets and between "L" and "H" Streets, being the alleys in Blocks 55, 56, 57 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.

It shall be unlawful to drive any vehicle through the alley between Eleventh and Twelfth Streets and between "I" and "J" Streets, being the alley in Block 84 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 alley except upon the southwesterly or right hand side thereof and as near the property line as practicable.

It shall be unlawful to drive any vehicle through the alley between Eleventh and Twelfth Streets, and between "J" and "K" Streets, being the alley in Block 85 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 alley except upon the northeasterly or right hand side thereof and as near the property line as practicable.

It shall be unlawful to drive any vehicle through the alleys between Tenth and Eleventh Streets and between "K" and "G" Streets, being the alleys in Blocks 67, 68, 69 and 70 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 northeasterly or right hand side thereof and as near the property line as practicable.

It shall be unlawful to drive any vehicle through the alleys between Twelfth and Thirteenth Streets and between "K" and "I" Streets, being the alleys in Blocks 92 and 93 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 northeasterly or right hand side thereof and as near the property line as practicable.

REPEALED ORD 234CS

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1 It shall be unlawful to drive any vehicle through the
2 alley between Twelfth and Thirteenth Streets and
3 between "G" and "H" Streets, being the alley in
4 Block 95 of the City of Modesto, according to the
5 official map thereof, except in a northwesterly di-
6 rection, or to stop or park any vehicle in said alley
7 except upon the northeasterly or right hand side thereof
8 and as near the property line as practicable.

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

12 Said alleys are hereby declared to be one-way alleys,
13 and the entering of said alleys with a vehicle or
14 driving through the same with a vehicle, except as
15 stated in this ordinance, or parking or leaving a
16 vehicle standing in said alleys, except as specified
17 in this ordinance, shall be a misdemeanor.

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

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

25 SECTION 2. REPEAL. Ordinance No. 18-C. S. adopted by the
26 Council on March 2, 1955, is hereby repealed.

27 SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the
28 Charter of the City of Modesto, this ordinance shall take effect and be in
29 full force and operation as of the date hereof.

30 SECTION 4. PUBLICATION. This ordinance shall be published
31 in full in The Modesto Bee, the official newspaper of the City of Modesto
32 within fifteen (15) days after its adoption.

The foregoing ordinance was introduced at a regular meeting of the
Council of the City of Modesto, held on the 18 day of September, 1957,
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 and Mayor

NOES: Councilmen: None

ABSENT: Councilmen: Merrill and Robinson

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

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

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

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

9 SEC. 2-1.01. REGULAR MEETINGS. (a) Time. Regular
10 meetings of the City Council shall be held on the
11 first, second, third and fourth Wednesday of each
12 month. The meetings held on the first and third
13 Wednesday shall commence at the hour of 4 o'clock
14 P.M., and the meetings held on the second and fourth
15 Wednesday shall commence at the hour of 7:30 o'clock
16 P.M. Meetings of the Council for the purpose of can-
17 vassing election returns not held on a regular Council
18 meeting date shall commence at the hour of 4 o'clock P.M.

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

29 (c) Public. All meetings of the Council shall
30 be open to the public, provided, however, the City
31 Council may hold executive sessions to consider the
32 appointment, employment or dismissal of a public
officer or employee or to hear complaints or charges
brought against such officer or employee by another
public officer, person or employee unless such officer
or employee requests a public hearing. The Council
may also exclude from any such public or private meeting,
during the examination of a witness, any or all other
witnesses in the matter being investigated by the
Council.

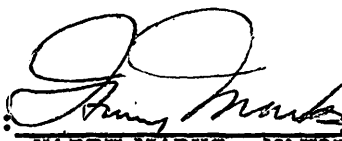
SECTION 2. EFFECTIVE DATE. This ordinance shall go
into effect and be in full force and operation from and after
fifteen (15) days after its final passage and adoption.

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

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 October, 1957, 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: October 24, 1957

ORDINANCE NO. 205-C.S.

AN ORDINANCE CALLING A SPECIAL ELECTION IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY THE PROPOSITION OF INCURRING A BONDED INDEBTEDNESS OF SAID CITY FOR THE ACQUISITION, CONSTRUCTION AND COMPLETION OF THE FOLLOWING MUNICIPAL IMPROVEMENT, TO WIT: NEW CITY HALL; DECLARING THE ESTIMATED COST OF SAID MUNICIPAL IMPROVEMENT, THE AMOUNT OF THE PRINCIPAL OF SAID INDEBTEDNESS TO BE INCURRED THEREFOR, AND THE MAXIMUM RATE OF INTEREST TO BE PAID THEREON; MAKING PROVISION FOR THE LEVY AND COLLECTION OF TAXES; FIXING THE DATE OF SAID ELECTION, THE MANNER OF HOLDING THE SAME, ESTABLISHING ELECTION PRECINCTS AND POLLING PLACES FOR SAID ELECTION AND APPOINTING ELECTION OFFICERS THEREFOR, AND PROVIDING FOR NOTICE THEREOF.

WHEREAS, the Council of the City of Modesto, by resolution duly passed and adopted at a meeting of said Council duly and regularly held, by affirmative vote of more than two-thirds of all of its members, did determine that the public interest and necessity demand the acquisition, construction and completion of the municipal improvement hereinafter mentioned, and did further determine the cost of said proposed municipal improvement will be too great to be paid out of the ordinary annual income and revenue of said municipality, and that said municipal improvement will require an expenditure greater than the amount allowed therefor by the annual tax levy, and will require the incurring of a bonded indebtedness therefor, which resolution was duly entered on the minutes of said meeting

of said Council, and is now on file and of record in the Clerk's office of said City, now, therefore,

THE COUNCIL OF THE CITY OF MODESTO DOES ORDAIN as follows:

Section 1. A special municipal election be and is hereby ordered and will be held in said City of Modesto on Tuesday, November 12, 1957, at which election shall be submitted to the qualified electors of said City the question of incurring a bonded indebtedness of said City for the object and purpose set forth in the following measure, to wit:

<u>MEASURE:</u> (New City Hall)	Shall the City of Modesto incur a bonded indebtedness in the principal amount of \$950,000 for the acquisition, construction and completion of the following municipal improvement, to wit: Construction of a new City Hall on land now owned by said City, together with fixtures, furniture and equipment therefor, surface and underground off-street parking facilities in connection therewith, and other works, property or structures necessary or convenient for a new City Hall for the City of Modesto?
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The estimated cost of the municipal improvement as set forth in said measure is the sum of \$950,000 and the amount of the indebtedness proposed to be incurred for said municipal improvement is the sum of \$950,000.

Section 2. The Council does hereby submit to the qualified electors of said City of Modesto at said special municipal election the said measure set forth in Section 1 of this ordinance, and designates and refers to said measure in the form of ballot hereinafter prescribed for use at said election.

(a) Said special municipal election shall be held and conducted, and the votes thereof canvassed, and the returns thereof made, and the result thereof ascertained and determined as herein provided; and in all particulars not

(d) For the purpose of holding a Special Municipal Bond Election in the City of Modesto, the said City of Modesto shall be and the same is hereby precincted and established into forty (40) Special Consolidated and Special Election Precincts, to be known and designated as follows:

- Special Consolidated Election Precinct No. 1
- Special Consolidated Election Precinct No. 2
- Special Consolidated Election Precinct No. 3
- Special Consolidated Election Precinct No. 4
- Special Consolidated Election Precinct No. 5
- Special Consolidated Election Precinct No. 6
- Special Consolidated Election Precinct No. 7
- Special Consolidated Election Precinct No. 8
- Special Consolidated Election Precinct No. 9
- Special Consolidated Election Precinct No. 10
- Special Consolidated Election Precinct No. 11
- Special Consolidated Election Precinct No. 12
- Special Consolidated Election Precinct No. 13
- Special Consolidated Election Precinct No. 14
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Special Consolidated Election Precinct No. 29
Special Consolidated Election Precinct No. 30
Special Consolidated Election Precinct No. 31
Special Election Precinct No. 32
Special Consolidated Election Precinct No. 33
Special Consolidated Election Precinct No. 34
Special Consolidated Election Precinct No. 35
Special Consolidated Election Precinct No. 36
Special Consolidated Election Precinct No. 37
Special Consolidated Election Precinct No. 38
Special Consolidated Election Precinct No. 39
Special Consolidated Election Precinct No. 40

Said consolidated election precincts and special election precinct have been established by consolidating the general election precincts within the City of Modesto, as established by the orders or resolutions of the Board of Supervisors of Stanislaus County, California, now in force for general election purposes within the city, which said orders or resolutions now on file and of record in the office of the Clerk of the Board of Supervisors of Stanislaus County, California, are hereby referred to and by such reference made a part hereof for greater certainty and a more particular description of the boundaries thereof in the following manner (said precincts so established by said Board of Supervisors being herein referred to as "General Election Precincts");

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 1 and 2, have been consolidated and established into Special Consolidated Election Precinct No. 1.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 3 and 5, have been consolidated and established into Special Consolidated Election Precinct No. 2.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 4 and 8, have been consolidated and established into Special Consolidated Election Precinct No. 3.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 9 and 10, have been consolidated and

established into Special Consolidated Election Precinct No. 4

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 6 and 7, have been consolidated and established into Special Consolidated Election Precinct No. 5.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 35 and 36, have been consolidated and established into Special Consolidated Election Precinct No. 6.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 52 and 53, have been consolidated and established into Special Consolidated Election Precinct No. 7.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 11 and 54, have been consolidated and established into Special Consolidated Election Precinct No. 8.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 12 and 19, have been consolidated and established into Special Consolidated Election Precinct No. 9.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 20 and 21 have been consolidated and established into Special Consolidated Election Precinct No. 10.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 17 and 13, have been consolidated and established into Special Consolidated Election Precinct No. 11.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 16 and 18, have been consolidated and established into Special Consolidated Election Precinct No. 12.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 22, 23 and 71, have been consolidated and established into Special Consolidated Election Precinct No. 13.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 24 and 38, have been consolidated and established into Special Consolidated Election Precinct No. 14.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 26 and 27, have been consolidated and established into Special Consolidated Election Precinct No. 15.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 31, 41, and 47, have been consolidated and established into Special Consolidated Election Precinct No. 16.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 25 and 29, have been consolidated and established into Special Consolidated Election Precinct No. 17.

Said general election precincts so designated by the said Board of Supervisors as Modesto No. 39 and 40, have been consolidated and established into Special Consolidated Election Precinct No. 18.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 28 and 30, have been consolidated and established as Special Consolidated Election Precinct No. 19.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 57 and 58, have been consolidated and established as Special Consolidated Election Precinct No. 20.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 59 and 61, have been consolidated and established into Special Consolidated Election Precinct No. 21.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 15 and 63, have been consolidated and established into Special Consolidated Election Precinct No. 22.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 60 and 62, have been consolidated and established into Special Consolidated Election Precinct No. 23.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 64 and 65, have been consolidated and established into Special Consolidated Election Precinct No. 24.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 37 and 56, have been consolidated and established into Special Consolidated Election Precinct No. 25.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 34 and 48, have been consolidated and established into Special Consolidated Election Precinct No. 26.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 32 and 33, have been consolidated and established into Special Consolidated Election Precinct No. 27.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 42 and 45, have been consolidated and established into Special Consolidated Election Precinct No. 28.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 43 and 81, have been consolidated and established into Special Consolidated Election Precinct No. 29.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 44 and 46, have been consolidated and established into Special Consolidated Election Precinct No. 30.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 50 and 51, have been consolidated and established into Special Consolidated Election Precinct No. 31.

Said general election precinct so designated by the said Board of Supervisors as Modesto No. 49, has been established as Special Election Precinct No. 32.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 78 and 79, have been consolidated and established into Special Consolidated Election Precinct No. 33.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 73 and 80, have been consolidated and established into Special Consolidated Election Precinct No. 34.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 68 and 72, have been consolidated and established into Special Consolidated Election Precinct No. 35

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 66 and 77, have been consolidated and established into Special Consolidated Election Precinct No. 36.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 55 and 83, have been consolidated and established into Special Consolidated Election Precinct No. 37.

Said general election precincts so designated by the said Board

of Supervisors as Modesto Nos. 14 and 67, have been consolidated and established into Special Consolidated Election Precinct No. 38.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 70, 74 and 82, have been consolidated and established into Special Consolidated Election Precinct No. 39.

Said general election precincts so designated by the said Board of Supervisors as Modesto Nos. 69, 75 and 76, have been consolidated and established into Special Consolidated Election Precinct No. 40.

The following places have been by said City Council fixed and designated as and for the places of holding said election within the said City of Modesto and the following named persons have been designated and appointed to act as officers of election for said election, and will conduct the same, to-wit:

Special Consolidated Election Precinct No. 1 (1-2)

Polling Place: Marguerite Coughlin Residence, 121 Orange Avenue.

PRECINCT BOARD

Inspector	Mrs. Ada Dallas Carroll
Judge	Mrs. Leta Duggins
Clerk	Mrs. Marguerite Coughlin
Clerk	Mrs. Aleta Freitas

Special Consolidated Election Precinct No. 2 (3-5)

Polling Place: Boy Scout Club House, Enslin Park

PRECINCT BOARD

Inspector	Mrs. Florence I. Long
Judge	Mrs. Sarah A. Jessen
Clerk	Mrs. Hilda Rasmussen
Clerk	Mrs. Henrietta O. Welch

Special Consolidated Election Precinct No. 3 (4-8)

Polling Place: Centenary Methodist Church Basement-Needham & Elmwood

PRECINCT BOARD

Inspector	Mrs. Hazel Pedersen
Judge	Miss Flora Motta
Clerk	Mrs. Alice Damin
Clerk	Mrs. Muriel E. Welt

Special Consolidated Election Precinct No. 4 (9-10)

Polling Place: Oscar Bridgman Residence, 145 Melrose Ave.

PRECINCT BOARD

Inspector	Oscar D. Bridgman
Judge	Eddie Belderrain
Clerk	Mrs. Pearl Hudgson
Clerk	Mrs. Mildred L. King

Special Consolidated Election Precinct No. 5 (6-7)

Polling Place: Mrs. Ella Switzer Garage, 114 Modesto Ave.

PRECINCT BOARD

Inspector	Mrs. Katherine T. Frantz
Judge	Mrs. Ella Switzer
Clerk	Mrs. Grace Scoon

Clerk Mrs. Luella M. Neafus

Special Consolidated Election Precinct No. 6 (35-36)

Polling Place: Willard Thomas Residence, 636 Duncan Ave.

PRECINCT BOARD

Inspector Mrs. F. Estella Steger

Judge Mrs. Lenore Goodwin

Clerk Mrs. Georgia L. Thomas

Clerk Mrs. Roberta L. Neyens

Special Consolidated Election Precinct No. 7 (52-53)

Polling Place: Walter L. Fleshman Garage, 701 Castle St.

PRECINCT BOARD

Inspector Mrs. Anita J. Fleshman

Judge Mrs. Ethel A. Bradshaw

Clerk Mrs. Mildred T. Nelson

Clerk Mrs. Pauline E. Anderson

Special Consolidated Election Precinct No. 8 (11-54)

Polling Place: Mrs. Laura H. Floyd Residence, 514 Auburn St.

PRECINCT BOARD

Inspector Mrs. Laura H. Floyd

Judge Mrs. Janet M. Reed

Clerk Mrs. Vera M. Warren

Clerk Mrs. Margaret Waddell

Special Consolidated Election Precinct No. 9 (12-19)

Polling Place: Modesto Irrigation District Building, 1231 11th St.

PRECINCT BOARD

Inspector Mrs. Clara K. Andre

Judge Mrs. Christine Wood

Clerk Milton N. Stalnaker

Clerk Glen E. Adams

Special Consolidated Election Precinct No. 10 (20-21)

Polling Place: Mrs. Ida P. Higbee Residence, 619 14th St.

PRECINCT BOARD

Inspector Mrs. Lottie Savercool

Judge Mrs. Grace L. Botts

Clerk Mrs. Grace E. Darling

Clerk Mrs. Jessie H. Bruch

Special Consolidated Election Precinct No. 11 (17-13)

Polling Place: Episcopal Church, 1707 Eye Street

PRECINCT BOARD

Inspector Mrs. Metta B. A. Mashek

Judge Mrs. Myrta H. Woods

Clerk Mrs. Margaret E. Baker

Clerk Mrs. Elsie G. Rhien

Special Consolidated Election Precinct No. 12 (16-18)

Polling Place: Modesto Fire House, 416 Downey Avenue

PRECINCT BOARD

Inspector Mrs. Johanna Hughes

Judge Mrs. Maxine J. Horan

Clerk Mrs. Margaret E. Flynn

Clerk Mrs. Julia I. Lacono

Special Consolidated Election Precinct No. 13 (22-23-71)

Polling Place: Stanislaus Hall, Large Hall, 7th & K Streets

PRECINCT BOARD

Inspector Mrs. Anna L. Starr

Judge Mrs. Edith M. Gruber

Clerk Mrs. Ivy P. Willson

Clerk Mrs. Susan G. Wright

Special Consolidated Election Precinct No. 14 (24-38)

Polling Place: Mrs. Beatrice Hoover Residence, 210 Vine St.

PRECINCT BOARD

Inspector Mrs. Emma M. Brown

Judge Mrs. Bessie Clark

Clerk Mrs. Beatrice A. Hoover

Clerk Mrs. Grace M. Monk

Special Consolidated Election Precinct No. 15 (26-27)

Polling Place: Mrs. Louise Olmstead Residence, 702 4th St.

PRECINCT BOARD

Inspector Mrs. Louise W. Olmstead

Judge Mrs. Letha G. McFarland
Clerk Mrs. Maola Wooley
Clerk Mrs. Frances Byers

Special Consolidated Election Precinct No. 16 (31-41-47)

Polling Place: Mancini Hall, 700 Blk. Tuolumne Blvd.,

PRECINCT BOARD

Inspector Mrs. Ruby M. Taylor
Judge Mrs. Dollie M. Cook
Clerk Mrs. Lola A. Isola
Clerk Mrs. Dorothy A. Clark

Special Consolidated Election Precinct No. 17 (25-29)

Polling Place: Modesto Fire House, 629 2nd St.

PRECINCT BOARD

Inspector Mrs. Ina L. Houston
Judge Mrs. Pauline Shouse
Clerk Mrs. Ida D. Hand
Clerk Mrs. Anna E. Howe

Special Consolidated Election Precinct No. 18 (39-40)

Polling Place: Mrs. James L. Sweeney Residence, 405 Colorado Ave.

PRECINCT BOARD

Inspector Mrs. Daisy A. Sweeney
Judge Mrs. Margaret McCleary
Clerk Mrs. Laura A. McNulty
Clerk Mrs. Janet R. McMillan

Special Consolidated Election Precinct No. 19 (28-30)

Polling Place: R. A. Simek Garage, 1214 Tuolumne Blvd.

PRECINCT BOARD

Inspector Mrs. Mary Madruga
Judge Mrs. Henrietta Masciorini
Clerk Mrs. Josephine A. White
Clerk Mrs. Helen G. Beer

Special Consolidated Election Precinct No. 20 (57-58)

Polling Place: C. E. Starn Garage, 304 N. Wilson Ave.

PRECINCT BOARD

Inspector Mrs. Lenore C. Hughes

Judge Charles E. Starn
Clerk Mrs. Emily E. Codoni
Clerk Mrs. Marceline C. Nickerson

Special Consolidated Election Precinct No. 21 (59-61)

Polling Place: L. L. Perry Garage, 426 N. Santa Cruz Ave.

PRECINCT BOARD

Inspector Mrs. Thelma R. Breckenridge
Judge Mrs. Paula F. Ford
Clerk Mrs. Marie M. Neri
Clerk Mrs. Helen P. Hardaway

Special Consolidated Election Precinct No. 22 (15-63)

Polling Place: LaLoma Junior High School, 1800 Encina Ave.,

PRECINCT BOARD

Inspector Mrs. Lelah A. Graves
Judge Mrs. Laverna A. Phoenix
Clerk Mrs. Fannie M. Oglesby
Clerk Mrs. Blanche R. Atwood

Special Consolidated Election Precinct No. 23 (60-62)

Polling Place: LaLoma Grace Brethren Church, 1315 LaLoma Ave.

PRECINCT BOARD

Inspector Mrs. Olive F. Whelan
Judge Mrs. Ardeth M. Smith
Clerk Mrs. Ellen C. Watson
Clerk Mrs. Ruby Lee Daugherty

Special Consolidated Election Precinct No. 24 (64-65)

Polling Place: Mrs. Rosaline M. Ross Garage, 2010 Haddon Ave.

PRECINCT BOARD

Inspector Mrs. Evelyn M. Williamson
Judge Mrs. Rosaline M. Ross
Clerk Mrs. Laura L. Simms
Clerk Mrs. Marjorie K. Randall

Special Consolidated Election Precinct No. 25 (37-56)

Polling Place: Wilson School Nurse's Room, Wilson Ave.

PRECINCT BOARD

Inspector Mrs. Matilda M. Condit

Judge Mrs. Grace S. Ayer
Clerk Mrs. Marguerite Parkinson
Clerk Mrs. Helen M. Leiter

Special Consolidated Election Precinct No. 26 (34-48)

Polling Place: Enslin School Library, 515 Coldwell Avenue

PRECINCT BOARD

Inspector Mrs. Geraldine V. Harris
Judge Mrs. Lucille M. Azevedo
Clerk Mrs. Marian M. Connley
Clerk Mrs. Alice E. Pickering

Special Consolidated Election Precinct No. 27 (32-33)

Polling Place: Mrs. Charlotte Rasmussen Residence, 502 Myrtle St.

PRECINCT BOARD

Inspector Mrs. Irene J. Knudsen
Judge Mrs. Katherine C. Aiken
Clerk Mrs. Catherine Duckart
Clerk Mrs. Charlotte R. Rasmussen

Special Consolidated Election Precinct No. 28 (42-45)

Polling Place: Mrs. Leslie Swan Garage, 1031 Princeton Ave.

PRECINCT BOARD

Inspector Mrs. Mary L. Johnson
Judge Mrs. Anna B. Lacy
Clerk Mrs. Hilda M. Hughes
Clerk Mrs. Genevieve L. Simi

Special Consolidated Election Precinct No. 29 (43-81)

Polling Place: Robert E. Taylor Garage, 1508 W. Roseburg Ave.

PRECINCT BOARD

Inspector Mrs. Dorothea H. Gossard
Judge Mrs. Frances A. Collier
Clerk Mrs. Helen E. Vager
Clerk Mrs. Lois M. Nish

Special Consolidated Election Precinct No. 30 (44-46)

Polling Place: W. J. Shaffer Garage, 1105 Tully Road

PRECINCT BOARD

Inspector Mrs. Elizabeth T. Carner
Judge Mrs. Agnes B. Shaffer
Clerk Mrs. Drusilla S. Hall
Clerk Mrs. Hilda M. Bettencourt

Special Consolidated Election Precinct No. 31 (50-51)

Polling Place: Anton W. Hanneman Garage, 901 Sycamore Ave.

PRECINCT BOARD

Inspector Anton W. Hanneman
Judge Mrs. Mae Cooke
Clerk Mrs. Llewellyn B. Brown
Clerk Mrs. Mabel L. Kehrer

Special Election Precinct No. 32 (49)

Polling Place: Delbert W. Boothe Garage, 705 W. Roseburg Ave.

PRECINCT BOARD

Inspector Mrs. Martha A. Zimmerman
Judge Mrs. Vera B. Boothe
Clerk Mrs. Margery L. Hollandsworth
Clerk Mrs. Marie A. Hoyer

Special Consolidated Election Precinct No. 33 (78-79)

Polling Place: Congregational Church-Sm. Bldg., College & Orangeburg
Avenues

PRECINCT BOARD

Inspector Mrs. Wilma E. Lenahan
Judge Mrs. Marie Kendall
Clerk Mrs. Bonney R. MacDonald
Clerk Mrs. Irene M. Harry

Special Consolidated Election Precinct No. 34 (73-80)

Polling Place: Robert Kohler Garage, 1505 W. Roseburg Ave.

PRECINCT BOARD

Inspector Mrs. Esther Mae Kohler
Judge Mrs. Jean V. Brown
Clerk Mrs. Marie Schimpf
Clerk Mrs. Leilla Mae Riebe

Special Consolidated Election Precinct No. 35 (68-72)

Polling Place: Mrs. Hazel C. Mahoney Residence, 1305 Glenwood Drive

PRECINCT BOARD

Inspector Mrs. Hazel C. Mahoney
Judge Mrs. Willma A. Grant
Clerk Mrs. Farnetta Brendemuehl
Clerk Mrs. Ulva Terrel

Special Consolidated Election Precinct No. 36 (66-77)

Polling Place: Mrs. Lois E. Freshour Garage, 901 Pearl St.

PRECINCT BOARD

Inspector Mrs. Helen B. Barger
Judge Mrs. Lois E. Freshour
Clerk Mrs. Mary Moresi
Clerk Mrs. Dorothy J. Hambleton

Special Consolidated Election Precinct No. 37 (55-83)

Polling Place: James Beardsell Residence, 439 Coronado Way

PRECINCT BOARD

Inspector Mrs. Lois P. Barrett
Judge Mrs. Betty L. Beardsell
Clerk Mrs. Jo Ann O'Neal
Clerk Mrs. Anna George

Special Consolidated Election Precinct No. 38 (14-67)

Polling Place Don F. Walter Garage, 1615 Bronson Ave.

PRECINCT BOARD

Inspector Mrs. Maxine W. Walter
Judge Mrs. Pauline E. Grandt
Clerk Mrs. Angelina M. Smith
Clerk Mrs. Ina M. Nielsen

Special Consolidated Election Precinct No. 39 (70-74-82)

Polling Place: Harry W. Harrington Garage, 1921 Wildwood Drive

PRECINCT BOARD

Inspector Mrs. Geneva Harrington
Judge Mrs. Lorraine M. Marks
Clerk Mrs. Evelyn Thorne
Clerk Mrs. Margaret B. Santos

Special Consolidated Election Precinct No. 40 (69-75-76)

Polling Place: Leo Biegenzahn Garage, 1826 Monticello

PRECINCT BOARD

Inspector	Mrs. Mildred M. Magill
Judge	Mrs. Jean C. Biegenzahn
Clerk	Mrs. Patricia R. Haugen
Clerk	Mrs. Joyce H. McEwen

(e) The ballots to be used at said special municipal election shall be substantially in the following form, to wit:

No. _____ (This number shall be torn off by Inspector and handed to the Voter)

MARK CROSS (X) ON BALLOT ONLY WITH RUBBER STAMP; NEVER WITH PEN OR PENCIL.

No. _____ (ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL).

(Fold ballot to this perforated line, leaving top margin exposed)

MUNICIPAL BALLOT
 SPECIAL MUNICIPAL BOND ELECTION
 CITY OF MODESTO
 Tuesday, November 12, 1957

INSTRUCTIONS TO VOTERS: To vote on any measure, stamp a cross (x) in the voting square after the word "YES" or after the word "NO."
 All marks, except the cross (x) are forbidden. All distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the Inspector of Election and obtain another. On absent voter ballots mark a cross (x) with pen or pencil.

MEASURE SUBMITTED TO VOTE OF THE VOTERS

MEASURE: Shall the City of Modesto incur a bonded indebtedness in the principal amount of \$950,000 for the acquisition, construction and completion of the following municipal improvement, to wit: Construction of a new City Hall on land now owned by said City, together with fixtures, furniture and equipment therefor, surface and underground off-street parking facilities in connection therewith, and other works, property or structures necessary or convenient for a new City Hall for the City of Modesto?

YES

NO

(f) Each voter to vote for said measure hereby submitted and for incurring said bonded indebtedness set forth in said measure shall stamp a cross (x) in the blank space opposite the word "YES" on the ballot to the right of said measure, and to vote against said measure and against incurring said indebtedness shall stamp a cross (x) in the blank space opposite the word "NO" on the ballot to the right of said measure. On absent voter ballots the cross (x) may be marked with pen or pencil.

(g) The returns of said election shall be made out and signed by the election officers and shall be by them deposited with the City Clerk, together with the ballots cast at said election; and this Council shall meet at its usual meeting place and canvass said returns on Tuesday, November 19, 1957, (being the first Tuesday after said election) at the hour of ~~8:00~~ 4:00 o'clock P.M., and declare the result of said election.

Section 3. The Council proposes to issue and sell bonds of said City of Modesto for the object and purpose, but not exceeding the amount, specified in said measure if two-thirds of the qualified electors voting on such measure at said special election shall vote in favor of said measure. Said bonds shall be negotiable in form and of the character known as serial and shall bear interest at a rate not exceeding six (6) per cent per annum, payable semi-annually (except that interest for the first year after the date of said bonds may be made payable at or before the end of said year). Provision is hereby made for the payment of the principal of and interest on said bonds as follows: At the time of making the general tax levy after incurring the bonded indebtedness, and annually thereafter until the bonds are paid or until there is a sum in

the treasury set apart for that purpose sufficient to meet all payments of principal and interest on the bonds as they become due, the Council of the City of Modesto shall levy and collect a tax sufficient to pay the interest on the bonds and such part of the principal as will become due before the proceeds of a tax levied at the next general tax levy will be available; provided, however, that if said bonds are authorized to be issued at said election, and it is expected that all or any part of said bonds will be sold at such time that the principal of or interest on such bonds will become due before the proceeds of a tax levied after such sale would be available to pay such principal or interest, the Council, at the time of fixing the annual tax levy, may levy a tax in an amount clearly sufficient to pay that portion of the principal of and interest on said bonds which it is expected will become due before the proceeds of the next succeeding tax levy will be available. If the earliest maturity of the bonds is more than one year after the date of issuance, the Council shall levy and collect annually a tax sufficient to pay the interest as it falls due and to constitute a sinking fund for the payment of the principal on or before maturity. Such taxes shall be levied and collected as other City taxes and shall be in addition to all other taxes and shall be used only for payment of the bonds and interest thereon.

Section 4. The City Clerk of the City of Modesto is hereby directed, upon the passage and adoption of this ordinance, to publish the same once a day for seven (7) days in THE MODESTO BEE, which is a newspaper of general circulation published six (6) days a week in said City of Modesto, and such publication shall constitute notice of said election. No other notice of the election hereby called need be given.

Section 5.


This ordinance shall be forthwith entered upon the minutes of this Council and in the Ordinance Book of said City. This ordinance, being an ordinance calling and ordering an election, shall take effect from and after its final passage and approval.

PASSED AND ADOPTED this 9th day of October, 1957, by the following vote:

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


NOES: None

ABSENT: None




Mayor of the City of Modesto,
California

Attest:



City Clerk

The foregoing ordinance is presented to me for approval and is hereby approved this 9th day of October, 1957.



Mayor of the City of Modesto,
California

CLERK'S CERTIFICATE

I, Rex E. Gailfus, City Clerk of the City of Modesto, California, do hereby certify that the foregoing ordinance is a full, true and correct copy of an ordinance introduced and read at a _____ regular meeting of the Council of said City duly and regularly and legally held on the 9th day of October, 1957, and said ordinance was thereafter duly passed and adopted by vote of at least two-thirds of all of the members of said Council at _____ regular meeting of said Council duly and regularly and legally held at the regular meeting place thereof on October 9, 1957, of which meeting all of the members of said Council had due notice as follows:


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

NOES: None

ABSENT: None

That I have carefully compared the same with the original minutes of said meeting on file and of record in my office and that said ordinance is duly entered of record in Book _____ of Minutes of said Council, at pages _____ to _____, and in Ordinance Book No. _____ of said City, and said ordinance is a full, true and correct copy of the original ordinance adopted at said meeting and entered in said minutes and Ordinance Book. That said ordinance has not been amended, modified or rescinded since the date of its passage and the same is now in full force and effect.

WITNESS my hand and the seal of the City of Modesto this 9 day of October, 1957.



City Clerk of the City of Modesto,
California

REPEALED ORD 234CS

REPEALED ORD 234CS

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AN ORDINANCE AMENDING SECTION 31 OF ORDINANCE 345-N.S. OF THE CITY OF MODESTO 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. AMENDMENT OF ORDINANCE. Section 31 of Ordinance No. 345-N.S. of the City of Modesto, as amended, entitled, "An Ordinance Regulating Traffic Upon the Public Streets of the City of Modesto", is hereby amended to read as follows:

SECTION 31. STANDING FOR LOADING ONLY IN CERTAIN PLACES. (a) Time Limits. It shall be unlawful for the operator of a vehicle to stop said vehicle for a period of time longer than is necessary for the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three (3) minutes, nor the loading or unloading of materials more than twenty (20) minutes, in any of the following places:

- (1) In any alley;
- (2) In any "loading zone".

(b) Designation of Loading Zones. The City Council shall, by resolution, determine the location of "loading zones" and shall mark by appropriate signs or as specifically required herein those places where standing for loading only is permitted under this section.

(c) Designation of Bus Stops. The City Council shall, by resolution, determine the location of bus stops which shall be designated by appropriate signs.

(d) Loading in One-Way Alley. Loading and unloading in one-way alleys shall be limited to the right hand side thereof.

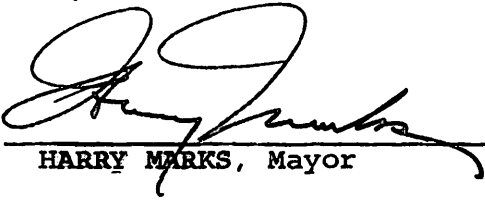
SECTION 2. REPEALS. Ordinance No. 1029-N.S. is hereby repealed.


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.

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 Bee, the 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 23
3 day of October, 1957, by Councilman Robinson,
4 who moved its introduction and passage to print, which motion
5 being duly seconded by Councilman Adams, was upon roll
6 call carried and ordered printed and published by the following
7 vote:

8 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill,
9 NOES: Councilmen: None
10 ABSENT: Councilmen: None

11 APPROVED: 
HARRY MARKS, Mayor

12 ATTEST: 
13 REX E. GAILFUS, City Clerk

14 (SEAL)

Ord. No. 206-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 November, 1957, 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 votes:

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

NOES: Councilmen: None

ABSENT: Councilmen: Anderson, Robinson

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: November 21, 1957

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and George S. Riggs and Nellie M. Riggs, husband and wife 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, is hereby approved, and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from George S. Riggs and Nellie M. Riggs, husband and wife conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final

Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6 day of November, 1957, by Councilman 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: Adams, Arata, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Anderson, Hammond, Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GALFUS, City Clerk

Ord, No. 207-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 13 day of November, 1957, 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, Arata, Merrill and Mayor Marks, Hammond


NOES: Councilmen: None

ABSENT: Councilmen: Anderson, Robinson

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: November 28, 1957

REPEALED ORD 234CS

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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 REGULATIONS, AND REPEALING ORDINANCE NO. 199-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 STREETS OR PORTION AFFECTED	DECLARED PRIMA FACIE SPEED LIMITS
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
CARVER, entire length in City	35 miles per hour
EMERALD, from Maze Road to the southerly City limits	35 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
JEFFERSON, between Paradise Road and Eighth Street	25 miles per hour
KEARNEY, entire length in City	25 miles per hour
LaLOMA, entire length in City	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MILLER, from LaLoma to Conejo	25 miles per hour
MORTON BOULEVARD, from Grand Street to LaLoma Avenue	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the southerly City limits	25 miles per hour

1 SUNRISE, from Lucerne to the northerly 25 miles per hour
City limits

2 SECTION 2. REPEAL. Ordinance No. 199-C.S. adopted by
3 the Council of the City of Modesto on September 11, 1957, is
4 hereby repealed.

5 SECTION 3. 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 4. 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 Bee, the official newspaper of the
11 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 6
14 day of November, 1957, by Councilman Arata
15 who moved its introduction and passage to print, which motion
16 being duly seconded by Councilman Adams, was upon
17 roll call carried and ordered printed and published by the
18 following vote:

19 AYES: Councilmen: Adams, Arata, Merrill and Mayor Marks

20 NOES: Councilmen: None

21 ABSENT: Councilmen: Hammond, Anderson, Robinson

22 APPROVED: Harry Marks
23 HARRY MARKS, Mayor

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


26 (SEAL)

Ord, No. 208-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 13 day of November, 1957, 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, Merrill, and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Anderson, Robinson

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: November 28, 1957

1 AN ORDINANCE ANNEXING UNINHABITED TERRITORY
2 KNOWN AS THE MARSHALL PARK ADDITION TO THE
3 CITY OF MODESTO.

4 WHEREAS, on the 9th day of October, 1957, pursuant to
5 the provisions of the Annexation of Uninhabited Territory Act of
6 1939, the Council of the City of Modesto, on its own motion,
7 adopted Resolution No. 57-441 giving notice of the proposed
8 annexation of certain uninhabited territory to the City of Modesto,
9 hereinafter described and designated as the Marshall Park Addition,
10 situate in the County of Stanislaus, State of California, and con-
11 tiguous to the City of Modesto, and

12 WHEREAS, said Resolution No. 57-441 set forth the in-
13 tention of the City of Modesto to annex said territory and fixed
14 the day, hour and place when and where the Council would hear pro-
15 tests made by any person owning real property within the territory
16 proposed to be annexed, the time of said hearing being not less
17 than forty (40) nor more than sixty (60) days from the date of
18 passage 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 Bee, a newspaper published in the
24 City of Modesto; and in the Turlock Daily Journal, a newspaper
25 published outside the City of Modesto, but in the County of
26 Stanislaus, for the time and in the manner required by law, which
27 publications were completed at least twenty (20) days prior to the
28 date set for hearing; that written notice of the proposed annexa-
29 tion has been mailed by the City Clerk of the City of Modesto to
30 each person to whom land within the territory proposed to be
31 annexed was assessed on the last equalized assessment roll avail-
32 able on the date the proceedings were initiated, at the address as

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

8 WHEREAS, on the 13th day of November, 1957, at the hour
9 of 8:00 o'clock p.m., in the Council Chambers in the McHenry Public
10 Library in the City of Modesto, County of Stanislaus, State of
11 California, the Council of the City of Modesto did hear and pass
12 upon all protests made to the proposed annexation and did determine
13 that protests had not been made by the owners of one-half of the
14 value of the territory proposed to be annexed as shown by the last
15 equalized assessment roll, nor by public and private owners of
16 one-half of the value of the territory proposed to be annexed as
17 determined by said Council, and

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

20 NOW, THEREFORE, the Council of the City of Modesto does
21 ordain 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
25 Marshall Park Addition, is located in the County of Stanislaus,
26 State of California, is contiguous to the City of Modesto, is unin-
27 habited territory within the meaning of the Annexation of Uninhabi-
28 ted Territory Act of 1939, as amended, and is more particularly
29 described as follows:

30 All that certain real property situate in the State
31 of California, County of Stanislaus, Section 31,
32 Township 3 South, Range 9 East, Mount Diablo Base
and Meridian, and more particularly described as
follows:

1 Beginning at the Southeast corner of said Section 31
2 which point is on the existing limits of the City
3 of Modesto; thence Westerly along the Easterly
4 extension of the Southern line of Lot 6 of the
5 Re-survey of Brichman's Addition to the City of
6 Modesto according to the official map thereof
7 filed October 15, 1904 in Volume 2 of Maps at
8 Page 1, Stanislaus County Records, a distance of
9 30 feet; thence continuing Westerly along the
10 Southern line of said lot 6 to the Southwest
11 corner of said Lot 6, said line being the exist-
12 ing limits of the City of Modesto; thence Northerly
along the Western line of said Lot 6 to the North-
west corner of said Lot 6 ; thence Easterly along
the Northern line of said Lot 6 and its Easterly
extension to a point on the Section line common
to Sections 31 and 32, Township 3 South, Range 9
East, Mount Diablo Base and Meridian, said point
being on the existing limits of the City of
Modesto; thence Southerly along said Section line
and existing City limits to the true point of be-
ginning of this description, said property
containing 6.95 acres.

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

17 SECTION 4. Pursuant to Section 722 of the Charter of
18 the City of Modesto, this ordinance shall become effective immedi-
19 ately upon its adoption.


20 SECTION 5. The City Clerk is hereby authorized and
21 directed to prepare a certified copy of this ordinance under
22 seal, giving the date of its passage and transmit the same to the
23 Secretary of State of the State of California as required by the
24 provisions of Section 35316 of the Government Code of the State of
25 California.

26 SECTION 6. The City Clerk is hereby authorized and
27 directed to comply with the provisions of Section 35080 and 35081
28 of the Government Code of the State of California relating to the
29 filing of an affidavit of completion of annexation proceedings.

30 SECTION 7. This ordinance shall be published in full at
31 least once in The Modesto Bee, the official newspaper of the City
32 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 13 day of November, 1957, by Councilman Anderson, 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: Adams, Anderson, Hammond, Merrill, Arata, and Mayor Marks
NOES: None
ABSENT: Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

1 AN ORDINANCE APPROVING THE SUPPLEMENTAL AGREEMENT
2 WITH THE SOUTHERN PACIFIC COMPANY RELATING TO THE
3 TERMS OF THE LEASE ON PROPERTY FOR PARKING PURPOSES
4 IN THE CITY OF MODESTO.

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

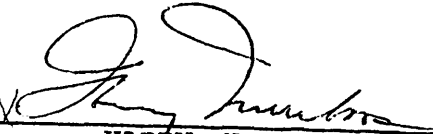
7 SECTION 1. APPROVAL OF AGREEMENT. That certain supple-
8 mental agreement between the City of Modesto and the Southern
9 Pacific Company, a corporation, relating to the terms of the lease
10 agreement dated May 9, 1956, a copy of which is on file in the
11 Office of the City Clerk of the City of Modesto, is hereby
12 approved, and the City Manager and City Clerk are hereby author-
13 ized to execute said agreement on behalf of the City of Modesto.

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

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

21 The foregoing ordinance was introduced at a regular
22 meeting of the Council of the City of Modesto held on the 20th
23 day of November, 1957, by Councilman Hammond,
24 who moved its adoption and passage to print, which motion being
25 duly seconded by Councilman Anderson, was upon roll
26 carried and the ordinance ordered printed and published by the
27 following vote:

- 28 AYES: Councilmen: Adams, Anderson, Arata, Hammond, Merrill and
29 Mayor Marks
30 NOES: Councilmen: None
31 ABSENT: Councilmen: Robinson

32 APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

Ord, No. 210-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 4 day of December, 1957, 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: 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 19, 1957

REPEALED ORD 234CS

1 AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S.
 2 ENTITLED "AN ORDINANCE REGULATING TRAFFIC UPON
 3 THE PUBLIC STREETS OF THE CITY OF MODESTO,"
 4 AS AMENDED, TO AMEND SECTION 36.2 THEREOF RE-
 5 LATING TO TRAFFIC REGULATIONS, AND REPEALING
 6 ORDINANCE NO. 208 -C. S.

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

8 SECTION 1. AMENDMENT TO ORDINANCE. Section 36.2 of
 9 Ordinance No. 345 -N. S. entitled "An Ordinance Regulating Traffic Upon the
 10 Public Streets of the City of Modesto," as amended, is hereby amended to read
 11 as follows:

12 SECTION 36.2. DECREASE OF STATE LAW MAXIMUM SPEED.
 13 Pursuant to authority contained in Section 511.3(b) of the
 14 Vehicle Code of the State of California, it is hereby determined
 15 upon the basis of an engineering and traffic survey that the
 16 prima facie limit of 55 miles per hour permitted by state law
 17 outside of the business and residence districts as applicable
 18 upon the following streets is greater than is reasonable or
 19 safe under the conditions found to exist upon such streets, and
 20 it is hereby declared that the prima facie speed limit shall
 21 be as herein set forth on those streets or parts or streets
 22 herein designated when signs are erected giving notice thereof.

NAME OF STREETS OR PORTION AFFECTED	DECLARED PRIMA FACIE SPEED LIMITS
BOWEN, from Geneva Drive to the easterly City Limits	25 miles per hour
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
CARVER, entire length in City	35 miles per hour
EMERALD, from Maze Road to the Southerly City Limits	35 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
JEFFERSON, between Paradise Road and Eighth Street	25 miles per hour
KEARNEY, entire length in City	25 miles per hour
LaLOMA, entire length in City	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MILLER, from LaLoma to Conejo	25 miles per hour
MORTON BOULEVARD, from Grand Street to La Loma Avenue	25 miles per hour

1 NEECE DRIVE, from Tuolumne Boulevard to 25 miles per hour
the southerly City Limits

2 SUNRISE, from Lucerne to the northerly 25 miles per hour
3 City Limits

4 SUTTER, within the City Limits 35 miles per hour

5 SECTION 2. REPEALS. Ordinance No. 208-C.S. adopted by
6 the Council of the City of Modesto on November 13, 1957, is hereby repealed.

7 SECTION 3. EFFECTIVE DATE. This ordinance shall go
8 into effect and be in full force and operation from and after fifteen (15) days
9 after its final passage and adoption.

10 SECTION 4. PUBLICATION. This ordinance shall be pub-
11 lished in full at least once at least three (3) days prior to its final adoption
12 in The Modesto Bee, the official newspaper of the City of Modesto.

13 The foregoing ordinance was introduced at a regular meeting of
14 the Council of the City of Modesto held on the 4 day of December
15 1957, by Councilman Merrill, who moved its introduction and
16 passage to print, which motion being duly seconded by Councilman Anderson
17 _____, was upon roll call carried and ordered printed and published
18 by the following vote:

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

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23 APPROVED: 
HARRY MARKS, Mayor

24 ATTEST: 
25 REX E. GAILFUS, City Clerk

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27 (SEAL)

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Ord, No. 211-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 11 day of December, 1957, 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,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: December 26, 1957

ORDINANCE NO. 212-C.S.

AN ORDINANCE APPROPRIATING ADDITIONAL REVENUE AND UNAPPROPRIATED RESERVE IN THE PARKING FUND FOR EXPENDITURE DURING THE 1957-58 FISCAL YEAR AND ALLOCATING THEM FOR THE PARKING RESERVE.

WHEREAS, it is anticipated that an additional sum of \$ 12,400.00 not heretofore appropriated will be received during the 1957-58 fiscal year classified as follows:

1. Off-Street Parking \$ 2,500.00
2. On-Street Parking \$ 4,000.00
3. City Building Rental \$ 5,900.00

WHEREAS, there is an additional sum of \$4,643.00 available in Unappropriated Reserves, and

WHEREAS, the Council desires to increase the Parking Reserve of the Parking Fund to provide for expenditures during the 1957-58 fiscal year, which has been or may be hereafter approved by them, and for which funds have not been appropriated,

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

SECTION 1. Appropriation. The sum of \$ 12,400.00 which is estimated to be received from parking meter revenue and rental of city-owned buildings and deposited to the Parking Fund during the 1957-58 fiscal year not heretofore appropriated, and \$4,643.00 representing reserves not heretofore appropriated, is hereby appropriated as follows:

PARKING RESERVE in the amount of \$ 17,043.00

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

SECTION 3. Publication. This ordinance shall be published in full at least once in The Modesto Bee, 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 December, 1957, by Councilman Robinson, who moved its adoption, which motion duly seconded by Councilman Hammond, was upon roll call carried by the following


vote:

AYES: COUNCILMEN: Adams, Andersen, Arata, Hammond, Merrill, Robinson,
Mayor Marks

NOES: COUNCILMEN: None


ABSENT: COUNCILMEN: Anderson

APPROVED:



HARRY MARKS, Mayor

ATTEST:



REX E. GALLFUS, CITY CLERK

1 AN ORDINANCE AMENDING SECTION 8-2.301 OF ARTICLE 3
2 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL
3 CODE RELATING TO PROPERTY TAXES.

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

6 SECTION 1. AMENDMENT OF CODE. . Section 8-2.301 of
7 Article 3 of Chapter 2 of Title VIII of the Modesto Municipal
8 Code is hereby amended to read as follows:

9 SEC. 8-2.301. TRANSFER OF DUTIES. (a) Taxes. The
10 duties of the Council, Assessor, Tax Collector,
11 Auditor, Director of Finance and City Clerk of the
12 City, with respect to the assessment of property in
13 the said City for the purpose of ad valorem taxation
14 thereof, to the equalization and correction of such
15 assessments, to the collection, payment and enforcement
16 of such taxes hereafter becoming a lien, to the sale
17 of property for non-payment of such taxes levied for
18 municipal purposes, and to the redemption of such
19 property from sale or other penalties for non-payment
20 of the municipal taxes of said City, shall be per-
21 formed by the officers of the County charged respectively
22 with the performance of duties of the same character
23 as the officers of said City whose duties are to be
24 performed by such County officers.

25 (b) Assessments. The Council, by resolution, is
26 hereby authorized to transfer the duties of the
27 Council, Assessor, Tax Collector, Auditor, Director of
28 Finance and City Clerk of the City with respect to
29 the collection of cash assessments or assessments of
30 less than Fifty (\$50.00) Dollars heretofore or here-
31 after levied for municipal improvements to the officers
32 of the County charged respectively with the performance
of duties of the same character as the officers of
said City whose duties are to be performed by such
County officers.

(c) Duties Not Transferred. All duties now be-
ing performed by the above mentioned City officers
which are not specifically transferred by or pursuant
to the provisions of this article shall continue to
be performed in accordance with the applicable laws
of the City.

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.

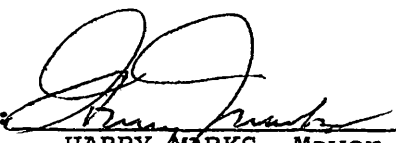
SECTION 3. PUBLICATION. This ordinance shall be pub-
lished in full at least once at least three (3) days prior to its
final adoption in The Modesto Bee, the official newspaper of the
City of Modesto.

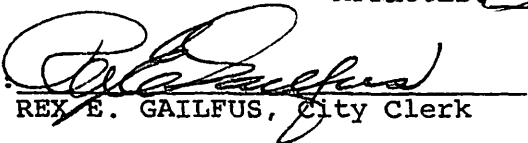
1 The foregoing ordinance was introduced at a regular
2 meeting of the Council of the City of Modesto held on the 11
3 day of December, 1957, by Councilman Hammond,
4 who moved its introduction and passage to print, which motion
5 being duly seconded by Councilman Robinson, was upon
6 roll call carried and ordered printed and published by the follow-
7 ing vote:

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

9 NOES: Councilmen: None

10 ABSENT: Councilmen: None

11 APPROVED: 
HARRY MARKS, Mayor

12 ATTEST: 
13 REX E. GAILFUS, City Clerk

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15 (SEAL)

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Ord. No. 213-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 18 day of December, 1957, 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, Anderson, Arata, Hammond, Merrill, Robinson,
Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: January 2, 1958

ORDINANCE NO. 214-C.S.

AN ORDINANCE AMENDING SECTION ~~MAP~~ 6 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~~ 6 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/^{Bee}~~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 11 day of December, ~~1956~~¹⁹⁵⁷, by Councilman Arata, who moved its introduction 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:

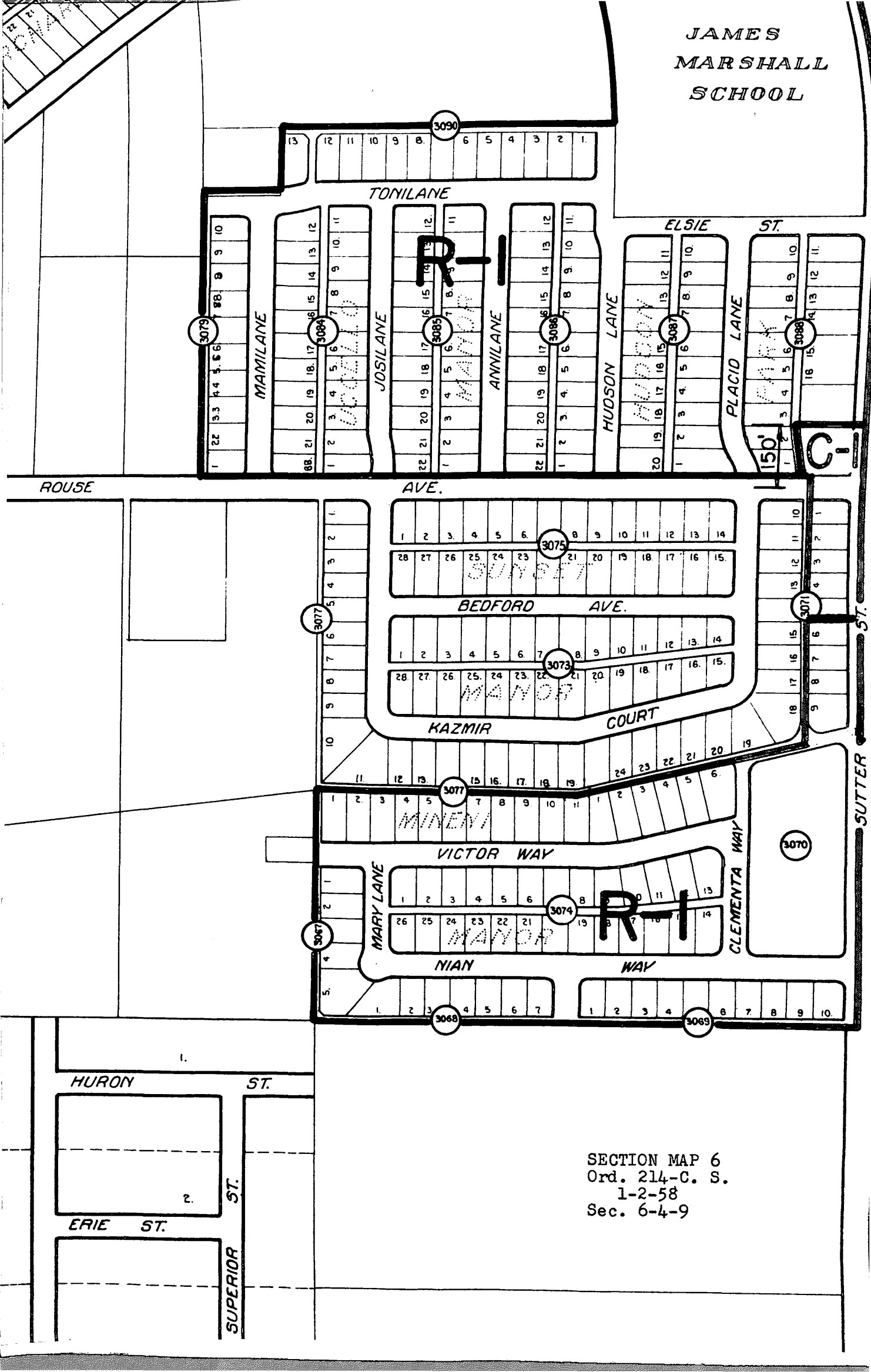
- AYES: Councilmen: Adams, Arata, Anderson, Hammond, Merrill, Robinson, Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

JAMES
MARSHALL
SCHOOL



SECTION MAP 6
Ord. 214-C. S.
1-2-58
Sec. 6-4-9

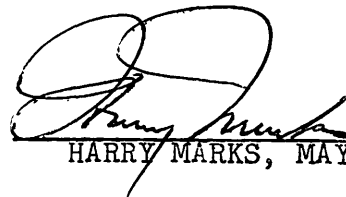
Ord. No. 214-C.S.

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 18 day of December, 1957, 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,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: January 2, 1958

AN ORDINANCE AMENDING CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE INSTALLATION, REPAIR, OPERATION AND MAINTENANCE OF ELECTRICAL WIRING AND EQUIPMENT WITHIN THE CITY OF MODESTO, PROVIDING FOR LICENSES, REGISTRATIONS, PERMITS, INSPECTIONS AND APPROVAL OF ELECTRICAL WORK, THE PAYMENT OF FEES THEREFOR AND PROVIDING FOR PENALTIES FOR THE VIOLATION THEREOF.

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

SECTION 1. AMENDMENT OF CODE. Chapter 3 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 3 - ELECTRICAL CODE

ARTICLE 1. GENERAL PROVISIONS

SEC. 9-3.101. ENFORCEMENT. It shall be the duty of the Chief Building Official to enforce the provisions of this chapter. He shall, upon application, grant permits for the installation or alteration of electrical wiring, devices, appliances and equipment and shall make inspections of all new electrical installations and reinspection of all electrical installations as provided in this chapter. He shall keep complete records of all permits issued, inspections made and other official work performed in accordance with the provisions of this chapter.

SEC. 9-3.102. RIGHT OF ENTRY. The Chief Building Official shall have the right during reasonable hours to enter any building in the discharge of his official duties or for the purpose of making any inspection, reinspection or test of the installation of electrical wiring, devices, appliances and equipment contained therein, except that he is not empowered to enter any dwelling, while the same is occupied as a dwelling, without the consent of the occupant thereof. He shall have the authority to cut or disconnect any wire in cases of emergency where necessary for safety to life or property. He is hereby authorized to disconnect or order discontinuance of electrical service to any building or electric wiring, devices, appliances or equipment found to be dangerous to life or property because of their defectiveness or having been defectively installed until such wiring, devices, appliances or equipment have been made safe and approved by said Chief Building Official. He may delegate any of his powers or duties to any of his assistants. The Fire Chief or any of his assistants are hereby authorized to cut, disconnect or order disconnection of any wire or electrical service in cases of emergency where in the opinion of the Fire Chief or his assistants it is deemed necessary for safety to life or property.

SEC. 9-3.103. LICENSING AND REGISTRATION. Before any person shall engage in the business of performing or doing electrical work in the City, he shall first procure the necessary business license from the Director of Finance, in accordance with the provisions of Chapter 1 of Title VI of the Municipal Code.

SEC. 9-3.104. PUBLIC AGENCIES. The requirements of this chapter are hereby specifically declared to govern and control the installation, alteration or repair of any electrical wiring, devices, appliances or equipment in any building or structure owned or controlled by any public or quasi-public or political corporation or body except as to such electrical wiring as is specifically exempted by the provisions of this chapter.

SEC. 9-3.105. RESPONSIBILITY. The provisions of this chapter shall not be construed to relieve from or lessen the responsibility or liability of any party owning, operating, controlling or installing any electric wiring, electric devices or electric material for damages to person or property caused by any defect therein, nor shall the City be held as assuming any such liability by reason of the inspection authorized herein or certificate of inspection issued as herein provided.

SEC. 9-3.106. VIOLATIONS. It shall be unlawful for any person, firm or corporation, either as owner, architect, contractor, artisan or otherwise, to do or cause or permit to be done, or to use or permit or cause to be used any electrical wiring or any installing of electrical apparatus or fixtures in such manner that the same shall not conform to all of the provisions of this chapter.

ARTICLE 2. PERMITS AND INSPECTIONS

SEC. 9-3.201. PERMITS. GENERAL. No electric wiring, devices, appliances or equipment shall be installed within or on any building, structure or premise, nor shall any alteration or addition be made in any such existing wiring, devices, appliances or equipment without securing a permit therefor from the Chief Building Official before commencing the work or within twenty-four (24) hours, excepting Saturdays, Sundays and holidays, after commencing the work, except as provided in Section 9-3.202 of this chapter.

SEC. 9-3.202. PERMITS. EXCEPTIONS. The permit provisions required by this chapter shall not apply in the following installations:

(a) Equipment. For the replacement of lamps, fuses, switches, receptacles or motors, or replacement of portable appliances to suitable receptacles which have been permanently installed;

(b) Signals. For the installation, alteration or repair of wiring, devices, appliances or equipment for the operation of signals or the transmission of intelligence, where such wiring, devices, appliances or equipment operate between conductors at a voltage not exceeding twenty-five (25) and do not include generating or transforming equipment capable of supplying more than fifty (50) watts of energy;

(c) Public Service Corporations. For the installation, alteration or repair of electric wiring, devices, appliances and equipment installed by or for a public service corporation or irrigation district for the use of such corporation in the generation, transmission, distribution or metering of electrical energy, or for the use of such corporation in the operation of signals or the transmission of intelligence, or the servicing and repairing of customer appliances or replacement of fuses and protective devices; or

(d) Testing. For the installation of temporary wiring for testing electrical apparatus or equipment.

SEC. 9-3.203. PERMITS. APPLICATION. An application for a permit to install, alter, or repair electric wiring, devices, appliances or equipment shall be made in writing to the Chief Building Official by a licensed electrical contractor, owner, or his authorized agent. Such application shall describe the work to be done and shall be accompanied by such plans, specifications and schedules as may be necessary to determine whether the installation as described will be in conformity with the requirements of this chapter. If it shall be found that the

installation as described will conform with the requirements of this chapter, and if the applicant has complied with all the provisions of this chapter, a permit for such installation, alteration and/or repair shall be issued upon payment of the fees required by this chapter, provided, however, that the issuance of the permit shall not be taken as permission to violate any of the requirements of this chapter.

SEC. 9-3.204. PERMITS. SCOPE. Said permit when issued shall be for such installation, alteration or repair as described in the application, and no deviation shall be made from the work as described without the written approval of the Chief Building Official.

SEC. 9-3.205. PERMITS. SPECIAL OWNER'S PERMIT. The Chief Building Official may issue to an individual a special owner's permit authorizing said individual to install, alter, change or repair electrical equipment in, on or about a building of which said individual is owner and in which he resides or intends to reside, but not elsewhere; provided that no electrical work authorized under any special owner's permit shall be done, nor shall the owner holding any such permit allow any work to be done, except personally by the owner to whom the permit is issued, or by a member of his immediate family. If any provisions of this chapter shall be violated by the holder of such special owner's permit, such permit shall be subject to immediate cancellation by the Chief Building Official and the holder thereof shall be liable to the penalty hereinafter provided for violation of this chapter.

SEC. 9-3.206. PERMITS. FEES. The Director of Finance shall assist the Chief Building Official by collecting the fees hereinafter set forth upon receipt of an approved application for a permit from the Chief Building Official. The Director of Finance shall collect from such applicant for each permit issued and at the time of issuance a fee in accordance with the following schedule and at a rate provided for in each classification shown therein. It shall be unlawful for any person to do any electrical work for which a permit is required by this chapter without having obtained a permit therefor before commencing the work or within twenty-four (24) hours, excepting Saturdays, Sundays and holidays, after commencing the work.

SCHEDULE OF FEES

Permits (Issuing and Filing) Each-----	\$1.00
Supplementary Permits, Each-----	None
Fixtures, Each-----	.15
Fused Switches - 30 Ampere -----	.25
(except motor - 60 Ampere -----	.35
<u>disconnects</u> - 100 Ampere -----	.50
Over 100 Ampere -----	1.00
Outlets at which current is used or controlled	
For the first 10, Each -----	.25
For 11 to 100, Each -----	.10
Excess of 100, Each -----	.05
Range, Dryer, Dishwasher, Water or Air Heater, Each -----	.50

Strings of Construction Lights or
Strings of Outdoor Lights Consisting of:

100 Lamps or Less, -----	.50
101 to 300 Lamps -----	.75
Over 300, additional for each -----	.002

Motors:

Less than 1 H. P. -----	.50
From 1 H. P. to 3 H. P., Each-----	1.50
From 3 to 10 H. P., Each-----	2.00
Over 10 H. P. -----	2.50

Moving Motors, where the switches and control equipment are not moved, the fee shall be 1/2 of the above.

Motor - Generator Sets, 50% greater than for motors alone.

Generators, each K.V.A. capacity shall be considered as one Horsepower in a motor.

Projector Machines, Dissolvers, etc. -----	1.00
Electric Signs, incandescent or fluorescent -----	1.50
Electric Signs, luminous gas type, 1-4 transformers -----	1.50
5 or more, Each -----	.35
Rectifiers or converters, per K. W. -----	.25
Electric Welder, per K. W. -----	.25
X-Ray Units, Each -----	2.00
For the first extra inspection made necessary by defective workmanship or materials -----	1.00
For the second extra inspection made necessary by defective workmanship or materials -----	5.00
For the third and each inspection thereafter made necessary by defective workmanship or materials -----	10.00

SEC. 9-3.207. INSPECTIONS. Upon completion of the work authorized by any permit, it shall be the duty of the person installing the same to notify the Chief Building Official who shall inspect the installation within forty-eight (48) hours, exclusive of Saturdays, Sundays and holidays, of the time such notice is given, or as soon thereafter as practicable.

SEC. 9-3.208. CERTIFICATE OF APPROVAL. Where the Chief Building Official finds the installation fully complies with the provisions of this chapter, he shall issue a certificate of approval, or approval tag, authorizing connection to the electrical service and the energizing of the installation. Permission to cover work to be concealed shall be on a blue tag attached to the work in a suitable place.

A special or temporary tag may be issued if it appears that the installation may be safely used and that there exists an urgent necessity for such use. In such case a special temporary tag shall be issued, showing the date and special approval, and date of expiration of such permission.

Where approval is withheld, a red tag showing the date, location and defects in the work shall be attached in a suitable place to the work.

SEC. 9-3.209. RESPONSIBILITY OF ELECTRICAL PERMIT HOLDER.

(a) Responsibility. Each person obtaining an electrical permit under the provisions of this chapter shall make good to those employing him, damages arising by reason of violation of any law, ordinance, rule or regulation concerning electrical installation.

(b) Correction of Defective Work. It shall be the duty of the holder of any electrical permit issued under this chapter to alter any wiring or other electrical work done by such permittee in violation of the provisions of this chapter when ordered to do so by the City. Upon failure of an electrical permit holder to correct any faulty work within ten (10) days after notification to do so by the City, the cost of correction and twenty per cent (20%) additional may be collected from said electrical permit holder or his bondsman by the City of Modesto. Such violation shall also subject such electrical permit holder to a fine and suspension or revocation of his business license.

SEC. 9-3.210. BAD FAITH OR UNREASONABLE DELAY. Bad faith or unreasonable delay in the performance of electrical work shall be deemed sufficient reason for subjecting an electrical permit holder so offending to a suspension of his permit. Every electrical permit holder shall be responsible for the violation of any law, ordinance, rule or regulation by mechanics, laborers and helpers employed by said electrical permit holder.

SEC. 9-3.211. ACCEPTANCE OF WORK. No work shall be considered as approved or accepted until so certified in writing by the Chief-Building Official or his designated representative.

SEC. 9-3.212. PERIOD WHEN NO PERMIT SHALL BE ISSUED. No permit shall be issued to any electrical contractor during the time that he shall fail to remedy any defective work.

ARTICLE 3. - CONSTRUCTION REQUIREMENTS.

SEC. 9-3.301. CONSTRUCTION REQUIREMENTS. Except as otherwise provided herein, all work shall comply with the National Electrical Code, 1956 Edition, published by the National Board of Fire Underwriters and the Electrical Safety Orders of the Department of Industrial Relations of the State of California, February 1955 Edition. Three copies of each of the hereinbefore documents are on file in the Office of the City Clerk and are hereby incorporated by reference and made a part of this code as though fully set forth herein. In addition to the foregoing, all work shall comply with the following requirements:

(a) General.

(1) All electrical materials or appliances installed in the City shall be listed or labeled by the Underwriters' Laboratories, Inc., or be approved by the City Electrician.

(2) Convenience outlets shall not be placed on any lighting circuit.

(3) Where the service conduit is extended to furnish a support for the service drop wires, only rigid conduit of not less than 1¼" trade size may be used and shall not extend more than thirty (30") inches beyond the last support.

(4) Substandard service equipment shall be brought up to standard on any and all remodeling jobs or in any case where additional wiring is installed.

(5) Wiring over 25 volts within Fire District #1, as described in this Code, shall be in metal raceway. Wiring over 25 volts outside said Fire District #1 shall be in metal raceway except for dwellings, private garages, small sheds and apartment houses of not more than four apartments.

(6) Exposed wiring shall be run in straight lines and all turns made at right angles. Cables shall follow the building surfaces.

(7) Electrical metallic tubing shall not be used in the ground floor slab or in any location where it would be in contact with the ground. All sizes of electrical metallic tubing shall have insulating lines or insulating bushings at each connector.

(8) Armoured cable or flexible conduit may be used only by special permission except that lengths of armoured cable or flexible conduit not to exceed thirty (30") inches may be used on motors or equipment.

(9) In new installations of over two circuits, the distribution center shall be located inside of the building in a dry and easily accessible place. On panelboards and switchboards all switches, circuit breakers and fuses shall be identified by use of a card holder or by painting or other approved means. All fuseholders requiring smaller than the maximum fuse for the holder shall be permanently marked for the proper size fuse.

(10) Portable type neon signs, phonographs, pin-ball machines, merchandise dispensers and the like shall be wired with not more than six (6') feet of flexible cord.

(11) The water supply system shall be used for the service ground if connection can be made with a run not to exceed fifty (50') feet. Otherwise, an approved rod electrode shall be used.

(12) Except with special permission of the Chief Building Official, service entrance conductors shall be not less than #6 AWG wire for a 50 to 60 ampere disconnect, #4 for 70 amperes, #2 for 100 amperes and #4/0 for 200 amperes.

(b) Domestic Residences, Flats, and Apartment Houses of Not More Than Four Apartments.

(1) Convenience outlets shall be wired with not less than #12 AWG wire.

(2) Each kitchen shall have at least two (2) receptacle circuits which may also feed other rooms.

(3) Automatic dishwashers, refrigerated coolers or any fixed motors rated over 1/3 H.P. or any fixed appliance or device rated over 1000 watts shall be installed on a separate circuit with not less than #12 AWG wire.

(4) Household electric ranges shall be wired with not less than #6 AWG wire except that built-in cooking tops and ovens may have a smaller circuit run separately to each.

(5) All new dwellings of over 900 square feet in area shall have a minimum of a 100 ampere service.

(6) Service equipment shall be located on the outside of all dwellings. The outer end of the service raceway shall be terminated where it is accessible to the serving agency.

(7) Approved service entrance cable may be used for service conductors, range, dryer and water heater circuits or subpanel feeders.

(8) Bell or chime transformers shall be installed in metal boxes at fuse cabinets or mounted on outlet boxes adjacent thereto, or if in the attic, within three (3') feet of the scuttle hole.

(9) Not more than twelve (12) outlets nor more than one thousand (1000) watts shall be permitted on any lighting circuit on #14 AWG wire. . . Not more than fifteen (15) outlets nor more than eighteen hundred (1800) watts shall be permitted on any lighting circuit on #12 AWG wire.

(c) Apartment Houses, Hotels, Hospitals and Public Buildings.

(1) Lights sufficient to illuminate every public hallway, passageway, stairway, fire escape egress, elevator, water closet compartment, and toilet rooms shall be provided with separate circuits for the accomodation of the emergency lighting in apartment houses containing more than two apartments above the first floor, hotels not more than two stories in height, and public assemblies not above the second floor. Lights shall be kept burning 24 hours per day and night throughout the year sufficient in volume to properly illuminate the above whenever there is insufficient natural light to permit a person to read in any part thereof.

(2) A separate service shall be required for the emergency lighting supply in each of the following:

- (a) Apartment houses containing three floors or more;
- (b) Hotels three stories or more in height;
- (c) Public Assemblies located on the third floor or higher; and
- (d) For all hospitals.

(3) Every exit doorway from an area with an occupant load of more than fifty (50) persons shall be marked with an approved illuminated exit sign.

(d) Commercial and Industrial Buildings.

(1) Convenience outlets in commercial installations shall be wired with not less than #12 AWG wire with a maximum of six (6) outlets per circuit.

(2) Service equipment may be located at the nearest readily accessible point within the building served. The outer end of the service raceway shall be terminated where it is accessible to the serving agency.

(3) Not more than twelve (12) outlets nor more than fifteen (15) amperes shall be permitted on a two-wire branch circuit or on either side of a three-wire branch circuit of #14 AWG wire. Not more than fifteen (15) outlets nor more than twenty (20) amperes shall be allowed on a two-wire branch circuit or on either side of a three-wire branch circuit of #12 AWG wire.

SEC. 9-3.302. SIGNS. All signs and outline lighting shall be provided with an approved disconnecting means that is so located as to be within sight of the sign and/or outline lighting and under the control of authorized sign service men, but not readily accessible to unauthorized persons. All signs shall bear the inspection label of the Underwriters' Laboratories, Inc.

ARTICLE 4. BOARD OF ELECTRICIAN EXAMINERS.

SEC. 9-3.401. CERTIFICATE OF COMPETENCY REQUIRED. Before any person shall engage in, or labor at the trade of an electrician as a journeyman, he must be the holder of a certificate of competency issued by the Chief Building Official pursuant to the order therefor made by the Board of Electrician Examiners hereinafter provided for, after his requisite qualifications have been established by his passing and examination conducted by the Board.

(a) Creation. There is hereby created a Board of Electrician Examiners, hereinafter called the Board, which shall consist of five (5) members, two (2) of whom shall be electrical contractors licensed by the State of California, two (2) of whom shall be journeyman holding certificates of competency, and the Chief Building Official, or his designated representative. The members of this Board other than the Chief Building Official, or his designated representative, shall be appointed in accordance with and for the terms prescribed in Section 1102 of the Charter of the City of Modesto.

(b) Duties. The duties of the Board shall consist of examining applicants for a certificate of competency as set forth in Section 9-3.401 of this chapter. The Board shall hold such examinations under such rules and regulations as may be adopted by the Board.

(c) Re-examination. Any person who fails to pass the examination as prescribed by the Board may apply for re-examination after the expiration of ninety (90) days. Should such person fail to pass the second time, the Board may refuse a third application until after the expiration of six (6) months. Application fee as prescribed in Section 9-3.401(d) shall be paid for each re-examination.

(d) Examination Fee. A fee of Two and 50/100 (\$2.50) Dollars shall be paid to the Board for the first and for every additional examination taken by any person applying to the Board for a certificate of competency. The Board shall pay all fees so collected to the Director of Finance.

(e) Temporary Journeyman's Permit. After a person claiming to be a journeyman electrician has made application and paid the fee for a journeyman electrician's examination, the Chief Building Official, in his discretion, may issue to such person having paid the fee, a temporary permit to engage in electrical work until the next examination is held by the Board. The Chief Building Official at any time may revoke such temporary permit.

(f) Helpers and Apprentices. No electrician's helper or apprentice shall do or perform any electrical work except with a person who has a certificate of competency, who shall be held responsible for the work of such electrician's helper or apprentice. An electrician's helper or apprentice is one engaged in learning the electrician's trade.

SECTION 2. REPEALS. Ordinance Numbers 506-N.S., 707-N.S., and 1035-N.S. are 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.

SECTION 4. SAVINGS PROVISIONS. The provisions of this ordinance shall not affect any proceeding, suit, or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty, or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance, shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, 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 18 day of December, 1957, by Councilman Arata, who moved its introduction 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: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

NOES: None

ABSENT: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 215


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 26 day of December, 1957, 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, Anderson, ~~Hammond~~, Merrill, Robinson,**
Mayor Pro Tempore Hammond

NOES: Councilmen: **None**

ABSENT: Councilmen: **Arata, Mayor Marks**

APPROVED: 
~~HARRY MARKS, MAYOR~~
Don Hammond, Mayor Pro Tempore

ATTEST: 
REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: January 10, 1958

ORDINANCE NO. 216 -C.S.

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

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

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

SEC. 2-1.01. REGULAR MEETINGS. (a) Time. Regular meetings of the City Council shall be held on the first, second, third and fourth Wednesday of each month. The meetings held on the first and third Wednesday shall commence at the hour of 4 o'clock P.M., and the meetings held on the second and fourth Wednesday shall commence at the hour of 7:30 o'clock P.M. Meetings of the Council for the purpose of canvassing election returns not held on a regular Council meeting date shall commence at the hour of 4 o'clock P.M. Whenever the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday.

(b) Place. All meetings of the Council shall be convened in the Council Chamber. The assembly room in the basement of the McHenry Library Building, Fourteenth and I Streets, Modesto, California, is hereby designated as the Council Chamber. If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Presiding Officer of the Council.

(c) Public. All meetings of the Council shall be open to the public, provided, however, the City Council may hold executive sessions to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. The Council may also exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the Council.

SECTION 2. REPEALS. Ordinance No. 204-C.S., adopted by the Council of the City of Modesto on the 9th day of October, 1957, 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.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at an ^{adjourned} regular meeting of the Council of the City of Modesto held on the 26 day of December, 1957, by Councilman Robinson, who moved its introduction 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, ~~Hammond~~, Merrill, Robinson,
Mayor Pro Tempore Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Arata, Mayor Marks

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 216-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 8 day of January, 1958, 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, Arata, Hammond, Robinson, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Anderson, Merrill

APPROVED


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: January 23, 1958

AN ORDINANCE AMENDING SECTION 4-2.20 AND ADDING ARTICLE 13 ENTITLED "REGULATION OF SOUND TRUCKS AND SOUND AMPLIFYING EQUIPMENT" TO CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE.

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

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

SEC. 4-2.20. NOISES, LOUD AND UNUSUAL. Except as is authorized by Article 13 of Chapter 7 of this title, it shall be unlawful for any person, upon any of the streets, alleys, sidewalks, or other public places within the City, to make or cause any loud, unusual, or discordant sounds or noises such as may tend to cause public annoyance or menace the public comfort or welfare, whether such act be done for the purpose of advertising any business or enterprise, or otherwise, and whether such sounds or noises consist of shouting or proclaiming such business or enterprise, or anything relating thereto, or be caused or created by any horn, whistle, bell, or electrical or mechanical device.

SECTION 2. Article 13 entitled "Regulation of Sound Trucks and Sound Amplifying Equipment" is hereby added to Chapter 7 of Title IV of the Modesto Municipal Code to read as follows:

ARTICLE 13. REGULATION OF SOUND TRUCKS AND SOUND AMPLIFYING EQUIPMENT.

SEC. 4-7.1301. DEFINITIONS. (a) "Sound Truck." The words "sound truck" as used herein shall mean any motor vehicle, or horse-drawn vehicle, having mounted thereon, or attached thereto, any sound amplifying equipment.

(b) "Sound Amplifying Equipment." The words "sound amplifying equipment" as used herein shall mean any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" as used herein shall not be construed as including standard automobile radios when used and heard only by occupants of the vehicle in which installed or warning devices on authorized emergency vehicles or horns or other warning devices on other vehicles used only for traffic safety purposes.

SEC. 4-7.1302. PERMISSIBLE USES. Any person may use, or cause to be used, a sound truck with its sound amplifying equipment, or sound amplifying equipment, on any of the streets or public places in the City in other than residential areas, to publicize matters or events of community-wide interest and importance, and which are of a non-commercial nature, upon complying with all of the provisions of this article.

SEC. 4-7.1303. NON-COMMERCIAL USE OF SOUND TRUCKS.

(a) Registration Required. No person shall use, or cause to be used, a sound truck with its sound amplifying equipment, in operation, or sound amplifying equipment in the streets or public places in the City before filing a registration statement with the City Clerk in writing. This registration statement shall be filed in duplicate and shall state the following:

- (1) Name and home address of the applicant.
- (2) Address of place of business of applicant.
- (3) License number and motor number of the sound truck to be used by applicant, if any.
- (4) Name and address of person who owns the sound truck, or sound amplifying equipment.
- (5) Name and address of person having direct charge of sound truck, or sound amplifying equipment.
- (6) Names and addresses of all persons who will use or operate the sound truck, or sound amplifying equipment.
- (7) The purpose for which the sound truck or sound amplifying equipment will be used.
- (8) A general statement as to the section or sections of the City in which the sound truck or sound amplifying equipment will be used.
- (9) The proposed hours of operation of the sound truck, or sound amplifying equipment.
- (10) The number of days of proposed operation of the sound truck, or sound amplifying equipment.
- (11) A general description of the sound amplifying equipment which is to be used.
- (12) The maximum sound producing power of the sound amplifying equipment to be used. State the following:
 - (a) The wattage to be used.
 - (b) The volume in decibels of the sound which will be produced.
 - (c) The approximate maximum distance for which sound will be thrown from its source.

(b) Registration Statement Amendment. All persons using or causing to be used, sound trucks or sound amplifying equipment for non-commercial purposes shall amend any registration statement filed pursuant to Section 4-7.1302(a) within forty-eight (48) hours after any change in the information therein furnished.

(c) Registration and Identification. The City Clerk shall return to each applicant under Section 4-7.1302(a) of this ordinance, one copy of said registration statement duly certified by the City Clerk as a

correct copy of said application. Said certified copy of the application shall be in the possession of any person operating the sound truck or sound amplifying equipment at all times while the sound amplifying equipment is in operation and said copy shall be promptly displayed and shown to any policeman of the City of Modesto upon request. The City Clerk shall also furnish one copy of the registration statement, duly certified, to the Chief of Police.

(d) Regulations for Use. Non-commercial use of sound amplifying equipment in operation shall be subject to the following additional regulations:

(1) The only sounds permitted are music or human speech.

(2) Operation shall be permitted only between the hours of 9 o'clock A.M. and 5 o'clock P.M. except on Sundays and legal holidays when no operation shall be authorized.

(3) Sound amplifying equipment shall not be operated on a truck unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic. Where stopped by traffic the said sound amplifying equipment shall not be operated for longer than one minute at each such stop.

(4) Sound shall not be issued within one hundred (100) yards of hospitals, schools or churches.

(5) No sound truck or sound amplifying equipment shall be erected, maintained or operated in any area zoned as residential by the zoning regulations of this code.

(6) No sound truck or sound amplifying equipment shall be erected, maintained or operated within two hundred (200') feet of the boundary of any area zoned as residential by the zoning regulations of this code.

(7) The human speech and music amplified shall not be profane, lewd, indecent, or slanderous.

(8) 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 said volume is not unreasonably loud, raucous, jarring, disturbing, or a nuisance to persons within the area of audibility.

(9) No sound amplifying equipment shall be operated with an excess of 15 watts of power in the last stage of amplification.

SEC. 4-7.1304. COMMERCIAL ADVERTISING BY SOUND AMPLIFYING EQUIPMENT. No person shall erect, maintain or operate, or cause to be operated, any sound truck or sound amplifying equipment for commercial sound advertising purposes on any of the streets or public places in the City of Modesto.

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.

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 Bee, the official newspaper of the City of Modesto.

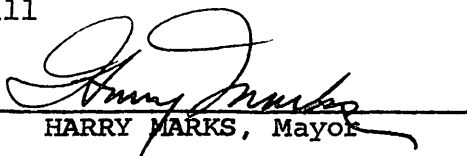
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8 day of January, 1958, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Hammond, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Hammond, Mayor Marks, Robinson


NOES: Councilmen: None

ABSENT: Councilmen: Anderson, Merrill

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 217-C.S.

FINAL ADOPTION CLAUSE

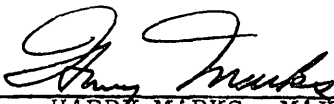
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of January, 1958, Councilman Merrill moved its final adoption, which motion 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, Mayor Marks**

NOES: Councilmen: **None**

ABSENT: Councilmen: **Adams, Hammond, Robinson**

APPROVED:



HARRY MARKS, MAYOR

ATTEST:



REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: January 31, 1958

AN ORDINANCE APPROVING AN AGREEMENT WITH THE HOUSING AUTHORITY OF THE COUNTY OF STANISLAUS RELATING TO THE FURNISHING OF SEWER SERVICES.

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

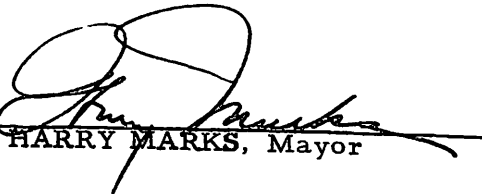
SECTION 1. That certain agreement between the City of Modesto and the Housing Authority of the County of Stanislaus relating to the furnishing of sewer services by the City of Modesto to the Housing Authority of the County of Stanislaus, a copy of which is on file in the office of the City Clerk of the City of Modesto, is hereby approved, and the City Manager and City Clerk are hereby authorized to execute said agreement on behalf of the City and do all things necessary to carry out the terms of said agreement.

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 Bee, 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 January, 1958, by Councilman Arata, who moved its adoption and passage to print, which motion being duly seconded by ~~Councilman~~ Mayor Marks, was upon roll call carried and the ordinance ordered printed and published by the following vote:

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

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 218-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 15th day of January, 1958, Councilman Anderson 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, Mayor Marks**

NOES: Councilmen: **None**

ABSENT: Councilmen: **Adams, Hammond, Robinson**

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: January 31, 1958

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

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

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

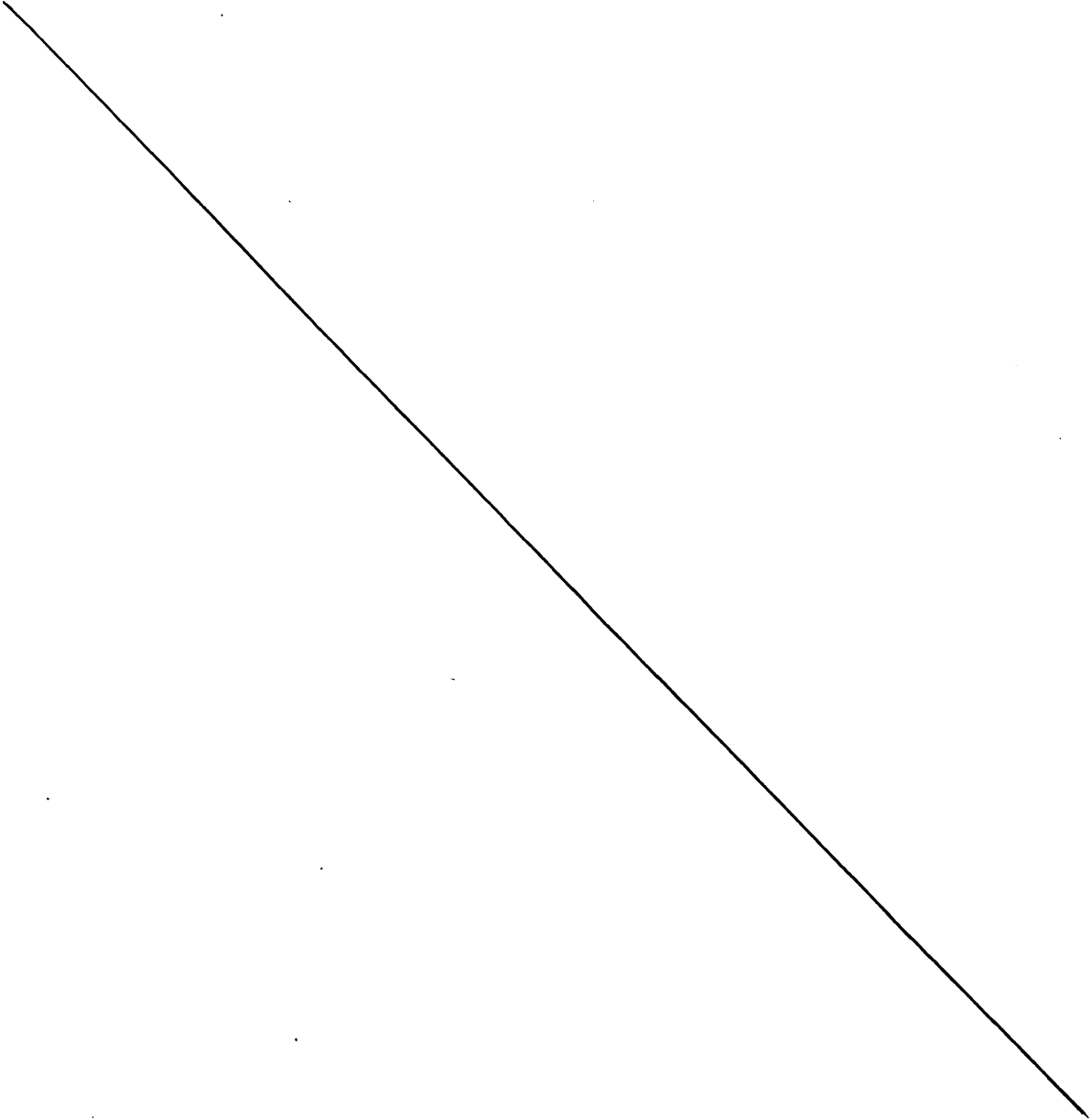
NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

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

All that certain real property situate in the State of California, County of Stanislaus, Sections 16 and 17, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and more particularly described as follows:

Beginning at the intersection of the southern line of the Modesto Irrigation District Lateral No. 3 and the western line of McHenry Avenue, said point being on the existing City Limits, as described in the boundary description of the Granger Addition, filed in Volume 1185, at Page 600, Stanislaus County Records; thence along the existing City Limits and the southern right of way line of the Modesto Irrigation District Lateral No. 3, Westerly to the intersection thereof with the southeastern corner of the Briggsmore Addition, filed in Volume 1202, Page 454, Stanislaus County Records; thence along the existing City Limits, and the eastern line of said Briggsmore Addition, Northerly to the southern line of Bowen Avenue as described in the boundary descriptions of said Briggsmore Addition and the Sycamore Addition, annexed by Ordinance No. 149-C.S.; thence along the existing City Limits across Bowen Avenue as described in said boundary description of the Sycamore Addition, Northerly to the northern line of Bowen Avenue as shown on the map of the Leveland Tract, filed in Volume 9 of Maps, at Page 71, Stanislaus County Records, and as described in the boundary description of the Northgate Addition, filed November 29, 1955, Instrument No. 34498; thence along the existing City Limits and the northern line of said Bowen Avenue, Easterly to the southwestern corner of Lot 4 of said Leveland Tract; thence along the existing City Limits and the western line of said Lot 4, Northerly, 111.70 feet to the northwestern corner of said Lot 4; thence along the existing City Limits and the northern line of said Lot 4, Easterly, 390.00 feet to the northeastern corner of said Lot 4 and the western line of said McHenry Avenue; thence along the existing City Limits and the western line of said McHenry Avenue, Northerly to the Southeastern corner of the land conveyed to Amedeo Loretelli, et ux, as Parcel No. 2 by Deed No. 19381, recorded July 6, 1955, Stanislaus County Records; thence along existing City Limits and the southern line of said Parcel 2, Westerly, 502.00 feet to the southwestern corner of said Parcel 2; thence along existing City Limits and the western line of said Parcel 2, Northerly, 393.05 feet to the northwestern corner of land conveyed to Amedeo Loretelli, et ux, as Parcel 1, by deed above referred to, and the southern line of Leveland Lane, as located in Stanislaus County Survey No. 986, July 5, 1932; thence along said southern line of Leveland Lane, Easterly to the western line of said McHenry Avenue; thence along said western line of McHenry Avenue, Southerly to its intersection thereof with the western extension of the southern line of Floyd Avenue, as shown on the map of Coffee Colony, filed in Volume 2 of Maps, at Page 22, Stanislaus County Records; thence along said western extension and the southern line of Floyd Avenue, Easterly to a point on the eastern line of Lot 11 of said Coffee Colony; thence along the eastern line of Lots 11, 12, 13 and 14, Southerly to the southeastern corner of Lot 14 of said Coffee Colony, and the northwestern corner of Lot 6 of the Pomona Villa Tract, filed in Volume 2 of Maps, at Page 4, Stanislaus County Records; thence along the lot lines common to Lots 15 and 16 of said Coffee Colony and Lots 6 and 5 of said Pomona Villa Tract, Easterly to the northeastern corner of said Lot 5 of said Pomona Villa Tract, and the southwestern corner of Lot 17 of said Coffee Colony; thence along the western line of said Lot 17, Northerly to a point on the southern line of said Floyd Avenue; thence along said southern line of Floyd Avenue, Easterly to a point on the eastern line of Lot 18 of said Coffee Colony; thence along the eastern line of said Lot 18, Southerly to the southeastern corner of said Lot 18; thence along the southern line of said Lots 18 and 17, Westerly to the northeastern corner of Lot 4 of said Pomona Villa Tract; thence along the eastern line of said Lot 4, Southerly to the southeastern corner of said Lot 4, said corner being on the center line of a 50-foot street known as Tokay Avenue, as shown on the Map of said Pomona Villa Tract; thence along the western line of Lot 15 of said

Pomona Villa Tract, Southerly 30 feet to the southern line of said Tokay Avenue, as shown on the Map of McHenry Village Subdivision No. 2, as filed in Volume 18 of Maps at Page 34, Stanislaus County Records; thence along said southern line of Tokay Avenue, Easterly to the western line of Sunrise Avenue, as shown on the Map of said McHenry Village Subdivision No. 2; thence along said western line of Sunrise Avenue, Southerly to the northern line of Norwegian Avenue as shown on the Map of McHenry Village Subdivision No. 1, filed in Volume 18 of Maps at Page 5, Stanislaus County Records; thence along said northern line of Norwegian Avenue, Westerly to a point 107.55 feet easterly from the western line of Lot 14 of said Pomona Villa Tract; thence Southerly, 50 feet at right angles, to the southern line of said Norwegian Avenue; thence along said southern line of Norwegian Avenue, Westerly to a point 26.20 feet westerly from the eastern line of Lot 12 of said Pomona Villa Tract; thence along a line 26.20 feet at right angles westerly of and parallel to the eastern line of said Lot 12 and Lot 23 of said Pomona Villa Tract and its southerly projection, Southerly to the southern line of the Modesto Irrigation District Lateral No. 3 and the existing City Limits, as described in the boundary description of the McHenry Village Addition as filed in Volume 1216 at Page 546, Stanislaus County Records; thence along said southern line of the Modesto Irrigation District Lateral No. 3 and the existing City Limits, Northwesterly and westerly to the point of beginning, containing 156.55 acres more or less.



be, and the same is hereby approved.

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

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

SECTION 4. That the said territory hereinabove described shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election to be held to determine whether or not said property shall be annexed to the city.

SECTION 5. 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 the date hereof.

SECTION 6. This ordinance shall be published in full in The Modesto Bee, 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 15th day of January, 1958, 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 the ordinance ordered printed and published by the following

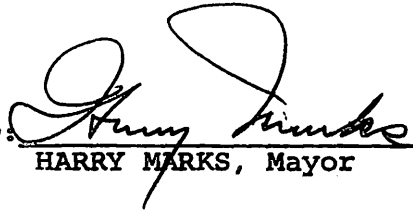
vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE AMENDING SECTION 4-6.705 OF ARTICLE 7 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXICAB DRIVERS' PERMITS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-6.705 of Article 7 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.705. ELIGIBILITY FOR PERMIT. No permit shall be issued to any of the following persons:

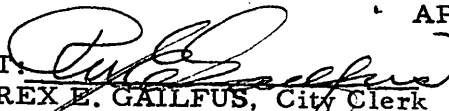
- (a) Any person under the age of twenty-one (21) years.
- (b) Any person not a citizen of the United States or who has not lawfully declared his intention to become such.
- (c) Any person who has been convicted of a felony or a crime involving moral turpitude or narcotics.
- (d) Any person who has been convicted of driving a vehicle recklessly within the two (2) years immediately preceding application for a permit.
- (e) Any person who has been convicted of driving a vehicle while under the influence of intoxicating liquors within the five (5) years immediately preceding application for a permit.
- (f) Any person not possessing a valid chauffeur's license, issued by the State.

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 Bee, 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 15th day of January, 1958, 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, Merrill, Mayor Marks**
NOES: Councilmen: **None**
ABSENT: Councilmen: **Hammond, Robinson**

ATTEST: 
REX E. GAILFUS, City Clerk
(SEAL)

APPROVED: 
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 22 day of January, 1958, 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, Hammond, Merrill, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Arata, Robinson

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: February 6, 1958

AN ORDINANCE ADDING SECTION 4-2.08 TO CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO LANDING OF AIRCRAFT.

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

SECTION 1. AMENDMENT OF CODE. Section 4-2.08 entitled "Landing of Aircraft at other than Established Airports Prohibited" is hereby added to Chapter 2 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-2.08. LANDING OF AIRCRAFT AT OTHER THAN ESTABLISHED AIRPORTS PROHIBITED. Except in case of emergency or for rescue missions, no person shall land any aircraft within the City except upon a regularly established airport field or landing place. The term "aircraft", as used in this section, means any airplane, helicopter, or any other contrivance now known or hereafter invented, used or designed for navigation of or flight in the air, except a parachute or other contrivance used primarily as safety equipment.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of January, 1958, by Councilman Anderson, who moved its introduction 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, Hammond, Merrill, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Arata, Robinson

ATTEST: Rex E. Gailfus
(SEAL) REX E. GAILFUS, City Clerk

APPROVED: Harry Marks
HARRY MARKS, Mayor

Ord. No. 221-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 5th day of February, 1958, 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, Arata, Hammond, Merrill, Robinson, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Anderson

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS CITY CLERK

EFFECTIVE DATE: February 20, 1958

AN ORDINANCE AMENDING SECTIONS 5-6.108 AND 5-6.109 OF, AND ADDING SECTION 5-6.108.1 TO ARTICLE 1 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE, AND REPEALING SECTION 5-6.110 THEREOF, AND AMENDING SECTION 5-6.212 TO ARTICLE 2 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO DOMESTIC WASTE DISPOSAL.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.108 of Article 1 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.108. **EXTENSION OF SEWER LATERALS:** Any person within the City Limits may connect his property to the City sewerage system upon construction at his own expense of the house sewer line connecting the property service to the collection lateral, and making provisions for paying the cost of constructing said collection lateral, under one of the following conditions:

(a) By Improvement District Proceedings. Sewer laterals may be financed by the formation of assessment districts and sale of improvement bonds in accordance with existing state laws governing the formation of such districts and the sale of such bonds. Such proceedings shall provide for the reimbursement to City of any funds advanced by it for the construction of sewer laterals under the provisions of Section 5-6.108.1 of this Code.

(b) By Private Contract: Undeveloped Land. The owner of any undeveloped subdivision, tract, area or lot within the City may make private arrangements for the construction of collection laterals to serve such subdivision, tract, area or lot in accordance with plans and specifications prepared by a registered engineer and approved by City, at his own expense, and by employing a licensed contractor to perform the work. The owner shall reimburse the City for costs incurred by it in inspection and supervision, in addition to reimbursement costs, if any, required by the provisions of Section 5-6.108.1 of this Code.

(c) By Private Contract: Developed Land. The owner of any developed subdivision, tract, area or lot within the City may make private arrangements for the construction of collection laterals to serve such subdivision, tract, area or lot in accordance with plans and specifications prepared by a registered engineer and approved by City, or in accordance with plans and specifications prepared by the City Engineer, and by employing a licensed contractor to perform the work. The owner shall reimburse the City for costs incurred by it for any preparation of plans and specifications, and inspection and supervision of the work, in addition to reimbursement costs, if any, required by the provisions of Section 5-6.108.1 of this Code.

(d) By Payment of Sewer Lateral Charges. Upon payment of sewer lateral charges to the City as specified in Section 5-6.109 of this Code and reimbursement costs, if any, required by the provisions of Section 5-6.108.1 of this Code.

SECTION 2. AMENDMENT OF CODE. Section 5-6.109 of Article 1 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.109. SEWER LATERAL CHARGES. (a) Areas in the City Limits as of May 1, 1950.

(1) No sewer lateral charge shall be required for connecting to laterals in areas in the City Limits as of May 1, 1940.

(b) Areas Annexed to the City After May 1, 1940, But Before July 1, 1950.

(1) Each person owning property in an area annexed to the City after May 1, 1940, and before July 1, 1950, where there are existing sewer laterals, shall pay a minimum sewer lateral charge in the sum of Fifty (\$50.00) Dollars for each connection to serve an area containing not more than seven thousand (7,000) square feet, and an additional one (1¢) cent for each square foot in excess of seven thousand (7,000) square feet so serviced. In addition to the above fees and costs, each person desiring said sewer services shall pay all expenses incurred by reason of running pipes and fittings from the property served to the City sewer main or lateral.

(c) Areas Annexed to the City On or After July 1, 1950.

(1) Each person owning property in an area annexed to the City on or after July 1, 1950, where there are existing sewer laterals, shall pay a sewer lateral charge amounting to a minimum sum of One Hundred (\$100.00) Dollars for service to one (1) building site containing seven thousand (7,000) square feet or less, and an additional sum of one (1¢) cent for each square foot in excess of seven thousand (7,000) square feet so serviced. In addition to the above fees and costs, each person desiring said sewer services shall pay all expenses incurred by reason of running pipes and fittings from the property served to the City sewer main or lateral.

SECTION 3. AMENDMENT OF CODE. Section 5-6.212 of Article 2 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.212. SEWER SERVICE FUND. All monies collected by the City for sewer service charges for domestic, commercial and industrial users imposed by Articles 1 and 2 of this Chapter shall be placed in a fund entitled "Sewer Service Fund" and shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sewage facilities and to repay principal and interest on bonds heretofore or hereafter issued for the construction or reconstruction of such sewage facilities provided, however, that such revenues shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers. All funds now deposited in the "Domestic Sewer Service Fund" shall be transferred to the "Sewer Service Fund" and shall be used for the purposes authorized by this section.

SECTION 4. AMENDMENT OF CODE. Section 5-6.108.1 is hereby added to Article 1 of Chapter 6 of Title V of the Modesto Municipal Code to read as follows:

SEC. 5-6.108.1. PARTICIPATION BY CITY IN COST OF CONSTRUCTING SEWER LATERALS. Subject to the provisions of Section 1305 of the City Charter, in any subdivision in which sewer laterals are installed or furnished by the subdivider pursuant to Section 4-4.802 (e) of this Code, or any improvement district or area cooperating to install or furnish such sewer laterals, the City may advance a portion of the funds required to finance the cost of constructing such sewer laterals under the following circumstances:

(a) Perimeter Sewer Laterals: Whenever, under the provisions of this Code, the City requires that sewer laterals be located in a street or alley bordering a subdivision, improvement district or area, and land other than that contained in said subdivision, improvement district or area, is benefited by the construction of such sewer laterals, the portion of the cost of constructing said sewer laterals which represents the amount of benefit to such other land may be provided by the City.

(b) Increased Design: Whenever the cost of constructing sewer laterals to serve a subdivision, improvement district or area, as required by the City under the provisions of this Code is increased because the City requires a design beyond that which is required to serve said area alone, the City may provide the portion of the cost of constructing such sewer laterals directly resulting from such increased design.

(c) Reimbursement: Expenditures of funds by the City in accordance with the provisions of this section shall be made on the basis that said expenditures will be recovered by the City from the subdivider, developer, or owner of the land benefited by such expenditures before such land shall be allowed the use of such sewer laterals. The subdivider, developer, or owner of the land benefited by such expenditure shall be required to reimburse the City for that portion of the cost of constructing said sewer laterals which the City had previously provided for the land so benefited.

SECTION 5. REPEALS. Section 5-6.110 of Article 1 of Chapter 6 of Title V of the Modesto Municipal Code is hereby repealed.

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 adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of January, 1958,

by Councilman Adams, 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, Hammond, Merrill, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Arata, Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GALLFUS, City Clerk

(SEAL)

Ord. No. 222-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 5th day of February, 1958, 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, Robinson, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Anderson

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: February 20, 1958

AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES
FOR EXPENDITURE DURING THE 1957-58 FISCAL YEAR.

WHEREAS, the sum of Thirty Eight Thousand, Four Hundred Twenty and no/100ths (\$38,420.00) Dollars, not heretofore appropriated, has been received during the 1957-58 fiscal year as insurance recovery for fire damage at Del Webb Field, and

WHEREAS, the Council desires to appropriate said money for expenditure during the 1957-58 fiscal year and allocate it to the General Reserve,

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

SECTION 1. APPROPRIATION. The sum of Thirty Eight Thousand, Four Hundred Twenty and no/100ths (\$38,420.00) Dollars which has been received as insurance recovery for damage to Del Webb Field and deposited to the General Fund during the 1957-58 fiscal year, not heretofore appropriated, is hereby appropriated and allocated to the General Reserve.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, 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 5th day of February, 1958, by Councilman Arata, who moved its introduction 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, Arata, Hammond, Merrill, Robinson, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Anderson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE AMENDING SUB-SECTION (i) OF SECTION 5-6.206, ARTICLE 2 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWER SERVICE CHARGES.

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

SECTION 1. AMENDMENT OF CODE. Sub-section (i) of Section 5-6.206 of Article 2 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.206. SEWER SERVICE CHARGES, RATE SCHEDULES.

(i) Industrial User, Standby Rate: Any industrial user, inside City, during any whole month in which the industrial waste plant is required to operate for less than fifteen (15) days in order to maintain water pollution standards shall pay fifty (50%) per cent of the applicable rate established by sub-sections (e), (f), (g) and (h). The determination of the necessity to operate the industrial waste plant to maintain water pollution standards shall be made by the Director of Public Works in accordance with the requirements of the Regional Water Pollution Control Board imposed upon the City, as they now exist or may hereafter be amended. Nothing in this section shall be construed to permit individual industrial plants to discharge waste directly to the Tuolumne River without direct authorization to do so.

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. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, 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 February, 1958, by Councilman 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: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

Ord. No. 224-C.S.

FINAL ADOPTION CLAUSE

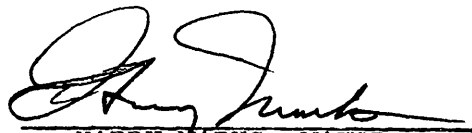
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of February, 1958, Councilman Adams moved its final adoption, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance finally adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: March 13, 1958

AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO NAKAGAWA FARMS AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH, TERMINATING AN EXISTING LEASE RELATING THERETO, AND REPEALING ORDINANCE NO. 55-C.S.

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

SECTION 1. APPROVAL OF LEASE. The City of Modesto hereby leases to Nakagawa Farms, a partnership, the following described premises located at the Modesto City-County Airport, situate in the County of Stanislaus, State of California, and more particularly described as follows, to wit:

All that certain real property situate in the State of California, County of Stanislaus, Section 34, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the quarter section corner common to Sections 34 and 35, said Township and Range; thence along the Southern line of the North-eastern quarter of said Section 34, North $89^{\circ}50'$ West, 80.00 feet, to a point on the Western line of an 80 foot public road known as Snowden Avenue and the true point of beginning of this description; thence continuing along said Southern line of the Northeastern quarter of Section 34, North $89^{\circ}50'$ West, 2174.35 feet; thence North $55^{\circ}53'$ West, 465.33 feet, to a point on the North-South quarter section line of said Section 34, said point also being on the Eastern line of Sierra Subdivision Number 3 as shown on the map filed June 20, 1938 in Volume II of Maps, Page 44, Stanislaus County Records; thence along said Eastern line of Sierra Subdivision Number 3, North $00^{\circ}14'$ West, 860.00 feet, to a point on the Southern line of Tenaya Drive as shown on said map of Sierra Subdivision Number 3; thence South $89^{\circ}50'$ East, 189.01 feet; thence on a tangent curve to the right, having a Radius of 200.00 feet, Central Angle of $33^{\circ}57'$, Arc Length of 118.51 feet; thence South $55^{\circ}53'$ East, 665.54 feet; thence South $45^{\circ}37'44''$ East, 112.36 feet; thence South $55^{\circ}53'$ East 167.57 feet; thence on a tangent curve to the left, having a Radius of 280.00 feet, Central Angle of $33^{\circ}57'$, Arc Length of 165.91 feet; thence South $89^{\circ}50'$ East, 1342.43 feet, to a point on the Western line of said Snowden Avenue; thence along said Western line of Snowden Avenue South

00°15' East, 500.00 feet, to the true point of beginning, containing 40 Acres more or less.

Basis of Bearings for this description is the course of North 89°50' West for the Southern line of the Northeastern quarter of said Section 34, taken from the deed Recorded July 11, 1950 as Instrument Number 14992, Stanislaus County Records,

for a term commencing on the 1st day of January, 1958, and ending on the 31st day of December, 1958, in accordance with the terms and conditions 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 of the City of Modesto. The terms and conditions of said lease agreement are hereby accepted and approved.

SECTION 2. SIGNING AND ATTESTING. The City Manager and City Clerk of the City of Modesto are hereby authorized to sign and attest, respectively, said lease agreement on behalf of the City upon this ordinance becoming effective.

SECTION 3. TERMINATION OF EXISTING LEASE. The termination of that certain lease agreement entered into by and between CITY and NAKAGAWA FARMS, dated December 21, 1955, relating to the lease of those certain premises located at the Modesto City-County Airport, situated in the County of Stanislaus, State of California, consisting of fifty-five (55) acres more or less, effective December 31, 1957, is hereby approved in accordance with the terms and conditions set forth in that certain lease agreement referred to in Section 1 hereof.

SECTION 4. REPEALS. Ordinance No. 55-C.S. adopted by the Council of the City of Modesto on December 21, 1955, is hereby repealed.

SECTION 5. 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 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 Bee, 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 February, 1958, 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: Adams, Anderson, Arata, Hammond, Merrill, Robinson, Mayor Marks

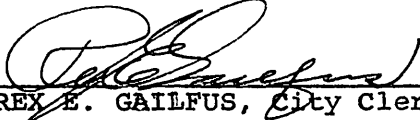
NOES: None

ABSENT: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

Ord. No. 225-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 26th day of February, 1958, Councilman Anderson 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, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: March 13, 1958

ORDINANCE NO. 226 -C.S.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
KNOWN AS THE GREGORY GARDENS NO. 3 ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by

Lance E. Ellis, Carol L. Ellis, and Roger Hemminger

on

November 22, 1957, 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. 3 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 8th day of January, 1958, set said petition for hearing at the hour of 4:30 o'clock p.m. on the 19th day of February, 1958, 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 Bee, a newspaper published in the City of Modesto on January 16, 1958, and on January 23, 1958; and in the Turlock Daily Journal, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on January 16, 1958, and on January 23, 1958, 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 19th day of February, 1958, 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,

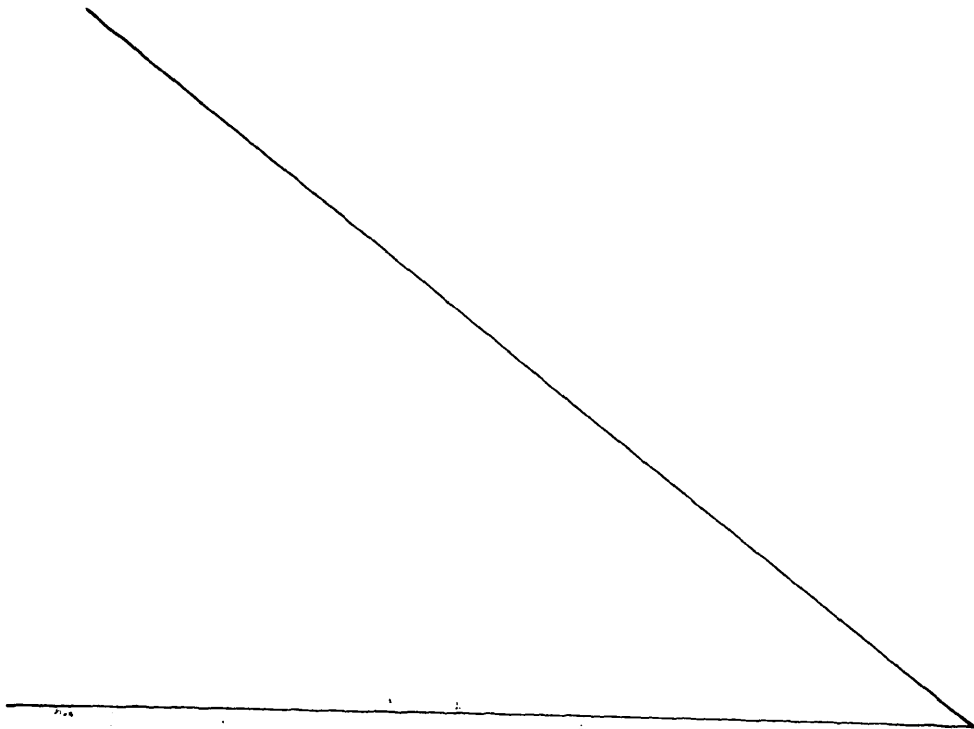
NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

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. 3 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, Northeast Quarter, Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and more particularly described as follows:

Beginning at the Northwest corner of the Gregory Gardens Subdivision as recorded January 27, 1956, in Volume 18 of Maps at Page 45, Stanislaus County Records, said corner also being a point on the corporate limits of the City of Modesto; thence North $0^{\circ} 51' 30''$ West a distance of 986.49 feet; thence South $89^{\circ} 07'$ East, 1092.95 feet to the western line of lands described in the deed to Samual F. Ziegler, et ux, filed December 7, 1955 and recorded in Volume 1331 at page 377, Stanislaus County Records; thence South $0^{\circ} 48'$ East, a distance of 41.69 feet to the northwest corner of lands described in the deed to Roger S. Hemminger, et ux, filed December 7, 1955 and recorded in Volume 1331 at Page 398, Stanislaus County Records; thence continuing South $0^{\circ} 48'$ east, a distance of 115.00 feet to the southwest corner of said Hemminger property; thence North $89^{\circ} 12'$ East along the Southern line of said Hemminger property and its easterly extension a distance of 243.65 feet to the western line of Bel-Air Subdivision No. 2 as recorded January 18, 1957 in Volume 18 of Maps at Page 64, Stanislaus County Records; said point being on the corporate limits of the City of Modesto; thence southerly along said corporate limits of the City of Modesto a distance of 836.95 feet to a point on the Easterly extension of the northern line of said Gregory Gardens Subdivision; thence Westerly a distance of 1335.70 feet along said northern line of said subdivision, said line also being the corporate limits of the City of Modesto, 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 Bee, 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 19 day of February, 1958, by Councilman Robinson, 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, Arata, Anderson, Hammond, Merrill,
Robinson, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE AUTHORIZING SALE OF WALNUT TREES LOCATED ON THE DRYDEN PARK MUNICIPAL GOLF COURSE SITE IN THE CITY OF MODESTO.

WHEREAS, a number of walnut trees exist on a portion of the Dryden Park Municipal Golf Course site, and

WHEREAS, the Council finds that the sale of these trees is in the best interests of the City because they must be removed before said golf course can be developed,

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

SECTION 1. SALE AUTHORIZED. The City Manager is hereby authorized to sell any or all of the walnut trees located on the Dryden Park Municipal Golf Course site for the best price obtainable. Said trees may be sold by private sale. The City Manager is further authorized to do all things necessary to carry out the sale of said trees, including entering into any sales agreements on behalf of the City as may be required.

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 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 Bee, 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 19 day of February, 1958, 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, Arata, Anderson, Hammond, Merrill, Robinson, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

Ord. No. 227-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 26th day of February, 1958, 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, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: March 13, 1958

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM BEARD LAND AND INVESTMENT CO., A CORPORATION (SUCCESSOR IN INTEREST OF MODESTO TERMINAL COMPANY, A CORPORATION).

WHEREAS, the City of Modesto now operates a n airport in Stanislaus County, located in an area bounded on the north by Tenaya Drive, on the south by the Tuolumne River, on the West by Conejo Avenue and on the east by Snowden Avenue, known as the Modesto City-County Airport, and

WHEREAS, the City of Modesto and the County of Stanislaus entered into an agreement dated May 25, 1955, relating to the further development of said airport, which agreement provides in part for the acquisition of additional land for the construction of new runway facilities adequate for passenger and freight operations, and

WHEREAS, Beard Land and Investment Co., a corporation, (successor in interest of Modesto Terminal Company, a corporation), owns that certain parcel of real property hereinafter described, which is needed for the further development of said airport, and

WHEREAS, the City of Modesto and the County of Stanislaus desire to acquire said parcel of real property for the purpose of further developing said airport,

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

SECTION 1. PURCHASE AUTHORIZED. The purchase of an undivided one-half (1/2) interest in the following described real property from Beard Land and Investment Co., a corporation (successor in interest of Modesto Terminal Company, a corporation) for the sum of Five Thousand, One Hundred Twenty Eight and no/100ths (\$5,128.00) Dollars in accordance with the provisions of that certain agreement referred to in Section 2 of this ordinance; plus Forty per cent (40%) of the cost of the escrow charges, cost of title insurance and incidental expenses, is hereby approved. Said real property is described as follows:

A portion of Section 2, Township 4 South, Range 9 East, M. D. B. & M., and more particularly described as follows:

Commencing at the section corner common to said Sections 1 and 2, Township 4 South, Range 9 East, and Sections 35 and 36, Township 3 South, Range 9 East, M. D. B. & M.; thence Westerly 617.66 feet to the Northeastern corner of the land conveyed to the City of Modesto and County of Stanislaus by Deed recorded in Vol. 1336 at page 431, Stanislaus County Records, said point also being the Northwestern corner of the Modesto Terminal Company property described in the Deed recorded in Vol. 957 at page 327, Stanislaus County Records; thence along the Western Line of said Terminal Company property and Eastern Line of the City and County property, Southerly 782.43 feet, to the intersection of the Southwestern line of a 200 foot road right of way as described in the Notice of Lis Pendens recorded in Vol. 1382 at page 94, Stanislaus County Records, said point being the true point of beginning of this description; thence along said Southwestern right of way line, South $55^{\circ} 55'$ East 51.62 feet; thence continuing along said right of way line, on a tangent curve to the right, having a radius of 1200.00 feet and a central angle of $56^{\circ} 23'$, an Arc Distance of 1180.89 feet; thence continuing along said right of way line South $00^{\circ} 28'$ West to the right bank of the Tuolumne River, said point also being the Northern Bank; thence along said right bank of the Tuolumne River, meandering down stream to the intersection of the Southerly extension of the aforementioned Western line of said Modesto Terminal Company property; thence along said Southerly extension and Western line of the Modesto Terminal Company property, Northerly to the true point of beginning of this description, said to contain 12.8 acres more or less.

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto, the County of Stanislaus, and Beard Land and Investment Co., a corporation (successor in interest of Modesto Terminal Company, a corporation), relating to the purchase of certain real property for airport purposes, a copy of which is on file in the Office of the City Clerk of the City of Modesto, is hereby approved, and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from seller conveying an undivided one-half (1/2) interest in the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, 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 19 day of February, 1958, 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, Arata, Anderson, Hammond, Merrill, Robinson,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GALFUS, City Clerk

(SEAL)

Ord. No. 228-C.S.

FINAL ADOPTION CLAUSE

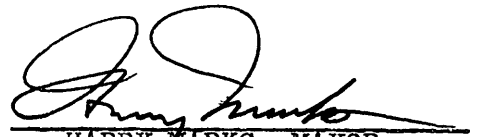
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of February, 1958, Councilman Arata moved its final adoption, which motion 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, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: March 13, 1958

AN ORDINANCE ADDING CHAPTER 5 ENTITLED "CITATION PROCEDURE" TO TITLE I OF THE MODESTO MUNICIPAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 5 entitled "Citation Procedure" is hereby added to Title I of the Modesto Municipal Code to read as follows:

CHAPTER 5 - CITATION PROCEDURE

SEC. 1-5.01. CITATION PROCEDURE AUTHORIZED. If any person is arrested for a violation of any provision of this Code, and such person is not immediately taken before a magistrate as is more fully set forth in the Penal Code of the State of California, the arresting officer shall prepare in duplicate a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where and when such person shall appear in court.

SEC. 1-5.02. VIOLATIONS. Any person wilfully violating his written promise to appear in court is guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

SEC. 1-5.03. ISSUANCE OF WARRANT FOR ARREST. When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section 853.1 of the Penal Code, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after his failure to appear as promised, or if such person promises to appear before an officer authorized to accept a bail other than a magistrate and fails to do so on or before the date which he promised to appear, then, within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

SEC. 1-5.04. APPLICABILITY. The provisions of this chapter shall apply to any provision of this Code, the violation of which is punishable as a misdemeanor as provided in Chapter II of Title I of this 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 Bee, the official newspaper of the City of Modesto.

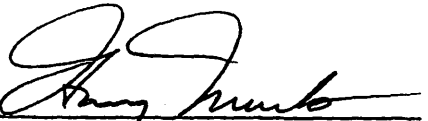
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1958, by Councilman Merrill, who moved its introduction and passage to print, which motion being duly seconded by Councilman Hammond, was upon roll call carried and ordered printed and published by the following vote:

AYES: Adams, Anderson, Arata, Hammond, Merrill, Mayor Marks

NOES: None

ABSENT: Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

Ord. No. 229-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 March, 1958, 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, Hammond, ~~Robinson~~, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Merrill, **Robinson**

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: March 20, 1958

AN ORDINANCE OF THE CITY OF MODESTO GRANTING A FRANCHISE TO OPERATE A WATER COMPANY WITHIN THE CITY TO GEORGE AND GLADYS BUMGARDNER, HUSBAND AND WIFE, DOING BUSINESS AS GEORGE BUMGARDNER WATER COMPANY.

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

SECTION 1. DEFINITIONS. For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. Provisions of this ordinance shall be construed in accordance with the laws of the State of California.

(a) "Franchise Property": All property retained by the Grantee in a street under authority of this franchise.

(b) "Grantee": The person to whom this franchise is granted by the Council, and the lawful successor or assignee thereof, and who or which has filed with the City an acceptance and bond, referred to in Sections 11 and 12.

(c) "Streets": The surface of, and the space above and below any public street, road, highway, freeway, lane, alley, court, sidewalk, parkway, or drive, now or hereafter existing as such within the City.

(d) "Total Gross Receipts": Any and all compensation or other consideration in any form whatever received directly or indirectly by Grantee as a result of conducting a water distribution facility within the City.

SECTION 2. FRANCHISE GRANT. A franchise be and the same is hereby granted to George and Gladys Bumgardner, husband and wife, doing business as GEORGE BUMGARDNER WATER COMPANY to lay, construct, install, operate, alter, repair, replace, reconstruct, maintain and use a system of water pipes and pipelines, mains, tubes, conduits, and all appliances, attachments, facilities and appurtenances for the purpose of distributing water for domestic, commercial, industrial and irrigation purposes, and for any and all purposes, for which water can be used, on, along, in, under, over, and/or across any street within the City of Modesto, State of California, which is located within or immediately adjacent to areas of the City presently being served by Grantee, and such other streets or areas within the City as may be approved by resolution of the City Council, upon the terms and conditions hereinafter set forth.

SECTION 3. DURATION AND EFFECTIVENESS OF GRANT. This franchise shall become effective upon written acceptance thereof filed by the grantee with the City Clerk provided such written acceptance shall have been filed within thirty (30) days after the ordinance granting the franchise becomes effective unless the time is extended by the Council. The term of this franchise shall be twenty (20) years after the effective date hereof.

SECTION 4. MANNER OF WORK. The water pipes, mains, tubes, pipelines, appliances, attachments, facilities and appurtenances to be constructed and operated hereunder, shall (excluding any which may be already installed) be built in a good and workmanship manner and shall be constructed and located, and shall (including any which may already be installed) be maintained, altered and replaced in conformity with/all **the provisions of this ordinance and** the lawful ordinances, resolutions, orders and regulations heretofore or hereafter adopted by the Council in the exercise of its police powers, and, as to State Highways, subject to the provisions of general laws relating to the location, construction and maintenance of such facilities therein.

SECTION 5. FRANCHISE PAYMENTS

(a) The grantee shall, during the life of this franchise pay to the City, in lawful money of the United States and in the manner provided by law, two (2%) per cent, of the gross annual receipts of the grantee derived in each calendar year or portion thereof arising from the use, operation and possession of this franchise within the corporate limits of the city, including monies received from the use, sale, rental or furnishing of water for any and all purposes.

(b) If the operations of grantee extend beyond the territorial boundaries of the City, the Council shall have the right to allocate the gross annual receipts between the operations within the city and those outside so that the grantee shall pay only for its operations within the City.

(c) In any year, or portion thereof during which payments under this section amount to less than One hundred and no/100 (\$100.00) Dollars, Grantee agrees to pay the City the minimum amount of One hundred and no/100 (\$100.00) Dollars.

SECTION 6. REMOVAL AND RELOCATION OF FACILITIES. The Grantee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street, alley, or public place, or remove from any street, alley or public place, any franchise property when required by the Director of Public Works by reason of traffic conditions, public safety, street vacation,

freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines and tracks or any other type of structures or improvements by governmental agencies when acting in a governmental or proprietary capacity, or any other structures or public improvements; provided, however, that Grantee shall in all such cases have the privileges and be subject to the obligation to abandon franchise property in place, as provided in Section 15.

SECTION 7. FAILURE TO PERFORM STREET WORK. Upon failure of the Grantee to complete any work required by law or by the provisions of this franchise to be done in any street, within the time prescribed and, to the satisfaction of the Director of Public Works, the Director of Public Works may cause such work to be done and the Grantee shall pay to the City the cost thereof in the itemized amounts reported by the Director of Public Works to the Grantee, within thirty (30) days after receipt of such itemized report.

SECTION 8. TIME OF PAYMENT.

(a) The grantee of this franchise being a water company already owning, operating and maintaining an existing water distribution system partially within the City, and accordingly this franchise being in the nature of a renewal of a right already in existence, there shall be no deferment of the payment of two (2%) per cent of the gross annual receipts of the grantee, but such payment shall begin at the time hereinafter designated.

(b) Said two (2) per cent gross annual receipts payment shall be payable annually beginning January 1, 1958, and it shall be the duty of the Grantee to file with the City Clerk prior to March 1, 1959, and prior to the 1st day of March of each and every year thereafter, during the term of this franchise, the verified statements required in Section 9 and to make such two (2%) per cent, gross annual receipts payment within the time and in the manner therein provided.

SECTION 9. FILING OF ANNUAL STATEMENT BY GRANTEE.

(a) It shall be the duty of the Grantee to file with the City Clerk annually, a statement, verified by the oath of the Grantee showing in detail the total gross annual receipts collected or received by the grantee during the preceding calendar year from the use, sale, rental or furnishing of water from any and all parts of said system located within the corporate limits of the City.

(b) Within ten (10) days after the time for the filing of said statement it shall be the duty of the Grantee to pay to the Director of Finance the aggregate sum of said percentage upon the amount of the gross annual receipts arising from the use, operation or possession of this franchise within the corporate limits of the City. If the amount so tendered in payment is incorrect in the judgment of the Director of Finance, said Director may order the payment of additional sums as it may find due hereunder, and if payment in the the correct sum is not made it may be collected by suit.

(c) The Grantee shall at all times maintain accurate and complete

accounts of all revenue and income arising out of its operations under this franchise. Grantee's books, accounts and records shall at all times be open to inspection and examination by authorized officers, agents and employees of the City and shall be kept in such form as to enable such authorized officers, agents and employees to ascertain the amounts due the City and determine any other facts relative to operations under this franchise. The right is reserved to the City of audit and recomputation of any and all amounts paid under this franchise and no acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable under this franchise or for the performance of any other obligation thereunder. In the event of its holding over after expiration or other termination of this franchise, the Grantee shall render compensation pursuant to the provisions of this franchise until the effective date of a new franchise.

SECTION 10. FORFEITURE. Any neglect, omission or refusal by the grantee to file such verified statements or to pay such percentage of its gross annual receipts at the times and in the manner hereinabove provided, and the continuance of such neglect, omission or refusal for a period of ten (10) days after written notice thereof to the grantee, shall ipso facto work a forfeiture of this franchise and of all rights hereunder to the City.

SECTION 11. FAITHFUL PERFORMANCE BOND.

(a) The Grantee shall, concurrently with the filing of an acceptance of award of this franchise, file with the Council, and at all times thereafter maintain in full force and effect for the term of this franchise at its expense, a corporate surety bond, in a company approved by the Director of Finance and in a form satisfactory to the City Attorney, in duplicate, in the amount of \$2000. renewable annually, and conditioned upon the faithful performance of Grantee and that in the event the Grantee shall fail to comply with any one or more of the provisions of this franchise, then there shall be recoverable jointly and severally from the principal and surety of such bond, any damages or loss suffered by the City as a result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of property as prescribed by this ordinance which may be in default, plus a reasonable allowance for Attorneys fees and costs, up to the full amount of the bond; said condition to be a continuing obligation for the duration of this franchise and thereafter until the Grantee has liquidated all of its obligations with the City that may have arisen from the acceptance of this franchise by the Grantee or from its exercise of any privilege herein granted. The bond shall provide that thirty (30) days prior written notice of intention not to renew, cancellation or material change be given to the City.

(b) Neither the provisions of this section, any bond accepted by the City pursuant thereto, nor any damages recovered by the City thereunder shall be construed to excuse faithful performance by the Grantee or limit the liability of the Grantee under this franchise or for damages, either to the full amount of the bond or otherwise.

SECTION 12. INDEMNIFICATION TO CITY. (a) Grantee agrees that at all times during the existence of this franchise it will maintain in force, furnish to the City and file with the Council, at its own expense, a general comprehensive liability insurance policy, in protection of City, its boards, commissions, officers, agents and employees, in a company approved by the Director of Finance and in form satisfactory to the City Attorney, protecting the City and said persons against liability for loss or damages for personal injury, death and property damage occasioned by the operations of Grantee under this franchise, with minimum liability limits of One hundred thousand and no/100 (\$100,000.00) Dollars for personal injury or death to any one person and Two hundred thousand and no/100 (\$200,000.00) Dollars for personal injury or death of two or more persons in any one occurrence, and Ten thousand and no/100 (\$10,000.00) Dollars for damage to property resulting from any one occurrence.

(b) The policies mentioned in the foregoing paragraph shall contain a provision that a written notice of any cancellation or reduction in coverage of said policy shall be delivered to the City ten (10) days in advance of the effective date thereof. If such insurance is provided in either case by a policy which also covers Grantee or any other entity or person than those above named, then such policy shall contain the standard cross-liability endorsement.

SECTION 13. INSPECTION OF PROPERTY AND RECORDS. At all reasonable times, the Grantee shall permit any duly authorized representative of the City to examine all franchise property, together with any appurtenant property of the Grantee situated within or without the City, and to examine and transcribe any and all maps and other records kept or maintained by the Grantee or under its control which treat of the operations, affairs, transactions or property of the Grantee with respect thereto. If any of such maps or records are not kept in the City, or upon reasonable request made available in the City, and if the Council shall determine that an examination thereof is necessary or appropriate, than all travel and maintenance expense necessarily incurred in making such examination shall be paid by the Grantee. The Grantee shall prepare and furnish to the Director of Public Works at the times and in the form prescribed by the Director of Public Works such reports, with respect to its operations, affairs, transactions or property, as may be reasonably necessary or appro-

priate to the performance of any of the duties of the City or any of its officers and employees in connection with this franchise. The Grantee shall, at all times, make and keep in the City full and complete plans, maps, and records showing the exact location of all equipment installed or in use by Grantee in streets, alleys and public places of the City. The Grantee shall file with the Director of Public Works on or before the last day of March of each year a current map or set of maps drawn to scale, to be designated by the Director of Public Works, showing all equipment installed in streets, alleys and public places of the City during the previous year.

SECTION 14. LOCATION OF FRANCHISE PROPERTIES. Franchise property shall be constructed or installed in streets only at such locations and in such manner as shall be approved by the Director of Public Works acting in the exercise of reasonable discretion. Construction or installation of franchise property in all other public places shall be subject to approval of and regulation by the City Council.

SECTION 15. ABANDONMENT OF FRANCHISE PROPERTY. (a) In the event that the use of any franchise property is discontinued for any reason for a continuous period of twelve (12) months or that franchise property has been installed in any street without complying with the requirements of this franchise, the Grantee shall promptly remove from the street all such property other than any which the Director of Public Works may permit to be abandoned in place. In the event of any such removal, the Grantee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the Director of Public Works.

(b) Franchise property to be abandoned in place shall be abandoned in such manner as the Director of Public Works shall prescribe. Upon permanent abandonment of any franchise property in place, the Grantee shall submit to the Director of Public Works an instrument, satisfactory to the City Attorney, transferring to the City the ownership of such property.

SECTION 16. RIGHTS RESERVED TO CITY. (a) There is hereby reserved to the City every right and power which is required to be herein reserved or provided by any ordinance of the City, and the Grantee by its acceptance of this franchise agrees to be bound thereby and to comply with any action or requirement to the City in its exercise of any such right or power, heretofore or hereafter enacted or established.

(b) Neither the granting of this franchise nor any of the provisions contained herein shall be construed to prevent the City from granting any identical, or similar, franchise to any person or corporation other than the Grantee.

(c) At any time during the existence of this franchise, City shall have the right to purchase the property of the Grantee at an agreed price.

(d) At any time during the existence of this franchise, City shall have the right to acquire the property of the grantee to the extent that such acquisition is authorized or permitted by law. If said reserved right to acquire the property of Grantee is exercised by City, the procedure to be followed in determining the just compensation to be paid by City to Grantee shall be as set forth in Division 1, Part 1, Chapter 8, Sections 1401 - 1421, Public Utilities Code of the State of California. In fixing the price to be paid by the City for the acquisition of Grantee's property, no allowance shall be made for the value of the franchise granted by this ordinance or for increased value of right of way, if any, resulting therefrom.

SECTION 17. LIMITATIONS ON GRANT. (a) No privilege or exemption is granted or conferred by this franchise except those specifically prescribed herein.

(b) Any privilege claimed under this franchise by the Grantee in any street shall be subordinate to any prior lawful occupancy of the streets, or other public property.

(c) This franchise is a privilege to be held in personal trust by the original Grantee. It cannot in any event be transferred in part, and it is not to be sold, transferred, leased, assigned, or disposed of as a whole, either by forced sale, merger, consolidation, or otherwise, without prior consent of the City expressed by ordinance, and then only under such conditions as may be therein prescribed; provided, however that no such consent shall be required for any transfer in trust, mortgage, or other hypothecation, as a whole, to secure an indebtedness. Nothing contained herein shall relieve the Grantee from any of its duties and obligations under this franchise.

(d) Time is of the essence of this franchise. The Grantee shall not be relieved of its obligation to comply promptly with any of its provisions by any failure of the City to enforce prompt compliance.

(e) Any right or power in, or duty impressed upon, any officer, employee, department, or Board of the City, is subject to transfer by the City to any other officer, employee, department or Board of the City.

(f) The Grantee shall have no recourse whatsoever against the City for any loss, cost, expense or damage, arising out of any provision or requirement of this franchise or its enforcement.

(g) Grantee is subject to all requirements of the City Charter and all ordinances, rules, regulations, and specifications of the City, heretofore or hereafter enacted or established, including, but not limited to, those concerning street work, street excavations, use, removal and relocation of property within a street, and other street work.

SECTION 18. SURRENDER OF OTHER FRANCHISES. (a) By its acceptance of this franchise grant or of an assignment thereof, the Grantee agrees that upon subsequent additions of areas to the City either by annexation, consolidation or otherwise, all franchises of the Grantee in such areas are thereby surrendered; provided, however, that should this franchise be declared invalid or be rendered inoperative by a final judgment, decree or any order of any Court of competent jurisdiction, the franchises thereby surrendered shall thereafter have the same force and effect as if such surrender had not occurred.

(b) By its acceptance of this franchise or of an assignment thereof, the grantee agreed that any water pipes, mains, tubes, pipe lines, appliances, attachments, facilities and appurtenances to be constructed and operated hereunder, which are subsequently acquired by the Grantee or which were authorized by franchises surrendered pursuant to the provisions of this section, are thereupon authorized by and shall be subject to the provisions of this franchise or succeeding franchises granted by the City.

(c) This franchise shall be in lieu of all other franchises, rights or privileges now or herebefore owned by Grantee for the distribution of

water for any and all purposes within the limits of the City as they now or may hereafter exist and acceptance of this franchise by grantee shall be deemed a waiver and abandonment of all other franchises, rights and privileges owned by grantee for the distribution of water within the limits of the City.

SECTION 19. REIMBURSEMENT OF COST OF REPAIRS TO PUBLIC PROPERTY. The grantee shall pay to the City on demand the cost of all repairs to public property made necessary by or proximately resulting from any operations of the grantee, ordinary wear and tear excepted.

SECTION 20. ENFORCEMENT REMEDIES. If the grantee shall fail or refuse to comply with any of the provisions set out in this franchise ordinance, the City may declare a forfeiture, and/or may sue such persons for damages for such noncompliance, and/or may exercise any other rights or remedies provided by law. As a separate and alternate remedy, if the grantee shall fail or refuse to comply with any of the provisions, conditions, obligations or duties set out in this franchise, the City may notify such grantee in writing to perform such obligations or duties. In the event that the grantee shall fail to comply with said notice within thirty (30) days, the City may, at its option, proceed to perform the duties or obligations itself. All costs incurred by the City thereby shall become a charge against the grantee. If the grantee fails or refuses to pay the amount of such costs within thirty (30) days from the date that such costs are submitted to the said grantee in writing, the City may proceed to collect such costs by an action of law.

SECTION 21. SEVERABILITY. If any section, subsection, sentence, clause or phrase of the ordinance is for any reason held illegal, invalid, or unconstitutional, such invalidity shall not affect the validity of the ordinance or any of the remaining portions thereof. The invalidity of any portion of this ordinance shall not abate, reduce, or otherwise affect any consideration or other obligation required of the grantee by this franchise.

SECTION 22. 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 23. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, 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 5 day of March, 1958, 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~~, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Merrill, Robinson

APPROVED: 

ATTEST: 

REX E. GAILFUS, City Clerk

Ord. No. 230-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 March, 1958, 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, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Adams, Merrill, Robins on

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: March 27, 1958

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM JAMES HENNESSEY AND HAZEL HENNESSEY.

WHEREAS, JAMES HENNESSEY and HAZEL HENNESSEY

own that certain parcel of real property hereinafter described, and

WHEREAS, the City of Modesto desires to acquire said parcel of real property hereinafter described for use for municipal purposes,

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 James Hennessey and Hazel Hennessey

for the sum of Four Thousand, Five Hundred and no/100ths (\$4,500.00)

Dollars, in accordance with the provisions of that certain agreement referred to in Section 2 of this ordinance.

Said real property is 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, being a portion of Lot 8 of the Coolidge Colony, as recorded November 15, 1910 in Volume 5 of Maps, Page 17, Stanislaus County Records, described as follows:

Commencing at the Northeastern corner of said Lot 8; thence along the Eastern line of said Lot 8, South $00^{\circ} 10'$ East, 150.00 feet, to the true point of beginning; thence continuing along said Eastern line of Lot 8, South $00^{\circ} 10'$ East, 155.00 feet, to the Northern line of a 50 foot county road known as Orangeburg Avenue, as shown on the map of said Coolidge Colony; thence along said Northern line of Orangeburg Avenue, North $89^{\circ} 00'$ West, 110.00 feet; thence North $00^{\circ} 10'$ West, 155.00 feet; thence South $89^{\circ} 00'$ East, 110.00 feet, to the true point of beginning, containing 0.391 Acre more or less.

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and James Hennessey and Hazel Hennessey

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, is hereby approved, and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from James Hennessey and Hazel Hennessey

conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.


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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final

Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of March, 1957, by Councilman Anderson, 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, ~~Robinson~~, Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: Merrill, Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

Ord. No. 231-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 March, 1958, 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, Arata, Hammond, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Adams, Merrill, Robinson

APPROVED


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: March 27, 1958

AN ORDINANCE AMENDING SECTIONS 4-6.202, 4-6.205, 4-6.211, 4-6.212, 4-6.213, 4-6.214, 4-6.216, 4-6.301, 4-6.402, 4-6.403, 4-6.501, 4-6.502, 4-6.701, 4-6.702, 4-6.703, 4-6.704, 4-6.707, 4-6.708, 4-6.801, 4-6.802, AND ADDING SECTION 4-6.206.1 TO CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO TAXICABS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-6.202 of Article 2 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.202. APPLICATION FOR CERTIFICATE. All persons applying to the Council for a certificate for the operation of one or more taxicabs shall file with the Council a sworn application therefor on forms provided by the Council stated as follows:

- (a) The name and address of the owner or person applying.
- (b) The number of vehicles actually owned and the number of vehicles actually operated by such owner on the date of application, if any.
- (c) The number of vehicles for which a certificate of public convenience and necessity is desired.
- (d) The number and suggested location of taxicab stands, if any are sought.
- (e) The make, type, year of manufacture and passenger seating capacity of each taxicab for which application for a certificate of public convenience and necessity is made.
- (f) The make and type of taximeter intended to be installed on each taxicab for which application for certificate is made.
- (g) A description of the proposed color scheme, insignia, trade style and/or any other distinguishing characteristics of the proposed taxicab design.
- (h) Such other information as the Council may require.

SECTION 2. AMENDMENT OF CODE. Section 4-6.205 of Article 2 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.205. INVESTIGATION OF APPLICATION. Before any application is acted upon by the Council, the City Manager shall cause the Director of Parking and Traffic to make an investigation and shall report his findings, in writing to the Council on the following:

- (a) The demand of the public for additional taxicab service.
- (b) The adequacy of existing mass transportation and taxicab service.
- (c) The financial responsibility and experience of the applicant.
- (d) The number, kind and type of equipment and the color scheme to be used.
- (e) The effect which such additional taxicab service may have upon traffic congestion and parking.
- (f) Whether the additional taxicab service will result in a greater hazard to the public.
- (g) Such other relevant facts as the Council may deem advisable or necessary.

SECTION 3. AMENDMENT OF CODE. Section 4-6.206.1 is hereby added to Article 2 of Chapter 6 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-6.206.1. POSTING OF CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY. Each taxicab operator to whom a certificate of public convenience and necessity is issued for the operation of a taxicab shall cause a copy of the certificate of convenience and necessity for the operation of each taxicab, duly authenticated by the Director of Parking and Traffic, to be conspicuously displayed at all times in each cab for which the certificate has been granted.

SECTION 4. AMENDMENT OF CODE. Section 4-6.211 of Article 2 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.211. REPLACEMENT OF TAXICABS. Except as otherwise provided in accordance with Section 4-6.209, hereof, whenever an owner sells or transfers title to a taxicab for which a certificate has been granted and within thirty (30) days after such sale or transfer purchases other taxicabs, the Director of Parking and Traffic, as a matter of right, upon written request of applicant within thirty (30) days of such purchase, shall issue a new certificate for the operation of no greater number of taxicabs than those sold or transferred, provided said owner has complied with all the provisions of this article. No replacement cab shall be put into operation before a certificate covering its operation has been obtained as required by this section.

SECTION 5. AMENDMENT OF CODE. Section 4-6.212 of Article 2 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.212. DESTRUCTION OF TAXICABS. Any owner whose taxicab for which a certificate has been granted has been destroyed in any manner, will, as a matter of right, upon

written application to the Director of Parking and Traffic within thirty (30) days after such destruction, be issued a new certificate for the operation of no greater number of taxicabs than those so destroyed, provided said owner has complied with all the provisions of this article.

SECTION 6. AMENDMENT OF CODE. Section 4-6.213 of Article 2 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.213. SUSPENSION AND REVOCATION OF CERTIFICATES. Certificates may be suspended or revoked by the Council at any time in case:

(a) The Council finds the owner's past record to be unsatisfactory.

(b) The owner fails to operate the taxicab in accordance with the provisions of this chapter.

(c) The owner shall cease to operate any taxicab for a period of forty-five (45) consecutive days without having obtained permission for cessation of such operation from the Council.

(d) The taxicabs are operated at a rate of fare other than that approved by the Council.

(e) The owner fails to pay any of the fees or payments required to be paid by him by the provisions of this chapter or by the provisions of Chapter 1 of Title VI of this Code.

SECTION 7. AMENDMENT OF CODE. Section 4-6.214 of Article 2 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.214. SURRENDER OF CERTIFICATE. Certificates which shall have been suspended or revoked by the Council shall forthwith be surrendered to the Director of Parking and Traffic, and the operations of any taxicab covered by such certificates shall cease and be unlawful. Any owner who shall permanently retire any taxicab from taxicab service and not replace same within forty-five (45) days thereof, shall immediately surrender any certificate granted for the operation of such taxicab to the Director of Parking and Traffic, and said owner may not secure additional certificates for the operation of any taxicab without having first made application therefor in the manner provided in this article.

SECTION 8. AMENDMENT OF CODE. Section 4-6.216 of Article 2 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.216. SUBSTITUTE VEHICLES. Any owner holding a certificate to operate one or more motor vehicles for hire as provided in this article, who desires to substitute a different vehicle for a vehicle operated under such certificate, shall do so only upon obtaining, from the Director of Parking and Traffic, permission therefor, which shall be granted only upon written application setting forth the particulars of such proposed substitution, and upon otherwise complying with the requirements of this article.

SECTION 9. AMENDMENT OF CODE. Section 4-6.301 of Article 3 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.301. TAXIMETER REQUIRED. It shall be unlawful for any owner or driver to operate any taxicab in the City unless such vehicle is equipped with a taximeter of such type, style and design as may be approved by the Director of Parking and Traffic, and it shall be the duty of every owner operating a taxicab to keep such taximeter in perfect condition so that said taximeter will, at all times, correctly and accurately indicate the correct charge for the distance traveled and waiting time, and such taximeter shall be at all times subject to inspection by the Director of Parking and Traffic, and said Director of Parking and Traffic is hereby authorized at his instance or upon complaint of any person to investigate or cause to be investigated such taximeter, and upon the discovery of any inaccuracy in said meter to remove or cause to be removed such vehicle equipped with such taximeter from the streets of the City until such time as said taximeter shall have been correctly adjusted.

SECTION 10. AMENDMENT OF CODE. Section 4-6.402 of Article 4 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.402. INSPECTION OF TAXIMETERS. Taximeters placed upon taxicabs, to replace broken or faulty meters, shall, under no condition, be operated more than twenty-four (24) hours prior to being inspected, tested, approved, and sealed by the Director of Parking and Traffic.

SECTION 11. AMENDMENT OF CODE. Section 4-6.403 of Article 4 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.403. NUMBER. Each taxicab shall bear a number on the outside of the vehicle at such places and of the type and design prescribed by the Director of Parking and Traffic.

SECTION 12. AMENDMENT OF CODE Section 4-6.501 of Article 5 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.501. INSPECTION OF TAXICABS. Before a certificate is issued to any owner, the taxicab for which such certificate is requested shall be delivered to the office of the Director of Parking and Traffic, who shall inspect such taxicab, its equipment and taximeter to ascertain whether such taxicab complies with the provisions of this chapter.

SECTION 13. AMENDMENT OF CODE. Section 4-6.502 of Article 5 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.502. RIGHT OF ENTRY. The Director of Parking and Traffic, the Chief of Police, or any member of the Parking and Traffic Department or the Police Department, shall have the right, at any time after displaying proper identification, to enter into or upon any certificated taxicab for the purpose of ascertaining whether or not any of the provisions of this chapter are being violated.

SECTION 14. AMENDMENT OF CODE. Section 4-6.701 of Article 7 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.701. DRIVER'S PERMIT REQUIRED. It shall be unlawful for any person to drive or operate any of the vehicles mentioned in Section 4-6.101 of this Code without first obtaining a permit in writing so to do from the Director of Parking and Traffic.

Permits issued will entitle the driver to work for only that owner whose name appears on the permit. A new permit will be required for each subsequent employment.

SECTION 15. AMENDMENT OF CODE. Section 4-6.702 of Article 7 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.702. APPLICATION BLANK. Applicants for such permits shall file applications therefor with the Director of Parking and Traffic upon blanks to be furnished by the City.

SECTION 16. AMENDMENT OF CODE. Section 4-6.703 of Article 7 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.703. INFORMATION REQUIRED. Said permit shall be in the form of a card which shall bear signatures, photograph and fingerprints of the applicant. Such cards shall be issued in duplicate and one copy with the fingerprints, photograph and signature of the applicant shall be placed on file with the Director of Parking and Traffic of the City and the other card shall be conspicuously displayed in the cab of the permittee during all times such cab is operated.

SECTION 17. AMENDMENT OF CODE. Section 4-6.704 of Article 7 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.704. FILING OF PERMIT. Said permit shall be filed with the Director of Parking and Traffic as part of the application for license.

SECTION 18. AMENDMENT OF CODE. Section 4-6.707 of Article 7 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.707. KNOWLEDGE OF REGULATIONS. Each applicant for a permit shall be examined by a person designated by the Director of Parking and Traffic as to his knowledge of the provisions of this chapter, the traffic regulations, and the geography of the City, and if the result of the examination be unsatisfactory, he shall be refused a permit.

SECTION 19. AMENDMENT OF CODE. Section 4-6.708 of Article 7 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.708. REVOCATION AND/OR RENEWAL OF OPERATOR'S PERMITS. The Director of Parking and Traffic may revoke or refuse to renew an operator's license if the driver or applicant has since the granting of the permit:

(a) Been convicted of a felony or a crime involving moral turpitude; pandering; using, possessing, selling or transporting narcotics; or imparting information for obtaining narcotics.

(b) Been convicted of driving recklessly or while under the influence of liquors or narcotics.

(c) Had his State driver's or chauffeur's license revoked or suspended.

(d) Had two (2) or more convictions of any of the offenses set forth in Sections 510 and/or 511 of the Vehicle Code of the State of California and amendments thereto, or any combination of either or any of such offenses, occurring during any continuous period not exceeding twelve (12) months.

(e) When for any reason, including or other than, the above, in the opinion of the Director of Parking and Traffic, the applicant is unfit to drive a taxicab.

(f) Violated any of the provisions of this chapter.

The Chief of Police may also revoke an operator's license for any reason if in his opinion the operator is unfit to drive a taxicab.

SECTION 20. AMENDMENT OF CODE. Section 4-6.801 of Article 8 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.801. DESIGNATION OF STANDS: FEES. The Director of Parking and Traffic is hereby authorized to locate and establish taxicab stands on city streets. Such regulations shall become effective when appropriate signs are placed giving notice of such regulations to the public. The right to use a taxicab stand heretofore or hereafter established for the use of a specific taxicab operator shall be nontransferable.

The number of taxicab stands to which each person operating taxicabs shall be entitled shall be determined by the Director of Parking and Traffic based on his finding as to the need for same in order to adequately serve the public.

The fee to be paid to the City for each taxicab stand heretofore or hereafter established for the use of a taxicab operator shall be as follows:

There shall be no charge for the first stand; for each additional stand there shall be paid to the City a fee of Fifteen and no/100ths (\$15.00) Dollars per month, payable in advance at the beginning of each month.

Any person who is the owner of taxicabs operating under different names or designations, but which taxicabs are in fact under one ownership shall be entitled to only one free stand and shall pay for each additional stand at the rate set forth herein.

SECTION 21. AMENDMENT OF CODE. Section 4-6.802 of Article 8 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.802. PARKING OF TAXICABS. It shall be unlawful for the owner, driver or operator of any taxicab to allow said taxicab to remain parked anywhere in the central business district while waiting employment, except in a regularly established taxicab stand; provided, however, that:

(a) Taxicabs may park in any available parking space when actually engaged in loading or unloading passengers.

(b) Taxicabs may park in any municipal off-street parking facility except while awaiting employment. Taxicabs, however, may park and solicit business in any private off-street parking area.

(c) Between the hours of 10 o'clock P.M. and 8 o'clock A.M. of the following day, taxicabs may stop, stand or park in any place where the parking of vehicles is otherwise permitted.

Whenever a taxicab which is not awaiting employment is parked along the City streets, or on an off-street parking lot, it shall display a sign with letters at least three (3") inches in height, indicating that the taxicab is "Not For Hire".

SECTION 22. 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 23. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, 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 12 day of March, 1958, by Councilman Arata, who moved its introduction 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: Anderson, Arata, Hammond, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Adams, Merrill, Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 232-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 19 day of March, 1958, 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, Arata, Hammond, Merrill, Robinson, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Anderson

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: March 27, 1958

AN ORDINANCE AMENDING SECTION 11-1.05 OF CHAPTER I OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO METERED WATER SERVICES.

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

SECTION 1. AMENDMENT OF CODE. Section 11-1.05 of Chapter 1 of

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

SEC. 11-1.05. METERED SERVICES REQUIRED. All consumers outside the City limits shall have meters installed and shall pay the rates therefor hereinafter specified for services within the corporate City limits.

All hotels, lodging houses, apartments, duplex houses, camp grounds, office buildings, eating houses, commercial establishments, industrial plants, theaters, hospitals, laundries, dance halls, warehouses, bus stations, milk plants, manufacturing establishments, service stations, wash racks, cooling systems, and any or all other places offering services to the public or commodities for sale, as well as owners of gardens using water for irrigation of flowers and vegetables to be used commercially, must be equipped with meters and shall be charged for water on the metered rate as hereinafter specified.

Each swimming pool and bathing pool heretofore or hereafter constructed shall be metered except those located on residential property and equipped with a filtering system meeting the standards approved by the Director of Public Works; provided, further, that every swimming pool and bathing pool heretofore or hereafter constructed which is used commercially or by a closed membership association or corporation shall be metered. The connection fee and water rates for pools required to be metered shall be as provided for other metered connections.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after the 1st day of May, 1958.

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 Bee, 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 19 day of March, 1958, 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, Arata, Hammond, Merrill, Robinson, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen Anderson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 233-C.S.

FINAL ADOPTION CLAUSE

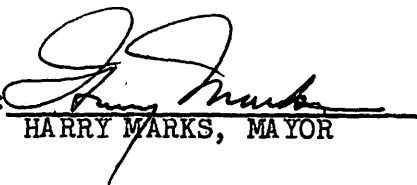
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26 day of March, 1958, Councilman Adams moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance finally adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Anderson

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: April 10, 1958

ORDINANCE NO. 234 -C.S.

AN ORDINANCE AMENDING CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE BY ADDING ARTICLES 1 THROUGH 16, BOTH INCLUSIVE, THERETO, RELATING TO TRAFFIC AND PARKING REGULATIONS, AND REPEALING CERTAIN ORDINANCES IN CONFLICT THEREWITH AND REPEALING CHAPTER 6 OF TITLE III AND SECTION 3-2.01 OF SAID CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 2 of Title III of the Modesto Municipal Code is hereby amended by adding Articles 1 through 16, both inclusive thereto, to read as follows:

CHAPTER 2 - TRAFFIC REGULATIONS

ARTICLE 1. DEFINITIONS

SEC. 3-2.101. DEFINITIONS OF WORDS AND PHRASES. (a) The words and phrases used in this chapter shall have the meanings respectively ascribed to them in this article.

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

SEC. 3-2.102. ALLEY. A public highway which is unnamed or which does not exceed thirty (30') feet in width between property lines and which is not provided with a sidewalk.

SEC. 3-2.103. LOADING ZONE. The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

SEC. 3-2.104. BUS LOADING ZONE. The space adjacent to a curb reserved for the exclusive use of vehicles operated by a public carrier during the loading or unloading of passengers.

SEC. 3-2.105. FREIGHT LOADING ZONE. A space adjacent to a curb reserved for the exclusive use of commercial vehicles during the loading or unloading of materials.

SEC. 3-2.106. PASSENGER LOADING ZONE. The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

SEC. 3-2.107. DIRECTOR OF PARKING AND TRAFFIC. Director is the Director of Parking and Traffic of the City of Modesto.

SEC. 3-2.108. HOLIDAYS. For the purpose of this chapter only, holidays are the first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the ninth day of September, the twelfth day of October, the eleventh day of November, the twenty-fifth day of December, and Thanksgiving Day.

SEC. 3-2.109. OFFICIAL TIME STANDARD. Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in the City.

SEC. 3-2.110. OFFICIAL TRAFFIC CONTROL DEVICES. All signs, signals, markings and devices not inconsistent with this chapter placed or erected by authority of a public body or official having jurisdiction for the purpose of regulating, warning or guiding traffic.

SEC. 3-2.111. OFFICIAL TRAFFIC SIGNALS. Any device, whether manually, electrically or mechanically operated, whether stationary or portable, by which traffic is alternately directed to stop and proceed and which is erected by authority of a public body or official having jurisdiction.

SEC. 3-2.112. PARK. To stand or leave standing any vehicle, whether occupied or not, otherwise than for the purpose of and while actually engaged in loading or unloading of passengers.

SEC. 3-2.113. PARKWAY. That portion of a street other than a roadway or a sidewalk.

SEC. 3-2.114. PEDESTRIAN. Any person afoot.

SEC. 3-2.115. PICKUP. To take aboard a load or cargo of the type or kind that said vehicle is designed to haul.

SEC. 3-2.116. POLICE OFFICER. Every officer of the police department of the City, or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

SEC. 3-2.117. PUBLIC PARKING FACILITY. Any lot, space, or area within the City now or hereafter used for off-street parking of vehicles by members of the public, and owned or operated for such use by the City.

SEC. 3-2.118. STOP. A complete cessation of movement.

SEC. 3-2.119. STOP OR STAND. When prohibited means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

SEC. 3-2.120. TRAFFIC. Pedestrians, ridden or herded animals, vehicles, street cars, trains, and other conveyances either singly or together while using any street for purposes of travel.

SEC. 3-2.121. TRUCK ROUTE. A street, avenue or thoroughfare over and upon which vehicles designed or used for the transportation of commodities or materials may be driven and operated regardless of weight and size of said vehicles; provided, said vehicles do not exceed the size and weight of vehicles permitted by state law to be driven upon or over highways and streets within the State of California.

SEC. 3-2.122. VEHICLE. Any device in, upon or by which any person or property may be transported upon a street or highway, except those operated upon rails or tracks.

ARTICLE 2. ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

SEC. 3-2.201. AUTHORITY OF POLICE AND FIRE DEPARTMENT OFFICIALS.

(a) It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of the City and all of the State vehicle laws applicable to street traffic in the City.

(b) Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or other signal in conformance with traffic laws, provided that in the event of a fire or other emergency, or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

(c) Officers of the Fire Department, when at the scene of a fire or when in the course of their duties they are protecting the personnel or equipment of the Fire Department, may direct or assist the police in directing traffic.

SEC. 3-2.202. REQUIRED OBEDIENCE TO TRAFFIC LAWS. It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this chapter.

SEC. 3-2.203. OBEDIENCE TO POLICE AND FIRE DEPARTMENT OFFICIALS. No person shall wilfully fail or refuse to comply with any lawful order of a police officer or Fire Department official when directing traffic.

SEC. 3-2.204. PERSONS OTHER THAN OFFICIALS SHALL NOT DIRECT TRAFFIC. Except for city employees performing a duty within the scope of their employment which necessitates the direction of traffic, no person other than an officer of the Police Department or a person deputized by the Chief of Police, or a person authorized to do so by a police officer in an emergency, or a person authorized by law, shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate when and as herein provided any mechanical pushbutton signal erected by order of the Director.

SEC. 3-2.205. PUBLIC EMPLOYEES TO OBEY TRAFFIC REGULATION. Except as is otherwise provided in Sections 3-2.206 and 3-2.1510 of this chapter, the provisions of this chapter shall apply to the driver of any vehicle owned by or used in the service of any public corporation, political subdivision, city, county, district; the State of California, or the United States of America, or any department or agency of any thereof, and it shall be unlawful for any said driver to violate any of the provisions of this chapter except as otherwise permitted in this chapter or by the Vehicle Code of the State of California.

SEC. 3-2.206. EXEMPTIONS TO CERTAIN VEHICLES. (a) The provisions of this chapter regulating the operation, parking and standing of vehicles shall not apply to any vehicle of the Police or Fire Department of the City, or any public ambulance or any public utility vehicle or any private ambulance, which public utility vehicle or private ambulance has qualified as an authorized emergency vehicle when such vehicle is operated in the manner specified in the Vehicle Code of the State of California in response to an emergency call.

(b) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his wilful disregard of the safety of others.

(c) The provisions of this chapter regulating the parking or standing of vehicles shall not apply to any vehicle owned or operated by the City when said vehicle is being used in the line of duty or to any vehicle owned by a public utility while necessarily in use for construction or repair work or any vehicle owned by the United States while in use for the collection, transportation or delivery of United States mail.

SEC. 3-2.207. REPORT OF DAMAGE TO CERTAIN PROPERTY. (a) The driver of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, ornamental lighting post, telephone pole, electric light or power pole, or resulting in damage to any ornamental shade tree, traffic control device or other property of a like nature located in or along any street, shall within twenty-four (24) hours after such accident make a written report of such accident to the Police Department of the City.

(b) Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person driving or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damaged in such accident.

(c) A driver involved in an accident shall not be subject to the requirements or penalties of this section if and during the time such driver is physically incapable of making a report, but in such event said driver shall make a report as required in subsection (a) within twenty-four (24) hours after regaining ability to make such report.

ARTICLE 3. TRAFFIC CONTROL DEVICES

SEC. 3-2.301. AUTHORITY TO INSTALL TRAFFIC CONTROL DEVICES. (a) The Director shall have the power and duty to place and maintain or cause to be placed and maintained official traffic control devices when and as required under the traffic laws of the City to make effective the provisions of said laws.

(b) Whenever the Vehicle Code of the State of California requires for the effectiveness of any provisions thereof that traffic control devices be installed to give notice to the public of the application of such law, the Director is hereby authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

(c) The Director may also place and maintain or cause to be placed and maintained such additional traffic control devices as he may deem necessary to regulate traffic or to guide or warn traffic, but he shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations and rules as may be set forth in the traffic laws of the City, or as may be determined by ordinance or resolution of the Council.

SEC. 3-2.302. WHEN TRAFFIC CONTROL DEVICES REQUIRED FOR ENFORCEMENT PURPOSES. No provisions of the Vehicle Code of the State of California or of this chapter for which signs are required shall be enforced against an alleged violator unless appropriate signs are in place and sufficiently legible to be seen by an ordinarily observant person, giving notice of such provisions of the traffic laws.

SEC. 3-2.303. OBEDIENCE TO TRAFFIC CONTROL DEVICES. The driver of any vehicle shall obey the instruction of any official traffic control device applicable thereto placed in accordance with the traffic laws of the City unless otherwise directed by a police officer subject to the exceptions granted the driver of an authorized emergency vehicle when responding to emergency calls.

SEC. 3-2.304. INSTALLATION OF TRAFFIC SIGNALS. (a) The Director shall install official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

(b) The Director shall ascertain and determine the locations where such signals are deemed by him to be necessary for the preservation of the public safety by resort to field observations, traffic counts and other traffic information as may be pertinent.

SEC. 3-2.305. LANE MARKINGS. The Director is hereby authorized to mark center lines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway.

SEC. 3-2.306. **DISTINCTIVE ROADWAY MARKINGS.** The Director is authorized to place and maintain distinctive roadway markings as described in the Vehicle Code of the State of California on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such marking or signs and markings shall have the same effect as similar markings placed by the State Department of Public Works pursuant to provisions of the Vehicle Code of the State of California.

SEC. 3-2.307. **AUTHORITY TO REMOVE OR DISCONTINUE TRAFFIC CONTROL DEVICES.** The Director is hereby authorized to remove or discontinue the operation of any traffic control device not specifically required by state law or this chapter whenever he shall determine in any particular case that the conditions which warranted or required the installation no longer exist or obtain.

SEC. 3-2.308. **TRAFFIC CONTROL DEVICES. HOURS OF OPERATION.** The Director shall determine the hours and days during which any traffic control device shall be in operation or be in effect, except in those cases where such hours or days are specified in or pursuant to the provisions of this chapter, or by ordinance or resolution of the Council.

ARTICLE 4. TURNING MOVEMENTS

SEC. 3-2.401. **AUTHORITY TO PLACE AND OBEDIENCE TO TURNING MARKERS. INTERSECTIONS. MULTIPLE LANES.** (a) The Director is authorized to place markers, buttons or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections. The Director is authorized to allocate and indicate more than one lane of traffic from which drivers of vehicles may make right or left hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law.

(b) When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

SEC. 3-2.402. **AUTHORITY TO PLACE RESTRICTED TURN SIGNS.** The Director is hereby authorized to determine those intersections at which drivers of vehicles shall not make a right, left or U turn, and shall place proper signs at such intersections, when such signs are required by the State Vehicle Code. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

SEC. 3-2.403. **OBEDIENCE TO NO-TURN SIGNS.** Whenever authorized signs are erected indicating that no right or left or U turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

SEC. 3-2.404. **AUTHORITY TO PROHIBIT TURNS AGAINST TRAFFIC STOP SIGNAL.** The Director is hereby authorized to determine those intersections within any business or residence district at which drivers of vehicles shall not make right or left turns against a red or stop signal and shall erect proper signs giving notice of such prohibition. No driver of a vehicle shall disobey the directions of any such sign.

ARTICLE 5. ONE-WAY STREETS AND ALLEYS

SEC. 3-2.501. **ONE-WAY STREETS AND ALLEYS.** The Council shall determine and designate one-way streets or alleys or portions thereof, by resolution, which designation shall become effective when

appropriate signs are in place giving notice of said designations to the public. Whenever any resolution of this City designates any one-way street or alley, the Director shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

SEC. 3-2.502. TRAFFIC CONTROL THROUGH CERTAIN ALLEYS. Whenever any resolution of this City designates any alley as a one-way alley it shall be unlawful to drive any vehicle through said alley except in a direction authorized, or to stop any vehicle in said alley except upon the right-hand side thereof and as near the property line as is practicable. The Director shall cause signs to be erected in one-way alleys limiting loading or unloading to the right-hand side thereof.

ARTICLE 6. SPECIAL STOPS REQUIRED

SEC. 3-2.601. STOP SIGNS. The Director is authorized to erect and maintain stop signs at those locations where he deems such controls to be necessary in order to protect the public safety. When signs are erected giving notice thereof, drivers of vehicles shall stop at the entrance or entrances to such intersections.

SEC. 3-2.602. EMERGING FROM ALLEY OR PRIVATE DRIVEWAY. The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alley way.

ARTICLE 7. YIELD RIGHT OF WAY SIGNS

SEC. 3-2.701. YIELD RIGHT OF WAY SIGNS. Pursuant to the authority contained in Section 471.1 of the Vehicle Code of the State of California, the Director is authorized to erect or cause to be erected yield right of way signs at one or more approaches to an intersection of streets and highways in the City which are not through streets.

ARTICLE 8. MISCELLANEOUS

SEC. 3-2.801. DRIVING THROUGH FUNERAL PROCESSIONS. No driver of a vehicle shall drive between vehicles comprising a funeral procession while it is in motion and when the vehicles in such procession are conspicuously so designated.

SEC. 3-2.802. CLINGING TO MOTOR VEHICLES. Any person riding upon any bicycle, motorcycle, coaster, roller skates or any toy vehicle shall not attach the same or himself to any motor vehicle upon any roadway.

SEC. 3-2.803. VEHICLES SHALL NOT BE DRIVEN ON THE SIDEWALK. Except as provided in Section 3-2.206 of this chapter, the driver of a vehicle other than a bicycle, shall not drive within any sidewalk area or any parkway except at a permanent or temporary driveway.

SEC. 3-2.804. NEW PAVEMENT. No person shall walk, ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted marking in any street when a barrier or sign is in place warning persons not to walk or drive over or across such pavement or marking, or when a sign is in place stating that the street or any portion thereof is closed.

SEC. 3-2.805. FLAME THROWING VEHICLES PROHIBITED. It shall be unlawful for any person to possess, maintain or operate any motor vehicle or motorcycle, other than a motor truck, farm tractor or road tractor as defined in the Vehicle Code of the State of California, which is designed, constructed or equipped so as to permit

to escape or issue or cause to escape or issue from said vehicle's muffler or exhaust system any sparks, flames, flaming or burning gas or other burning, flaming or glowing substance.

SEC. 3-2.806. DRIVING OVER FIRE HOSE. No vehicle shall be driven over any unprotected hose of the Fire Department when laid down on any street or private driveway to be used at any fire or alarm of fire without the consent of the Fire Chief or the assistant in command.

SEC. 3-2.807. BICYCLE RIDING RESTRICTED. (a) A person propelling a bicycle shall not ride other than astride a permanent and regular seat attached thereto.

(b) No bicycles shall be used for more persons at one time than the number for which it is designed and equipped.

(c) No person shall propel a bicycle within any sidewalk area in any business district as defined by Section 89 of the Vehicle Code of the State of California.

SEC. 3-2.808. USE OF COASTERS, ROLLER SKATES AND SIMILAR DEVICES RESTRICTED. It shall be unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle or similar device to go upon any roadway or upon the sidewalk in a business district.

SEC. 3-2.809. TRAINS NOT TO BLOCK CROSSINGS. It shall be unlawful for any person to cause or permit any railway train or railway cars or similar vehicle on rails to operate or to be operated in such a manner as to prevent the use of any street for the purposes of travel for a period of time longer than ten (10) minutes, except that this provision shall not apply to railway trains, cars or similar vehicles on rails while blocking or obstructing a crossing because of an accident which requires the operator of the train, car or similar vehicle on rails to stop at or near the scene of the accident.

SEC. 3-2.810. REMOVAL OF CHALK MARKS. No person shall remove chalk marks placed on the tire of a vehicle by a police officer in the performance of his official duties.

SEC. 3-2.811. EXCESSIVE ACCELERATION. No person shall operate a vehicle on a street or alley in such a manner as to facilitate its speed by means of leaving rear wheel frictional tire rubber marks, caused by rapid acceleration.

SEC. 3-2.812. OBSTRUCTING INTERSECTIONS AND CROSSWALKS. It shall be unlawful for the operator of any vehicle to enter an intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic control signal indication to proceed.

SEC. 3-2.813. BLOCKING ROADWAY PROHIBITED. Trucks or other vehicles permitted to park at an angle to curbs, sidewalk areas or building lines, shall be so positioned that they do not block more than half of the traveled way.

SEC. 3-2.814. LOCKING IGNITION REQUIRED. No person shall park and leave a vehicle on a public street, alley or public parking facility unless the ignition has been locked; provided, however, that if the driver or a passenger remains inside the vehicle after and while it is parked, the ignition need not be locked.

ARTICLE 9. PEDESTRIANS

SEC. 3-2.901. CROSSWALKS. The Director is hereby authorized to establish, designate and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway.

SEC. 3-2.902. JAYWALKING PROHIBITED. No pedestrian shall cross a roadway other than by a crosswalk in any business district as defined by Section 89 of the Vehicle Code of the State of California.

SEC. 3-2.903. CROSSING AT RIGHT ANGLES. No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk.

ARTICLE 10. STOPPING, STANDING AND PARKING

SEC. 3-2.1001. APPLICATION OF REGULATIONS. (a) The provisions of this article prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times herein specified, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic control device.

(b) The provisions of this article imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code of the State of California or this Code prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

SEC. 3-2.1002. USE OF STREETS FOR STORAGE OF VEHICLES PROHIBITED. (a) No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley in the City for more than a consecutive period of one hundred twenty (120) hours.

(b) In the event a vehicle is parked or left standing upon a street in excess of a consecutive period of one hundred twenty (120) hours, any member of the Police Department authorized by the Chief of Police may remove said vehicle from the street in the manner and subject to the requirements of the Vehicle Code of the State of California.

SEC. 3-2.1003. PARKING FOR CERTAIN PURPOSES PROHIBITED. (a) No person shall park a vehicle upon any roadway for the principal purpose of displaying such vehicle for sale.

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

SEC. 3-2.1004. STANDING FOR LOADING ONLY IN ALLEYS. No person shall stop, stand or park a vehicle in any alley for any purpose other than for the loading or unloading of passengers or materials. The loading or unloading of passengers shall not consume more than three (3) minutes, and the loading or unloading of material shall not consume more than twenty (20) minutes.

SEC. 3-2.1005. PARALLEL AND ANGLE PARKING. (a) No person shall park a vehicle on the left-hand side of a two-way street.

(b) Subject to other and more restrictive limitations, a vehicle shall be stopped or parked within eighteen (18") inches of the left-hand curb facing in the direction of traffic movement upon

any one-way street unless signs are in place prohibiting such stopping or standing.

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

On those streets upon which angle parking exclusively is authorized, such fact shall be indicated by the painting of white lines upon the surface of the roadway to indicate the proper angle of parking. On such streets vehicles shall be parked at the angle to the curb indicated by such markings with at least one front wheel within eighteen (18") inches of the curb. On those streets upon which combination parallel and angle parking is authorized, such fact shall be indicated by the posting of signs giving public notice thereof. On such streets, vehicles shall be parked as indicated by such signs.

SEC. 3-2.1006. PARKING OF COMMERCIAL VEHICLES AND BUSES PROHIBITED IN RESIDENTIAL DISTRICTS. No person shall park any vehicle designed or used for the transporting of commodities or materials which vehicle extends more than eight (8') feet to the rear of the driving compartment of said vehicle, or any vehicle whose load extends more than eight (8') feet to the rear of the driving compartment thereof, upon any street or alley within any residential district of the City for any purpose other than to make a pickup or delivery, or when such vehicle is parked in connection with, and in aid of, the performance of a service to or on a property in the block in which such vehicle is parked. For the purposes of this section, a residential district shall mean any district which is classified as residential under the provisions of the Zoning Regulations of this Code.

SEC. 3-2.1007. STOPPING OR PARKING PROHIBITED. SIGNS REQUIRED. The Director may appropriately sign or mark any place where the Director determines that it is necessary in order to eliminate dangerous traffic hazards, and when so signed or marked, no person shall stop, stand or park a vehicle in any of said places.

SEC. 3-2.1008. EMERGENCY SIGNS. (a) Whenever the Director shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions, or for other reasons, he shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as he shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency, and the Director shall cause such signs to be removed promptly thereafter.

(b) When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs.

SEC. 3-2.1009. PARKING UPON TRAFFIC COUNTERS PROHIBITED. No vehicle shall be parked on or over any mechanical traffic counter or road tube used for the purpose of taking a traffic count when signs have been erected giving notice thereof.

SEC. 3-2.1010. DRIVING OR PARKING ON PARKS, PLAYGROUNDS AND CITY PROPERTY. (a) No person shall drive or park any motor vehicle upon any public park, playground, or other City property except on streets, alleys, thoroughfares or parking lots and areas provided for such purposes.

(b) No person shall stop, stand or park a motor vehicle upon any public park, playground or other City property in such a manner as to block, obstruct or impede free access to and from said park or playground or City property.

SEC. 3-2.1011. PARKING ON PRIVATE PROPERTY PROHIBITED. No person shall park a vehicle in a private driveway or on private property without the direct or implied consent of the owner or person in lawful possession of such driveway or property.

SEC. 3-2.1012. REMOVAL OF VEHICLES PARKED ON PRIVATE PROPERTY. Any regularly employed and salaried officer of the Police Department of the City, the owner of any private property, or the person entitled to the possession thereof for the time being, or the authorized agent of either may remove or cause to be removed any vehicle that has been parked or left standing on any private property in violation of Section 3-2.1011 of this article.

SEC. 3-2.1013. LIABILITY FOR WRONGFUL REMOVAL OF VEHICLE. If a vehicle removed from such private property was rightfully there, the person or persons who complained of the presence of such vehicle and/or the person or persons (other than employees of the City) who caused such vehicle to be removed shall be liable for any and all charges for towage and for caring for and keeping safe such vehicle.

SEC. 3-2.1014. REMOVAL OF VEHICLE TO PLACE OF SAFETY. Any person referred to in Section 3-2.1012 of this article who removes any vehicle from any private property in the City is hereby authorized to remove said vehicle to the nearest garage or other place of safety, or to a garage designated or maintained by the City.

SEC. 3-2.1015. NOTICE TO OWNER OF REMOVED VEHICLE. Any person referred to in Section 3-2.1012 of this article who removes a vehicle from private property shall give notice to the owner of the vehicle as provided in Section 585 of the Vehicle Code of the State of California.

SEC. 3-2.1016. GARAGE KEEPER'S LIEN. The keeper of any garage in which any vehicle is stored in accordance with the provisions of this article shall have a lien thereon for his compensation for towage and for caring for and keeping safe such vehicle, and may satisfy such lien upon compliance with and under the conditions stated in Section 585 of the Vehicle Code of the State of California.

ARTICLE 11. STOPPING FOR LOADING OR UNLOADING ONLY

SEC. 3-2.1101. CURB MARKINGS TO INDICATE NO STOPPING AND PARKING REGULATIONS. (a) The Director is hereby authorized subject to the provisions and limitations of this chapter, to place and when required herein shall place, the following curb markings to indicate parking or standing regulations, and said curb markings shall have the meanings as herein set forth.

(1) Red shall mean no stopping, standing or parking at any time except as permitted by the Vehicle Code of the State of California and except that a bus may stop in a red zone marked or signed as a bus zone.

(2) Yellow shall mean no stopping, standing or parking at any such times of any day as are designated, for any purpose other than the loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three (3) minutes nor the loading or unloading of materials more than twenty' (20) minutes.

(3) White shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers or for the purpose of depositing mail in an adjacent mailbox which shall not exceed three (3) minutes and such restrictions shall apply at such times as are designated.

(4) Green shall mean no standing or parking for longer than twenty-four (24) minutes at any time between 9:00 o'clock a.m. and 6:00 o'clock p.m. of any day except Sundays.

(b) When the Director, as authorized under this chapter, has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section.

SEC. 3-2.1102. UNAUTHORIZED PAINTING OF CURBS. No person, other than the Director, shall paint any curb surface unless granted permission to do so by the City.

SEC. 3-2.1103. AUTHORITY TO ESTABLISH LOADING ZONES. The Director is hereby authorized to determine and establish zones and time limits for the loading and unloading of motor vehicles in designated streets, or portions thereof, in the City, which regulations shall become effective without curb markings when appropriate signs are placed giving notice of said regulations to the public. The zones authorized by this section shall include any or all of the following: Loading zone, bus loading zone, freight loading zone and passenger loading zone.

SEC. 3-2.1104. STANDING FOR LOADING OR UNLOADING ONLY. When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle in a loading zone for a purpose or for a period of time longer than so designated by said sign.

ARTICLE 12. STOPPING, STANDING OR PARKING RESTRICTED OR PROHIBITED ON CERTAIN STREETS

SEC. 3-2.1201. RESTRICTION OR PROHIBITION OF PARKING. Any other provisions of this chapter to the contrary notwithstanding, the Director may authorize, restrict or prohibit the parking of motor vehicles in designated streets, or portions thereof, in the City if the general welfare and safety of the citizens so require it, which regulations shall become effective when appropriate signs or markings are in place giving notice of said regulations to the public.

SEC. 3-2.1202. PARKING TIME LIMITED. When authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle upon any street within the City between the hours designated by said sign on any day except Sunday for a period of time longer than so designated by said sign.

SEC. 3-2.1203. PARKING PROHIBITED AT CERTAIN TIMES ON CERTAIN STREETS. (a) No person shall park a vehicle between the hours of 4 a.m. and 5 a.m. of any day upon any paved street or part of a paved street outside of the area bounded by Needham Street, Washington Street, Sierra Drive and Burney Street.

(b) No person shall park a vehicle between the hours of 3 a.m. and 4 a.m. of any day on any paved street or part of a paved street that runs in a northwesterly and southeasterly direction (numbered streets) inside of the area bounded by Needham Street, Washington Street, Sierra Drive, and Burney Street.

(c) No person shall park a vehicle between the hours of 4 a.m. and 5 a.m. of any day on any paved street or part of a paved street that runs in a northeasterly and southwesterly direction (lettered streets) inside of the area bounded by Needham Street, Washington Street, Sierra Drive, and Burney Street.

SEC. 3-2.1204. PARKING SPACE MARKINGS. The Director is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted.

When such parking space markings are placed in the Street subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible.

ARTICLE 13. TRUCK ROUTES

SEC. 3-2.1301. TRUCK ROUTES. (a) Use of Truck Routes. It shall be unlawful for the operator of any moving van, dump truck, tank truck, used or designed for the purpose of transporting petroleum products, or any vehicle designed or used for the transportation of commodities or materials, which vehicle extends more than eight (8') feet to the rear of the driving compartment of said vehicle, or any vehicle whose load extends more than eight (8') feet to the rear of the driving compartment thereof, to operate said vehicle upon any street other than upon and over a truck route for any purpose other than to make a pickup or delivery, or to service or secure repairs to said vehicle. In traveling to or from the point of delivery, pickup, service to or repair of said vehicle, the operator of said vehicle shall drive as far as possible upon and over a truck route.

(b) Towing. It shall be unlawful for the operator of any vehicle to tow or pull or push any other vehicle on any street of the City other than upon a truck route for any distance greater than is absolutely necessary.

(c) Exemptions. Nothing herein shall be construed to prevent the driving and operating of fire apparatus upon any streets of the City, nor shall this chapter, by its terms, prevent equipment owned by the City from being operated upon any of the streets of the City. Neither shall this chapter by its terms be construed to apply to the moving of houses, buildings or structures upon and over the streets of the City. The provisions of this section shall not apply to:

(1) Passenger buses under the jurisdiction of the Public Utilities Commission; or

(2) Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

(d) Designation by Council. The Council is authorized to determine and designate truck routes by resolution, which designation shall become effective when appropriate signs are in place giving notice of said designations to the public.

ARTICLE 14. SPECIAL SPEED ZONES

SEC. 3-2.1401. 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 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:

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
BOWEN, from Geneva Drive to the easterly city limits	25 miles per hour
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
CARVER, entire length in City	35 miles per hour
EMERALD, from Maze Road to the southerly city limits	35 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
JEFFERSON, from Paradise Road to Eighth Street	25 miles per hour
KEARNEY, entire length in City	25 miles per hour
LA LOMA, entire length in City	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MILLER, from LaLoma to Conejo	25 miles per hour
MORTON BOULEVARD, from Grand Street to LaLoma Avenue	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the southerly city limits	25 miles per hour
SUNRISE, from Lucerne to the northerly city limits	25 miles per hour
SUTTER, within the city limits	35 miles per hour
TULLY ROAD, from Coldwell to Woodman Way	25 miles per hour

SEC. 3-2.1402. REGULATION OF SPEED BY TRAFFIC SIGNALS. The Director is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof.

ARTICLE 15. PARKING METERS

SEC. 3-2.1501. ESTABLISHMENT OF PARKING METER ZONES. The Council, by resolution, from time to time may establish and designate such streets or parts of streets as parking meter zones as traffic conditions require. The time limitations for legal parking in parking meter zones shall be those established by resolution of the Council, and the time limitations shall be indicated by appropriate signs or posted in such zones.

SEC. 3-2.1502. INSTALLATION OF METERS. The Director shall install parking meters in the parking meter zones established by the Council in such numbers and at such places as in his judgment may be necessary for the regulation, control, and inspection of the parking of vehicles therein.

SEC. 3-2.1503. STREET MARKINGS FOR METER ZONES. The Director shall cause lines or markings painted or placed upon the curb or street adjacent to each parking meter designating the parking space for which said meter is to be used, and each vehicle parked adjacent or next to any parking meter shall park within the lines or markings so established unless the size or shape of such vehicle makes compliance impossible.

SEC. 3-2.1504. TIME LIMITS. It shall be unlawful for any person between the hours of 9:00 o'clock a.m. and 6:00 o'clock p.m. of any day, except Sunday, to cause, allow, permit, or suffer any vehicle registered in his name or operated or controlled by him to be parked in any parking space upon any street within a parking meter zone adjacent to which a parking meter is established for more than the time indicated by proper signs placed on such parking meter or zone indicating the maximum parking time allowed in such parking space, or any time during which the meter is displaying a signal indicating that that space is illegally in use, except during the time necessary to set the said meter to show legal parking.

SEC. 3-2.1505. COINS USABLE IN METERS. Each parking meter shall bear thereon a legend indicating the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and the limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

SEC. 3-2.1506. DEPOSITING COINS. When any vehicle shall be parked in any space along side of or next to which a parking meter is located in accordance with the provisions of this article, the operator of said vehicle upon so parking shall, and it shall be unlawful to fail to deposit immediately, a coin of the appropriate denomination indicated on the legend posted on the parking meter.

SEC. 3-2.1507. USE OF SUBSTITUTE COINS UNLAWFUL. It shall be unlawful for any person to deposit or cause to be deposited in any parking meter any slug, device or substitute for any coin required for the normal operation thereof.

SEC. 3-2.1508. TAMPERING WITH OR IMPAIRING METER UNLAWFUL. It shall be unlawful for any person to deface, injure, tamper with, open or wilfully break, destroy, or impair the usefulness of any parking meter installed pursuant to this article.

SEC. 3-2.1509. ENFORCEMENT. It shall be the duty of each police officer to take the number of any meter at which any vehicle is overparked, as provided in this article, the State vehicle license number of such vehicle, the time and date of such overparking, and the make of such vehicle and issue, in writing, and attach to such vehicle a citation for illegal parking in the same form and subject to the same procedure provided for by the laws of the State of California applicable to the traffic violations within said City.

Any operator or owner of a vehicle to whom a citation has been issued may, within twenty-four (24) hours of the time of the issuance of said citation, pay to the Clerk of the Municipal Court in the Traffic Violation Bureau of the City as a penalty for, and in full satisfaction of such violation the sum of One and no/100ths (\$1.00) Dollar. The failure of such owner or operator to make such payment within said twenty-four (24) hours shall render such owner or operator subject to the penalties provided in this Code for violation of the provisions of this article.

SEC. 3-2.1510. EXEMPTION OF CITY VEHICLES. Vehicles owned or operated by the City shall be exempted from the provisions of this article/when said vehicles are being used in line of duty.
and Article 16

SEC. 3-2.1511. PARKING OF COMMERCIAL TRUCKS IN METERED ZONES. Commercial trucks may park in the parking zones to load or to unload merchandise without depositing coins for a period of not to exceed fifteen (15) minutes.

SEC. 3-2.1512. RULE OF EVIDENCE. The parking or standing of any motor vehicle in a parking space at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in said space for a period longer than permitted by this chapter.

ARTICLE 16. REGULATION AND USE OF PUBLIC OFF-STREET PARKING FACILITIES

SEC. 3-2.1601. ADMINISTRATION OF OFF-STREET FACILITIES. The operation and management of all off-street public parking facilities in the City, as defined in this chapter, is hereby placed under the control of the City Manager, subject to the policy direction of the Council.

SEC. 3-2.1602. ESTABLISHMENT OF RATES AND TIME LIMITS. The Council, by resolution may establish 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.

SEC. 3-2.1603. COMPLIANCE WITH REGULATIONS. It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in his name or controlled by him to be parked upon any part of said public parking facilities without first complying with the rules, regulations, restrictions, and requirements relating to the use thereof, including the payment of a fee therefor, as specified by appropriate signs or notices posted on or about such parking areas or on each parking meter.

SEC. 3-2.1604. USE OF SUBSTITUTE COINS. It shall be unlawful for any person to deposit or cause to be deposited in any parking meter on any such public parking facility any slug, device or substitute for any coin required for the normal operation thereof.

SEC. 3-2.1605. TAMPERING WITH METERS. It shall be unlawful for any person to deface, tamper with, open or wilfully break, destroy, damage, or impair any parking meter or any part thereof installed on any public parking facility.

SEC. 3-2.1606. BACKING INTO PARKING SPACES PROHIBITED. It shall be unlawful for any person to back into a parking space on any public parking facility when signs are erected giving notice thereof.

SEC. 3-2.1607. METHOD OF PARKING. The Director shall cause lines or markings to be painted or placed upon the surface of said public parking facilities adjacent to each parking meter designating the parking space for which said meter is to be used. Each vehicle parking adjacent to such meter shall be parked or placed within the lines or markings so established. It shall be unlawful to park or place any vehicle across or outside of any such line or marking, or to park or place the vehicle in such a position so that the same shall not be entirely within the space designated or delineated by such lines or markings.

SEC. 3-2.1608. ENFORCEMENT. It shall be the duty of the Police Department to enforce the provisions of this article, and the rules, regulations, restrictions, and requirements relating to the use of such parking facilities as may be prescribed by the Council. It shall be the duty of each police officer to take the number of any meter at which any vehicle is overparked or which is parked in violation of any of the provisions of this article, the State vehicle license number of such vehicle, the time and date of any such overparking or other violation, and the make and model of such vehicle; and to issue, in writing, and attach to such vehicle a citation for overparking or other violation in the same form and subject to the same procedure as provided by the laws of the State of California

applicable to traffic violations within the City. Any operator or owner of a vehicle to whom a citation has been issued may, within twenty-four (24) hours of the issuance of said citation, pay to the Clerk of the Municipal Court in the Traffic Violation Bureau of the City, as a penalty for and in full satisfaction of such violation, the sum of One and no/100ths (\$1.00) Dollar. The failure by such owner or operator to make such payment within the said twenty-four (24) hours shall render such owner or operator subject to the penalties provided in this Code for the violation of the provisions of this article.

SECTION 2. SAVING CLAUSE. Nothing herein contained shall be construed as repealing, changing, or modifying in any way any currently effective traffic or parking regulation, by the terms of which one-way streets, through streets, boulevard stop signs, yield right of way signs, angle parking, loading zones, bus zones, no parking zones, parking meter zones, truck routes, diagonal parking, speed limit zones, time limit parking zones, have been heretofore established in the City of Modesto. Any such regulations, however, may be revised or superseded pursuant to the provisions of this ordinance.

SECTION 3. REPEALS. Chapter 6 of Title III and Section 3-2.01 of the Modesto Municipal Code, and the following ordinances and all amendments thereto are hereby repealed:

7-N.S.	557-N.S.	920-N.S.	13-C.S.	112-C.S.	193-C.S.
335-N.S.	558-N.S.	1013-N.S.	17-C.S.	126-C.S.	199-C.S.
345-N.S.	577-N.S.	1016-N.S.	18-C.S.	151-C.S.	200-C.S.
406-N.S.	643-N.S.	1021-N.S.	25-C.S.	153-C.S.	203-C.S.
535-N.S.	651-N.S.	1034-N.S.	27-C.S.	161-C.S.	206-C.S.
537-N.S.	740-N.S.	1037-N.S.	32-C.S.	167-C.S.	208-C.S.
538-N.S.	778-N.S.	1095-N.S.	45-C.S.	182-C.S.	211-C.S.
548-N.S.	843-N.S.	6-C.S.	103-C.S.	191-C.S.	

The repeal of any of the foregoing ordinances shall not affect or prevent prosecution or punishment of any person for any act done or committed in violation of any ordinance hereby repealed prior to the taking effect of this ordinance.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, 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 2 day of April, 1958, by Councilman Robinson, who moved its introduction 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, Arata, Hammond, Merrill, Robinson, Mayor Marks

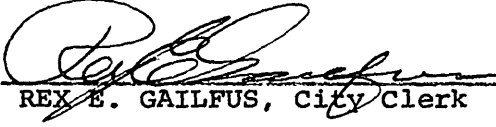
NOES: Councilmen: None

ABSENT: Councilmen: Anderson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

Ord. No. 234-G.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 9 day of April, 1958, 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, Hammond, Merrill, Robinson, Mayor Marks
NOES: Councilmen: Arata
ABSENT: Councilmen: Anderson

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GALLFUS, CITY CLERK

EFFECTIVE DATE: April 24, 1958

AN ORDINANCE AMENDING SECTION 4-2.09 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO INTOXICATION.

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

SECTION 1. AMENDMENT OF CODE. Section 4-2.09 of Chapter 2 of Title IV is hereby amended to read as follows:

SEC. 4-2.09. INTOXICATION. It shall be unlawful and a misdemeanor:

(a) For any person to be found on or in any public street, sidewalk, highway, square or place, public building, or place open to the public view, in a state of intoxication.

(b) For any person, not being the lawful occupant of such house or premises, to be found in any private house or private premises in a state of intoxication to the annoyance of any other person.

(c) For any person to be found in or on any automobile, motorcycle, ~~railroad car~~ or other vehicle in a state of intoxication, unless such vehicle is under the immediate control of a person not under the influence of intoxicating liquor.

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 Bee, 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 April, 1958, by Councilman Adams, who moved its introduction and passage to print, which motion being duly seconded by ~~Councilman~~ Mayor Marks, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Hammond, Merrill, Mayor Marks


NOES: Councilmen: None

ABSENT: Councilmen: Anderson, Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX B. GAILFUS, City Clerk

(SEAL)

Ord. No. 235-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 April, 1958, 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, Hammond, Merrill, Robinson, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Anderson, Arata

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: May 8, 1958

AN ORDINANCE AMENDING SECTION 10-2.901 OF ARTICLE 9 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 10-2.1001 OF ARTICLE 10 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AND AMENDING SECTION 10-2.1101 OF ARTICLE 11 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.901 of Article 9 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

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) Automotive 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; farm machinery sales, storage, repair and rental conducted wholly within an entirely enclosed building.
- (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.
- (12) Car laundry, subject to the granting of a conditional use permit by the Board of Zoning Adjustment.

(l) The following automobile repair services and garages:

- (1) Automobile rental; trailer rental.
- (2) Automobile repair, excluding painting, upholstery, 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 theatre, indoor.

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

- (1) Dance hall, dance studio and school of the dance.
- (2) Theatre and theatrical production except outdoor theatres.
- (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; taxidermists; taxicab central office, cab maintenance, storage and repair, excluding painting, upholstery, and body and fender work, except that which is incidental to general repair.

(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.

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 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); farm machinery sales, storage, repair and rental.
- (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. AMENDMENT OF CODE. Section 10-2.1101 of Article

11 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

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, providing 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; machine shop; welding shop provided that all welding shall be conducted within an entirely enclosed building or solid fence or wall not less than six (6) feet in height.

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

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

(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 semiprecious 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.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, 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 April, 1958, by Councilman Arata, 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, Arata, Hammond, Merrill, Mayor Marks


NOES: Councilmen: None

ABSENT: Councilmen: Anderson, Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

Ord. No. 236-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 ^{adjourned} final consideration at the regular meeting of the Council of the City of Modesto held on the 23 day of April, 1958, 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, Hammond, Merrill, Robinson, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Anderson, Arata

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: May 8, 1958

ORDINANCE NO. 237 -C.S.

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

WHEREAS, a petition was filed with the City Clerk by
S. DARPINIAN, A. DARPINIAN, L. M. GOUDEAU, WILMA DARPINIAN,
FLORENCE DARPINIAN and ZEPHUR GOUDEAU on
February 17, 1958, 195 , 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 PARADISE CENTER 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
12th day of March, 1958, set said petition for hear-
ing at the hour of 8:00 o'clock p.m. on the 23rd day of April,
1958, 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 Bee, a newspaper published
in the City of Modesto on March 20, 1958, and on
March 27, 1958; and in the Turlock Daily Journal,
a newspaper published outside the City of Modesto, but in the
County of Stanislaus, on March 20, 1958, and on
March 27, 1958, 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 7th day of May, 1958, 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 PARADISE CENTER 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, and Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits, said point being the Northwestern corner of the Marshall Park Addition, filed December 3, 1957, as Instrument Number 30118, Stanislaus County Records; thence along the Western line of said Marshall Park Addition, Southerly to a point on the Northern line of the James Marshall School Addition, filed July 27, 1950 as Instrument Number 16443, Stanislaus County Records; thence along the Northern and Western line of said James Marshall School Addition, Westerly and Southerly to a point on the Northern line of the Hudson-Uccello Addition, filed August 28, 1953, as Instrument Number 21233, Stanislaus County Records, said point also being the Northern line of the Uccello Manor, Recorded April 14, 1953, Volume 17 of Maps, Page 56, Stanislaus County Records; thence along the Northern line of said Uccello Manor and its extension Westerly to a point on the Western line of the property conveyed to Suren and Wilma Darpinian, et ux., by deed Recorded June 22, 1956, as Instrument Number 17347, Stanislaus County Records, said line also being the Eastern line of the property conveyed to Arthur N. Swain, a widower, by deed recorded June 11, 1954, as Instrument Number 14890, Stanislaus County Records; thence along said property line common to Darpinian and Swain, Northerly, to a point on the Southeastern line of a public road known as Paradise Road; thence along said Southeastern line of Paradise Road, Northeasterly to a point on the Northern line of Lot 7 of the Resurvey of Brichman's Addition, filed October 15, 1904, in Volume 2 of Maps, Page 1, Stanislaus County Records; thence along the Northern line of said Lot 7, Easterly, to the point of beginning, containing 19.4 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 Bee, 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 May 1958, 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, Arata, Hammond, Merrill, Robinson, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Anderson

APPROVED:


HARRY MARKS, Mayor

ATTEST: 
REX E. GALLFUS, City Clerk

(SEAL)

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO THE LICENSING OF CERTAIN BUSINESSES, PROFESSIONS, TRADES AND OCCUPATIONS IN THE CITY OF MODESTO FOR THE PURPOSE OF REVENUE AND ADDING CHAPTER 8 AND REPEALING CHAPTER 3 OF TITLE VI OF SAID CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 1 of Title VI of the Modesto

Municipal Code is hereby amended to read as follows:

CHAPTER 1 - LICENSING IN GENERAL

ARTICLE 1. GENERAL PROVISIONS

SEC. 6-1.101. DEFINITIONS. For the purpose of this chapter, the words and phrases used herein shall have the following meaning unless the context shows a different meaning:

(a) Commission Broker. One who, for a commission or fee, handles the buying and/or selling of commodities, or an agent or an agency for marketing manufactured goods or other commodities, but who does not take ownership of commodities sold.

(b) Business. All professions, trades and occupations and all and every kind of calling carried on for profit or livelihood.

(c) Business District. Any area zoned for business purposes by the zoning regulations of the City.

(d) Director. The Director of Finance, or his duly authorized deputies or assistants who may be charged with the collection of license taxes and the issuance of licenses.

(e) Fixed Place of Business. A place of business in the City of Modesto occupied for the particular purpose of conducting the business thereat and regularly kept open for that purpose with a competent person in attendance for the purpose of attending to said business.

(f) Gross Receipts. The total amount of the sale price of all sales and the total amount charged or received for the performance of any act, service, or employment for whatever nature it may be, for which a charge is made or credit allowed. Included in gross receipts shall be all receipts, cash, credits and property of any kind or nature and any amount for which credit is allowable by the seller to the purchaser without any deduction therefrom on account of the cost of the property sold, the cost of the materials used, labor or service cost, interest paid or payable, or losses or other expenses whatever.

The following shall be excluded from gross receipts:

- (1) Cash discounts allowed and taken on sales;
- (2) Value of property accepted as part of the purchase price;
- (3) Any taxes collected which are separately stated and collected for and paid to a governmental agency;
- (4) Such part of the sale price of property returned by the purchaser upon rescision of the contract of sale as is refunded either in cash or by credit;
- (5) Receipts of refundable deposits, except that refundable deposits forfeited and taken into income of the business shall not be excluded;

(6) Collection for others where the business is acting as an agent or trustee to the extent that payments are made to those for whom collected;

(7) Sales of real estate by an agent or sales of commodities by a commission broker, except that portion of the sale which represents commissions or other income to the agent;

(8) That portion of the receipts of a general contractor which represents payments to subcontractors, providing such subcontractors are licensed under Article 2 of this chapter and further provided that the general contractor furnishes the Director with the names and addresses of the subcontractors and the amounts paid each subcontractor; and

(9) The amount of gross receipts which has been subject to a license tax paid to any other city.

(g) Hawker or Peddler. Any person who shall travel from house to house, or apartment to apartment, or office to office, or place to place, or from person to person upon the streets, for the purpose of selling, offering for sale or soliciting orders for goods, wares or merchandise by sample or otherwise, at retail, but shall not include selling and delivering or offering to sell and deliver, items of food and drink for human consumption by a vendor to regular customers along established routes where such sales and deliveries and offers of sale and delivery are made only to such regular customers in accordance with invitations previously made to such vendor to make regular calls at specific intervals at such premises for the purpose of making sales and deliveries of such items of food and drink for human consumption.

A hawker or peddler shall not include any authorized agent or representative of a person having a fixed place of business in the City of Modesto.

(h) Manufacturing. One who engages in the business of manufacturing, fabricating or processing any materials, raw or partly wrought, into goods, wares or merchandise, or assembling or packaging any manufactured or processed material, whether such manufactured or processed goods are sold or distributed to wholesalers, brokers, or other channels for the purpose of resale.

(i) Person. All domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, Massachusetts, business, or common law trusts, societies, and individuals transacting and carrying on any business in the City of Modesto, other than as an employee.

(j) Processor. One who engages in business of converting an article, substance or commodity into marketable form for the purpose of resale by changing its physical or chemical composition.

(k) Public Utility. Any person furnishing the public with communication, water, light, heat, power or other public utility or service subject to regulation by the Public Utilities Commission of the State of California.

(l) Vehicle. Every device, in, upon, or by which any person or property is or may be transported or drawn upon a public highway.

(m) Wholesaler. One who engages in the business of selling or soliciting the sale of goods, wares, merchandise, or services for the purpose of resale and not to consumers or users thereof.

SEC. 6-1.102. REVENUE MEASURE. The provisions of this chapter are enacted solely to raise revenue for municipal purposes, and are not intended for regulation.

SEC. 6-1.103. LICENSE REQUIRED. There are hereby imposed upon the businesses, trades, professions, callings and occupations specified in this chapter license taxes in the amounts hereinafter prescribed. It shall be unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the City of Modesto without first having procured a license from said City so to do; or without complying with any and all applicable provisions of this chapter.

This section shall not be construed to require any person to obtain a license prior to doing business within the City if such requirement conflicts with applicable statutes of the United States or of the State of California.

Persons not required to obtain a license prior to doing business within the City because of conflict with applicable statutes of the United States or of the State of California shall be liable for payment of the license tax imposed by this chapter.

SEC. 6-1.104. LICENSE DOES NOT PERMIT BUSINESS OTHERWISE PROHIBITED. The payment of a license tax required by the provisions of this chapter, and its acceptance by the City, and the issuance of such license to any person shall not entitle the holder thereof to carry on any business unless he has complied with all the requirements of this Code and all other applicable laws, nor to carry on any business in any building or on any premises designated in such license in the event that such building or premises are situated in a zone or locality in which the conduct of such business is in violation of any law.

SEC. 6-1.105. NO SUBSTITUTE FOR OTHER REVENUE REQUIREMENTS. Persons required to pay a tax for transacting and carrying on any business under this chapter shall not be relieved from the payment of any license tax for the privilege of doing such business required under any other provisions of this Code.

SEC. 6-1.106. EXEMPTIONS. The provisions of this chapter shall not be deemed or construed to require the payment of a license/^{tax}to conduct, manage or carry on the following businesses or occupations:

(a) Charitable Institutions, etc. From any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes, or from which profit is not derived either directly or indirectly by any person; nor shall any license be required for the conducting of any entertainment, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects, whenever the receipts of any such entertainment, concert, exhibition or lecture are to be appropriated to any church, or school, or to any religious or benevolent purpose within the City; nor shall any license be required for the conducting of any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, county or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition or lecture are to be appropriated for the purposes and objects for which such association or organization was formed, and from which profit is not derived, either directly or indirectly by any person; provided, however, that nothing in this section contained shall be deemed to exempt any such

institution or organization from complying with the provisions of any law of the City requiring such institution or organization to obtain a permit from the proper board, or officer to conduct, manage or carry on any profession, trade, calling or occupation; provided that such institution or organization shall file with the Director satisfactory proof by affidavit that the receipts of such business are to be used for the purposes herein specified.

(b) Interstate Commerce. In any case where the payment of a license tax would cast an undue burden upon the right to engage in commerce with foreign nations or among the several states, or conflicts with the regulations of the United States Congress respecting interstate commerce, but any applicant claiming exemption upon that ground shall file a verified statement with the Director disclosing the interstate or other character of his business entitling it to such exemption, which statement shall contain the name and location of the company or firm for which orders are to be solicited or secured, the name and address of the nearest local or state manager, the kind of goods, wares and merchandise to be delivered, the place from which the same are to be shipped or forwarded, the method of solicitation or taking orders, the location of any warehouse, factory or plant within the State, the method of delivery, the name and location of the residence of the applicant, and any other facts necessary to establish such claim of exemption. A copy of the order blank, contract form or other papers used by such person in taking orders shall be attached to the affidavit for the information of the Director. If it appears that the applicant is entitled to such exemption, the Director shall forthwith issue a free license.

(c) Disabled Veterans. Any disabled veteran who is physically unable to obtain a livelihood by manual labor and having honorable discharge or release papers showing disability incurred while in service in the armed forces of the United States, shall have the right to distribute circulars and hawk, peddle and vend any goods, wares or merchandise owned by him without the payment of any license or tax upon the following terms and conditions:

The applicant shall furnish evidence satisfactory to the Director that he is physically unable to obtain a livelihood by manual labor, an honorably discharged or released member of the armed forces of the United States and that he sustained disability while serving in the armed forces of the United States during a war or military campaign in which the United States was engaged.

(d) Agricultural Producers. The actual grower and producer of ranch, farm, orchard, vineyard or poultry produce or products, who, by himself or by an agent or employee, sells or delivers to the market or at a loading platform such produce or products actually produced or grown by him provided however, that such grower or producer shall file with the Director an affidavit setting forth his name and address, the amount and variety of product he proposes to sell and/or deliver, the place or places where said products are grown or produced, and that said produce or products are or will be grown and produced by him and not purchased for resale, either directly or indirectly; that he personally or by an agent or employee, whose name shall be designated in the affidavit, intends to vend or deliver the same, and that he is the owner of the vehicle in which the same is transported.

Provided further that such grower shall print the word "Grower" in legible letters not less than three (3) inches in

height on each side of his vehicle.

(e) Blind. Any business conducted, carried on or managed solely by a totally blind person.

SEC. 6-1.107. EXCLUSIONS. Except as may be otherwise specifically provided in this chapter, the terms hereof shall not be deemed or construed to apply to any of the following persons:

(a) Any public utility which pays to the City a tax under a franchise or similar agreement, or any publicly owned public utility.

(b) Banks, including national banking associations, to the extent that a city may not levy a license tax upon them under the provisions of Article XIII, Section 16, Subdivision 1 (a) of the State Constitution.

(c) Insurance companies and associations to the extent that a city may not levy a license tax upon them under the provisions of Article XIII, Section 14 4/5 of the State Constitution.

(d) Any person who the City is not authorized to license under any law or constitution of the United States or the State of California.

The Director may require the filing of a verified statement from any person claiming to be excluded by the provisions of this section, which statement shall set forth all facts upon which the exclusion is claimed.

SEC. 6-1.108. APPLICATIONS FOR A LICENSE. Each applicant for a license shall complete an application on forms provided by the City, except as otherwise provided in this chapter. Such forms shall require such information as the Director shall deem necessary to determine the proper license tax to be paid by the applicant, including the name and address of the individual if a single proprietor, the names and addresses of all owners if a firm, or the names and addresses of all principal officers if a corporation, the name of the business, the address at which the business is to be conducted, the type of business, and the activities to be carried on for which the license is being sought. The applicant shall sign and swear to the same before the Director or some other person authorized to administer oaths. Upon determining the license tax due, the Director shall indicate the amount on the application form, and upon payment of the tax, shall ~~sign and~~ issue to the applicant ~~the original~~ ~~copy, which shall become his~~ receipt for taxes paid.

SEC. 6-1.109. BRANCH ESTABLISHMENTS: SEPARATE TYPES OF BUSINESS. A separate license must be obtained for each branch establishment or location of the business transacted and carried on, and for each separate type of business at the same location. Each license shall authorize the licensee to transact and carry on only the type of business licensed thereby at the location or in the manner designated in such license; provided that warehouses, distributing plants and other facilities used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments or separate types of business.

SEC. 6-1.110. DETERMINATION OF TYPE OR CLASS OF BUSINESS.

(a) The determination of which business or businesses, or type or class of business or businesses, a licensee or applicant for a license is engaged in, or about to engage in, shall be an administrative function of the Director.

(b) In any case where a licensee or applicant for a license believes that he is placed in the wrong business or class of businesses he may apply ~~with thirty (30) days~~ to the Director for a change in his classification. Such application may be made before, at, or within three (3) months after payment of the prescribed license tax. The applicant shall by affidavit and supporting testimony show such information as the Director may deem necessary in order to determine the proper classification. The Director may conduct his own investigation and shall have the administrative duty of determining the proper classification. Any applicant or licensee aggrieved by the decision of the Director shall have the right of appeal to an Administrative Board consisting of the City Manager, the City Attorney and the licensee or applicant or a person selected by him. Such appeal shall be taken by filing with the City Attorney, within fifteen (15) days after notice of the decision of the Director, a written statement setting forth the grounds for the appeal. The Board shall set a time and place for a hearing on such appeal within thirty (30) days after the receipt of the appeal. The decision and order of the Board if backed by any substantial evidence shall be final and conclusive.

SEC. 6-1.111. LICENSES: WHEN PAYABLE AND DELINQUENT. All license taxes due hereunder shall be paid in advance at the office of the Director unless otherwise expressly provided, and shall be due and payable and delinquent as follows:

(a) Daily License. Due on its effective date and delinquent at 5 o'clock p.m. of due day.

(b) Weekly License. Due on Monday of each week and delinquent at 5 o'clock p.m. on Friday of said week.

(c) Monthly License. Due on the 1st day of each month for which the license is sought and delinquent at 5 o'clock p.m. on the last day of the month.

(d) Quarterly License. Due on the 1st day of October, January, April and July and delinquent at 5 o'clock p.m. on the last day of the first month in which the quarterly license is due.

(e) Quarterly Gross Receipts Tax. Due on the 1st day of October, January, April and July for the preceding quarterly period and delinquent at 5 o'clock p.m. on the last day of the month following the quarterly license period.

(f) Semiannual License. Due on the 1st day of July and January and delinquent at 5 o'clock p.m. on the last day of the first month in which the semiannual license is due.

(g) Annual License. Due on the 1st day of July and delinquent at 5 o'clock p.m. on the last day of July.

(h) Annual Registration Tax. Due on the 1st day of July and delinquent at 5 o'clock p.m. on the last day of July.

The Director may, for good cause, extend for not more than thirty (30) days the time for filing any report or paying any sum required to be paid hereunder. The extension may be granted at any time provided a written request therefor is filed with the Director prior to the delinquency date.

SEC. 6-1.112. DELINQUENT LICENSES. To all delinquent licenses ~~taxes~~ there shall be added a penalty of ten (10%) per cent of the amount due for the period, plus interest at the rate of one half of one (1/2 of 1%) per cent per month or fraction thereof until paid.

SEC. 6-1.113. PRORATION. Except as otherwise provided herein, no proration of any license tax due hereunder shall be made for any portion of the period for which a license is payable, except that in a case of a newly established business, the annual registration tax may be prorated for the number of months remaining in the year at the time of application for license. For the purpose of proration a fractional part of a month shall be considered as a full month.

SEC. 6-1.114. FILING OF QUARTERLY DECLARATION OF GROSS RECEIPTS. Every person conducting, carrying on or managing a business who is required to pay a business license tax measured by gross receipts shall file a quarterly declaration of gross receipts for the previous quarter on or before the last day of the first month of the following quarter with the Director on forms prescribed by the City.

SEC. 6-1.115. CLOSE OR CHANGE OF OWNERSHIP. In the event any business subject to a license tax measured by gross receipts closes or changes ownership, said business shall file a closing return with the City and pay the business license tax due thereon within thirty (30) days from the time of closing or changing ownership of said business. *A closing return shall be considered delinquent if not filed within the specified time.*

SEC. 6-1.116. LICENSE MAY BE WITHHELD FOR EVIDENCE OF TRUTH. No statement required to be filed by the applicant or licensee shall be conclusive upon the City or the Director whenever it shall appear to the satisfaction of the Director that such statement does not set forth the true facts of the business for which a license is required. The Director may thereupon withhold the issuance of a license until the applicant shall have furnished satisfactory evidence of the truth of such statement.

SEC. 6-1.117. DETERMINATION OF AMOUNT OF TAX BY DIRECTOR. If such evidence is not furnished to the Director within a reasonable time, or if it shall at any time appear to the Director that by reason of error, misrepresentation, fraud, or for any other cause whatsoever the license tax has not been properly fixed for any license issued, he shall give not less than five (5) days written notice to the licensee to show cause, at the time and place fixed in said notice, why a tax to be determined by said Director and specified in said notice shall not be fixed for such a license. At such hearing the licensee shall appear and offer evidence why such specified tax should not be fixed as a license tax. After such hearing, the Director shall determine the proper tax to be charged and forthwith give notice to the licensee of such determination and the amount of the tax.

SEC. 6-1.118. LICENSEE MAY APPEAL. The licensee may appeal from the determination of the Director made pursuant to Section 6-1.117 in accordance with the procedure prescribed by Chapter 4 of Title I of this Code.

SEC. 6-1.119. LICENSE AVAILABLE AT ALL TIMES. Every person having a license issued under the provisions of this chapter, and carrying on a trade, calling, profession, or occupation at a fixed place of business, shall keep such license posted and exhibited while in force in some conspicuous part of said place of business. Every person having such a license, and not having a fixed place of business shall carry such license with him at all times while carrying on the trade, calling, profession or occupation for which the same was granted. Every person having a license under the provisions of this chapter shall produce and exhibit the same, whenever requested to do so by any police officer, or by any officer or employee authorized to issue, inspect or collect licenses.

SEC. 6-1.120. NO LICENSE TRANSFERABLE: NEW LICENSE FOR CHANGED LOCATION. No license issued pursuant to this chapter shall be transferable; provided, that where a license is issued authorizing a person to transact and carry on a business at a particular place, such licensee may upon application therefor and paying a tax of Five and no/100ths (\$5.00) Dollars, be issued a new license to authorize the transacting and carrying on of such business under said license at some other location to which the business is or is to be moved. Any change in type of business will be construed as a new business and subject to the provisions of Section 6-1.103.

SEC. 6-1.121. DUPLICATE LICENSE. A duplicate license may be issued by the Director to replace any license previously issued hereunder which has been lost or destroyed upon the licensee filing statement of such fact, and at the time of filing such statement paying to the Director a service charge of One and no/100ths (\$1.00) Dollar.

SEC. 6-1.122. LICENSE RENEWAL. Every person licensed under the provisions of this chapter shall, if he wishes to continue to carry on, conduct or manage the business in the City upon expiration of the license, renew the license by paying the taxes required in this chapter as provided in the section under which the original license was issued. It shall be the responsibility of the licensee to advise the Director of any changes in the type of business, the activities carried on, or changes in ownership from that shown on the original license. Any change in type of business or business activities conducted, or change in ownership, will require a new application to be prepared and the appropriate license tax to be paid. No license shall be renewed if the licensee is delinquent in any charges imposed by this chapter or delinquent in filing reports required by this chapter.

SEC. 6-1.123. REVOCATION OF LICENSE. Any license issued under the provisions of this chapter may be revoked by the Director upon the failure on the part of the licensee to pay the charges imposed by this chapter or to file reports as required by this chapter within six (6) months after such charges or reports become delinquent.

SEC. 6-1.124. EXAMINATION OF RECORDS. The Director is hereby authorized to examine, audit, and inspect such books and records of any licensee or applicant for a license, as may be necessary in his judgment to verify or ascertain the amount of license tax due.

All license taxes, applicants for licenses, and persons engaged in business in the City are hereby required to permit an examination of such books and records for the purposes aforesaid.

It shall be unlawful for any person to fail, neglect or refuse to produce such books and records for examination by the Director when requested so to do. The Director may, by the issuance of a subpoena duly signed by the City Clerk, order any person carrying on any profession, trade, calling or occupation in the City to produce all of said person's records of accounts, invoices, receipts or other papers or documents showing the gross receipts of such person for the taxable period, at the office of the City Clerk for examination by said Director.

SEC. 6-1.125. INFORMATION CONFIDENTIAL. The information furnished or secured pursuant to this chapter shall be deemed confidential in character and shall not be subject to public inspection and shall be kept so that the contents thereof shall not become known except to the persons charged with the administration of this chapter.

SEC. 6-1.126. REVELATION OF CONFIDENTIAL MATERIAL PROHIBITED. No officer or deputy officer or employee of the City shall in any manner reveal the contents of any part or portion of the contents of any confidential information.

SEC. 6-1.127. RIGHT OF ENTRY AND INSPECTION. The Director and each and all of his assistants and any police officer shall have the power and authority to enter, free of charge, and at any reasonable time, any place of business required to be licensed herein, and demand an exhibition of its license certificate. Any person having such license certificate theretofore issued, in his possession or under his control, who wilfully fails to exhibit the same on demand, shall be guilty of a misdemeanor and subject to the penalties provided for by the provisions of this Code. It shall be the duty of the Director and each of his assistants to cause a complaint to be filed against any and all persons found to be violating any of said provisions.

SEC. 6-1.128. DEPOSIT REQUIRED. Every person who begins the operation of a new business subject to a license under the provisions of Sections 6-1.201, 6-1.202, 6-1.204, 6-1.206 and 6-1.207, of this chapter, upon making application for a license, shall deposit with the Director the amount of Fifty and no/100ths (\$50.00) Dollars as a guarantee that the license tax will be paid. Said deposit shall be refunded:

(a) At the expiration of six (6) months from the first of the next ensuing quarter, provided, however, that no refund of deposit shall be made unless all charges imposed under the terms of this chapter shall have been paid and all reports required by this chapter shall have been filed with the Director on or before the delinquent date for two consecutive quarters.

(b) Upon cessation of business in the City, providing all charges imposed by this chapter shall have been paid and final reports required by this chapter shall have been filed.

Provided further that the Director may apply said deposit or any portion thereof to the business license tax or other taxes due the City from said business; and provided further that the Director may declare said deposit forfeited for failure to report and pay the liability to the City within six (6) months after the report becomes delinquent. Such forfeiture shall not relieve or excuse the licensee from payment of the balance of license tax due and unpaid.

Every change in ownership of a business shall be construed as the commencement of a new business by the owner, and shall require the payment of a license tax and the deposit of Fifty and no/100ths (\$50.00) Dollars as above stated. The Director may waive the deposit requirement for a new or additional business operated by a person previously licensed under this chapter, providing said person has had a satisfactory experience in payment of license taxes to the City.

SEC. 6-1.129. WAIVER AND REFUND OF PENALTY CHARGES. (a) The Council, by resolution, may waive any penalty charges heretofore or hereafter applicable to any delinquent license tax payment due the City if the Council determines that the failure of taxpayer to pay all taxes due on time was not intentional or by reason of carelessness.

(b) The Council, by resolution, may refund any penalty charges imposed by the Director on any license tax payment heretofore paid under written protest to the City if the Council finds that the failure of taxpayer to pay all taxes due on time was not intentional or by reason of carelessness.

(c) Every request for a waiver or claim for a refund of payment of any penalty charges imposed shall be filed by taxpayer in writing with the Director within thirty (30) days after payment, in case of a claim for a refund, or within thirty (30) days from the date of mailing of written notice to taxpayer of penalty charges, in the case of a waiver, and shall state the specific grounds upon which the request or claim is founded. Failure of taxpayer to file a request within the time prescribed constitutes a waiver of any such demand against the City.

SEC. 6-1.130. REFUNDS. Except as otherwise provided in Section 6-1.129 of this chapter, license taxes, penalties and costs collected or received by the City may be refunded as herein provided and not otherwise if a signed and verified claim therefor is filed with the Director within two (2) years after the date of payment. Such refund may be made only under the following conditions:

(a) Where a refund is specifically authorized by the provision of law requiring payment of the license, permit or application tax.

(b) Where the money is paid to secure a license or permit not required by law.

(c) Where the amount paid was in excess of the amount required by law.

(d) Where the money paid was not required by law.

(e) Where the applicant for any license has not, at any time after the commencement of the period or term during which the requested license would have been effective, commenced or engaged in the business or occupation, or performed any act, for which the license was required.

(f) Where the money paid was not required by law, or, was erroneously or illegally collected or received by the City through mistake, inadvertance or error of law or of fact, and whether paid or charged under color of any provision of this chapter, or otherwise.

If the refund is for One Hundred and no/100ths (\$100.00) Dollars or more it shall be made only by the Council. If it is less than One Hundred and no/100ths (\$100.00) Dollars it may be made by the Director after approval in writing by the City Attorney.

This section is remedial in purpose. Its terms and requirements shall not be deemed to limit or qualify the lawful right of any person to bring or maintain an action or proceeding based upon the general law of this State for any remedy provided by law.

SEC. 6-1.131. EVIDENCE OF LIABILITY. In any action brought under or arising out of any of the provisions of this Code or of any ordinance imposing a license tax, the fact that a party thereto represented himself as engaged in any business or calling for the transaction of which a license is required, or that such party exhibited a sign indicating such business or calling, shall be conclusive evidence of the liability of such party to pay a license tax for such business.

SEC. 6-1.132. ENFORCEMENT. It shall be the duty of the Director, and he is hereby directed to enforce each and all of the provisions of this chapter, and the Chief of Police shall render such assistance in the enforcement hereof as may from time to time be required by the Director or the Council.

The Director in the exercise of the duties imposed upon him hereunder, and acting through his deputies or duly authorized assistants, shall examine or cause to be examined all places of business in the City, to ascertain whether the provisions of this chapter have been complied with.

SEC. 6-1.133. LICENSE TAX A DEBT. The amount of any license tax and penalty imposed by the provisions of this chapter shall be deemed a debt to the City. An action may be commenced in the name of said City in any court of competent jurisdiction, for the amount of any delinquent license tax and penalties.

SEC. 6-1.134. REMEDIES CUMULATIVE. All remedies prescribed in this chapter shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

SEC. 6-1.135. MISREPRESENTATION. No person shall knowingly or intentionally misrepresent to any officer or employee of this City any material fact in procuring the license or permit herein provided for.

ARTICLE 2. FEES.

SEC. 6-1.201. RETAIL MERCHANTS AND MISCELLANEOUS BUSINESSES. Every person, conducting, carrying on or managing a business from a fixed place of business within the City and which business is not specifically licensed under Sections 6-1.202 through 6-1.226 of this chapter, ~~except Sections 6-1.205, and 6-1.215~~, shall pay an annual registration tax of Twenty Five and no/100ths (\$25.00) Dollars, and in addition thereto shall pay a business license tax equal to one (1) mill on each dollar of gross receipts resulting from the operation of said business, payable quarterly. The business license tax imposed by this section shall be computed by excluding the proceeds or receipts received or derived from such businesses as are otherwise specifically licensed and taxed by any other section or sections of this chapter.

SEC. 6-1.202. PROFESSIONS AND SERVICES. Every person conducting, carrying on or managing any of the following named professions, occupations, services or trades from a fixed place of business within the City, which business is not otherwise specifically licensed by Sections 6-1.205 and 6-1.215 of this chapter, shall pay an annual registration tax of Twenty Five and no/100ths (\$25.00) Dollars, and in addition thereto shall pay a business license tax equal to two (2) mills on each dollar of the gross receipts resulting from the operation of said business, payable quarterly:

Accountant	Check Room
Advertising Agency	Credit Agency
Alterations, Dressmaking, Tailoring	Cleaners
Appraiser	Collection Agency
Architect	Commission Brokers
<i>Arts or Crafts</i> <i>Teachers</i> Armored Car Service	Dance Schools or Studios
Auto Camp and Motel	Dentist
Attorney	Delivery Service
Auctioneer	Diaper Service
Barber Shop	
Beauty Shop	Electrologist
Business Service	Employment Agency
Car Wash	Engineer
Chiropractor	Equipment Rental
Chiropodist	Finance and Loan
Child Nurseries	Funeral Parlor
Check Cashing Service	

Gardener
Gymnasium
House Movers
Hauling for Hire
Hotel
Interior Decorator

Janitorial Service
Jobe Day Rental
Locksmith
Laundries
Laboratories or Technicians
Landscape Architects
Lapidary
Linen Service
Music Teachers
Museum
Messenger Service

Optician
Optometrists
Osteopaths

Photographers
Physical Therapists
Physicians

Places of Amusement
Photostat & Blue Printing
Parking Lots & Auto Storage
Reducing Salon
Rooming House
Real Estate Agent
Rest Home
Radio & TV Broadcasting
Station
Stock Exchange
Stocks and Bonds
Surgeon
Surveyor

Theatres
Transfer and Storage
Travel Bureau
Ticket Agency
Turkish Bath Establishment
Tree Trimmer
Trailer Court
All Other Professions and
Semiprofessions

All Other Service
Occupations

SEC. 6-1.203. BROKERS, MANUFACTURERS, PROCESSORS, PUBLIC UTILITIES, AND WHOLESALERS. Every person carrying on, conducting or managing a brokerage, other than commission broker, manufacturing, processing, public utilities, or wholesale business from a fixed place of business within the City shall pay an annual business license tax of Seventy Five and no/100ths (\$75.00) Dollars; provided, however, that any such person may elect at the time of applying for a license to pay a registration and business license tax for such business computed in accordance with the provisions of Section 6-1.201 of this chapter.

SEC. 6-1.204. CONTRACTORS. Every person conducting, carrying on or engaging in business as a contractor from a fixed place of business in the City shall pay an annual business license tax of Twenty Five and no/100ths (\$25.00) Dollars, and in addition thereto shall pay a business license tax equal to one (1) mill on each dollar of gross receipts resulting from the operation of said business, payable quarterly.

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

SEC. 6-1.205. MINIMUM LICENSE BASED ON GROSS RECEIPTS. Every person carrying on, conducting or managing a business from a fixed place of business within the City, which business is not otherwise specifically licensed under the provisions of Sections 6-1.208 through 6-1.225 of this chapter, shall pay an annual business license tax of Ten and no/100ths (\$10.00) Dollars for any year during which the annual gross receipts resulting from the operation of said business do not exceed the sum of Two Thousand and no/100ths (\$2,000.00) Dollars. Every person licensed under

this section shall file a declaration of gross receipts quarterly on forms prescribed by the City.

SEC. 6-1.206. OUTSIDE CONTRACTORS. Every person not having a fixed place of business within the City who engages in business as a contractor within the City shall pay an annual business license tax of Fifty and no/100ths (\$ 50.00) Dollars, and in addition thereto shall pay a business license tax equal to two (2) mills on each dollar of gross receipts resulting from the business done within the City, payable quarterly.

SEC. 6-1.207. OTHER OUTSIDE BUSINESSES. Every person not having a fixed place of business in the City who engages in business within the City, which business is not specifically licensed by any other section of this chapter shall pay an annual license tax of Fifty and no/100ths (\$50.00) Dollars, and in addition thereto shall pay a business license tax equal to two (2) mills on each dollar of gross receipts resulting from the business done within the City, payable quarterly.

SEC. 6-1.208. ADVERTISING - DISTRIBUTION OF PRINTED MATTER. Every person conducting, carrying on or managing the business of advertising, by means of distributing dodgers, handbills, circulars, printed advertisements, cards, tickets, or advertising samples of merchandise, shall pay a license tax in the sum of Seventy-Five and no/100ths (\$75.00) Dollars per year, or fraction thereof, payable in advance.

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

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

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

SEC. 6-1.209. ADVERTISING - OUTDOOR. Every person not having a fixed place of business in the City, carrying on or engaged in the business or occupation of providing outdoor advertising for others by which they hold, maintain, rent or lease signs, electric signs, billboards, bulletin boards, fences or structures, or space upon any signs, electric signs, billboards, bulletin boards, fences or structures, shall pay a license tax in the sum of Thirty-Five and no/100ths (\$35.00) Dollars per quarter if paid quarterly, or One Hundred Twenty-Five and no/100ths (\$125.00) Dollars per year if paid annually.

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

SEC. 6-1.210. AUCTIONEER, ITINERANT. For the business of selling goods, wares or merchandise at auction by or for an itinerant auctioneer or vendor of goods, the license tax shall be the sum of Twenty-Five and no/100ths (\$25.00) Dollars per day. For the purpose of this section, an itinerant auctioneer or vendor of

goods is defined to be a person, whether as principal or agent, who engages in a temporary or transient business in said City without having a fixed place of business as herein defined, and/or who for such purpose leases a room, store, building, structure, vacant lot or other place in said City for the exhibition or sale of such goods, wares or merchandise and who brings into the City merchandise for sale at such auction during the course of the auction. Such person shall be classed as an itinerant auctioneer or vendor of goods notwithstanding he may temporarily associate himself with any local merchant, dealer, or tradesman regularly licensed pursuant to Section 6-1.201 hereof, or notwithstanding he may conduct such auction business in connection with or as a part of or in the name of any local dealer, merchant or auctioneer.

SEC. 6-1.211. BOXING AND WRESTLING MATCHES. Every person conducting, carrying on or managing sparring, boxing or wrestling exhibitions or matches shall pay a license tax in the sum of Five and no/100ths (\$5.00) Dollars per day.

SEC. 6-1.212. CARNIVAL ACTIVITY. Every person conducting, carrying on or managing a carnival activity shall pay a license tax in the sum of Three and no/100ths (\$3.00) Dollars per day for each and every separate show, entertainment, game, merry-go-round, ferris wheel, device, amusement, vaudeville, or dramatic performance, game of chance or skill, shooting gallery, for which a separate charge is made for admission, seats or standing room, or to operate or play at such game of chance or skill; or if only one charge is made for admission, or seat, or standing room, or to play at any such games of chance or skill. The license tax per day shall be ascertained by multiplying the number of each of such shows, exhibitions and entertainments for which a charge is made, by the amount fixed herein for each separate exhibition, show or game.

For the purpose of this section, the words "carnival activity" are defined to mean and include one or more shows, entertainments, games, devices, amusements, vaudeville, dramatic or minstrel performances, or games, tricks, devices or wheels, the result of the operation of which is dependent upon chance or skill and/or as a result of the operation of which things representing value may be given or paid; provided, however, that this section shall not apply to bowling alleys, skating rinks or circuses. Provided that nothing in this section shall be construed to license or authorize the conduct of any gambling or any game or device prohibited by the laws of California or the laws of the City.

SEC. 6-1.213. CIRCUSES. Every person conducting, carrying on, or managing a circus shall pay a license tax in the sum of Three Hundred and no/100ths (\$300.00) Dollars per day for each day that such circus exhibits in the City. Provided that the Council may, by resolution, waive the required tax.

SEC. 6-1.214. FIRE SALES. Every person conducting, carrying on or managing a fire sale, wreck sale or bankrupt sale, shall pay a license tax in the sum of Fifty and no/100ths (\$50.00) Dollars per day.

For the purpose of this section a "fire sale or wreck sale" is defined to be and include the sale of goods, wares and merchandise salvaged from a fire, wreck or other calamity; and a "bankrupt sale" is defined to be and include the sale of goods, wares, and merchandise which have been previously purchased from a trustee or receiver in bankruptcy, or trustee or receiver in insolvency, or trustee for the benefit of creditors; provided that no license shall be required under the provisions of this section for the sale of goods, wares and merchandise salvaged

from any fire, wreck or other calamity in the City, or from any bona fide sale of goods, wares and merchandise in any bankrupt, receiver's, trustee's, or assignee's sale within said City, except as specified in Section 6-1.201 hereof.

SEC. 6-1.215. HOME OCCUPATIONS. Every person conducting, carrying on or managing any business in a home pursuant to a valid, existing home occupation permit issued in accordance with the provisions of Section 10-2.231 of this Code shall pay an annual license tax in the sum of Ten and no/100ths (\$10.00) Dollars.

SEC. 6-1.216. CHRISTMAS TREES AND/OR HOLLY BERRIES. Every person conducting, carrying on or managing a business of selling Christmas trees and/or holly berries, except where such business is conducted in connection with another regularly established place of business for which a license has been issued shall pay an annual business license tax in the sum of Ten and no/100ths (\$10.00) Dollars in advance for each location.

SEC. 6-1.217. FIREWORKS. Every person conducting, carrying on or managing the business of selling fireworks at retail, except where such business is conducted in connection with another regularly established place of business for which a license has been issued shall pay an annual business license tax of Ten and no/100ths (\$10.00) Dollars in advance for each location.

SEC. 6-1.218. MUSICAL PERFORMANCES. For any person conducting, carrying on or managing any concert, minstrel show, band concert, musical performance or exhibition, or entertainment, or other public exhibition, where a charge is made for admission or seats, except at a theatre or opera house licensed under Section 6-1.202 hereof, the license tax shall be the sum of Ten and no/100ths (\$10.00) Dollars per day, or One Hundred and no/100ths (\$100.00) Dollars per month. If for a longer period than one (1) month, where the seating capacity of the auditorium or hall is three hundred (300) or less, the license tax shall be the sum of One Hundred Fifty and no/100ths (\$150.00) Dollars per quarter; and for each one hundred (100) additional seats or fraction thereof over and above three hundred (300) seats, the sum of Fifteen and no/100ths (\$15.00) Dollars per quarter; provided that this section shall not apply to public dances or to circuses.

SEC. 6-1.219. PUBLIC DANCES. Every person conducting, carrying on or managing a public dance shall pay a license tax in the sum of Five and no/100ths (\$5.00) Dollars per day, or Ten and no/100ths (\$10.00) Dollars per quarter.

SEC. 6-1.220. CARD ROOM. Every person conducting, carrying on or managing a card room shall pay a license tax in the sum of Five and no/100ths (\$5.00) Dollars per quarter.

SEC. 6-1.221. POOL HALL AND/OR BILLIARD ROOM. Every person conducting, carrying on or managing a pool hall or billiard room shall pay a license tax in the sum of Five and no/100ths (\$5.00) Dollars per quarter.

SEC. 6-1.222. PAWNSHOP. Every person conducting, carrying on or managing a pawnshop or acting as pawnbroker, shall pay a license tax in the sum of Ten and no/100ths (\$10.00) Dollars per quarter.

SEC. 6-1.223. PEDDLING. Any person who does not maintain a fixed place of business in the City, not otherwise specifically licensed under other sections of this chapter, conducting, carrying on or managing a business of peddling merchandise of any class or character to persons not regularly engaged in or carrying on such lines of business shall pay a business license tax in the sum of Five and no/100ths (\$5.00) Dollars per day or Fifty and no/100ths (\$50.00)

Dollars per month.

SEC. 6-1.224. TAXICABS. Every person who operates, conducts, or carries on the business of operating taxicabs for hire on the streets of the City, shall pay a registration tax in the amount of One Hundred and no/100ths (\$100.00) Dollars for the first car, to be paid upon registration of said car, and a registration tax of Five and no/100ths (\$5.00) Dollars for each additional car so registered thereafter, except replacement cars, and a license tax in the sum of Twenty and no/100ths (\$20.00) Dollars for each car per quarter.

SEC. 6-1.225. USE OF VEHICLES: NO FIXED PLACE OF BUSINESS. Every person not having a fixed place of business within the City of Modesto, who delivers goods, wares, or merchandise by vehicle, or who provides any service by the use of vehicles in the City, shall pay a semiannual license tax of Fifteen and no/100ths (\$15.00) Dollars, for the first vehicle, and Seven and 50/100ths (\$7.50) Dollars semiannually for each additional vehicle. A trailer shall be deemed to be a separate vehicle for the purpose of this section, except that a combination of truck-tractor and semitrailer shall be considered as one vehicle.

SEC. 6-1.226. SELLING FOOD AND DRINK FOR HUMAN CONSUMPTION: USE OF VEHICLES. Every person not having a fixed place of business in the City of Modesto, selling items of food and drink for human consumption by use of a vehicle for such sales where not to regular customers or along established routes, shall pay a semiannual license tax of Fifteen and no/100ths (\$15.00) Dollars for each vehicle.

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

CHAPTER 8 - PRIVATE POLICE PATROL SERVICES AND DETECTIVE AGENCIES

ARTICLE 1. PRIVATE POLICE PATROL SERVICE

SEC. 6-8.101. DEFINITION. The term "private police patrol service" shall be construed to mean and include night watch, patrol service, merchant patrol service, private police service, or any service of patrolling, watching, guarding or policing carried on for a fee or compensation; provided, however, the term shall not be construed to apply to any person employed exclusively by one employer for the purpose of patrolling, watching, guarding or policing persons or property of that employer.

SEC. 6-8.102. LICENSE REQUIRED. It shall be unlawful for any person to manage, carry on or conduct a business of private police patrol service without first securing a license to do so from the Director and paying a license tax in the sum of Ten and no/100ths (\$10.00) Dollars per quarter.

SEC. 6-8.103. BOND REQUIREMENT. Every person desiring to conduct a private police patrol shall, before a license is issued, file and thereafter maintain with the City Clerk, a good and sufficient bond in the penal sum of Ten Thousand and no/100ths (\$10,000.00) Dollars executed by a surety company authorized by the State to do business. The bond shall be approved by the ~~Director of Finance~~ and shall run to the City for the use and benefit of persons or parties interested in the faithful and reliable performance of the applicant as a private police patrol service.

SEC. 6-8.104. PERMITS REQUIRED. It shall be unlawful for an owner or operator to commence a business of a private police patrol service or for any employee of a private police patrol service to act as a watchman, guard, patrolman or private policeman without first obtaining a permit from the Chief of Police to do so.

SEC. 6-8.105. APPLICATION. Applicants for permits required by Section 6-8.104 shall file applications therefor with the Chief of Police on forms to be furnished by the City.

SEC. 6-8.106. INFORMATION REQUIRED. Permits required herein shall be in the form of a card, which shall bear the signature, photograph and fingerprints of the applicant. Such card shall be issued in duplicate and one copy shall be placed on file with the Police Department. The other card shall be carried on the person at all times when he is acting as watchman, guard, patrol or private policeman.

THREE
SEC. 6-8.107. APPLICATION FEE. The application fee shall be ~~Two and 50/100ths~~ (\$~~2.50~~) Dollars, to be paid at the time the application is filed with the Chief of Police.

SEC. 6-8.108. ELIGIBILITY FOR PERMIT. The Chief of Police shall make or cause to be made such investigation as is deemed necessary to determine the fitness and moral character of the applicant. No permit shall be issued to the following:

- (a) Any person under the age of twenty-one (21) years.
- (b) Any person not a citizen of the United States, or who has not lawfully declared his intention to become a citizen.
- (c) Any person who has been convicted of a felony or a crime involving moral turpitude.
- (d) Any person who, as a result of the investigation conducted by the Chief of Police, is determined to be unfit for this type of business and to whom the issuance of a permit would adversely affect the public peace and safety.

A person denied a permit hereunder shall have the right of appeal as provided in Chapter 4 of Title I of this Code.

SEC. 6-8.109. CONTROL OF UNIFORMS AND EQUIPMENT. The Chief of Police shall approve the design and color scheme of any uniforms or badges or the color and markings of any automotive equipment used by a private police patrol service, and it shall be unlawful for any operator or employee of a private police patrol service to wear any uniform or badge resembling the uniform or badge of the Modesto Police Department or to operate a vehicle which, by color or markings, resembles the vehicles used by the Modesto Police Department.

ARTICLE 2. DETECTIVE AGENCY

SEC. 6-8.201. DEFINITION. The term "detective agency" shall be construed to mean and include a business employed to investigate crimes and mysteries, to locate missing persons and to secure or attempt to secure personal information for others for a fee or compensation of any kind.

SEC. 6-8.202. LICENSE REQUIRED. It shall be unlawful for any person to manage, conduct or carry on a business of detective agency without first securing a license to do so from the Director and paying a license tax in the sum of Ten and no/100ths (\$10.00) Dollars per quarter.

SEC. 6-8.203. BOND REQUIREMENT. Every person desiring to conduct a detective agency shall, before a license is issued, file and thereafter maintain with the City Clerk, a good and sufficient bond in the penal sum of Ten Thousand and no/100ths (\$10,000.00) Dollars executed by a surety company authorized by the State to do business. The bond shall be approved by the ~~City Attorney~~ *Director of Finance* and shall run to the City for the use and benefit of persons or parties interested in the faithful and reliable performance of the applicant as a detective agency.

SEC. 6-8.204. PERMITS REQUIRED. It shall be unlawful for an owner or operator to commence a business of a detective agency or for any employee of a detective agency to act as a private detective without first obtaining a permit from the Chief of Police to do so.

SEC. 6-8.205. APPLICATION. Applicants for permits required by Section 6-8.204 shall file applications therefor with the Chief of Police on forms to be furnished by the City.

SEC. 6-8.206. INFORMATION REQUIRED. Permits required herein shall be in the form of a card, which shall bear the signature, photograph and fingerprints of the applicant. Such card shall be issued in duplicate and one copy shall be placed on file with the Police Department. The other card shall be required on the person at all times when he is acting as a private detective.

Three SEC. 6-8.207. APPLICATION FEE. The application fee shall be ~~Two and 50/100ths (\$2.50)~~ Dollars to be paid at the time the application is filed with the Chief of Police.

SEC. 6-8.208. ELIGIBILITY FOR PERMIT. The Chief of Police shall make or cause to be made such investigation as is deemed necessary to determine the fitness and moral character of the applicant. No permit shall be issued to the following:

- (a) Any person under the age of twenty-one (21) years.
- (b) Any person not a citizen of the United States or who has not lawfully declared his intention to become a citizen.
- (c) Any person who has been convicted of a felony or a crime involving moral turpitude.
- (d) Any person who, as a result of the investigation conducted by the Chief of Police, is determined to be unfit for this type of business and to whom the issuance of a permit would adversely affect the public peace and safety.

A person denied a permit hereunder shall have the right of appeal as provided in Chapter 4 of Title I of this Code.

SEC. 6-8.209. CONTROL OF UNIFORMS AND EQUIPMENT. The Chief of Police shall approve the design and color scheme of any uniforms or badges or the color and markings of any automotive equipment used by a detective agency, and it shall be unlawful for any operator or employee of a detective agency to wear any uniform or badge resembling the uniform or badge of the Modesto Police Department or to operate a vehicle which, by color or markings, resembles the vehicles used by the Modesto Police Department.

SEC. 6-8.210. JOINT PRIVATE POLICE PATROL SERVICE AND DETECTIVE AGENCY. Any person managing, conducting or carrying on a business of both private police patrol service and detective agency shall be subject to the license taxes provided in Article 1 of this chapter, and in addition thereto, shall be subject to the

license taxes provided in this article. Nothing in this section, however, shall require a person conducting both a private police patrol service and a detective agency to file with the City Clerk more than one bond as provided in Sections 6-8.103 and 6-8.203; nor shall the provisions of this article require an owner, operator or employee of such combined business to secure more than one permit as required under Sections 6-8.104 and 6-8.204.

SECTION 3. EFFECT OF ORDINANCE ON PAST ACTIONS AND OBLIGATIONS PREVIOUSLY ACCRUED. Neither the adoption of this ordinance nor its superseding of any portion of any other ordinances or provision of the Code of the City shall in any manner be construed to affect prosecution for violation of any other ordinance or provision of the Municipal Code committed prior to the effective date hereof, nor be construed as a waiver of any license or any penal provision applicable to such violation, nor be construed to affect the validity of any bond or cash deposit required by any ordinance or other law to be posted, filed, or deposited, and all rights and obligations thereunto appertaining shall continue in full force and effect.

SECTION 4. SEVERABILITY. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of this City hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions be declared invalid or unconstitutional.

SECTION 5. REPEALS. Chapter 3 of Title VI consisting of Sections 6-3.01 through 6-3.08, inclusive, of the Modesto Municipal Code is hereby repealed.

SECTION 6. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption but shall not become operative until on and after July 1, 1958.

SECTION 7. PUBLICATION. This ordinance shall be published in full in The Modesto Bee, the official newspaper of the City of Modesto within fifteen (15) days after its adoption.

The foregoing ordinance was introduced at a regular meeting of

the Council of the City of Modesto held on the 7 day of May,
1958, by Councilman Hammond, 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, Arata, Hammond, Merrill, Robinson, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Anderson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE APPROPRIATING ADDITIONAL REVENUE AND RECEIVABLES FROM OTHER FUNDS TO THE GENERAL FUND FOR CONSTRUCTION OF A 10-UNIT T HANGAR AT THE MODESTO CITY-COUNTY AIRPORT.

WHEREAS, there are available for interfund transfer in the Municipal Airport Gas Tax Fund the following:

1. Additional revenue from Airport gas tax refund from the County, \$1,924.00, and from the State, \$124.00, or a total of \$2,048.00.
2. Unexpended appropriated reserve, \$1,800.00
3. Unappropriated reserve, \$49.00

WHEREAS, there are available for interfund transfer in the Special Capital Outlay Fund the following unexpended appropriations:

1. Street Sweeper, \$2,942.00
2. Water Companies Survey, \$4,161.00
3. Fire Station, McHenry Village, \$10,000.00

WHEREAS, there is available for appropriation in the General Fund additional revenue from Airport rentals in the amount of \$9,000.00.

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

SECTION 1. MUNICIPAL AIRPORT GAS TAX FUND. The sum of \$2,048.00 which is estimated to be received from Airport gas tax refunds and deposited in the Municipal Airport Gas Tax Fund; the sum of \$1,800.00 which represents unexpended Appropriated Reserve in the Municipal Airport Gas Tax Fund; and the sum of \$49.00 from Unappropriated Reserves, are hereby appropriated for transfer to the General Fund.

SECTION 2. SPECIAL CAPITAL OUTLAY FUND. The sum of \$2,942.00 representing the unexpended balance in the Street Sweeper project; the sum of \$4,161.00 representing a portion of the unexpended balance in the Water Companies Survey Project; and the sum of \$10,000.00 representing a portion of the unexpended balance in the Fire Station, McHenry Village Project, are hereby appropriated for transfer to the General Fund.

SECTION 3. GENERAL FUND. The sum of \$9,000.00 representing additional revenue from Airport hangar rentals, not heretofore appropriated; the sum of \$3,897.00 estimated to be transferred from the Municipal Airport Gas Tax Fund; and the sum of \$17,103.00 estimated to be transferred from the Special Capital Outlay Fund, are all appropriated as follows:

PURPOSE

10-Unit T Hangar at the Airport

AMOUNT

\$ 30,000.00

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, 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 May, 1958, by Councilman Arata, 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, Arata, Hammond, Merrill, Robinson, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Anderson

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE AMENDING CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE BY ADDING ARTICLE 14 THERETO RELATING TO THE REGULATION OF GOING OUT OF BUSINESS SALES, REMOVAL OF BUSINESS SALES, AND FIRE AND OTHER ALTERED GOODS SALES.

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

SECTION 1. AMENDMENT OF CODE. Article 14 entitled "Regulating Going Out of Business Sales, Removal of Business Sales, and Fire and Other Altered Goods Sales" is hereby added to Chapter 7 of Title IV of the Modesto Municipal Code to read as follows:

ARTICLE 14. REGULATING GOING OUT OF BUSINESS SALES, REMOVAL OF BUSINESS SALES AND FIRE AND OTHER ALTERED GOODS SALES.

SEC. 4-7.1401. DEFINITIONS. For the purposes of this article the following terms, phrases, words, and their derivations shall have the meaning given herein.

(a) "Director" is the Director of Finance of the City of Modesto.

(b) "Fire and other altered goods sale" is a sale held out in such a manner as to reasonably cause the public to believe that upon the disposal of the stock of goods on hand the business will cease and be discontinued, including but not limited to the following sales: Adjuster's; Adjustment; Alteration; Assignee's; Bankrupt; Benefit of Administrator's; Benefit of Creditors'; Benefit of Trustees; Building Coming Down; Closing; Creditor's Committee; Creditor's End; Executor's; Final Days; Forced Out; Forced Out of Business; Insolvents' Last Days; Lease Expires; Liquidation; Loss of Lease; Mortgage Sale; Receiver's; Trustee's; Quitting Business.

(c) "Goods" is meant to include any goods, wares, merchandise or other property capable of being the object of a sale regulated hereunder.

(d) "Removal of Business Sale" is a sale held out in such a manner as to reasonably cause the public to believe that the person conducting the sale will cease and discontinue business at the place of sale upon disposal of the stock of goods on hand and will then move to and resume business at a new location in the City or will then continue business from other existing locations in the City.

SEC. 4-7.1402. LICENSE REQUIRED. A license issued by the Director shall be obtained by any person before selling or offering to sell any goods at a sale to be advertised or held out by any means to be one of the following kinds:

- (a) Going-Out-of-Business sale;
- (b) Removal of Business sale; and
- (c) Fire and Other Altered Stock sale.

SEC. 4-7.1403. APPLICATION OF REGULATIONS. (a) Provisions Supplement General Business License Regulations. The provisions of this article are intended to augment and be in addition to provisions of the general business license regulations of the City contained in Title VI of the Modesto Municipal Code. Whenever the provisions of this article impose a greater restriction upon persons, premises, businesses, or practices than is imposed by the general business license regulations, the provisions of this article shall control.

(b) Interval Between Sales. Any person who has held a sale, as regulated hereunder, at the location stated in the application, within one year last past from the date of such application shall not be granted a license.

(c) Restricted Location. Where a person applying for a license hereunder operates more than one place of business the license issued shall apply only to the one store, or branch specified in the application and no other store or branch shall advertise or represent that it is cooperating with it, or in any way participating in the licensed sale, nor shall the store or branch conducting the licensed sale advertise or represent that any other store or branch is cooperating with it or participating in any way in the licensed sale.

(d) Persons Exempted. The provisions of this article shall not apply to or affect the following persons:

(1) Persons acting pursuant to an order or process of a court of competent jurisdiction;

(2) Persons acting in accordance with their powers and duties as public officials;

(3) Duly licensed auctioneers, selling at auction;

(4) Any publisher of a newspaper, magazine or other publication, who publishes in good faith, any advertisement, without knowledge of its false, deceptive or misleading character, or without knowledge that the provisions of this ordinance have not been complied with.

SEC. 4-7.1404. APPLICATION REQUIREMENTS. (a) Written Information Required. A person desiring to conduct a sale regulated by this article shall make a written application to the Director setting forth and containing the following information:

(1) The true name and address of the owner of the goods to be the object of the sale;

(2) The true name and address of the person from whom he purchased the goods to be sold and the price therefor, and if not purchased, the manner of such acquisition;

(3) The address of the place where such sale is to be held;

(4) The nature of the occupancy, whether by lease or sublease and the effective date of termination of such occupancy;

(5) The dates of the period of time in which the sale is to be conducted;

(6) A full and complete statement of the facts in regard to the sale, including the reason for the urgent and expeditious disposal of goods thereby and the manner in which the sale will be conducted;

(7) The means to be employed in advertising such sale together with the proposed content of any advertisement;

(8) An itemized stock list of inventory of the goods, wares, and merchandise to be offered for sale, together with the cost at which the goods, wares and merchandise was obtained by the owner thereof, or person conducting such sale. All goods, wares and merchandise listed upon the inventory herein required shall be so described in detail by manufacturer's name and lot number, the individual number of articles so numbered, colors, sizes and otherwise, that the identity of such goods with the goods listed on such inventory can be readily determined;

(a) Bona Fide Orders. All goods included in such inventory shall have been purchased by the applicant for resale on bona fide orders without cancellation privileges and shall not comprise goods purchased on consignment;

(b) Goods Purchased for Sale Hereunder. Such inventory shall not include goods ordered in contemplation of conducting a sale regulated hereunder. Any unusual purchase, or additions to the stock of goods of the business hereby affected within ninety (90) days before the filing of an application hereunder shall be deemed to be of such character.

(9) The place where such stock was purchased or acquired, and if not purchased, the manner of such acquisition; and in the case of stock placed upon the premises within ninety (90) days prior to such sale, the time of acquisition of such stock;

(10) The name of the owner of the goods, wares and merchandise to be offered for sale; and if the sale is to be conducted by a person not the owner of the goods, then the name of the person conducting such sale.

SEC. 4-7.1405. LICENSE FEE: SURETY BOND. Any applicant for a license hereunder shall submit to the Director with his application a license fee of One Hundred and no/100ths (\$100.00) Dollars, together with a corporate surety bond, payable to the City in the penal sum of One Thousand and no/100ths (\$1,000.00) Dollars, conditioned upon compliance with the provisions of this article. Any applicant for a renewal license hereunder shall submit to the Director with his renewal application, a renewal license fee of Fifty and no/100ths (\$50.00) Dollars.

SEC. 4-7.1406. EFFECT OF LICENSE. (a) A license shall be issued hereunder on the following terms:

(1) Licensing Period. The license shall authorize the sale described in the application for a period of not more than sixty (60) consecutive days, Sundays and legal holidays excluded, following the issuance thereof.

(a) Renewal Procedure. The Director shall renew a license for one period of time only, such period to be in addition to the sixty (60) days permitted in the original license and not to exceed thirty (30) consecutive days, Sundays and holidays excluded, when he finds:

(a-1) That facts exist justifying the license renewal;

(a-2) That the licensee has filed an application for renewal;

(a-3) That the licensee has submitted with the application for renewal a revised inventory showing the items listed on the original inventory remaining unsold and not listing any goods not included in the original application and inventory.

(a-3a) For the purposes of this subsection, any application for a license under the provisions of this article covering any goods previously inventoried as required hereunder, shall be deemed to be an application for renewal, whether presented by the original applicant, or by any other person.

(2) Nature of Sale. The license shall authorize only the one type of sale described in the application at the location named therein.

(3) Saleable Goods. The license shall authorize only the sale of goods described in the inventory attached to the application.

(4) Non-Transferability. Any license herein provided for shall not be assignable or transferable.

SEC. 4-7.1407. DUTIES OF LICENSEE. (a) A licensee hereunder shall:

(1) Adhere to Inventory. Make no additions whatsoever, during the period of the licensed sale, to the stock of goods set forth in the inventory attached to the application for license.

(2) Advertise Properly. Refrain from employing any untrue, deceptive or misleading advertising.

(3) Adhere to Advertising. Conduct the licensed sale in strict conformity with any advertising or holding out incident thereto.

(4) Keep Duplicate Inventory. Keep available at the place of sale a duplicate copy of the inventory submitted with the application and shall present such duplicate to inspecting officials upon request.

(5) Segregate Non-inventoried Goods. Keep any other goods separate and apart from the goods listed in the filed inventory as being objects of sale and shall make such distinction clear to the public by placing tags on all inventoried goods in and about the place of sale apprising the public of the status of all such goods.

(6) Revised Daily Inventory. At the close of business each day the stock inventory shall be revised and items on such list disposed of during such day shall be noted thereon. Suitable books and records as prescribed by the Director shall be kept by the permittee and shall be available at all times to the Inspectors of the Director.

SEC. 4-7.1408. NO ADDITIONAL GOODS No goods, wares or merchandise shall be permitted to be offered for sale at the place of business where such sale is to be conducted other than those items listed in the inventory filed with the application for the permit.

SEC. 4-7.1409. SALES IN PROGRESS. No sale as herein defined which is in progress at the time this article becomes effective shall be continued more than thirty (30) days thereafter without complying with all of the requirements of this article.

SEC. 4-7.1410. RESTRAINING ORDERS. In addition to other remedies, the City Attorney, in the name of and in behalf of the City of Modesto may institute appropriate action or proceedings in any court of competent jurisdiction to restrain or abate violations of the provisions of this article.

SEC. 4-7.1411. EXAMINATION OF RECORDS. The Director shall at all times have the power to make an examination or investigation of the business and the books, records and accounts, and other papers pertaining thereto, of any person theretofore permitted or authorized to conduct a sale regulated by the provisions of this article.

SEC. 4-7.1412. POWER TO REVOKE PERMIT. The Director shall have the power to revoke at any time any permit granted in accordance with the provisions of this article whenever any such sale or special sale is being conducted in violation of any of the provisions of this article, or in such a manner as to deceive or defraud the public, or if:

(a) The holder of any such permit has made any material misstatement in the application for such permit;

(b) He has been guilty of any fraudulent practice, or practices, in the conduct of the sale authorized by such permit;

(c) He has failed to include in the inventory required by the provisions of this article, the goods, wares, or merchandise required to be contained in such inventory;

(d) He has added, caused to be added, or permitted to be added any goods, wares or merchandise not described in the original inventory;

(e) He has violated any of the provisions of this article or the laws pertaining to advertising.

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

fact showing its urgency:

Unless the above ordinance is adopted immediately, the currently conducted and proposed close out sales without regulation permit the use of fraudulent practices which may or are likely to deceive or defraud the public.

SECTION 4. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, being an emergency ordinance, this ordinance shall take effect and be in full force and operation as of the date of its adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full in The Modesto Bee, the official newspaper of the City of Modesto, within fifteen (15) days after its adoption.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of May, 1958, by Councilman Robinson, 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, Arata, Merrill, Robinson, Mayor Pro Tempore
Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Anderson, Mayor Marks

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE AMENDING SECTION 6-7.207 OF ARTICLE 2 OF CHAPTER 7 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO MOTOR BUSES, AND REPEALING SECTION 6-7.209 THEREOF.

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

SECTION 1. AMENDMENT OF CODE. Section 6-7.207 of Article 2 of Chapter 7 of Title VI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 6-7.207. REGULATIONS. In order to insure the safety of the public and in order to insure reasonably adequate service of any such grantee of a permit or license, the grantee of any such permit or license shall comply with each and all of the following requirements, the breach of any of which requirements shall be unlawful and shall be cause for the revocation or suspension of such permit or license in the discretion of the Council.

(a) He shall not at any time operate any such motor bus pursuant to said license unless he shall have given, and there is in full force and effect and on file with the City Clerk at all times during which said motor bus is being operated, a bond or policy of insurance of the grantee of said permit and license with a solvent and responsible surety or insurance company authorized to do business under the laws of the State approved as to form and sufficiency of surety by the Council, and conditioned that the grantee, or any person operating a motor bus under said license as employee of the grantee, will pay all loss or damage that may result to any person or property from the negligent operation or defective construction of said motor bus or which may arise or result from any violation of any of the provisions of this article, or of any law of the City, or of the laws of the State. The recovery upon said bond or policy of insurance shall be not less than Ten Thousand and no/100ths (\$10,000.00) Dollars for the injury or death of one (1) person resulting from any accident, Twenty Thousand and no/100ths (\$20,000.00) Dollars for two (2) or more persons injured in any single accident and Five Thousand and no/100ths (\$5,000.00) Dollars for damage to property of others. Such bond or policy shall be given to the City, and shall, by its terms, inure to and be for the benefit and protection of any and all persons and their heirs suffering loss or damage, either to person or property, as herein provided. Said bond or policy of insurance shall contain a provision that there is a continuing liability thereunder, notwithstanding any recovery thereon. If, at any time, in the judgment of said Council, said bond or policy is not sufficient for any cause, the Council may require the licensee to replace the same with another bond or policy satisfactory to the said Council, and in default thereof for a period of five (5) days, after notice to the licensee, the license and permit of said person may be suspended, unless and until replaced by another bond or policy of insurance conditioned as herein specified.

Nothing herein contained shall be construed to place any limit upon any recovery against the licensee or permittee.

No bond or policy of insurance given pursuant hereto may be revoked or cancelled, unless and until the surety shall have given the assured fifteen (15) days previous notice thereof in writing, stating the reason for such cancellation and when the same shall be effective, and until also a copy of such notice of cancellation shall have been served upon the City Clerk of the City at least fifteen (15) days prior to the date when such cancellation becomes effective.

(b) Any motor bus operating under the authority of such permit or license shall comply with all of the provisions established by the laws of the State.

(c) Every motor bus operated under the authority of such license or permit shall stop to take on and let off passengers at specified points, and wherever provisions shall be made therefor by the Council, shall stop next to the curb at spaces reserved for that purpose; and insofar as possible, all stops shall be made before crossing intersections.

SECTION 2. REPEALS. Section 6-7.209 of Article 2 of Chapter 7 of Title VI of the Modesto Municipal Code 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.

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 Bee, 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 May, 1958, by Councilman Robinson, who moved its introduction 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, Arata, Hammond, Merrill, Robinson, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Anderson

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 241-C.S.

FINAL ADOPTION CLAUSE

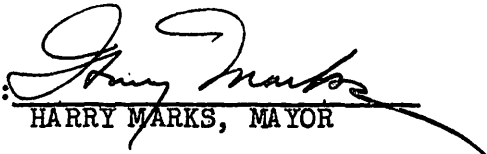
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14 day of May, 1958, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Anderson

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: May 29, 1958

ORDINANCE NO. 242 -C.S.

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

WHEREAS, a petition was filed with the City Clerk by

O. C. THOMPSON and SYBIL M. THOMPSON

_____ on
March 17, _____, 1958, 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 HILLVIEW ACRES 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 April, 1958, set said petition for hear-
ing at the hour of 4:30 o'clock p.m. on the 4th day of June,
1958, 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 Bee, a newspaper published
in the City of Modesto on May 2, 1958, and on
May 9, 1958; and in the Turlock Daily Journal,
a newspaper published outside the City of Modesto, but in the
County of Stanislaus, on May 2, 1958, and on
May 9, 1958, 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 4th day of June, 1958, 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 HILLVIEW ACRES 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, Sections 30 and 31, Township 3 South, Range 9 east, Mount Diablo Base and Meridian, and more particularly described as follows:

Beginning at the point of intersection of the North line of a 60 foot street known as Maze Boulevard, as said 60 foot street is shown on the map of Maze Ranch Subdivision, filed March 19, 1909, Volume 4 of Maps, Page 18, Stanislaus County Records, and the Northern extension of the Eastern property line of the property conveyed to the Catholic Archbishop of San Francisco, September 14, 1944 by Instrument No. 13045, Stanislaus County Records, said point of intersection being on the existing City limits as described in the Mark Twain Annexation filed June 22, 1956 as Instrument Number 17230, Stanislaus County Records; thence Southerly along said Northern extension of the Eastern property line and existing City limits as described in said Mark Twain Annexation to a point on the Southern line of said Maze Boulevard; thence Westerly along said Southern line of Maze Boulevard 873.04 feet; thence Northerly and at right angles to said Southern line of Maze Boulevard 815.04 feet to the center line of the Modesto Irrigation District Lateral No. 4 Right of Way; thence Easterly along said center line of the Modesto Irrigation District Lateral No. 4, 1304.22 feet to the Northeast corner of the property conveyed to O. C. and SYBIL THOMPSON by deed filed August 28, 1941 as instrument No. 11184, Stanislaus County Records; thence Southerly along the Eastern property line of said Thompson land, 830.37 feet to said Northern line of Maze Boulevard and existing City limits as described in said Mark Twain Annexation; thence Westerly along said Northern line of Maze Boulevard and existing City limits, 431.35 feet to the point of beginning; containing 24.908 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 Bee, 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 4 day of June, 1958, by Councilman Robinson, who moved its adoption and passage to print, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Arata, Adams, Hammond, Merrill, Spaulding, Robinson
Major Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED


HARRY MARKS, Mayor

ATTEST:


REX E. GALLPUS, City Clerk

(SEAL)

AN ORDINANCE APPROVING THE LEASING OF CERTAIN REAL PROPERTY TO THE VETERANS OF FOREIGN WARS OF THE UNITED STATES, MODESTO POST 3199, A CORPORATION, FOR A JUNIOR RIFLE RANGE AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH.

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

SECTION 1. APPROVAL OF LEASE. The City of Modesto hereby approves the leasing to the Veterans of Foreign Wars of the United States, Modesto Post 3199, a corporation, for a term of ten (10) years, for a junior rifle range, that certain real property located on the Modesto City-County Airport and more particularly described in that certain lease agreement covering said property a copy of which is on file in the Office of the City Clerk in the City of Modesto, all in accordance with the terms and conditions as set forth in said lease agreement.

SECTION 2. SIGNING AND ATTESTING. 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. 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 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 Bee, 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 June, 1958, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, ~~Hammond~~, Merrill, Robinson, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: ~~Hammond~~

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 243-G.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 18 day of June, 1958, 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, Spaulding, Mayor
Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: July 3, 1958

ORDINANCE NO. 244 -C.S.

AN ORDINANCE AMENDING CHAPTER 3 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO ADMINISTRATIVE DEPARTMENTS, AND ADDING ARTICLE 4 TO CHAPTER 4 OF TITLE II OF SAID CODE RELATING TO THE REIMBURSEMENT OF EXPENSES INCURRED BY OFFICERS AND EMPLOYEES OF THE CITY IN PERFORMANCE OF THEIR OFFICIAL DUTIES, AND REPEALING ARTICLE 2 AND ARTICLE 3 OF CHAPTER 3 OF TITLE II OF SAID CODE.

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

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

CHAPTER 3 - ADMINISTRATIVE DEPARTMENTS

ARTICLE 1. OFFICE OF THE CITY MANAGER

SEC. 2-3.101. CREATION AND FUNCTIONS. The office of the City Manager is established by the Charter of the City of Modesto. The City Manager shall have the duties, responsibilities, authority and jurisdiction provided by the Charter, and the ordinances and resolutions adopted by the Council in accordance therewith.

SEC. 2-3.102. ORGANIZATION AND DIRECTION. The City Manager is empowered to make such rules and regulations as he deems necessary for the conduct of the various administrative departments of the City which are under his jurisdiction.

SEC. 2-3.103. ACTING CITY MANAGER. In the case of absence or disability of the City Manager, the Assistant City Manager, or such other officer of the City, as shall be appointed City Manager pro tempore by the Council, shall perform the duties and exercise the powers of the City Manager.

ARTICLE 2. OFFICE OF THE CITY ATTORNEY

SEC. 2-3.201. CREATION AND FUNCTIONS. The office of the City Attorney is established by the Charter. It shall be under the direct control of the City Attorney, subject to approval of the Council. The functions of the City Attorney shall include:

(a) Represent and appear for the Council, commissions, officers, and employees of the City in matters, proceedings and actions in which the City is concerned or is a party or in which any officer or employee or former officer or employee is a party due to the performance of his official duties.

(b) Attend meetings of the Council and commissions and advise them and officers in all matters of law pertaining to their offices.

(c) Prepare ordinances, resolutions, contracts or other instruments for the City as shall be required by the Council and approve as to form all bonds given to and contracts made by the City.

(d) Prosecute on behalf of the City all cases for violation of the Charter and the Modesto Municipal Code and other City laws.

(e) Perform such other duties as may be required by the Council.

SEC. 2-3.202. ACTING CITY ATTORNEY. In case of absence or disability of the City Attorney, the Council shall appoint an Acting City Attorney.

ARTICLE 3. OFFICE OF THE CITY CLERK AND AUDITOR

SEC. 2-3.301. COMBINED CITY CLERK AND AUDITOR. In accordance with Section 901 of the Charter, the positions of City Clerk and City Auditor are hereby combined, and the title of the officer so combined shall be City Clerk and Auditor.

SEC. 2-3.302. CREATION AND FUNCTIONS. The office of the City Clerk and Auditor is established by the Charter. This office as an administrative division shall be under the direct control of the City Clerk and Auditor as to statutory duties, but subject to general administrative direction of the City Manager. It shall be the duty of the City Clerk and Auditor to perform all duties and have such authorities and responsibilities as are prescribed by the Charter and ordinances of the City and the laws of the State of California. The City Clerk and Auditor shall perform the following duties:

(a) Attend all meetings of the Council and record, index and maintain a full and true record of all the Council's proceedings.

(b) Maintain appropriately certified and indexed original copies of resolutions and ordinances adopted by the Council and of written contracts made by the City and deeds for property rights obtained or held by the City.

(c) Verify cash receipts, the distribution of revenues to the appropriate funds, and certify as to legality and correctness all bills, invoices, payrolls, demands and charges against the City, and countersign warrants or checks in payment of such claims, except that payroll checks drawn upon a special payroll fund are signed without counter-signature.

(d) Audit fiscal transactions relating to the deposit, transfer, withdrawal or investment of City monies.

(e) Perform such other duties as may be required by the Council.

The City Clerk and Auditor may require any claimant to make oath as to the validity of any claim or demand against the City. He may investigate any such claim or demand and for such purpose may examine witnesses under oath; and if he finds it erroneous, fraudulent, or otherwise invalid, he shall refuse to certify the same for payment.

SEC. 2-3.303. ACTING CITY CLERK AND AUDITOR. In case of the absence or disability of the City Clerk and Auditor, the Assistant City Clerk, or other officer of the City, who shall be appointed Acting City Clerk and Auditor by the Council, shall perform the duties and exercise the powers of the City Clerk and Auditor.

ARTICLE 4. FINANCE DEPARTMENT

SEC. 2-3.401. CREATION AND FUNCTIONS. A Finance Department is hereby established. The functions of the Finance Department shall include:

(a) Prepare and submit to the City Manager a monthly statement indicating the financial condition of the City; a complete financial statement and report at the end of each fiscal year; a proposed preliminary budget prior to the beginning of the next succeeding fiscal year.

(b) Receive or collect all monies or revenues due the City; maintain custody of all public funds and securities belonging to or under the control of the City, depositing and investing funds in accordance with the principles of sound treasury management and the applicable law.

(c) Maintain a general accounting system for the City government, supervising and controlling disbursements and expenditures, including payroll, through a system of budget control to assure that monies are available and appropriated.

(d) On behalf of the City Manager procure materials, supplies, and general services for the City and prepare and maintain a current inventory of all materials and supplies and an inventory of general assets belonging to the City.

(e) Provide general office services to other departments of the City as may be determined appropriate.

(f) Estimate, plan and program the City's financial activities, and advise the City Manager and other City officers.

(g) Perform such other duties as the City Manager may direct.

SEC. 2-3.402. ORGANIZATION AND DIRECTION. There shall be a Director of Finance who shall be appointed by the City Manager and be subject to his general administrative direction. The Director of Finance, subject to the approval of the City Manager, shall organize and maintain such divisions in the department as in his judgment the operations may require, and shall be responsible for the direction and control of all functions assigned to the department. In addition the Director of Finance shall have the duties and powers imposed by law on the City Treasurer, City Assessor, and City Tax Collector.

SEC. 2-3.403. ACTING DIRECTOR OF FINANCE. In case of the absence or disability of the Director of Finance, the City Manager shall designate a person to perform the duties and exercise the powers of the Director of Finance.

ARTICLE 5. FIRE DEPARTMENT

SEC. 2-3.501. CREATION AND FUNCTIONS. The Fire Department is hereby established. The functions of the Fire Department shall include:

(a) Protect life and property by preventing and eliminating fire hazards and by controlling and extinguishing fires.

(b) Enforce laws and ordinances relating to the prevention and extinguishing of fires, and the handling of potentially dangerous combustibles and explosives, and investigate and report to the Police Department in all cases where there is reason to believe that any fire is the result of a crime or that a crime is committed in connection therewith.

(c) Maintain in efficient operable condition those fire-fighting and fire prevention systems and facilities assigned to the Fire Department.

(d) Recruit and train such volunteers and auxiliary personnel as may reasonably be required to augment regular Fire Department manpower.

(e) Perform such other duties as the City Manager may direct.

SEC. 2-3.502. ORGANIZATION AND DIRECTION. There shall be a Fire Chief, appointed by the City Manager and subject to his general administrative direction. The Fire Chief, subject to the approval of the City Manager, shall organize and maintain such divisions in the department as in his judgment the operations may require, and shall be responsible for the direction and control of all functions assigned to the department.

SEC. 2-3.503. ACTING FIRE CHIEF. In the case of absence or disability of the Fire Chief, the Assistant Fire Chief, or such other officer of the City who shall be designated by the City Manager as Acting Assistant Fire Chief, shall perform the duties and exercise the powers of the Fire Chief.

ARTICLE 6. HEALTH DEPARTMENT

SEC. 2-3.601. CONSOLIDATION WITH THE COUNTY HEALTH DEPARTMENT. Pursuant to the provisions of Section 901 of the Charter of the City of Modesto and of the pertinent sections of the Health and Safety Code, the City Health Department is consolidated with the County Health Department for the purpose of enforcing State laws and regulations relating to public health. The enforcement of the provisions of the Municipal Code relating to health matters shall be provided by the County Health Officer, acting as City Health Officer, under terms of an agreement with the County of Stanislaus.

ARTICLE 7. PARKING AND TRAFFIC DEPARTMENT

SEC. 2-3.701. CREATION AND FUNCTIONS. A Parking and Traffic Department is hereby established. The functions of the Parking and Traffic Department shall include:

(a) Conduct engineering studies to determine the need for parking facilities, and recommend, plan, design, develop, operate and maintain on and off street parking facilities of the City.

(b) Conduct traffic engineering studies, including accident analysis, to determine the need for and appropriate method for the control of traffic to provide for the safe, convenient and economical movement of persons and vehicles on the public streets and ways of the City.

(c) Perform such other duties as the City Manager may direct.

SEC. 2-3.702. ORGANIZATION AND DIRECTION. There shall be a Director of Parking and Traffic who shall be appointed by the City Manager and subject to his general administrative direction. The Director of Parking and Traffic, subject to the approval of the City Manager, shall organize and maintain such divisions in the office as in his judgment the operations may require, and shall be responsible for the direction and control of all functions assigned to the department.

SEC. 2-3.703. ACTING DIRECTOR OF PARKING AND TRAFFIC. In the case of absence or disability of the Director of Parking and Traffic, the City Manager shall designate an individual who shall perform the duties and exercise the powers of the Director of Parking and Traffic.

ARTICLE 8. PARKS AND RECREATION DEPARTMENT

SEC. 2-3.801. CREATION AND FUNCTIONS. A Parks and Recreation Department is hereby established. The functions of the Parks and Recreation Department shall include:

(a) Plan and operate a broad program of public recreation for all age groups, designed to encourage and maintain interest and participation by individuals and by organizations, both public and private.

(b) Plan, develop, improve and maintain park and recreation areas and facilities.

(c) Plant and maintain street trees in accordance with a general plan for street trees.

(d) Perform such other functions as the City Manager may direct.

SEC. 2-3.802. ORGANIZATION AND DIRECTION. There shall be a Director of Parks and Recreation appointed by the City Manager and subject to his general administrative direction. The Director of Parks and Recreation, subject to the approval of the City Manager, shall organize and maintain such divisions in the department as in his judgment the operations may require, and shall be responsible for the direction and control of all functions assigned to the department.

SEC. 2-3.803. ACTING DIRECTOR. In the case of absence or disability of the Director of Parks and Recreation, the City Manager shall designate a person to perform the duties and exercise the powers of the Director of Parks and Recreation.

ARTICLE 9. PERSONNEL OFFICE

SEC. 2-3.901. CREATION AND FUNCTIONS. The Personnel Office is hereby established. The function of the Personnel Office shall be to carry out the requirements and duties of the merit personnel system established by Chapter 5, Title II of this Code in compliance with Article XII of the Charter.

SEC. 2-3.902. ORGANIZATION AND DIRECTION. The Office of Director of Personnel is established by the provisions of this Code relating to the merit personnel system. The Director shall control and direct the Personnel Office subject to the administrative control of the City Manager.

SEC. 2-3.903. PERSONNEL OFFICER. The City Manager shall appoint a Personnel Officer who shall assist the Director of Personnel in the administration of the Personnel Office. The Director of Personnel may delegate any of his powers and duties to the Personnel Officer or to any other City employee approved by the City Manager.

SEC. 2-3.904. ACTING DIRECTOR. In the case of the absence or disability of the Director of Personnel, the Personnel Officer or other City employee designated by the City Manager shall perform the duties and exercise the powers of the Director of Personnel.

ARTICLE 10. PLANNING DEPARTMENT

SEC. 2-3.1001. CREATION AND FUNCTIONS. A Planning Department is hereby established. The functions of the Planning Department shall include:

(a) Perform staff work for the Planning Commission and the Board of Zoning Adjustment by receiving and processing communications; preparing meeting agenda, documents, charts, maps pertaining to planning matters; surveying, analyzing and recommending on planning matters; and preparing supporting and descriptive data, reports, and cartographic presentations.

(b) Assist the City Manager by performing staff work of a technical nature pertaining to planning matters and in presenting information and recommendations to the Council and by advising the Chief Building Official in matters relating to the enforcement of zoning regulations.

(c) Direct the making of surveys, gathering of data, preparation of reports, maps, charts, analysis and graphic presentations pursuant to the preparation, presentation, adoption and revision of a community general plan.

(d) Perform such other duties as the City Manager may direct.

SEC. 2-3.1002. ORGANIZATION AND DIRECTION. There shall be a Director of Planning who shall be appointed by the City Manager and be subject to his general administrative direction. The Director of Planning, subject to the approval of the City Manager, shall organize and maintain such divisions in the department as in his judgment the operations may require and shall be responsible for the direction and control of all functions assigned to the department.

SEC. 2-3.1003. ACTING DIRECTOR. In the absence or disability of the Director of Planning, the City Manager shall designate a person to perform the duties and exercise the powers of the Director of Planning.

ARTICLE 11. POLICE DEPARTMENT

SEC. 2-3.1101. CREATION AND FUNCTIONS. A Police Department is hereby created. The principal functions of the Police Department shall include:

(a) Prevent crime and maintain law and order in the City by enforcing the laws of the United States, the State of California and ordinances of the City, except when enforcement is by law vested in another office or officer.

(b) Maintain in efficient operable condition those crime prevention and law enforcement systems and facilities assigned to the Police Department.

(c) Recruit and train such volunteer and reserve personnel as may reasonably be required to augment regular Police Department manpower.

(d) Perform such other duties as the City Manager may direct.

SEC. 2-3.1102. ORGANIZATION AND DIRECTION. There shall be a Chief of Police appointed by the City Manager and subject to his general administrative direction. The Chief of Police, subject to the approval of the City Manager, shall organize and maintain such divisions in the department as, in his judgment, the operations may require and shall be responsible for the direction and control of all function assigned to the department.

SEC. 2-3.1103. ACTING CHIEF OF POLICE. In the case of absence or disability of the Chief of Police, the City Manager shall designate a person to perform the duties and exercise the powers of the Chief of Police.

ARTICLE 12. PUBLIC WORKS DEPARTMENT

SEC. 2-3.1201. CREATION AND FUNCTIONS. A Public Works Department is hereby established. The functions of the Public Works Department shall include:

(a) Construct, inspect, operate and maintain the City's public works facilities including water supply facilities, storm drains, streets, sewers, sewage treatment plant, airport, electrical installations, city-owned buildings and such other City installations as are not assigned to another department or which may be assigned by the City Manager.

(b) Enforce through the appropriate officers and divisions, the laws and regulations relating to work done in public streets and ways, the construction, alteration, occupation and demolition of buildings, and land use.

(c) Maintain in efficient operable condition automotive and other equipment of the City not otherwise assigned to another department for maintenance, and keep possession and inventory control records of the central stores assigned to the Public Works Department.

(d) Perform or direct all phases of engineering work required in connection with functions of the City not otherwise assigned to another department, and prepare and maintain engineering records of the City.

(e) Perform such other duties as may be required by the City Manager.

SEC. 2-3.1202. ORGANIZATION AND DIRECTION. There shall be a Director of Public Works appointed by the City Manager and subject to his general administrative direction. The Director of Public Works, subject to the approval of the City Manager, shall organize and maintain such divisions in the department as in his judgment operations may require, and shall be responsible for the direction and control of all functions assigned to the department.

SEC. 2-3.1203. ACTING DIRECTOR OF PUBLIC WORKS. In the case of absence or disability of the Director of Public Works, the Assistant Director of Public Works or such other officer of the City who shall be designated by the City Manager shall perform the duties and exercise the powers of the Director of Public Works.

SECTION 2. AMENDMENT OF CODE. Article 4 entitled "Reimbursement of Official Expenses" is hereby added to Chapter 4 of Title II of the Modesto Municipal Code to read as follows:

ARTICLE 4. REIMBURSEMENT OF OFFICIAL EXPENSES

SEC. 2-4.401. REIMBURSEMENT AUTHORIZED. All officers and employees of the City shall be entitled to reimbursement for expenses incurred for transportation, meals, lodging and incidentals necessarily incurred in the performance of their official duties in addition to such compensation as is otherwise provided. In case of any doubt as to the necessity for the incurring of any expense, the City Manager shall determine whether such necessity existed and may allow, reject or modify any claim or item or items thereof.

SEC. 2-4.402. PROCEDURE FOR PAYMENT. All expenses shall be audited and paid in accordance with the procedure established by the City Manager. The City Manager may prescribe and provide forms to be used in making such claims, and may require in any case receipts or other evidence of payment of the amounts claimed by the party entitled thereto.

SEC. 2-4.403. ADVANCE PAYMENT. The City Manager shall have the authority to authorize the advance of budgeted funds to City officers and employees to cover estimated official expenses to be incurred in the performance of authorized travel. The payee shall account for the expenditures of said funds within ten (10) days after the completion of said authorized travel and reimburse the City for any unexpended portion of the advance.

SECTION 3. REPEALS. Article 2 and Article 3 of Chapter 3 of Title II of the Modesto Municipal Code are hereby repealed.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, 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 June, 1958, 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, Arata, ~~Hammond~~, Merrill, Robinson, Spaulding,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Hammond

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 244-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 18 day of June, 1958, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and the ordinance finally adopted by the following vote:

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

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: July 3, 1958

AN ORDINANCE AMENDING SECTION 4-6.702 OF ARTICLE 7 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXICABS.

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

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

SEC. 4-6.702. APPLICATION BLANK. Applicants for such permits shall file applications therefor with the Director of Parking and Traffic upon blanks to be furnished by the City. Applicants for drivers' permits shall pay to the Director of Finance a fee of Three and no/100ths (\$3.00) Dollars for each application. A copy of the receipt for fees paid, shall be filed with the Director of Parking and Traffic.

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 Bee, 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 June, 1958, by Councilman Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and ordered printed and published by the following vote:

AYES: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Marks

NOES: None

ABSENT: Hammond

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 245-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 18 day of June, 1958, Councilman Spaulding 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, Hammond, Robinson, Spaulding, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED: 

HARRY MARKS, MAYOR

ATTEST: 

REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: July 3, 1958

AN ORDINANCE AMENDING SECTION 6-1.108 OF TITLE VI OF CHAPTER 1 OF THE MODESTO MUNICIPAL CODE RELATING TO APPLICATIONS FOR A BUSINESS LICENSE.

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

SECTION 1. AMENDMENT OF CODE. Section 6-1.108 of Title VI of Chapter 1 of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 6-1.108. APPLICATIONS FOR A LICENSE. Each applicant for a license shall complete and sign an application on forms provided by the City, except as otherwise provided in this chapter. Such forms shall require such information as the Director shall deem necessary to determine the proper license tax to be paid by the applicant, including the name and address of the individual if a single proprietor, the names and addresses of all owners if a firm, or the names and addresses of all principal officers if a corporation, the name of the business, the address at which the business is to be conducted, the type of business, and the activities to be carried on for which the license is being sought. Upon determining the license tax due, the Director shall indicate the amount on the application form, and upon payment of the tax, shall issue to the applicant a receipt for taxes paid.

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, provided, however, that the provisions of this ordinance shall apply retroactively as of July 1, 1958.

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 Bee, 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 June, 1958, by Councilman Merrill, 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: Adams, Arata, ~~Hammond~~, Merrill, Robinson, Spaulding, Mayor Marks

NOES: None

ABSENT: ~~Hammond~~

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
HARRY MARKS, Mayor

Ord. No. 246-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 18 day of June, 1958, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and the ordinance finally adopted by the following vote:

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

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: July 3, 1958

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1959, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto a proposed budget for the 1958-59 fiscal year has been submitted to the City Council by the City Manager, and the City Council has made such revisions as it has deemed advisable, and

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

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

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

SECTION 1. That the "City of Modesto Preliminary Budget, 1958-59", presented by the City Manager to the City Council at its meeting held on May 7, 1958, and as thereafter amended by the City Council, a copy of which budget, as amended, is on file in the Office of the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1959, and the several amounts stated therein as proposed expenditures are hereby appropriated for the various objects therein described.

SECTION 2. That the City Council is authorized by resolution to transfer funds from one department to another department and to transfer and authorize the expenditure of funds from the Reserves for specific purposes.

SECTION 3. That the City Manager is authorized to transfer funds within departmental budgets between the following classifications, to wit: Salaries, operating expenses, and capital outlay; and to transfer and expend funds from the Contingency Reserve for specific purposes.

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 in full at least once in The Modesto Bee, 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 18 day of June, 1958, by Councilman Adams, who moved its adoption, which motion being duly seconded by Councilman Spaulding, was upon roll call carried by the following vote:

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

APPROVED: _____


HARRY MARKS, Mayor

ATTEST: _____


REX E. GAILFUS, City Clerk

AN ORDINANCE AMENDING THE TITLE OF CHAPTER 3 OF TITLE VII; SECTIONS 7-3.101 AND 7-3.103 OF ARTICLE 1 OF CHAPTER 3 OF TITLE VII; SECTIONS 7-3.401, 7-3.404, 7-3.405, 7-3.409, 7-3.412, 7-3.415 AND 7-3.418 OF ARTICLE 4 OF CHAPTER 3 OF TITLE VII AND REPEALING CERTAIN SECTIONS OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO THE MODESTO CITY-COUNTY AIRPORT.

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

SECTION 1. AMENDMENT OF CODE. The title of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 3 - MODESTO CITY-COUNTY AIRPORT

SECTION 2. AMENDMENT OF CODE. Section 7-3.101 of Article 1 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.101. TERMINAL FACILITIES. The Modesto City-County Airport shall be conducted as a terminal facility for the promotion and accommodation of air commerce, and as a public air terminal.

SECTION 3. AMENDMENT OF CODE. Section 7-3.103 of Article 1 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.103. DIVISION OF DEPARTMENT OF PUBLIC WORKS. The Modesto City-County Airport shall be a division of the Department of Public Works of the City. The Airport Manager shall carry out his duties under the supervision and direction of the Director of Public Works.

SECTION 4. AMENDMENT OF CODE. Section 7-3.401 of Article 4 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.401. HANGARS. Charges or fees shall be paid to the Airport Manager for use of the airport and shall be as follows:

(a) T-Hangars \$27.00 per unit, per month

(b) Storage Hangars:

Hangar No. 1. . . \$120.00 per month
Hangar No. 2. . . 120.00 per month
Hangar No. 3. . . 126.00 per month
Hangar No. 5. . . 180.00 per month

SECTION 5. AMENDMENT OF CODE. Section 7-3.404 of Article 4 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.404. TIE DOWN FEES. Charges and fees shall be as follows:

- (a) Tie Downs - Permanent - Single Engine - \$ 8.50 per month
- (b) Tie Downs - Permanent - Light Twins - \$15.00 per month
- (c) Tie Downs - Permanent - Heavy Twins - \$20.00 per month
- (d) Tie Downs - Permanent - All 4 Engine Aircraft - \$25.00 per month
- (e) Tie Downs - Transient - Single Engine - \$.50 per day
- (f) Tie Downs - Transient - Light Twins - \$ 1.00 per day
- (g) Tie Downs - Transient - Heavy Twins - \$ 1.50 per day
- (h) Tie Downs - All 4 Engine Aircraft - \$ 2.50 per day

SECTION 6. AMENDMENT OF CODE. Section 7-3.405 of Article 4 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.405. OFFICE SPACE. The charge for office space shall be as follows:

- (a) Office Building No. 1. . . . \$ 16.00 per month
- (b) Office Building No. 2. . . . 26.00 per month

SECTION 7. AMENDMENT OF CODE. Section 7-3.409 of Article 4 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.409. NONSCHEDULED TRANSIENT AIRCRAFT CARRYING PASSENGERS AND/OR CARGO FOR HIRE. Aircraft landing at the airport shall pay a landing fee as follows:

- (a) All Light Twin Engine Aircraft . . \$4.00 per landing
- (b) DC 3 7.50 per landing
- (c) Convair and C 46 10.00 per landing
- (d) All 4 Engine Aircraft 14.00 per landing

(e) All multi-engine aircraft, not based at Modesto City-County Airport, owned and operated by individuals, companies and corporations carrying their own products shall not be charged for the first two trips per calendar month; all other trips for the same calendar month shall be charged for at the same rates applied to nonscheduled aircraft carrying cargo for hire.

SECTION 8. AMENDMENT OF CODE. Section 7-3.412 of Article 4 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.412. PERMANENTLY BASED COMMERCIAL SERVICES. Any person engaging in commercial enterprise permanently based at the Modesto City-County Airport shall first pay to the City a license fee of One Hundred and no/100ths (\$100.00) Dollars per year.

SECTION 9. AMENDMENT OF CODE. Section 7-3.415 of Article 4 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.415. TRANSIENT COMMERCIAL SERVICES. Any person engaging in a commercial enterprise, temporarily based at the Modesto City-County Airport, shall pay to the City, a license fee in the sum of One Hundred Fifty and no/100ths (\$150.00) Dollars payable in advance.

Each such operator shall also pay to the City an additional sum of Ninety and no/100ths (\$90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the airport and its facilities.

An operator shall be considered as "temporarily based" at the Modesto City-County Airport within the meaning of this chapter, unless said operator maintains an office at said airport and intends to engage in business from said base for a consecutive period of not less than six (6) months in duration. The requirements of this section may be modified or waived by action of the Council during such times as are declared by it to be periods of public emergency.

SECTION 10. AMENDMENT OF CODE. Section 7-3.418 of Article 4 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.418. PAYMENTS TO DIRECTOR OF FINANCE. Any person having a lease with the City shall pay the rentals accruing thereunder to the office of the Director of Finance, City of Modesto.

SECTION 11. REPEALS. Sections 7-3.203, 7-3.207, 7-3.402, 7-3.403, 7-3.406 and 7-3.410 of Chapter 3 of Title VII of the Modesto Municipal Code are hereby repealed.

SECTION 12. 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, provided, however, that the provisions of this ordinance shall apply retroactively as of July 1, 1958.

SECTION 13. PUBLICATION. This ordinance shall be published in full at least three (3) days prior to its final adoption in the Modesto Bee, 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 25 day of June, 1958, 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; Arata, Hammond, Merrill, Robinson, Spaulding,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Adams

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 248-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 2 day of July, 1958, 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, Merrill, Robinson, Spaulding,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: July 17, 1958

ORDINANCE NO. 249-C.S.

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:

- 1 Hose Truck
- 1 L.C. Smith typewriter
- 9 Benches
- 4 4' stencils, SLOW
- 1 Tape edging machine
- Scrape steel
- Scrap cast iron
- Scrap copper
- Scrap brass
- Scrap aluminum
- 1 ton steel pipe, pitted
- 1 6" irrigation pump
- 2 Fuel pumps, hand operated
- 1 Lawn mower
- 1 Lawn sweeper
- 1 Battery charger
- 2 Emergency red lights
- 10 Assorted fan belts
- 6 Wood doors, various sizes
- 1 2-burner gas plate
- 16 Greenburg fire hydrants
- 5 8' signal standards
- 3 Royal typewriters
- 1 Remington typewriter

35 Gallons yellow traffic paint

13 Gallons orange paint

1 Mark-Rite brush type paint machine

SECTION 2. The City Manager is hereby authorized and directed to sell the following described personal property now in the possession of the City Police Department, which has been unclaimed for a period of at least six months, to-wit:

20 Wallets

18 Purses & coin purses

6 Pair eye glasses

2 Jackets

1 Scales

1 Flashholder

9 Wrist watches

2 Rings

2 Pair shoes

2 Pair binoculars

20 Packages Christmas cards

2 Lunch pails

3 Coats

1 Laundry bag

2 Knives

60 Hubcaps

5 Suitcases

2 Mechanical pencils

2 Ballpoint pens

1 Pair hay bucking apron

1 Chrome air cleaner

1 Camera

1 Pair gloves

1 Chrome chain

4 Car door lock knobs
1 Bottle stopper
1 Can opener
1 1956 Ford tail light lense
1 Carburetor kit, parts
1 Camera case
1 Toy pig
1 Car radio
1 Tennis racquet
1 Belt
1 Sweatshirt
1 Shoulder patch
Miscellaneous hand tools
1 Fire extinguisher
1 Side view mirror
1 Box miscellaneous jewelry
1 Overnight vanity case with contents
1 Phonograph record
1 Pearl necklace
2 Boxes miscellaneous chemistry glassware
26 Bicycles
5 Tires and wheels
4 Oil lanterns
1 Wagon
1 Lawn mower
1 Garbage can
1 Roll roofing paper
7 Garbage can lids
4 Bike wheels (no tires)
2 Bike wheels (with tires)
1 Wire display rack
1 Gum machine
1 Tarp

SECTION 3. The foregoing sales shall be made at public auction in the City of Modesto. The City Manager is hereby authorized to fix the time and place for said sales. At least five (5) days before the time fixed for each sale, the City Clerk shall cause notice thereof to be published once in the Modesto Bee, the official newspaper of the City of Modesto. Said notice shall set forth the time and place of the sale and the items of property to be offered for sale.

The sale shall be conducted by the City Manager or by such person as he may select for this purpose. All items of property not sold at said auction sales shall be disposed of in such manner as the City Manager deems to be in the best interest of the City.

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

SECTION 5. This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto Bee, 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 July, 1958, by Councilman Robinson, who moved its adoption and passage to print, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and the ordinance ordered printed and published by the following vote:

AYES: Councilmen: Arata, Merrill, Robinson, Spaulding, Mayor Pro Tempore Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Adams, Mayor Marks

APPROVED


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

Ord. No. 249-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 23 day of July, 1958, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and the ordinance finally adopted by the following vote:

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

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS, CITY CLERK

EFFECTIVE DATE: August 7, 1958

AN ORDINANCE REPEALING SECTION 6-8.103 OF ARTICLE 1 OF CHAPTER 8 OF TITLE VI AND SECTION 6-8.203 OF ARTICLE 2 OF CHAPTER 8 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO LICENSING OF PRIVATE POLICE PATROL SERVICE AND DETECTIVE AGENCIES.

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

SECTION 1. REPEALS. Section 6-8.103 of Article 1 of Chapter 8 of Title VI and Section 6-8.203 of Article 2 of Chapter 8 of Title VI of the Modesto Municipal Code are hereby repealed.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption and shall apply retroactively as of July 1, 1958.

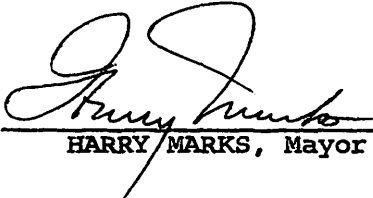
SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23 day of July, 1958, by Councilman Hammond, who moved its adoption, which motion being duly seconded by Councilman Merrill, was upon roll call carried by the following vote:

AYES: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks

NOES: None

ABSENT: Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

Ord. No. 250-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 August, 1958, 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, Arata, Merrill, Robinson, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Hammond, Spaulding

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
~~GUY E. CALLOUS~~, City Clerk
Acting

EFFECTIVE DATE: August 21, 1958

ORDINANCE NO. 251 -C.S.

AN ORDINANCE AMENDING SECTION 3-2.502 OF ARTICLE 5 AND SECTION 3-2.814 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO TRAFFIC CONTROL THROUGH CERTAIN ALLEYS AND LOCKING IGNITION REQUIREMENT.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.502 of Article 5 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.502. TRAFFIC CONTROL THROUGH CERTAIN ALLEYS. It shall be unlawful to drive any vehicle through a one-way alley except in a direction authorized, or to stop any vehicle in said alley except upon the right-hand side thereof and as near the property line as is practicable. The Director shall cause signs to be erected in one-way alleys limiting loading or unloading to the right-hand side thereof.

SECTION 2. AMENDMENT OF CODE. Section 3-2.814 of Article 8 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.814. LOCKING IGNITION REQUIRED. (a) No person shall park and leave a vehicle on a public street, alley or public parking facility unless the ignition has been locked; provided, however, that if the driver or a passenger remains inside the vehicle after and while it is parked, the ignition need not be locked.

(b) Any violation of the provisions of this section shall not mitigate the offense of stealing such motor vehicle nor shall such violation be used to effect a recovery in any civil action for theft of such motor vehicle, or the insurance thereon, or have any other bearing in any civil action.

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.

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 Bee, 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 August, 1958, by Councilman Robinson, 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, Merrill, ^Robinson, Mayor Marks

NOES: Councilmen: Arata

ABSENT: Councilmen: Hammond, Spaulding

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)


Ord. No. 251-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 August, 1958, ~~Councilman~~ Mayor Marks 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, Hammond, Spaulding, Mayor Marks
NOES: Councilmen: Arata, Merrill.
ABSENT: Councilmen: Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: Sept. 4, 1958

AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES
FOR EXPENDITURE DURING THE 1958-59 FISCAL YEAR.

WHEREAS, the sum of Three Thousand Six Hundred Eighty-Two and 78/100ths (\$3,682.78) Dollars, not heretofore appropriated, has been received during the 1958-59 fiscal year for accrued interest sold (\$3,117.78) and premium on bonds (\$565.00) on the 1958 City Hall Bond Issue, and

WHEREAS, the Council desires to appropriate said money for expenditure during the 1958-59 fiscal year and allocate it to pay maturing bond interest (\$1,900.00) and to the 1958 City Hall Bond Interest and Redemption Fund Reserve (\$1,783.00),

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

SECTION 1. APPROPRIATION. The sum of Three Thousand Six Hundred Eighty-Two and 78/100ths (\$3,682.78) Dollars which has been received as accrued interest sold and premium on bonds and deposited to the 1958 City Hall Bond Interest and Redemption Fund during the 1958-59 fiscal year, not heretofore appropriated, is hereby appropriated and allocated to the Bond Interest Matured Account (\$1,900.00) and to the 1958 City Hall Bond Interest and Redemption Fund Reserve (\$1,783.00).

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, 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 August, 1958, 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, Arata, Merrill, Robinson, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Hammond, Spaulding

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GALLEUS, City Clerk
Acting

(SEAL)

ORDINANCE NO. 253 -C.S.

AN ORDINANCE AMENDING SECTION ~~MAP~~ 6 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Paradise Center Addition)

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

SECTION 1. ZONING RECLASSIFICATIONS. Section ~~Map~~ 6 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 ^{Bee} ~~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 August, 1958, by Councilman Robinson, 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, Arata, Merrill, Robinson, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Hammond, Spaulding

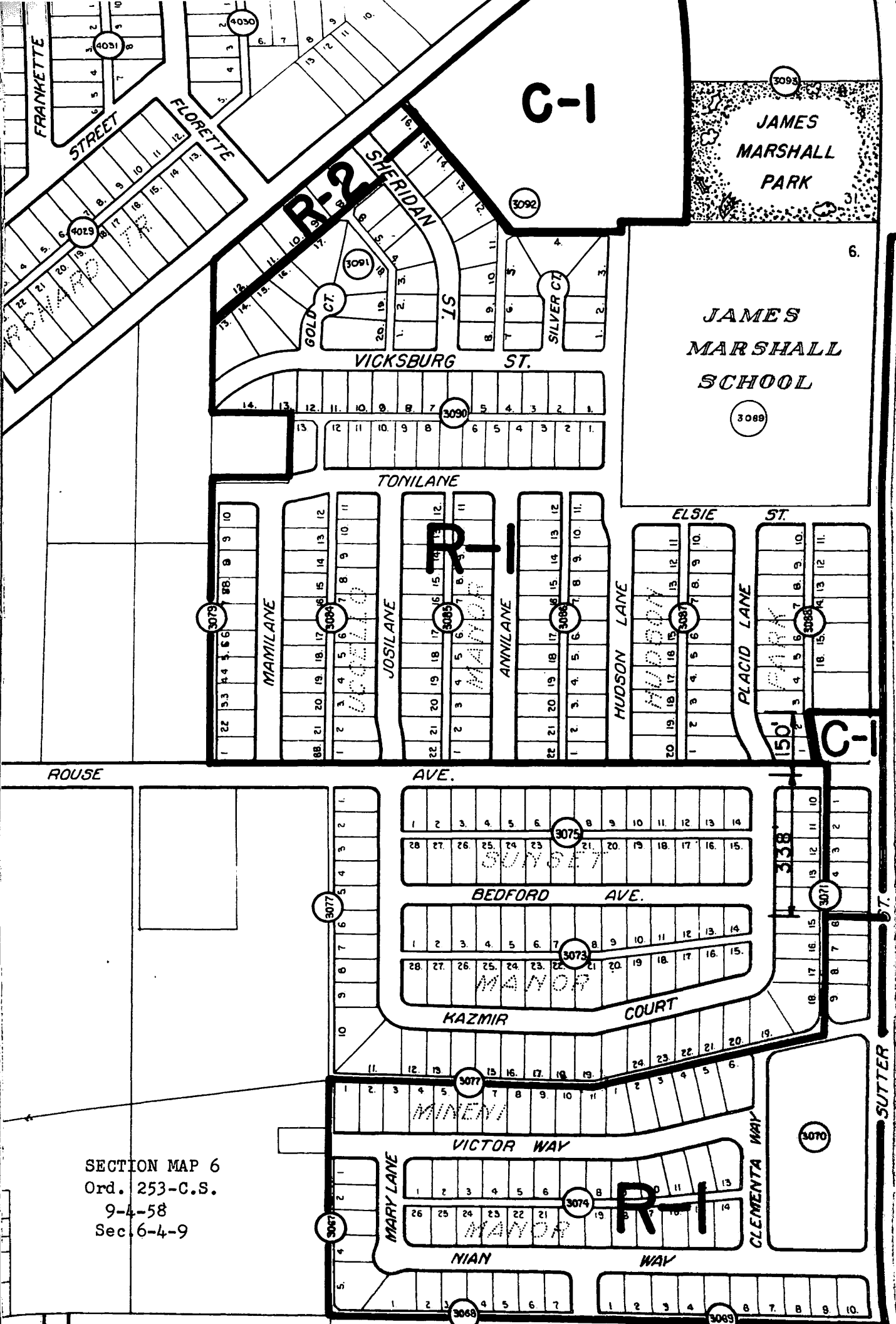
APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)



C-1

JAMES MARSHALL PARK

JAMES MARSHALL SCHOOL

R-I

C-1

R-I

SECTION MAP 6
 Ord. 253-C.S.
 9-4-58
 Sec. 6-4-9

Ord. No. 253-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 August, 1958, 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, Arata, Hammond, Merrill, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GALLFUS, City Clerk

EFFECTIVE DATE: Sept. 4, 1958

AN ORDINANCE APPROPRIATING UNAPPROPRIATED RESERVES IN THE SPECIAL CAPITAL OUTLAY FUND FOR EXPENDITURES DURING THE 1958-59 FISCAL YEAR AND ALLOCATING THEM FOR THE SPECIAL CAPITAL OUTLAY RESERVE.

WHEREAS, there is an additional sum of \$93,785.00 available in Unappropriated Reserves, and

WHEREAS, the Council desires to increase the Special Capital Outlay Reserve of the Special Capital Outlay Fund to provide for expenditures during the 1958-59 fiscal year, which have been or may be hereafter approved by them, and for which funds have not been appropriated.

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

SECTION 1. APPROPRIATION. The sum of \$93,785.00 representing reserves not heretofore appropriated, is hereby appropriated as follows:

SPECIAL CAPITAL OUTLAY RESERVE in the amount of \$93,785.00.

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

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, 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 August, 1958, by Councilman Robinson, who moved its adoption, which motion duly seconded by ~~Councilman~~ Mayor Marks, was upon roll call carried by the following vote:

AYES: Councilmen: Adams, Arata, Merrill, Robinson, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Hammond, Spaulding

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

~~ROSE E. GALLEUS~~, City Clerk
Acting

ORDINANCE NO. 255-C.S.

AN ORDINANCE AMENDING SECTION ~~XXX~~ 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 ^{Bee} ~~Journal and the Valley Citizen~~, the official newspaper of the City of Modesto.

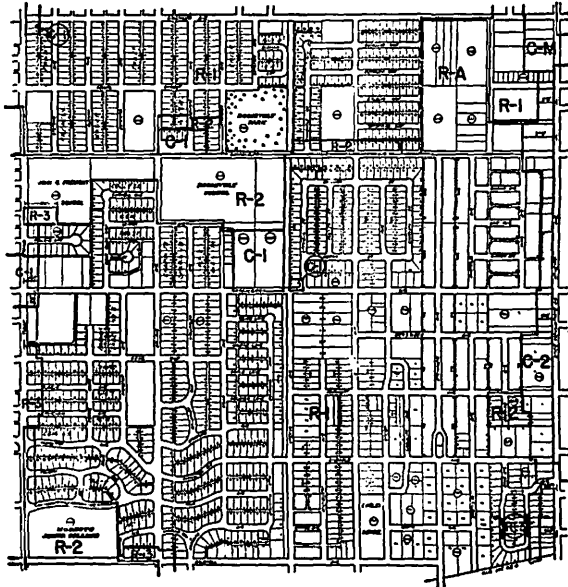
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20 day of August, 1958, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

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

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)



SECTION 20

(As amended by Ord. 255-C.S., effective 9-11-58.)

Ord. No. 255-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 27 day of August, 1958, 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, Arata, Hammond, Merrill, Robinson, Spaulding,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: September 11, 1958

ORDINANCE NO. 256 -C.S.

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE BY ADDING SECTION 8-1.105 THERETO RELATING TO CAPITAL OUTLAYS.

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

SECTION 1. AMENDMENT OF CODE. Article 1 of Chapter 1 of Title VIII of the Modesto Municipal Code is hereby amended to add Section 8-1.105 to read as follows:

SEC. 8-1.105. EXPENDITURES INCLUDED IN TERM "CAPITAL OUTLAYS". The term "capital outlays" as used in this Article, includes the retirement of principal or interest, or both, of bonds issued for capital improvements.

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 three (3) days prior to its final adoption in the Modesto Bee, 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 August, 1958, by Councilman Hammond, who moved its introduction and passage to print, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Hammond, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Arata, Merrill, Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

Ord. No. 256-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 27 day of August, 1958, Councilman Hammond moved its final adoption, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and the ordinance finally adopted by the following vote:

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

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: September 11, 1958

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

WHEREAS, a petition was filed with the City Clerk by Richard C. Smith, Grace A. Smith, Joe Junes, Jr., Kathryn Nunes, Arthur Wylie, Florence E. Wylie, and Trinity Baptist Church on July 8, 1958, 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 NORTH PARK ADDITION, situate in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 16th day of July, 1958, set said petition for hearing at the hour of 8:00 o'clock p.m. on the 27th day of August 1958, 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 Bee, a newspaper published in the City of Modesto on July 24, 1958, and on July 31, 1958; and in the Turlock Daily Journal, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on July 24, 1958, and on July 31, 1958, 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 27th day of August, 1958, 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:

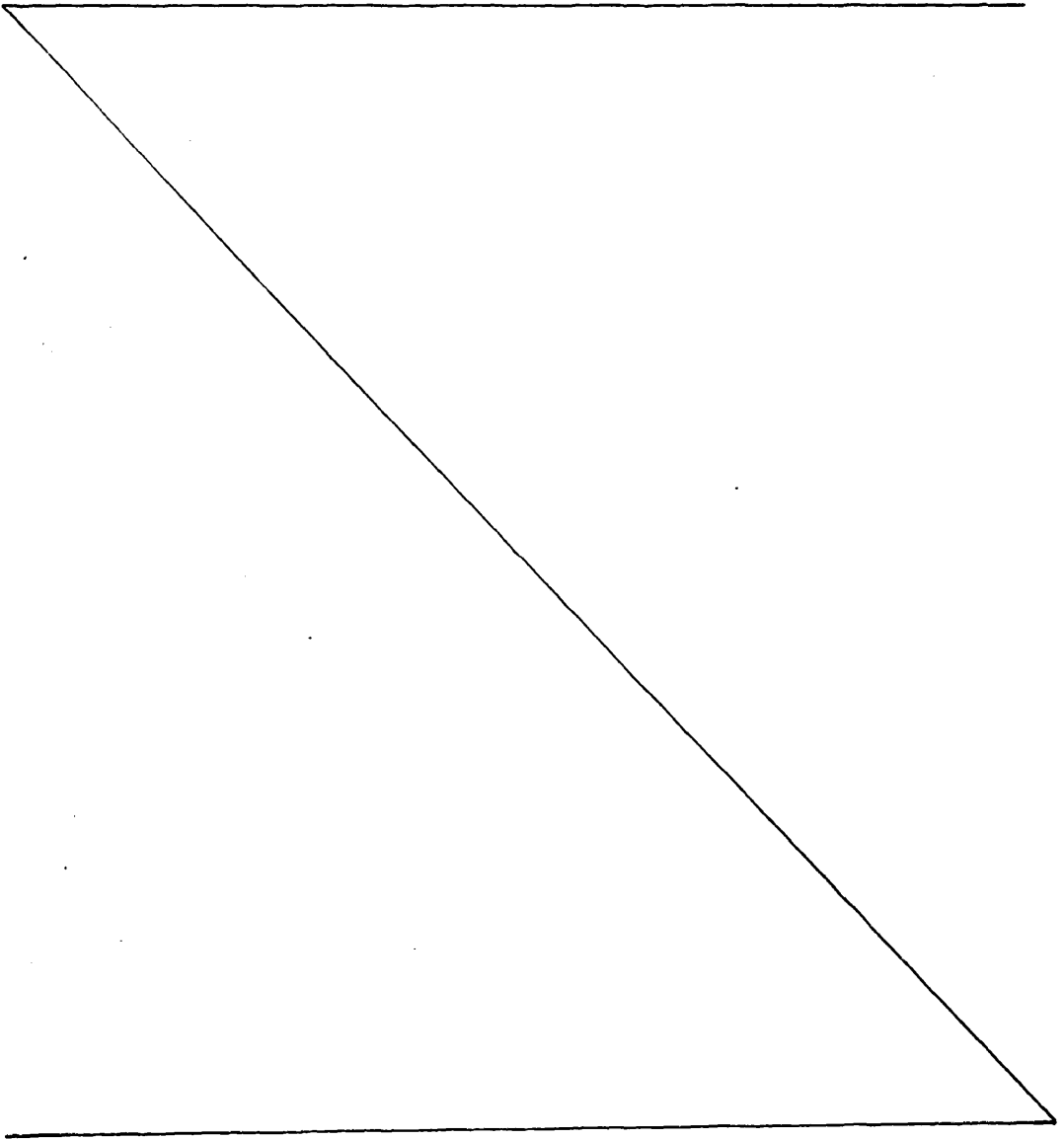
SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated the NORTH PARK 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, Sections 17 and 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and more particularly described as follows:

Beginning at the intersection of the Western line of the Fremont Addition, recorded December 31, 1953 as Instrument No. 32277, Stanislaus County Records, and the Northern line of the West-Glen Addition, filed July 1, 1955 as Instrument No. 19064, Stanislaus County Records, said point being 20 feet at right angles East of the Section line common to Sections 17 and 18 and being also the Eastern line of Tully Road; thence along the corporate City Limits, Westerly, to the Northeastern corner of Westwood Manor Subdivision, as recorded in Volume 18 of Maps at Page 24, Stanislaus County Records; thence along the Northerly extension of the Eastern line of said

Subdivision, Northerly, to the Northern line of the Modesto Irrigation District Lateral No. 3; thence along the Northern line of said Modesto Irrigation District Lateral No. 3, Westerly, to the Southwest corner of the land conveyed to Arthur J. Wylie, et ux., by deed recorded December 20, 1957, as Instrument No. 31783, Stanislaus County Records; thence along the Western line of said Wylie property, Northerly, to the Northwestern corner thereof, said point being on the Southern line of the Gregory Gardens No. 2 Addition, filed on December 5, 1955 as Instrument No. 35055, Stanislaus County Records; thence along the Corporate City Limits, Easterly, to the intersection with the Eastern line of Tully Road, said point being on the Western line of the Caroland Manor Addition, recorded November 6, 1953 as Instrument No. 27782, Stanislaus County Records; thence along the Corporate City Limits, Southerly, to the point of beginning, containing 14.654 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 Section 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 Bee, 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 August, 1958, by Councilman Adams, who moved its adoption and passage to print, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and ordered printed and published by the following vote:

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

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 1958-59

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 purposes 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, 1958 and ending June 30, 1959, 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) Tax Code Areas Nos. 2-1, 2-6, 2-7, 2-8 and 2-9:

FOR THE GENERAL FUND \$ 1.18
FOR THE BOND REDEMPTION AND INTEREST FUND

(1) Municipal Improvement Bonds of 194716
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 \$ 1.45

(b) Tax Code Areas Nos. 2-3, 2-4 and 2-5:

FOR THE GENERAL FUND \$ 1.18
FOR THE LIBRARY FUND11
THE AGGREGATE OF SAID SUMS TO WIT \$ 1.29

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 Bee, 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 August, 1958, by Councilman - Arata who moved its adoption, which motion being duly seconded by Councilman Merrill, was upon roll call carried by the following vote:

AYES: Councilmen: Arata, Hammond, Robinson, Merrill, Mayor Marks

NOES: Councilmen: Adams, Spaulding

ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE AMENDING SECTIONS 6-1.201, 6-1.206 AND 6-1.207 OF ARTICLE 2 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO THE LICENSING OF CERTAIN BUSINESSES, PROFESSIONS, TRADES AND OCCUPATIONS IN THE CITY OF MODESTO FOR THE PURPOSE OF REVENUE.

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

SECTION 1. AMENDMENT OF CODE. Section 6-1.201 of Article 2 of Chapter 1 of Title VI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 6-1.201. RETAIL MERCHANTS AND MISCELLANEOUS BUSINESSES. Every person conducting, carrying on or managing a retail business from a fixed place of business within the City shall pay an annual registration tax of Twenty Five and no/100ths (\$25.00) Dollars, and in addition thereto shall pay a business license tax equal to one (1) mill on each dollar of gross receipts resulting from the operation of said business, payable quarterly.

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

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

SECTION 2. AMENDMENT OF CODE. Section 6-1.206 of Article 2 of Chapter 1 of Title VI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 6-1.206. OUTSIDE CONTRACTORS. Every person not having a fixed place of business within the City who engages in business as a contractor within the City shall pay an annual business license tax of Fifty and no/100ths Dollars, and in addition thereto shall pay a business license tax equal to two (2) mills on each dollar of gross receipts resulting from the business done within the City, payable quarterly; provided, however, that for any license year during which the annual gross receipts resulting from the operation of said business within the City do not exceed Two Thousand and no/100ths (\$2,000.00) Dollars, the total amount of the business license tax shall be Twenty and no/100ths (\$20.00) Dollars. Every person licensed under this section shall file a declaration of gross receipts quarterly on forms prescribed by the City.

SECTION 3. AMENDMENT OF CODE. Section 6-1.207 of Article 2 of Chapter 1 of Title VI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 6-1.207. OTHER OUTSIDE BUSINESSES. Every person not having a fixed place of business in the City who engages in business within the City, which business is not specifically licensed by any other section of this chapter shall pay an annual license tax of Fifty and no/100ths (\$50.00) Dollars, and in addition thereto shall pay a business license tax equal to two (2) mills on each dollar of gross receipts resulting from the business done within the City, payable quarterly; provided, however, that for any license year during which the annual gross receipts resulting from the operation of said business within the City do not exceed Two Thousand and no/100ths (\$2,000.00) Dollars, the total amount of the business license tax shall be Twenty and no/100ths (\$20.00) Dollars. Every person licensed under this section shall file a declaration of gross receipts quarterly on forms prescribed by the City.

SECTION 4. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption and shall apply retroactively commencing on and after July 1, 1958.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, 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 September, 1958, by Councilman Hammond, who moved its adoption and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE TERMINATING A LEASE AGREEMENT WITH THE CENTRAL CALIFORNIA ART LEAGUE, INC. RELATING TO THE RENTAL OF ROOM NO. 102 IN THE MODESTO COMMUNITY SERVICE CENTER IN THE CITY OF MODESTO.

WHEREAS, the Central California Art League, Inc., entered into an agreement with the City of Modesto dated March 20, 1957, relating to the rental of a room in the Modesto Community Service Center designated as No. 102, which agreement is on file in the Office of the City Clerk of the City of Modesto, and

WHEREAS, the Central California Art League, Inc., has given formal written notice to the City requesting the termination of said Lease Agreement as of September 30, 1958, due to the fact that it has been unable to raise sufficient funds to defray the expenses of supporting an Art Gallery in the demised premises,

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


SECTION 1. TERMINATION OF LEASE AGREEMENT. That certain Lease Agreement between the City of Modesto and the Central California Art League, Inc., relating to the rental of a room in the Modesto Community Service Center designated as No. 102 on a copy of the floor plan of said premises, on file in the Office of the City Clerk of the City of Modesto, is hereby terminated as of September 30, 1958.

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 Bee, 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 September, 1958, 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, Krata, Hammond, Robinson, Spaulding,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED: 
HARRY MARKS, Mayor


ATTEST: 
REX E. GAILFUS, City Clerk

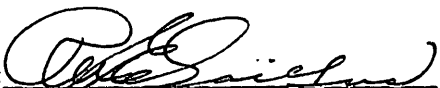
Ord. No. 260-C.S.

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 24 day of September, 1958, 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, Arata, Hammond, Robinson, Spaulding,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 9, 1958

AN ORDINANCE ESTABLISHING BUILDING LINE SETBACKS ALONG CERTAIN STREETS, PROHIBITING THE ERECTION OF BUILDINGS OR STRUCTURES OR THE INSTALLATION OF WELLS, EXCAVATIONS, AND OTHER SUB-SURFACE STRUCTURES THEREIN, PROVIDING FOR THE ENFORCEMENT THEREOF AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

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

SECTION 1. BUILDING LINE SETBACK. The term "building line setback" is defined for the purpose of this ordinance to mean the space between the established center line of a street and a line parallel thereto, including any setback area required to be provided by the zoning regulations of the City.

SECTION 2. NECESSITY FOR ESTABLISHMENT OF MINIMUM BUILDING LINE SETBACKS. The Council declares that the City of Modesto, through the Planning Commission and the Council, is engaged in developing a General Plan, including a streets element, within the City for the purpose of assuring ample transportation facilities, proper relationship of property to thoroughfares, dilution of gases which are the product of combustion in engines; and distances between buildings on opposite sides of streets for the present and future; that the magnitude of the undertaking precludes such plans being completed in their entirety in time to fully guide the rapid development occurring within the City; that the surveys, hearings, map preparation and requirements of law governing such matters necessitate such plans being developed progressively; that to conserve the public interest and to assure the public safety and welfare it is imperative that certain streets and highways within the City be protected against encroachment by permanent physical improvements, the existence of which would make unnecessarily difficult or make impractical the operation, retention, or creation of thoroughfares adequate in alignment, dimensions, and visions clearance, to serve the public needs, safety and welfare; that to deal effectively with the practical problem thus presented, it is necessary to establish certain minimum building line setbacks on certain streets in the City.

SECTION 3. USE OF BUILDING LINE SETBACKS. Within the building line setbacks established by this ordinance, it shall be unlawful to erect buildings of any kind; or to erect any structure, including, but not confined to, advertising structures or solid walls; or to establish any well, whether for water, oil or other hydrocarbon products, or to make excavations or install any sub-surface structure except those sub-surface structures permitted by the Building Code; provided such prohibition shall not apply to trees, agricultural crops, open fences, or public utilities installed under authority of law, or any buildings, structure, well excavation or sub-surface structure existing on the effective date of this ordinance, or to signs, canopies, or marques permitted by the Municipal Code.

SECTION 4. BUILDING LINE SETBACK ON McHENRY AVENUE. A building line setback is hereby established along each side of McHenry Avenue between the south line of the M. I. D. Lateral No. 3 right-of-way and the north City limits line which building line setback shall be fifty (50) feet on each side of the established center line plus any setback required as a front yard or side street side yard by the zoning regulations of the City.

SECTION 5. BUILDING LINE SETBACK ON TULLY ROAD. (a) A building line setback is hereby established along each side of Tully Road between U. S. Highway 99 and Coldwell Avenue which building line setback shall be forty (40) feet on each side of the established center line plus any setback required as a front yard or side street side yard by the zoning regulations of the City.

(b) A building line setback is hereby established along each side of Tully Road between Coldwell Avenue and the north City limits line which building line setback shall be forty-five (45) feet on each side of the established center line plus any setback required as a front yard or side street side yard by the zoning regulations of the City.

SECTION 6. BUILDING LINE SETBACK ON ORANGEBURG AVENUE. A building line setback is hereby established along each side of Orangeburg Avenue between Martin Avenue and McHenry Avenue which building line setback shall be forty (40) feet on each side of the established center line plus any setback required as a front yard or side street side yard by the zoning regulations of the City.

SECTION 7. BUILDING LINE SETBACK ON ROSEBURG AVENUE. A building line setback is hereby established along each side of Roseburg Avenue between Carver Road and McHenry Avenue which building line setback shall be thirty (30) feet on each side of the established center line plus any setback required as a front yard or side street side yard by the zoning regulations of the City.

SECTION 8. BUILDING LINE SETBACK ON COLDWELL AVENUE. A building line setback is hereby established along each side of Coldwell Avenue between U. S. Highway 99 and Tully Road which building line setback shall be thirty (30) feet plus any setback required as a front yard or side street side yard by the zoning regulations of the City.

SECTION 9. BUILDING LINE SETBACK ON YOSEMITE BOULEVARD. A building line setback is hereby established along each side of Yosemite Boulevard between Las Flores Avenue and El Vista Avenue on the north side and between Las Flores Avenue and the easterly city limits on the south side which building line setback shall be fifty (50) feet on each side of the established center line plus any setback required as a front yard or side street side yard by the zoning regulations of the City.

SECTION 10. DETERMINATION OF THE LOCATION OF THE "ESTABLISHED CENTER LINE." Where uncertainty exists as to the exact location of the established center line of any street the Council shall determine such location after recommendation by the City Engineer.

SECTION 11. VARIANCES. When practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this ordinance 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 ordinance, to grant, upon such conditions as it may determine, such variances from the provisions of this ordinance as may be in harmony with its general purpose and intent, so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done.

SECTION 12. SEVERABILITY. 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 13. VIOLATIONS AND PENALTIES. Any person, firm, association or corporation who, either as principal, owner, agent, servant or employee, violates any of the provisions of this ordinance, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand (\$1,000.00) Dollars, or by imprisonment in the County Jail of Stanislaus County, California for a period not exceeding one (1) year, or by both such fine and imprisonment.

Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a separate offense for each day or portion thereof during which such violation continues and shall be punishable therefor as herein provided.

The imposition of one penalty for any violation of this ordinance shall not excuse the violation, or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

SECTION. 14. 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 15. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, 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 24 day of September, 1958, by Councilman Hammond, who moved its introduction and passage to print, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and ordered printed and published by the following vote:

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

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

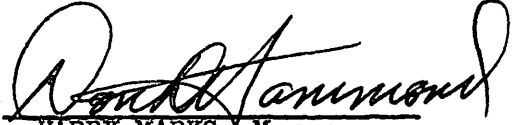
(SEAL)

Ord. No. 261-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 October, 1958, Councilman Merrill moved its final adoption, which motion being duly seconded by ^{Mayor Pro Tempore} ~~Councilmen~~ Hammond, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, ~~Hammond~~, Merrill, Robinson, Spaulding,
Mayor Pro Tempore Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Marks

APPROVED: 
~~HARRY MARKS~~, Mayor
PRO TEMPORE
HAMMOND

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 16, 1958

AN ORDINANCE AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY FROM McHENRY VILLAGE, INC., AS A SITE FOR A WATER PUMPING STATION IN THE CITY OF MODESTO.

WHEREAS, the City of Modesto desires to acquire the hereinafter described parcel of real property located in McHenry Village from McHenry Village, Inc., a corporation, as a site for a municipal water pumping station, and

WHEREAS, McHenry Village, Inc., has executed a deed granting the hereinafter described property to the City of Modesto as a site for a water pumping station, without consideration,

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

SECTION 1. ACQUISITION AUTHORIZED. The acquisition of the following described real property from McHenry Village, Inc., a corporation, to be used as the site for a water pumping station, without consideration, except for escrow charges and incidental expenses, is hereby approved. Said real property is described as follows:

All that portion of the Southwest quarter of Section 16, Township 3 South, Range 9 East, M.D.B. & M., described as follows:

Commencing at a point which is the intersection of the Eastern line of a 50 foot public road known as McHenry Avenue and the Southern right of way line of the Modesto Irrigation District Lateral Number 3 in the Southwest quarter of said Section 16; thence along said Eastern line of McHenry Avenue, Southerly to a point which is 60.00 feet, measured at right angles, Southerly from said Southern right of way line of the Modesto Irrigation District Lateral Number 3; thence along a line parallel to said Southern right of way line of Lateral Number 3, Easterly 382.00 feet to the true point of beginning of this description; thence continuing along said parallel line, Easterly 70.00 feet; thence at right angles Southerly 25.00 feet; thence at right angles Westerly 70.00 feet; thence at right angles Northerly 25.00 feet to the true point of beginning of this description. Said to contain 0.04 of an acre more or less.

SECTION 2. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from McHenry Village, Inc., a corporation, conveying the above described property

to the City of Modesto and hereby authorizes the City Clerk to record said deed, together with partial reconveyances relating thereto with the Recorder of Stanislaus County.

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.

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 Bee, 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 October, 1958, by Councilman Merrill, who moved its introduction and passage to print, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, ~~Hammond~~, Merrill, Robinson, Spaulding,
Mayor Pro Tempore Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Marks

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

Ord. No. 262-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 8 day of October, 1958, 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, Arata, Hammond, Robinson, Spaulding,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 23, 1958

AN ORDINANCE APPROPRIATING ADDITIONAL RECEIVABLE TO THE SPECIAL CAPITAL OUTLAY FUND FOR CITY HALL AND PARKING GARAGE CONSTRUCTION IN THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto did on September 24, 1958, by Resolution No. 58-314, authorize the transfer of the sum of Seventy Thousand and no/100ths (\$70,000.00) Dollars in the McHenry Library Capital Outlay Fund to the Special Capital Outlay Fund,

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

SECTION 1. MCHENRY LIBRARY CAPITAL OUTLAY FUND. The sum of Seventy Thousand and no/100ths (\$70,000.00) Dollars in the McHenry Library Capital Outlay Fund is hereby appropriated for transfer to the Special Capital Outlay Fund.

SECTION 2. SPECIAL CAPITAL OUTLAY FUND. The sum of Seventy Thousand and no/100ths (\$70,000.00) Dollars, estimated to be transferred from the McHenry Library Capital Outlay Fund to the Special Capital Outlay Fund, is hereby appropriated as follows:

PURPOSE

City Hall and Parking Garage Construction

AMOUNT

\$ 70,000.00

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

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

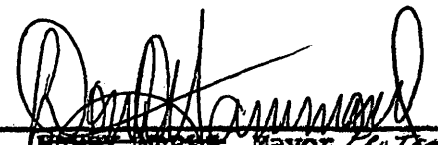
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1 day of October, 1958, by Councilman Spaulding, who moved its adoption and passage to print, which motion

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, Spaulding, Mayor Pro Tempore Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Marks

APPROVED: 
~~MARKS~~, Mayor *PRO TEMPORE*
HAMMOND

ATTEST: 
REX E. GAILFUS, City Clerk

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE
ZLAB SUBDIVISION NO. 2 ADDITION TO THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by _____

Joe A. Zlab and Lois Zlab

on

August 4, 1958, 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 SUBDIVISION NO. 2 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 27th day of August, 1958, set said petition for hearing at the hour of 8:00 o'clock p.m. on the 8th day of October 1958, 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 Bee, a newspaper published in the City of Modesto on August 31, 1958, and on September 10, 1958; and in the Turlock Daily Journal, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on September 5, 1958, and on September 12, 1958, 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 8th day of October, 1958, 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:

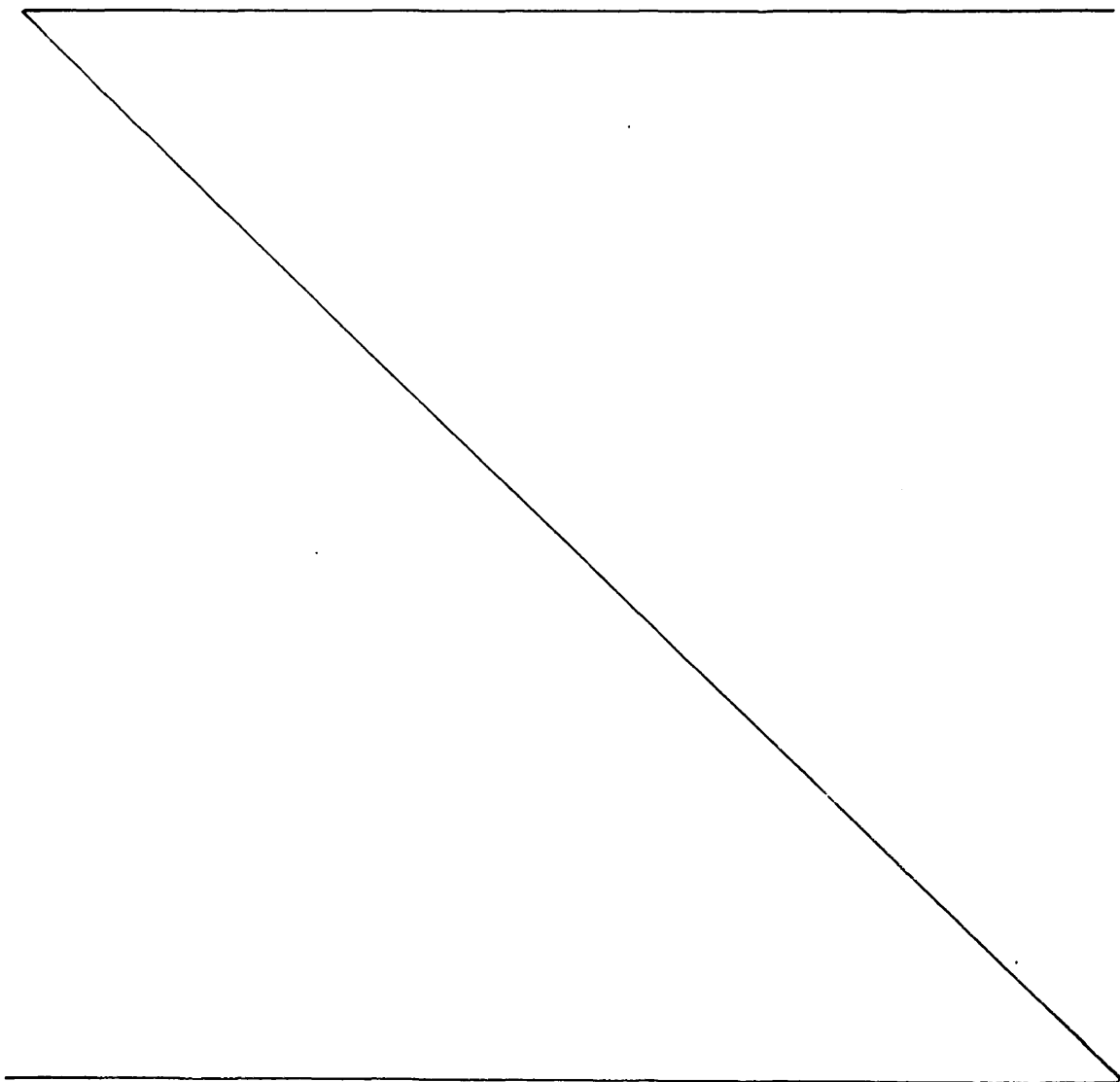
SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated the ZLAB SUBDIVISION 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 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:

Commencing 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, and the Eastern corner of the Zlab Addition, filed January 18, 1956, as Instrument No. 1481, Stanislaus County Records, said point being on the section line common to Section 21 and 22, Township 3 South, Range 9 East, and also being on the existing City Limits and on the center line of Coffee Road; thence Westerly along the existing City Limits, and the Northern boundary line of said Zlab Addition a distance of 25' to the true point of beginning; thence continuing along the existing City Limits and the Northern boundary line of said Zlab Addition the following Bearings and Distances: South 89° 56' West a distance of 20'; thence North 0° 36' West a distance of 58.53' to a point on the South line of the property conveyed to John H. and Emma E. Lynch by Instrument recorded November 12, 1940, as Instrument No. 40-15008, Stanislaus

County Records; thence continuing along the existing City Limit and Northern boundary line of said Zlab Addition the following bearings and distances: South $89^{\circ} 19' 50''$ West a distance of 191.28'; thence North $0^{\circ} 36'$ West a distance of 144.05'; thence South $70^{\circ} 19'$ West a distance of 125.61'; thence North $89^{\circ} 42' 30''$ West a distance of 305.28' to the Northwest corner of said Zlab Addition, said corner also being on the Western Line of the East one-half of Lot 11 of the Rice Colony, as recorded in Volume 1 of Maps, Page 54, Stanislaus County Records; thence Northerly along said Western Line of the East one-half of Lot 11 of the Rice Colony, to a point on the Northern Line of said Lot 11 of the Rice Colony; thence Easterly along the Northern Line of Lot 11 of the Rice Colony, to the Northeastern corner of said Lot 11 of the Rice Colony, said corner also being on the Western Line of Coffee Road; thence Southerly along the Eastern Line of Lot 11 of the Rice Colony and the Western Line of said Coffee Road to the point of beginning, containing 5.092 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 Section 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 Bee, 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 October, 1958, by Councilman Hammond, 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, Robinson, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Merrill

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE BY ADDING SECTION 4-1.104.1 THERETO RELATING TO AMUSEMENT DEVICES.

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

SECTION 1. AMENDMENT OF CODE. Article 1 of Chapter 1 of Title IV of the Modesto Municipal Code is hereby amended to add Section 4-1.104.1 to read as follows:

SEC. 4-1.104.1. MACHINES FOR THE AMUSEMENT OF CHILDREN EXCEPTED. This article shall not apply to any amusement machine or device especially designed and operated solely for the amusement of children.

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 Bee, 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 15 day of October, 1958, by Councilman Robinson, 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, Arata, Hammond, Merrill, Robinson, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Spaulding

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 265-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 October, 1958, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: November 6, 1958

ORDINANCE NO. 266 -C.S.

AN ORDINANCE AMENDING SECTION ~~MAP~~ 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (MARK RANDY)

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

SECTION 1. ZONING RECLASSIFICATIONS. Section ~~Map~~ 16 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 ^{Bee} ~~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 15 day of October, 1958, by Councilman A. Arata, who moved its introduction 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, Arata, Hammond, Merrill, Robinson,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Spaulding

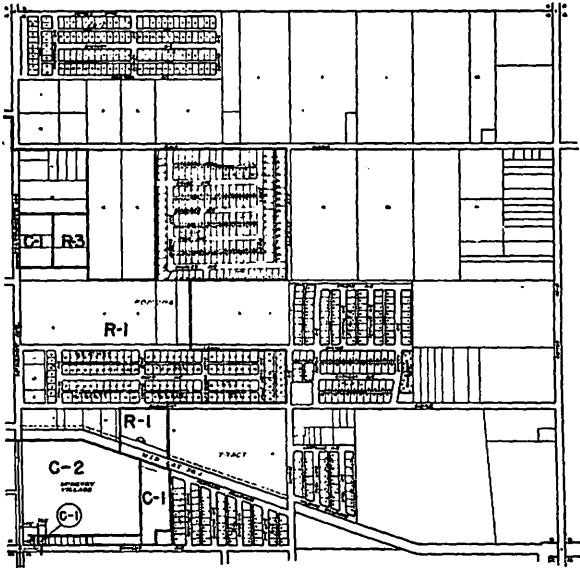
APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)



SECTION 16
(As amended by Ord. 266-C.S.)

Ord. No. 266-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 October, 1958, 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, Merrill, Robinson, Spaulding, Mayor
Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: November 6, 1958

AN ORDINANCE APPROVING AMENDMENT TO LEASE AGREEMENT WITH THE LEAGUE OF WOMEN VOTERS OF MODESTO, RELATING TO THE RENTAL OF SPACE IN THE MODESTO COMMUNITY SERVICE CENTER IN THE CITY OF MODESTO.

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

SECTION 1. APPROVAL OF AMENDMENT TO LEASE AGREEMENT. That certain Amendment to Lease Agreement between the City of Modesto and the League of Women Voters, relating to the rental of Room No. 104 in the Modesto Community Service Center, on file in the office of the City Clerk of the City of Modesto, is hereby approved, and the City Manager and City Clerk are hereby authorized to execute said Amendment to Lease Agreement on behalf of the City and do all things necessary to carry out the terms of said Amendment to Lease Agreement.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of October, 1958, 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, Merrill, Robinson,
Spaulding, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

HARRY MARKS, Mayor

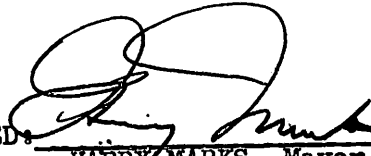
ATTEST: 

REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the council of the city of Modesto held on the 5th day of November, 1958, 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: Adams, Arata, Hammond, Merrill, Robinson, Spaulding and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE November 20, 1958

AN ORDINANCE AMENDING CHAPTER 1 OF TITLE VII OF THE
MODESTO MUNICIPAL CODE BY ADDING ARTICLE 3 THERETO
RELATING TO OBSTRUCTIONS IN STREET GUTTERS.

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

SECTION 1. AMENDMENT OF CODE. Article 3 entitled "Obstructions
in Street Gutters" is hereby added to Chapter 1 of Title VII of the Modesto
Municipal Code to read as follows:

ARTICLE 3. OBSTRUCTIONS IN STREET GUTTERS.

SEC. 7-1.301. OBSTRUCTIONS DECLARED A PUBLIC NUISANCE.
Every driveway or curb cut which is so constructed as to obstruct
the free flow of storm waters, drainage waters, or water in a
street gutter, or so constructed as to be a hazard to vehicular
travel, is hereby declared to be a public nuisance.

SEC. 7-1.302. MAINTENANCE UNLAWFUL. It shall be un-
lawful for any person to maintain a public nuisance as defined
in Section 7-1.301 of this 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
Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the
Council of the City of Modesto held on the 22 day of October,
1958, by Councilman Spaulding, 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, Merrill, Robinson,
Spaulding, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

Ord. No. 268-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 5 day of November, 1958, 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, Arata, Hammond, Merrill, Robinson, Spaulding
and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: November 20, 1958

AN ORDINANCE LEASING CERTAIN CITY OWNED AIRPORT PROPERTY TO EUGENE BOONE, AN INDIVIDUAL, AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH.

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

SECTION 1. APPROVAL OF LEASE. The City of Modesto hereby leases to Eugene Boone, an individual, the following described premises located at the Modesto City-County Airport, situate in the County of Stanislaus, State of California, and more particularly described as follows, to wit:

All that certain real property situate in the State of California, County of Stanislaus, Section 34, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the quarter section corner common to Sections 34 and 35, said Township and Range; thence along the Southern line of the Northeastern quarter of said Section 34, North $89^{\circ} 50'$ West, 80.00 feet, to a point on the Western line of an 80 foot public road known as Snowden Avenue and the true point of beginning of this description; thence continuing along said Southern line of the Northeastern quarter of Section 34, North $89^{\circ} 50'$ West, 2174.35 feet; thence North $55^{\circ} 53'$ West, 465.33 feet, to a point on the North-South quarter section line of said Section 34, said point also being on the Eastern line of Sierra Subdivision Number 3 as shown on the map filed June 20, 1938 in Volume II of Maps, Page 44, Stanislaus County Records; thence along said Eastern line of Sierra Subdivision Number 3, North $00^{\circ} 14'$ West, 860.00 feet, to a point on the Southern line of Tenaya Drive as shown on said map of Sierra Subdivision Number 3; thence South $89^{\circ} 50'$ East, 189.01 feet; thence on a tangent curve to the right, having Arc Length of 118.51 feet; thence South $55^{\circ} 53'$ East, 665.54 feet; thence South $45^{\circ} 37' 44''$ East, 112.36 feet; thence South $55^{\circ} 53'$ East 167.57 feet; thence on a tangent curve to the left, having a radius of 280.00 feet, Central Angle of $33^{\circ} 57'$, Arc Length of 165.91 feet; thence South $89^{\circ} 50'$ East 1342.43 feet, to a point on the Western line of said Snowden Avenue; thence along said Western line of Snowden Avenue South $00^{\circ} 15'$ East, 500.00 feet, to the true point of beginning, containing 40 Acres more or less;

Basis of Bearings for this description is the course of North $89^{\circ} 50'$ West for the Southern line of the Northeastern quarter of said Section 34, taken from the deed Recorded July 11, 1950 as Instrument Number 14992, Stanislaus County Records,

for a term commencing on the 1st day of December, 1958, and ending on the 30th day of November, 1961, in accordance with the terms and conditions 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 of the City of Modesto. The terms and conditions of said lease agreement are hereby accepted and approved.

SECTION 2. SIGNING AND ATTESTING. The City Manager and City Clerk of the City of Modesto are hereby authorized to sign and attest, respectively, said lease agreement on behalf of the City upon this ordinance becoming effective.

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.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22 day of October, 1958, by Councilman Spaulding, 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, Merrill, Robinson, Spaulding,
Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the council of the city of Modesto held on the 5 day of November, 1958, Councilman Arata 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, Robinson, Spaulding
and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GALLFUS, City Clerk

EFFECTIVE DATE: November 20, 1958

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO THE STATE OF CALIFORNIA.

WHEREAS, the City of Modesto owns that certain parcel of real property hereinafter described, and

WHEREAS, the State of California desires to acquire said parcel of real property for the realignment of Highway 99 through the City of Modesto,

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

SECTION 1. SALE AUTHORIZED. The sale of the following described real property to the State of California for the sum of Twenty-five and no/100ths (\$25.00) Dollars in accordance with the provisions of that certain Right of Way Contract, referred to in Section 2 of this ordinance, is hereby approved. Said real property is described as follows:

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

The North 5 feet of the South 45 feet of Lots 1 and 2 in Block 310 of the City of Modesto, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on December 21, 1942 in Volume 15 of Maps.

Containing 288 square feet, more or less.

SECTION 2. APPROVAL OF RIGHT OF WAY CONTRACT. That certain Right of Way Contract between the City of Modesto and the State of California, relating to the sale of certain real property for highway purposes, a copy of which is on file in the Office of the City Clerk of the City of Modesto, is hereby approved, and the City Manager and the City Clerk are hereby authorized to execute and attest said Contract, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said Contract.

SECTION 3. EXECUTION OF DEED. That the Mayor and City Clerk be, and they are hereby authorized on behalf of the City, to execute and attest, respectively, a deed granting the aforesaid

property to the State of California.

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

SECTION 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 Bee, 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 5 day of November, 1958, by Councilman Robinson, who moved its introduction 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, Arata, Hammond, Merrill, Robinson,
Spaulding and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk


(SEAL)

Ord. No. 270-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 November, 1958, 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, Arata, Hammond, Merrill, Robinson, Spaulding,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: November 27, 1958

ORDINANCE NO. 271 -C.S.

AN ORDINANCE AMENDING SECTION 4-7.403 OF ARTICLE 4 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO PEDDLERS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-7.403 of Article 4 of Chapter 7 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-7.403. EXCEPTIONS. This article shall not be construed to apply to the following classes of persons:

(a) Persons, or their agents, who have a fixed place of business within the City, as defined by Section 6-1.101 of this Code.

(b) The actual growers and producers of ranch, farm, orchard, vineyard or poultry produce or products, as defined by Section 6-1.106(d) of this Code.

(c) Housewives who, in the kitchens of their own homes and as an incident only to their other housekeeping duties, make or produce and sell food products, provided that the applicable provisions of Chapter 1 of Title VI have been otherwise complied with by such persons.

(d) The sellers or distributors of milk or cream who comply with and are licensed under the provisions of Chapter 3 of Title V.

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 Bee, 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 19 day of November, 1958, 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, Arata, Robinson, Mayor Pro Tempore Hammond,
Merrill

NOES: Councilmen: None

ABSENT: Councilmen: Spaulding, Mayor Marks

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 271-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 26 day of November, 1958, 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, Merrill, Robinson, Spaulding, Mayor Pro Tempore Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Marks

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 11, 1958

AN ORDINANCE ADDING SECTION 3-2.815 TO ARTICLE 8 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE ENTITLED "APPROVAL OF STATE DEPARTMENT OF PUBLIC WORKS" RELATING TO TRAFFIC REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.815 of Article 8 of Chapter 2 of Title III of the Modesto Municipal Code is hereby added to read as follows:

SEC. 3-2.815. APPROVAL OF STATE DEPARTMENT OF PUBLIC WORKS. Insofar as the provisions of this chapter authorize the establishment of regulations which relate to State Highways, the provisions of said regulations applicable thereto shall not become effective until the same have been submitted to and approved in writing by the State Department of Public Works; said regulations shall cease to be operative six (6) months after receipt by the City, or its designated representative, of written notice of withdrawal of approval from the State Department of Public Works.

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 Bee, 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 3 day of December, 1958, by Councilman Spaulding, 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, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond
- NOES: Councilmen: None
- ABSENT: Councilmen: Robinson, Mayor Marks

APPROVED:


MAYOR PRO TEMPORE HAMMOND

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 272-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 December, 1958, 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, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 25, 1958

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM HORACE W. DRYDEN AND DOROTHY DRYDEN.

WHEREAS, Horace W. Dryden and Dorothy Dryden own that certain parcel of real property hereinafter described, and

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

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, with improvements thereto, from Horace W. Dryden and Dorothy Dryden, husband and wife, for the sum of Ten Thousand and no/100ths (\$10,000.00) Dollars in accordance with the provisions of that certain agreement referred to in Section 2 of this ordinance is hereby authorized. Said real property is described as follows:

The following described land situate in the County of Stanislaus, State of California, to wit:

All that portion of Lot 10 of the ROUSE COLONY, as per map filed January 10, 1911 in Vol. 5 of Maps, page 24, Stanislaus County Records, described as follows:

Commencing at the Northeastern corner of Lot 15 of said Rouse Colony, said point being on the center line of Sunset Avenue shown as a 40 foot avenue on the map of said Rouse Colony; thence along said center line of Sunset Avenue, South 00° 00' 30" East 1050.30 feet to the Northeastern corner of the property conveyed to the City of Modesto by Deed recorded December 29, 1955, Instrument No. 37501 and the true point of beginning; thence along the Northern line of said City of Modesto property, South 89° 59' 30" West 325.00 feet; thence continuing along said City of Modesto property South 00° 00' 30" East 264.22 feet; thence South 89° 59' 30" West 309.65 feet; thence North 00° 00' 30" West 264.22 feet; thence North 89° 59' 30" East 90.00 feet; thence North 00° 00' 30" West 36.00 feet; thence North 89° 59' 30" East 544.65 feet to a point on the center line of said Sunset Avenue; thence along the center line of said Sunset Avenue, South 00° 00' 30" East 36.00 feet to the true point of beginning.

The above described property situate in the Modesto Irrigation District.

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and Horace W. Dryden and Dorothy Dryden, 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, is hereby approved, and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from Horace W. Dryden and Dorothy Dryden, conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

SECTION 4. EMERGENCY PROVISIONS. DECLARATION OF EMERGENCY. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety, and shall take effect immediately. The following is a statement of the facts showing its urgency:

The property described above is being acquired by the City of Modesto for the purpose of a municipal golf course. The establishment of this golf course will promote the public peace, health, safety and general welfare of the citizens of Modesto. Unless this transaction is completed without delay it will prejudice the public peace, health and safety.

SECTION 5. 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 the date hereof.

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


The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3 day of December, 1958, by Councilman Arata, who moved its adoption and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Adams, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Mayor Marks

APPROVED:


HARRY-MARKS, - Mayor
Mayor Pro Tempore Hammond

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

ORDINANCE NO. 274 C. S.

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM KENNETH H. DURAND and GLADYS S. DURAND.

WHEREAS, Kenneth H. Durand and Gladys S. Durand own these certain parcels of real property hereinafter described, and

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

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 Kenneth H. Durand and Gladys S. Durand, husband and wife, for the sum of Forty Thousand and no/100ths (\$40,000.00) Dollars in accordance with the provisions of that certain agreement referred to in Section 2 of this ordinance is hereby authorized. Said real property is described as follows:

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

Commencing at the Southeast corner of the Northeast quarter of the Northwest quarter of said Section 5; thence along the North and South quarter section line in Sunset Avenue, South $0^{\circ} 15' 00''$ West, 1077.10 feet, to its intersection with the Southwesterly extension across Sunset Avenue of the Southeastern line of Neece Drive, as these line and streets are shown on the map of the Durand Tract, as filed in Volume 16 of Maps at page 19, Stanislaus County Records; thence along said Southwesterly extension and the Southeastern line of Neece Drive, said line of Neece Drive also being the Northwestern line of Lot A of said Durand Tract, North $30^{\circ} 46' 30''$ East, 220.51 feet, to the true point of beginning of this description; thence South $0^{\circ} 15' 00''$ West, 231.12 feet; thence South $63^{\circ} 02' 00''$ East, 72.77 feet; thence North $77^{\circ} 48' 25''$ East, 999.22 feet, to the Eastern line of Lot B of said Durand Tract; thence along said Eastern line of said Lots B and A, North $0^{\circ} 48' 00''$ West, 940.81 feet, to the Northeastern corner of said Lot A; thence along the

Northern line of said Lot A, West 466.43 feet, to the Northwestern corner of said Lot A; thence along the Northwestern line of said Lot A, said line also being the Southeastern line of said Neece Drive South $38^{\circ} 41' 00''$ West, 201.96 feet; thence continuing along said Northwestern line of Lot A and said Southeastern line of Neece Drive, South $30^{\circ} 46' 30''$ West, 849.64 feet to the true point of beginning of this description, containing 19.54 acres, more or less.

Together with all right, title and interest in and to that certain street known as Neece Drive, as shown on the map of said Durand Tract, and all right, title and interest in and to that certain land lying between the above described property and the Tuolumne River.

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

Commencing at the Northeast corner of Lot A of the Durand Tract as shown on the map filed in Volume 16, Page 19, Stanislaus County Records, said point being the true point of beginning of this description; thence along the northerly line of said Lot A, West 318.60 feet; thence North $17^{\circ} 30' 00''$ East, 157.50 feet; thence North $33^{\circ} 14' 00''$ East, 161.66 feet; thence East 36.40 feet; thence South $57^{\circ} 10' 40''$ East 170.82 feet; thence South $00^{\circ} 48' 00''$ East, 192.86 feet to the true point of beginning of this description, containing 1.557 Acres, together with all right, title and interest in and to that certain land lying between the above described property and the Tuolumne River.

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and Kenneth H. Durand and Gladys S. Durand 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, is hereby approved, and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from Kenneth H. Durand and Gladys S. Durand, conveying the above described property to the City of Modesto and

hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

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

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

The foregoing ordinance was introduced at a regular meeting of the council of the City of Modesto held on the 10 day of December, 1958, by Councilman Arata, who moved its introduction 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, Arata, Hammond, Merrill, Spaulding, Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 274-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 17 day of December, 1958, 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: Arata, Hammond, Merrill, Robinson, Spaulding,
Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Adams

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 1, 1959

ORDINANCE NO. 275 -C.S.

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM HORACE W. DRYDEN AND DOROTHY DRYDEN.

WHEREAS, Horace W. Dryden and Dorothy Dryden own that certain parcel of real property hereinafter described, and

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

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

SECTION 1. PURCHASE AUTHORIZED. The purchase of that certain real property, with improvements thereto, from Horace W. Dryden and Dorothy Dryden, husband and wife, for the sum of Ten Thousand and no/100ths (\$10,000.00) Dollars in accordance with the provisions of that certain agreement referred to in Section 2 of this ordinance is hereby authorized.

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto, the S. O. S. Club, and Horace W. Dryden and Dorothy Dryden, 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, is hereby approved, and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from Horace W. Dryden and Dorothy Dryden, conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

SECTION 4. EMERGENCY PROVISIONS. DECLARATION OF EMERGENCY. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety, and shall take effect immediately. The following is a statement of the facts showing its urgency:

The property described above is being acquired by the City of Modesto for the purpose of a municipal golf course. The establishment of this golf course will promote the public peace, health, safety and general welfare of the citizens of Modesto. Unless this transaction is completed without delay it will prejudice the public peace, health, and safety.

SECTION 5. REPEALS. Ordinance No. 273-C.S. adopted by the Council on December 3, 1958, is hereby repealed.

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 the date hereof.

SECTION 7. PUBLICATION. This ordinance shall be published in full in The Modesto Bee, the official newspaper of the City of Modesto, within fifteen (15) days after its adoption.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of December, 1958, 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 the ordinance adopted by the following vote:

AYES: Councilmen: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE DISAPPROVING THE ANNEXATION OF UNINHABITED TERRITORY KNOWN AS THE SCHERER ADDITION TO THE CITY OF MODESTO.

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

SECTION 1. That the annexation of the hereinafter described property to the City of Modesto is hereby disapproved.

SECTION 2. The area designated as Scherer 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, being a portion of Lot 5 of the Spencer Colony as per map filed December 16, 1904, in Volume 2 of Maps, Page 3, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits, said point being at the intersection of the Southern line of the Franklin School property and center line of Lateral number 5 of the Modesto Irrigation District as described in the boundary description of the Mark Twain Addition, filed June 22, 1956, Instrument number 17230, Stanislaus County Records; thence along the Southern line and its Western extension of said Franklin School property and existing City Limits, North 89° 47' West, 790.68 feet, to a point on the North-South quarter section line of said Section 31; thence continuing along the Western extension of said Southern line of said Franklin School property and existing City Limits, North 89° 48' 30" West, 31.04 feet, to a point on the Western line of a 50' County Road known as Emerald Avenue; thence along the Western line of said 50' County Road known as Emerald Avenue and existing City Limits, South 3° 05' 35" East, 20.61 feet; thence continuing along the Western line of said 50' County Road known as Emerald Avenue and existing City Limits, South 0° 11' 30" East, 240.42 feet, to a point on the Westerly extension of the Southern line of the property described in the deed to Byron H. and Elizabeth W. Scherer recorded November 31, 1956, as Instrument Number 31594 in Volume 1396, Page 67, Stanislaus County Records; thence leaving the existing City Limits and going along the Southern line and its Westerly extension of said Scherer property, South 89° 47' East, 290.00 feet; thence along the Western line of said Scherer property, South 00° 11' 30" East, 163.62 feet; thence along the most Southern line of said Scherer property, South 89° 47' East, 552.15 feet, to a point on the center line of the Modesto Irrigation District Lateral Number 5; thence along said center line, North 03° 07' West, 425.20 feet, to the point of beginning, containing 7.012 acres more or less.

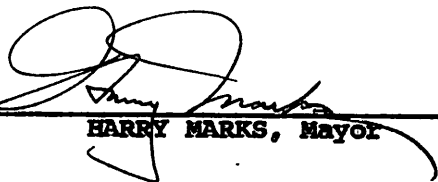
SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, 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 December, 1958, by Councilman Merrill, who moved its adoption 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: Arata, Hammond, Merrill, Robinson, Spaulding,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Adams

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

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

WHEREAS, a petition was filed with the City Clerk by _____

Robert J. Crow and Lura S. Crow

_____ on
October 2, 1958, 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 WESTAIRE ACRES 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 5th day of November, 1958, set said petition for hearing at the hour of 5:00 o'clock p.m. on the 17th day of December 1958, 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 Bee, a newspaper published in the City of Modesto on November 14, 1958, and on November 21, 1958; and in the Turlock Daily Journal, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on November 14, 1958, and on November 21, 1958, 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 17th day of December, 1958, at the hour of 5:00 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:

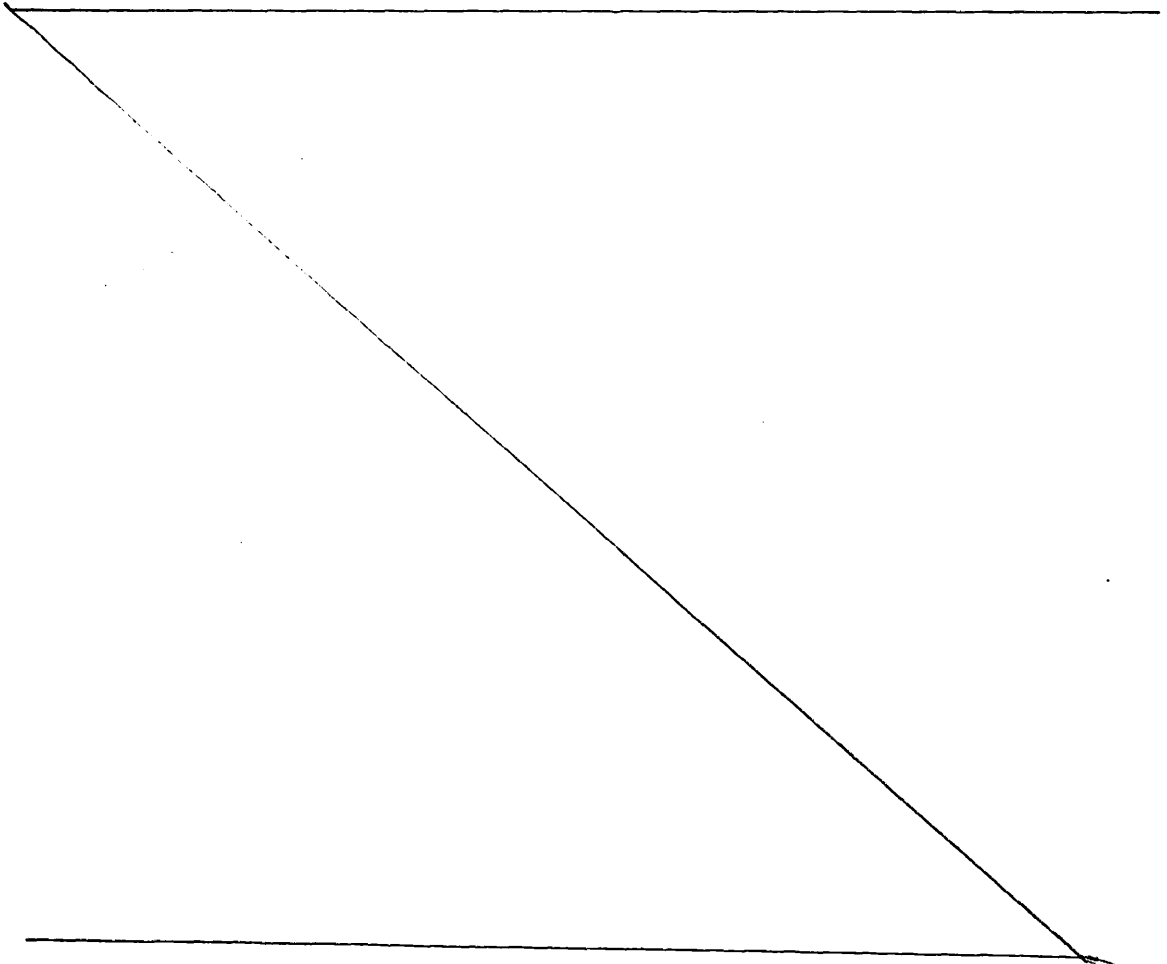
SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated the WESTAIRE ACRES 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 30, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 19 of the Maze Ranch Subdivision as per map filed March 19, 1909, in Volume 4 of Maps, Page 18, Stanislaus County Records, described as follows:

Beginning at the Northeastern corner of the property annexed to the City of Modesto as the Hillview Acres Addition, filed June 17, 1958, as Instrument No. 14792, Stanislaus County Records, said corner being on the center line of the Modesto Irrigation District Lateral No. 4 and also being on the City limits line of the City of Modesto; thence along the Northern extension of the Eastern line of said Hillview Acres Addition, North 0° 09' 30" East, 50.08 feet, to the Northern line of said Modesto Irrigation District Lateral No. 4; thence along said Northern line of Modesto Irrigation District Lateral No. 4, North 86° 52' 30" East, 9.12 feet, to a point on the Western line of Lot 19 of said Maze Ranch Subdivision; thence along said Western line of Lot 19, North 0° 31' 30" West, 728.08 feet, to its intersection with the Southern line of a forty-foot Public Road known as Elm Avenue;

thence along said Southern line of Elm Avenue, South $89^{\circ} 46'$ East, 1324.42 feet, to its intersection with the Western line of forty-foot Public Road known as Emerald Avenue, as shown on said Maze Ranch Subdivision map; thence along said Western line of Emerald Avenue, South $0^{\circ} 31' 30''$ East, 838.42 feet, to its intersection with the center line of said Modesto Irrigation District Lateral No. 4; thence along said center line of the Modesto Irrigation District Lateral No. 4, North $85^{\circ} 52' 30''$ West, 1092.00 feet; thence continuing along said center line of the Modesto Irrigation District Lateral No. 4, South $86^{\circ} 52' 30''$ West, 236.14 feet, to its intersection with said Western line of Lot 19; thence along said Western line of Lot 19, South $0^{\circ} 31' 30''$ East, 50.05 feet, to its intersection with the Southern line of said Modesto Irrigation District Lateral No. 4; thence along said Southern line of the Modesto Irrigation District Lateral No. 4 South $86^{\circ} 52' 30''$ West, 10.32 feet, to its intersection with the Eastern line of said Hillview Acres Addition, and the existing City limits; thence along said Eastern line of Hillview Acres Addition and the existing City limits, North $0^{\circ} 09' 30''$ East, 50.08 feet, to the point of beginning, containing 24.172 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 Section 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 Bee, 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 December, 1958, by Councilman Arata, who moved its adoption 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: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Adams

APPROVED: _____


HARRY MARKS, Mayor

ATTEST: _____


REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE AMENDING SECTIONS 10-2.271, 10-2.301, 10-2.401, 10-2.801, 10-2.802, 10-2.803, 10-2.804, 10-2.805, 10-2.901, 10-2.902, 10-2.904, 10-2.905, 10-2.1002, 10-2.1004, 10-2.1005, 10-2.1104, 10-2.1105, 10-2.1507, 10-2.1618 AND 10-2.1620 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 10-2.202.1, 10-2.204.1, 10-2.256.1, 10-2.272.2 AND ARTICLES 27 AND 28 THERETO, RELATING TO ZONING REGULATIONS, AND REPEALING SECTION 10-2.1102 THEREOF.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.202.1 is hereby added to Article 2 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.202.1. ALLEY. A public thoroughfare for the use of pedestrians and vehicles which affords, or is designed or intended to afford, the secondary means of access to abutting property.

SECTION 2. AMENDMENT OF CODE. Section 10-2.204.1 is hereby added to Article 2 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.204.1. BEDROOM. Any room or other space within a dwelling unit used or intended or designed to be used for sleeping purposes.

SECTION 3. AMENDMENT OF CODE. Section 10-2.256.1 is hereby added to Article 2 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.256.1. ROOF. A solid, rigid covering supported by columns or walls.

SECTION 4. AMENDMENT OF CODE. Section 10-2.271 of Article 2 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.271. TRAILER CAMP. Any area or tract of land used or designed to accommodate two (2) or more automobile trailers and including trailer camps as defined by law.

SECTION 5. AMENDMENT OF CODE. Section 10-2.272.2 is hereby added to Article 2 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.272.2. WHOLESALE. Wholesale shall mean the sale of goods, wares, merchandise, or services for the purpose of resale and not to consumers or users thereof.

SECTION 6. AMENDMENT OF CODE. Section 10-2.301 of Article 3 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

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, twelve (12) 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
Planned Development zone	P-D
Industrial Park zone	M-P

SECTION 7. AMENDMENT OF CODE. Section 10-2.401 of Article 4 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.401. PERMITTED USES. In an R-A 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) 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) On lots of one (1) acre or more, stands for the display or sale of agricultural products raised on the premises.
- (d) Agricultural crops.
- (e) Greenhouses, fruit trees, vines and nurseries for producing trees, vines and other horticultural stock, but not including offices or sales floor space.
- (f) Storage of petroleum products for use on the premises, but not for resale.
- (g) 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; and household pets subject to the provisions of Section 10-2.233.

(2) Bovine animals and horses on sites of not less than one (1) acre, provided that 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.

(h) A mailing address for commercial and business license purposes for a person residing on the premises 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.

(i) 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 lot containing ten (10) acres or more.

SECTION 8. AMENDMENT OF CODE. Section 10-2.801 of Article 8 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

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 businesses:

(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) News dealer 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, 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.
 - (3) Nonprofit membership organization, private club; fraternity, sorority; lodge.
- (s) The following uses upon the securing of a

conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this chapter:

- (1) Church; wedding chapel.
- (2) Child day care for more than six (6) children, in addition to members of the family.
- (3) Rest home.
- (4) Public buildings or grounds operated by any governmental agency.
- (5) Public utilities or utilities operated by mutual agencies, including electrical substations, gas metering stations, telephone exchanges, power boosters, or conversion plants, with the necessary buildings, apparatus or appurtenances thereto.
- (6) Radio or television transmitter.
- (7) Tower.
- (8) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.

(t) Processing, packaging, treating or storing of materials to be sold at retail on the premises or to be sold wholesale; and manufacture of products to 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 such products are manufactured, subject to the provisions and limitations of Section 10-2.802.

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

SECTION 9. AMENDMENT OF CODE. Section 10-2.802 of Article 8 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.802. LIMITATIONS ON PERMITTED USES IN C-1 ZONE. Every use permitted in the C-1 zone 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, plant material nurseries, and similar enterprises customarily conducted in the open as determined by the Planning Commission.

(b) The above listed stores, shops and businesses shall be retail establishments only, except as follows:

(1) Not more than twenty-five (25%) percent of the gross floor area of the building and not more than twenty-five (25%) percent of the vacant portion of the gross lot area may be devoted to other than retail sales or service or both.

(2) All of the frontage of the building or lot used in the operation of the business to a depth equal to approximately seventy-five (75%) percent of the gross floor area of the building and approximately seventy-five (75%) percent of the vacant portion of the gross area of the lot shall be devoted primarily to retail sales or service or both.

(3) All processing, packaging, treating, or storing of wholesale materials shall be in the same line of merchandise or service as the retail or service business conducted on the premises and all manufacturing shall be for retail sale on the premises only or for retail sale on other lawfully existing commercial premises in the City operated by the occupant of the premises where such products are manufactured.

(4) Not more than two (2) employees shall be employed and not more than one (1) truck shall be used in the conduct of any of the above permitted manufacturing, wholesaling, processing, treating or packaging operations.

(5) For purposes of this section, off-street parking on the site shall be included in retail sales or service.

(c) No operation conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke vibration or electrical interference detectable off the premises.

SECTION 10. AMENDMENT OF CODE. Section 10-2.803 of Article 8 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.803. HEIGHT. No building or structure in a C-1 zone shall exceed a height of two (2) stories or thirty-five (35') feet, whichever is the lesser.

SECTION 11. AMENDMENT OF CODE. Section 10-2.804 of Article 8 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.804. FRONT YARD. No lot in a C-1 zone need provide a front yard except as required herein. When property classified as C-1 comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, the front yard in such C-1 zone shall conform to the front yard required in the R-3 zone. When a front yard has been so provided, if the "R" property constituting part or all of the remaining frontage is rezoned, a front yard equal to that which has been so provided for the "C" property shall be required for property so rezoned. No building or structure shall be permitted in such yard.

SECTION 12. AMENDMENT OF CODE. Section 10-2.805 of Article 8 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.805. SIDE YARDS. No lot in a C-1 zone need provide side yards except as required herein. Whenever the side of

a lot is 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 lot adjacent to the zone boundary line. A lot shall be required to have a side street side yard only when the side of the property classified as C-1 comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, in which case the side street side yard in such C-1 zone shall conform to the front yard required in the R-3 zone. When a side street side yard has been so provided, if the "R" property constituting part or all of the remaining frontage is rezoned, a yard facing on the street equal to that which has been so provided for the "C" property shall be required for property so rezoned. No building or structure shall be permitted in such yard.

SECTION 13. AMENDMENT OF CODE. Section 10-2.901 of Article 9 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

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) Automotive 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, farm machinery sales, storage repair and rental conducted wholly within an entirely enclosed building.
 - (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.

(12) Car laundry, subject to the granting of a conditional use permit by the Board of Zoning Adjustment.

(1) The following automobile repair services and garages:

(1) Automobile rental; trailer rental.

(2) Automobile repair, excluding painting, upholstery, 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 theatre, indoor.

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

(1) Dance hall, dance studio and school of the dance.

(2) Theatre and theatrical production except outdoor theatres.

(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; taxidermists; taxicab central office, cab maintenance, storage and repair, excluding painting, upholstering, and body and fender work, except that which is incidental to general repair.

(z) Small animal hospital subject to securing (1) approval of the 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) Processing, packaging, treating, storing or manufacturing of products to be sold at retail on the premises or to be sold wholesale, subject to the provisions and limitations of Section 10-2.902.

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

SECTION 14. AMENDMENT OF CODE. Section 10-2.902 of Article 9 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

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

(b) The above listed stores, shops and businesses shall be retail establishments only, except as follows:

(1) Not more than forty (40%) percent of the gross floor area of the building and not more than forty (40%) percent of the vacant portion of the gross lot area may be devoted to other than retail sales or service or both.

(2) All of the frontage of the building or lot used in the operation of the business to a depth equal to approximately sixty (60%) percent of the gross floor area of the building and approximately sixty (60%) percent of the vacant portion of the gross area of the lot shall be devoted primarily to retail sales or service or both.

(3) All manufacturing, processing, packaging, treating, or storing of wholesale material shall be in the same line of merchandise or service as the retail or service business conducted on the premises.

(4) Not more than five (5) employees shall be employed and not more than two (2) trucks shall be used in the conduct of any of the above permitted manufacturing, wholesaling, processing, treating, or packaging operations.

(5) For purposes of this section, off-street parking on the site shall be included in retail sales or service.

(c) No operation conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the premises.

SECTION 15. AMENDMENT OF CODE. Section 10-2.904 of Article 9 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.904. FRONT YARD. No lot in a C-2 zone need provide a front yard, except as required herein. A lot shall be required to have a front yard only when property classified as C-2 comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, in which case the front yard in such C-2 zone shall conform to the front yard required in the R-3 zone. When a front yard has been so provided, if the "R" property constituting part or all of the remaining frontage is rezoned, a front yard equal to that which has been so provided for the "C" property shall be required for property so rezoned. No building or structure shall be permitted in such yard.

SECTION 16. AMENDMENT OF CODE. Section 10-2.905 of Article 9 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.905. SIDE YARDS. No lot in a C-2 zone need provide side yards except as required herein. Whenever the side of a lot is 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 lot adjacent to the zone boundary line. A lot shall be required to have a side street side yard only when the side of the property classified as C-2 comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, in which case the side street side yard in such C-2 zone shall conform to the front yard required in the R-3 zone. When a side street side yard has been so provided, if the "R" property constituting part or all of the remaining frontage is rezoned, a yard facing on the street equal to that which has been so provided for the "C" property shall be required for property so rezoned. No building or structure shall be permitted in such yard.

SECTION 17. AMENDMENT OF CODE. Section 10-2.1002 of Article 10 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1002. LIMITATIONS ON PERMITTED USES IN C-M ZONE. Every use permitted in a C-M zone shall be subject to the following conditions and limitations:

(a) 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, except that uses permitted in the open in the C-2 zone shall be permitted in the open in the C-M zone.

(b) No operation conducted on the premises shall cause an unreasonable amount of noise, odor, dust, mud, smoke, vibration or electrical interference detectable off the premises.

SECTION 18. AMENDMENT OF CODE. Section 10-2.1004 of Article 10 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1004. FRONT YARD. No lot in a C-M zone need provide a front yard, except as required herein. When property classified as C-M comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, the front yard in such C-M zone shall conform to the front yard required in the R-3 zone. When a front yard has been so provided, if the "R" property constituting part or all of the remaining frontage is rezoned, a front yard equal to that which has been so provided for the C-M property shall be required for property so rezoned. No building or structure shall be permitted in such yard.

SECTION 19. AMENDMENT OF CODE. Section 10-2.1005 of Article 10 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1005. SIDE YARDS. No lot in a C-M zone need provide side yards, except as required herein. Whenever the side of a lot is 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 lot adjacent to the zone boundary line. A lot shall be required to have a side street side yard only when the side of the property classified as C-M comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, in which case the side street side yard in such C-M zone shall conform to the front yard required in the R-3 zone. When a side street side yard has been so provided, if the "R" property constituting part or all of the remaining frontage is rezoned, a yard facing on the street equal to that which has been so provided for the C-M property shall be required for property so rezoned. No building or structure shall be permitted in such yard.

SECTION 20. AMENDMENT OF CODE. Section 10-2.1104 of Article 11 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1104. FRONT YARDS. No lot in an M-1 zone need provide a front yard, except as required herein. When property classified as M-1 comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, or when such lot fronts upon a street, the opposite side of which is classified for "R" purposes, the front yard in such M-1 zone shall conform to the front yard required in the R-3 zone. When a front yard has been so provided, if the "R" property constituting part or all of the remaining frontage is rezoned, a front yard equal to that which has been so provided for the M-1 property shall be required for property so rezoned. No building or structure shall be permitted in such yard.

SECTION 21. AMENDMENT OF CODE. Section 10-2.1105 of Article 11 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1105. SIDE YARDS. No lot in an M-1 zone need provide side yards, except as required herein. Whenever the side of a lot is 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 lot adjacent to the zone boundary line. A lot shall be required to have a side street side yard only when the side of the property classified as M-1 comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, or when such lot sides upon a street the opposite side of which is classified for "R" purposes, in which case the side street side yard in such M-1 zone shall conform to the front yard required in the R-3 zone. When a side street side yard has been so provided, if the "R" property constituting part or all of the remaining frontage is rezoned, a yard facing on the street equal to that which has been so provided for the M-1 property shall be required for property so rezoned. No building or structure shall be permitted in such yard.

SECTION 22. AMENDMENT OF CODE. Section 10-2.1507 of Article 15 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1507. TEMPORARY REAL ESTATE OFFICE. One temporary real estate office or one or more temporary real estate billboards not to exceed a total of one hundred (100') square feet in area, or both such office and billboard, may be located on any new subdivision, provided that such office and billboard if located in an "R" zone, shall be used only for the sale of property located in the subdivision in which such office and billboard are located, and 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, except that where fewer than one-half of the lots in such subdivision have been sold at the end of such two (2) year period, a conditional use permit may be granted by the Board of Zoning Adjustment for the extension of the time of establishment and removal of such office and billboard.

SECTION 23. AMENDMENT OF CODE. Section 10-2.1618 of Article 16 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

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 precise 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 precise plan, except that such substandard lot shall qualify for only one single-family residence; provided, however, that if such substandard lot contains the minimum required lot area for a use in the zone in which such lot is located and if the width of such lot is not less than fifty (50') feet, then the lot may qualify for such use. 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 no side yard on the side street side shall be less than seven and one half (7½') feet and the other side yard shall be not less than three (3') feet.

SECTION 24. AMENDMENT OF CODE. Section 10-2.1620 of Article 16 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1620. SIDE YARD MODIFICATIONS FOR CERTAIN SPECIFIED LOTS. (a) Existing Lots. Notwithstanding any other provisions 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:

- (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 (7½') feet and the interior side yard of any such lot shall be not 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 lots in both (a) and (b) above shall be subject to the provisions of Section 10-2.1618 relating to substandard lots.

SECTION 25. AMENDMENT OF CODE. Article 27 entitled "Planned Development Zone" is hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

ARTICLE 27. PLANNED DEVELOPMENT ZONE

SEC. 10-2.2701. PURPOSE. The Planned Development zone is designed to accommodate various types of development such as neighborhood and district shopping centers, professional and administrative areas, multiple housing developments, single-family residential developments, commercial service centers and industrial parks or any other use or combination of uses which can be made appropriately a part of a planned development.

SEC. 10-2.2702. APPLICABILITY OF REGULATIONS. The following specific regulations and the general rules set forth in this chapter shall apply in all P-D zones, except that where conflict in regulations occurs, the regulations specified in this article shall apply.

SEC. 10-2.2703. PERMITTED USES. In a P-D zone any and all uses are permitted, provided such use or uses are shown on the Development Plan for the particular P-D zone as approved by the Council. (See Sec. 10-2.2708.)

SEC. 10-2.2704. USES REQUIRING CONDITIONAL USE PERMITS. A Conditional Use Permit shall be required for any and all uses in a P-D zone, with the exception of a single-family residence on an approved building site and buildings accessory thereto which meet all requirements of a single-family, R-1, zone. A Conditional Use Permit may be issued without a public hearing as required by Article 22 if the proposed structure or structures comply with the Development Plan and conditions thereof. The Board of Zoning Adjustment may impose additional conditions and requirements on the Conditional Use Permit as it deems necessary to secure the purposes of this chapter and the approved Development Plan.

SEC. 10-2.2705. HEIGHT AND SPACE REQUIREMENTS. Maximum height and bulk and minimum setback, yard, parking, and loading requirements shall be established for each P-D zone by the Development Plan approved by the Council. (See Sec. 10-2.2708.)

SEC. 10-2.2706. AREA REQUIREMENTS. No Planned Development zone shall be approved for an area of less than one (1) acre.

SEC. 10-2.2707. ESTABLISHMENT AND DEVELOPMENT OF P-D ZONES. P-D zones may be established or removed from the Zoning Map upon the application of a property owner or owners or upon the initiative of the Council or Planning Commission in accordance with the procedures set forth in Article 21 for amendments. No P-D zone shall be adopted unless a Development Plan has been approved for such P-D zone. Any development in a P-D zone shall be subject to the requirements of this article and shall be in conformance with the requirements of the Development Plan adopted for such P-D zone.

SEC. 10-2.2708. DEVELOPMENT PLAN. An application for a P-D zone shall be made to the Planning Commission and shall include and be accompanied by a Development Plan. The P-D zone, when adopted, shall become part of the zoning map of the City of Modesto as provided for by Article 3 of this chapter and the Development Plan for such P-D zone shall be adopted by resolution.

(a) Any changes in the Development Plan which involve uses shall be made in accordance with the procedures set forth in Article 21 for an Unclassified Use Permit.

(b) Any changes in the Development Plan which do not involve uses shall be reviewed by the Board of Zoning Adjustment and such changes, if approved, shall be made in accordance with the procedures set forth in Article 20 for a Conditional Use Permit.

(c) The Development Plan shall include:

(1) A map showing any street system and lot design proposed within the zone. Any areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and other such uses must be shown. Compliance with this requirement shall not be construed to relieve the applicant from compliance with the subdivision regulations or any other applicable regulations of the City of Modesto.

(2) If required by the Planning Commission of the City of Modesto, a map showing the topography of the proposed zone at one foot contour intervals.

(3) A land use plan for the proposed zone indicating the areas to be used for various purposes and a land use map showing existing uses within the zone and uses within five hundred (500') feet of the proposed zone.

(4) A plot plan for each building site or sites in the proposed P-D zone or any portion thereof as required by the Planning Commission. A plot plan shall show the approximate location of all proposed buildings, indicating maximum and minimum distances between buildings and between buildings and property or building site lines.

(5) Any or all of the following plans and diagrams may also be required by the Planning Commission or similar information may be required to be included on the plot plan or appended thereto:

(aa) Off-street parking and loading plan.

(ab) A circulation diagram indicating the proposed movement of vehicles, goods, and pedestrians within the P-D zone and to and from adjacent public thoroughfares. Any special engineering features and traffic regulations devices needed to facilitate or insure the safety of this circulation pattern shall be shown.

(ac) Landscaping and tree planting plan.

(6) Elevations and/or perspective drawings of all proposed structures except single-family residences and their accessory buildings. Such drawings need not be the result of final architectural decisions and need not be in detail. The purpose of such drawings is to indicate within stated limits the height of proposed buildings and the general appearance of the proposed structures to the end that the entire development will have architectural unity and be in harmony with surrounding developments.

SEC. 10-2.2709. DEVELOPMENT SCHEDULE. (a) An application for a P-D zone shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date when construction of the project can be expected to begin, the anticipated rate of development, and completion date. The development schedule, if approved by the Council, shall become a part of the Development Plan and shall be adhered to by the owner of the property in the P-D zone and his successors in interest. The City may require posting of a performance bond to insure construction in accordance with the Development Plan and within the development schedule.

(b) From time to time the Planning Commission shall compare the actual development accomplished in the various P-D zones with the approved development schedules.

(c) If in the opinion of the Planning Commission the owner or owners of property in P-D zones are failing or have failed to meet the approved schedule, the Commission may initiate proceedings under Article 21 of this chapter to remove the P-D zone from the zoning map or may initiate the amendment or revocation of approval of the Development Plan. Upon the recommendation of the Planning Commission and for good cause shown by the property owner, the Council may extend the limits imposed by the development schedule.

SEC. 10-2.2710. DESIGNATION OF P-D ZONING MAP. Each P-D zone shall be numbered, the first adopted being shown on the zoning map as P-D (1) and each zone subsequently adopted being numbered successively.

SECTION 26. AMENDMENT OF CODE. Article 28 entitled "Industrial Park Zone" is hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

ARTICLE 28. INDUSTRIAL PARK ZONE.

SEC. 10-2.2801. PERMITTED USES. In an M-P zone any use is permitted which is permitted in a Light Industrial zone (M-1), except that any sign permitted shall pertain only to a use conducted within the building or on the lot or to the lease or sale of the property, or to trespassing, and shall not be located in any required landscaped area.

SEC. 10-2.2802. LIMITATIONS ON PERMITTED USE. Every use permitted in the M-P zone shall be subject to the following conditions and limitations:

(a) 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, or chain link fence planted to evergreen vines, such wall or fence

not to be less than six (6') feet in height.

(b) The area of the front or side street side yard to a depth of ten (10') feet from the street line shall be planted and maintained in lawns, shrubs, or other plant materials which effectively cover the surface of the ground and shall be used only for landscaping purposes, except that in lieu of such provisions in the side yard area on corner lots exceeding three (3) acres in area, a masonry wall, or chain link fence planted to evergreen vines, may be erected along the side street property line to a point not closer than twenty-five (25') feet from the point of intersection of the property lines at the corner, such fence or wall to be not less than six (6') feet in height. The remainder of any such front yard or side yard may be used for landscaping, parking space, or such other open uses as are permitted in front and side yards by this chapter.

SEC. 10-2.2803. HEIGHT. No building or structure in an M-P zone shall be erected to a height which interferes with the official flight plan of the Modesto City-County Airport or so as to constitute a flight hazard to airplanes using said airport.

SEC. 10-2.2804. FRONT YARDS. The front yard for any lot in an M-P zone shall be not less than twenty-five (25') feet in depth.

SEC. 10-2.2805. SIDE YARDS. The minimum interior side yard for any main building in an M-P zone shall be fifteen (15') feet, and for corner lots the side street side yard shall be at least twenty-five (25') feet. The minimum side yard for accessory buildings shall be the same as for main buildings, except that accessory buildings located at least fifteen (15') feet in the rear of the main building on interior lots or the interior side of a corner lot shall require no side yard.

SEC. 10-2.2806. PERMISSIBLE LOT COVERAGE. All buildings, including accessory buildings and structures, shall not cover more than fifty (50%) percent of the area of the lot in an M-P zone.

SECTION 27. REPEALS. Section 10-2.1102 of Article 11 of Chapter 2 of Title X of the Modesto Municipal Code is hereby repealed.

SECTION 28. 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 29. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, 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 December, 1958, by Councilman Arata, who moved its

introduction 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: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor
Marks

NOES: Councilmen: None

ABSENT: Councilmen: Adams

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 278-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 7 day of January, 1959, Councilman Spaulding 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, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REV. E. GAILFUS, City Clerk

EFFECTIVE DATE: January 22, 1959

AN ORDINANCE AMENDING SECTIONS 5-4.201, 5-4.207 AND 5-4.210 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V AND SECTIONS 5-4.401 AND 5-4.404 OF ARTICLE 4 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO DOGS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-4.201 of Article 2 of Chapter 4 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-4.201. LICENSING AND FEES. Every person who owns, controls, harbors, possesses or keeps any dog over the age of four (4) months in the City shall, on or before March 1 of each year, procure a license from the City Clerk for said dog, and shall be required to pay an annual license fee of Two and no/100ths (\$2.00) Dollars for each such dog. Thereafter, during the year within fifteen (15) days after a dog reaches the age of four (4) months, or within fifteen (15) days after any dog over the age of four (4) months is acquired or brought into the City, its owner shall procure a license for said dog and shall be required to pay the fees herein required of such owner. Any owner who fails to procure such a dog license within the time allowed shall, in addition to any other penalty provided by this Code, be subject to a penalty equal to the amount of said license fee, and said penalty shall be added to the license fee hereinabove provided for, and shall be collected therewith.

SECTION 2. AMENDMENT OF CODE. Section 5-4.207 of Article 2 of Chapter 4 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-4.207. DUTY OF POUNDMAN TO IMPOUND UNLICENSED DOGS. It shall be the duty of the poundman, policemen and park attendant of the City to impound all dogs over the age of four (4) months that are unlicensed and/or unidentified, as provided for in this article, or that are in and upon any public street, alley, park, park-way or public place unleashed.

SECTION 3. AMENDMENT OF CODE. Section 5-4.210 of Article 2 of Chapter 4 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-4.210. KENNEL FEES. All persons keeping, maintaining or operating a kennel in the City shall pay to the City a license fee of Ten and no/100ths (\$10.00) Dollars per annum in addition to the other license fees set forth in Section 5-4.201 of this Code.

A kennel is herein defined as any place where three (3) or more dogs over the age of four (4) months are kept or maintained. No license shall be issued by the City Clerk to any person to maintain and/or operate any kennel unless and

until the applicant for said kennel license shall obtain the written consent of seventy-five (75%) per cent of the property owners and/or tenants of property within a radius of three hundred (300') feet of the proposed kennel. Any person who owns property under contract or the administrator or executor of any estate shall be considered for the purpose of this article the owner of the property.

SECTION 4. AMENDMENT OF CODE. Section 5-4.401 of Article 4 of Chapter 4 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-4.401. IMMUNIZATION REQUIRED. It shall be unlawful for any person to keep, own or harbor any dog or dogs in the City over the age of four (4) months unless such dog or dogs have been vaccinated with an approved canine anti-rabies vaccine by a veterinarian authorized to practice veterinary medicine or surgery in this State, and officially tagged as provided in this article.

SECTION 5. AMENDMENT OF CODE. Section 5-4.404 of Article 4 of Chapter 4 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-4.404. IMPOUNDING OF UNVACCINATED DOGS. It shall be the duty of the poundman and all police officers to take up and impound any dog over the age of four (4) months running at large which does not have an official vaccination tag attached to its collar, harness or other device worn by such dog as required by the provisions of this article.

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 adoption in The Modesto Bee, 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 December, 1958, 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, Arata, Merrill, Robinson, Spaulding, Mayor
Pro Tempore Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Marks

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
HARRY MARKS, Mayor

Ord. No. 279-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 7 day of January, 1959, 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, Arata, Hammond, Merrill, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REV. E. GAILFUS, City Clerk

EFFECTIVE DATE: January 22, 1959

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM ROBERT L. NICKERSON AND MARY L. NICKERSON.

WHEREAS, on November 27, 1957, the City of Modesto filed a complaint in eminent domain in the Superior Court of the State of California in and for the County of Stanislaus, being action No. 62757, seeking to condemn for street purposes the real property described therein and interests of the owners thereof upon payment to them of just compensation for the taking of said property and any damages incident thereto, and

WHEREAS, on or about January 24, 1958, Robert L. Nickerson and Mary L. Nickerson became and now are the owners of record of said real property, and

WHEREAS, the City of Modesto and Robert L. Nickerson and Mary L. Nickerson desire to compromise the issues raised by the pleadings filed in said condemnation proceedings by means of that certain agreement referred to in Section 2 of this ordinance,

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, with improvements thereon, from Robert L. Nickerson and Mary L. Nickerson, husband and wife, for the sum of Sixteen Thousand and no/100ths (\$16,000.00) Dollars in accordance with the provisions of that certain agreement referred to in Section 2 of this ordinance is hereby authorized. Said real property is 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 on the Southern line of the Modesto Irrigation District Lateral No. 3 and the Western line of the West 30 feet of Sherwood Avenue as described by deed filed May 2, 1955 as Instrument No. 23824, Stanislaus County Records;

thence along the Southern line of said Modesto Irrigation District Lateral No. 3, South $89^{\circ} 27'$ West, 295.82 feet, to a point on the Eastern line of property conveyed to James Tismenakis, et ux, by deed recorded October 11, 1946 as Instrument No. 29323, Stanislaus County Records; thence along the Eastern line of said Tismenakis property, South $0^{\circ} 48'$ East, 60.00 feet, thence along a line parallel to and 60.00 feet, right angle measurement, Southerly from said Southern line of the Modesto Irrigation District Lateral No. 3, North $89^{\circ} 27'$ East, 280.89 feet, to the point of tangent of a curve concave to the Southwest; thence along said curve, having a central angle of $89^{\circ} 45'$, a radius of 15.00 feet, and a length of 23.50 feet, to the point of tangent on said Western line of Sherwood Avenue; thence Northerly along said Western line of Sherwood Avenue, North $0^{\circ} 48'$ West, 74.93 feet, to the point of beginning of this description, containing 0.409 acres, more or less.

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and Robert L. Nickerson and Mary L. Nickerson, relating to the purchase of certain real property for street purposes, a copy of which is on file in the Office of the City Clerk of the City of Modesto, is hereby approved, and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from Robert L. Nickerson and Mary L. Nickerson, conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, 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 December, 1958, 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 vote:

AYES: Councilmen: Adams, Arata, Merrill, Robinson, Spaulding, Mayor Pro Tempore Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Marks

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 280-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 7 day of January, 1959, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and the ordinance finally adopted by the following vote:

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

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 22, 1959

ORDINANCE NO. 281 -C.S.

AN ORDINANCE ADDING SECTION 8-2.223 TO ARTICLE 2 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO ADMISSION TAX REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 8-2.223 entitled "Nonprofit Corporations Exempted" is hereby added to Article 2 of Chapter 2 of Title VIII of the Modesto Municipal Code to read as follows:

SEC. 8-2.223. NONPROFIT CORPORATIONS EXEMPTED. The provisions of this article shall not apply to any admissions charged by and used exclusively by nonprofit corporations incorporated under the California nonprofit corporation law.

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 Bee, 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 14 day of January, 1959, 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, Arata, Hammond, Merrill, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Spaulding

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

Ord. No. 281-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 January, 1959, Councilman Arata 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, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Spaulding

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: February 5, 1959

ORDINANCE NO. 282 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 258-C.S. ENTITLED "AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1958-59".

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

SECTION 1. AMENDMENT OF ORDINANCE. Section 2 of

Ordinance No. 258-C.S. entitled "An Ordinance Fixing the Rate of Taxation in and for the City of Modesto for the Fiscal Year 1958-59" is hereby amended to read as follows:

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, 1958 and ending June 30, 1959, 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) Tax Code Areas Nos. 2-1, 2-6, 2-7, 2-8, 2-9, 2-13 and 2-14:

FOR THE GENERAL FUND \$ 1.18

FOR THE BOND REDEMPTION AND INTEREST FUND

(1) Municipal Improvement Bonds of 1947.16

For the redemption of bonds and the payment of interest thereon that shall accrue during said fiscal year;

FOR THE LIBRARY FUND.11

THE AGGREGATE OF SAID SUMS TO WIT \$ 1.45

(b) Tax Code Areas Nos. 2-3, 2-4 and 2-5:

FOR THE GENERAL FUND \$ 1.18

FOR THE LIBRARY FUND11

THE AGGREGATE OF SAID SUMS TO WIT \$ 1.29

SECTION 2. 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 and shall apply retroactively on and after August 27, 1958.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, 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 21 day of January, 1959, by Councilman Hammond, who moved its adoption, which motion being duly seconded by ~~Councilman~~ Mayor Marks, was upon roll call carried by the following

vote:

AYES: Councilmen: Adams, Arata, Hammond, Merrill, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Spaulding

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

ORDINANCE NO. 283 -C.S.

AN ORDINANCE REPEALING CHAPTER 4 OF TITLE VI OF THE MODESTO MUNICIPAL CODE ENTITLED "GASOLINE PUMPS".

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

SECTION 1. AMENDMENT OF CODE. Chapter 4 of Title VI of the Modesto Municipal Code entitled "Gasoline Pumps" is hereby repealed.

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 Bee, 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 28 day of January, 1959, by Councilman Merrill, who moved its introduction and passage to print, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Merrill, Spaulding, Mayor Pro Tempore Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Mayor Marks

APPROVED: 

~~HARRY MARKS, Mayor~~

Don D. Hammond, Mayor Pro Tempore

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 283-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 4 day of February, 1959, 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: Arata, Hammond, Merrill, Robinson, Mayor Marks

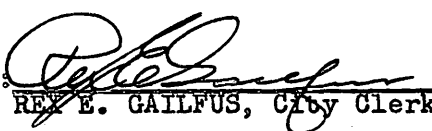
NOES: Councilmen: None

ABSENT: Councilmen: Adams, Spaulding

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: February 19, 1959

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

WHEREAS, a petition was filed with the City Clerk by _____
Tidewater Southern Railway Company by
F. B. Stratton, Director of Industrial Development, and W. B. Bannon

_____ on
January 6, 1959, 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 MODESTO INDUSTRIAL PARK 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 7th
day of January, 1959, set said petition for hearing at
the hour of 4:30 o'clock p.m. on the 18th day of February 1959,
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 pub-
lished in newspapers of general circulation to wit: The Modesto Bee,
a newspaper published in the City of Modesto on January 16, 1959,
and on January 23, 1959; and in the Turlock Daily Journal, a
newspaper published outside the City of Modesto, but in the County of Stanis-
laus, on January 16, 1959, and on January 23, 1959,
for the time and in the manner required by law, which publications were com-
pleted 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 pro-
posed to be annexed was assessed on the last equalized assessment roll avail-
able 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 18th day of February, 1959, 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.

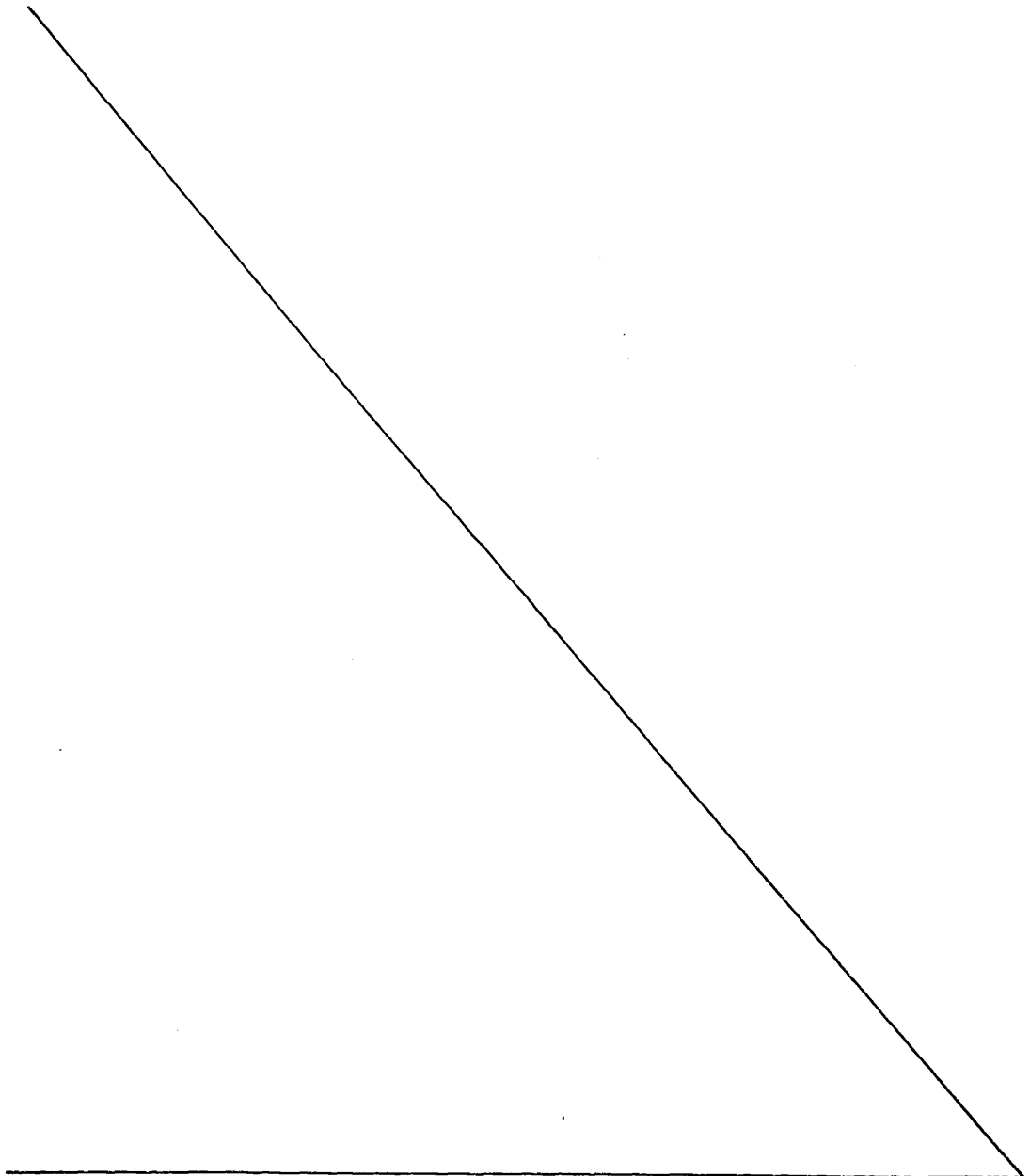
SECTION 2. The area or territory so annexed, designated the MODESTO INDUSTRIAL PARK ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that real property situate in the State of California, County of Stanislaus, Sections 5, 8 and 9 Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits, said point being at the intersection of the center line of the Tuolumne River and the Northerly extension of the Eastern line of Lot 1 of the Rio Grande Colony as shown on the map filed July 5, 1912, in Volume 6, Page 47, Stanislaus County Records; thence Southerly along the Eastern line of said Lot 1 and its Northerly extension, to the Northeastern corner of the property described in decree to Mabel Marie Nutter recorded September 17, 1956, as Instrument Number 25500, Stanislaus County Records; thence Westerly along the Northern line of said Nutter property and its Westerly extension, to the Northwestern corner of the property described in the deed to H. A. Thompson, et ux, and John Cole, ^{recorded} April 21, 1956, as Instrument Number 10352, Stanislaus County Records, thence Southerly along the Western line of said Thompson and Cole property to the Southwestern corner thereof, said corner being on the Northwestern line of a 40 foot Public Road known as Hatch Road; thence Southeasterly at right angles to the Northwestern line of said Hatch Road to a point on the Southeastern line of said Hatch Road, said point being also on the Northwestern Right of Way line of the Turlock Irrigation District Lateral Number 1; thence Northeasterly along the Southeastern line of said Hatch Road to its intersection

With the Westerly extension of the Southern Right of Way line of said Lateral Number 1; thence Easterly along the Southern Right of Way line of said Lateral Number 1 and its Westerly extension, to a point which is the intersection of the Northern line of First Avenue and the Northerly extension of the Western line of the 20 foot alley in Block 9008 as shown on the map of the South Modesto Acres Tract Number 3, filed in Volume 14 of Maps, Page 7, Stanislaus County Records; thence Southerly along the Western line of the 20 foot Alley in said Block 9008 and its Northern extension to a point on the Northern line of Second Avenue as shown on said map of South Modesto Acres Tract Number 3; thence Easterly along the Northern line of said Second Avenue and its Easterly extension to a point on the Eastern line of a 60 foot Public Road known as Crows Landing Road, as said road is shown on the map of the South Modesto Acres Subdivision filed in Volume 11 of Maps, Page 27, Stanislaus County Records; thence Southerly along the Eastern line of said Crows Landing Road to the Northwestern corner of Lot 6 of said South Modesto Acres Subdivision; thence Easterly along the Northern line of said Lot 6 to the Northeastern corner thereof; thence parallel to the Eastern line of Crows Landing Road, Southerly along the Eastern line of said Lot 6 and its Southerly extension to a point on the Northern line of the property described in the deed to Tidewater Southern Railroad Company recorded August 19, 1952, as Instrument Number 19402, Stanislaus County Records; thence Easterly along the Northern line of said Railroad property to a point on the Western line of the Tidewater Southern Railroad Right of Way said point being 25 feet at right angles Westerly from the North-South quarter section line of said Section 9; thence Northerly along the Western line of said Railroad Right of Way to its intersection with the Westerly extension of the Southern line of the Olympic Tract as shown on the map filed in Volume 14 of Maps, Page 55 Stanislaus County Records; thence Easterly along the Southern line of the Olympic Tract and its Westerly extension to the Southeast corner of said Olympic Tract, said point being on the Western line of a 40 foot Public Road known as Morgan Road as shown on the map of the Midway Tract, filed in Volume 5 of Maps, Page 46, Stanislaus County Records; thence Southerly along the Western line of said Morgan Road to the Southeastern corner of Lot 12 of said Midway Tract; thence Westerly along the Southern line of Lots 12 and 13 of said Midway Tract to the Southwestern corner of said Lot 13, said point being the Northeastern corner of the Southwest quarter of the Southeast quarter of said Section 9; thence Southerly along the Eastern line of the Southwest quarter of the Southeast quarter of said Section 9 to a point on the Northern line of a 40 foot Public Road known as Whitmore Road; thence Westerly along the Northern line of said Whitmore Road to the point of intersection with the Western line of said Tidewater Southern Railroad Right of Way said point being 25 feet at right angles Westerly from the North-South quarter section line of said Section 9; thence Northerly along the Western line of said Railroad Right of Way to a point on the Southern line of the Northwest quarter of said Section 9; thence Westerly along the Southern line of the Northwest quarter of said Section 9 to its intersection with the Eastern line of said Crows Landing Road; thence Northerly along the Eastern line of said Crows Landing Road to the Southwestern corner of Lot 6 of said South Modesto Acres Subdivision; thence Westerly along the Westerly extension of the Southern line of Lot 6 of said South Modesto Acres Subdivision to a point on the Western line of said Crows Landing Road; thence Northerly along the Western line of said Crows Landing Road to the Northeastern corner of Block 9001 of said South Modesto Acres Tract Number 3; thence Westerly along the Southern line of Second Avenue as shown on the map of said South Modesto Acres Tract Number 3, to the Northwestern corner of Block 9009 of said South Modesto Acres Tract Number 3; thence Northerly along the Northerly

extension of the Western line of said Block 9009, to a point on the Northern line of Second Avenue; thence Westerly along the Northern line of Second Avenue and its Westerly extension, to a point on the Eastern line of the 20 foot Alley in Block 9019 of said South Modesto Acres Tract Number 3; thence Northerly along the Eastern line of said 20 foot Alley to its intersection with the Easterly extension of the Southern line of Lots 4 and 5 of said Rio Grande Colony, said line being also the Northern line of said Hatch Road; thence Westerly along the Southern line of Lots 4 and 5 and its Easterly extension to the Southwestern corner of said Lot 5; thence Northerly along the Western line of said Lot 5 and its Northerly extension to a point on the existing City Limits which is on the center line of the Tuolumne River; thence Northeasterly along the existing City Limits and the center line of said Tuolumne River, to the point of beginning, containing 270 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 Section 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 Bee, 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 18 day of February, 1959, by Councilman Arata, who moved its adoption 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, Arata, Hammond, Merrill, Spaulding, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Robinson

APPROVED


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

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

WHEREAS, a petition was filed with the City Clerk by _____

Kenneth H. Durand and Gladys S. Durand

_____ on
December 31, 1958, 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 DURAND 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 7th day of January, 1959, set said petition for hearing at the hour of 4:30 o'clock p.m. on the 18th day of February 1959, 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 Bee, a newspaper published in the City of Modesto on January 16, 1959, and on January 23, 1959; and in the Turlock Daily Journal, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on January 16, 1959, and on January 23, 1959, 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 18th day of February, 1959, 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 DURAND 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 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lots A and B of the Durand Tract, as per map filed January 21, 1947, in Volume 16 of Maps, Page 19, Stanislaus County Records, described as follows:

Beginning at the Northwestern corner of Lot A of said Durand Tract, said corner being a point on the existing corporate City Limits established by the Sewage Disposal Plant Addition as per boundary description filed March 7, 1950 as Instrument 5120, Stanislaus County Records; thence along said City Limits and the Northern line of said Lot A, East 466.43 feet, to the Northeastern corner of said Lot A; thence continuing along said City Limits and the Eastern line of said Lots A and B, South $00^{\circ} 48'$ East, 940.81 feet, to the Northeastern corner of the Dryden-Durand Addition according to the boundary description filed June 23, 1955 as Instrument 18187, Stanislaus County Records; thence along the boundary of said Dryden-Durand Addition and existing City Limits, South $77^{\circ} 48' 25''$ West, 999.22 feet; thence North $63^{\circ} 02' 00''$ West, 72.77 feet; thence North $00^{\circ} 15' 00''$ East, 231.12 feet, to a point on the Northwestern line of said Lot A of the Durand Tract; thence along the Northwestern line of said Lot A, North $30^{\circ} 46' 30''$ East, 849.64 feet; thence continuing along the Northwestern line of said Lot A, North $38^{\circ} 41'$ East, 201.96 feet to the point of beginning, containing 19.54 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 Section 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 Bee, 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 18 day of February, 1959, by Councilman Merrill, who moved its adoption and passage to print, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and ordered printed and published by the following vote:

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

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

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

WHEREAS, a petition was filed with the City Clerk by _____
the City of Modesto

_____ on
January 5 _____, 19 59, 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 ORANGEBURG MUNICIPAL 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 7th
day of January _____, 19 59, set said petition for hearing at
the hour of 4:30 o'clock p.m. on the 18th day of February _____ 1959,
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 pub-
lished in newspapers of general circulation to wit: The Modesto Bee _____,
a newspaper published in the City of Modesto on January 16 _____, 19 59,
and on January 23 _____, 19 59; and in the Turlock Daily Journal, a
newspaper published outside the City of Modesto, but in the County of Stanis-
laus, on January 16 _____, 19 59, and on January 23 _____, 19 59,
for the time and in the manner required by law, which publications were com-
pleted 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 pro-
posed to be annexed was assessed on the last equalized assessment roll avail-
able 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

*see East
Orangetown
addition
Ord 391 C.S.*

all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 18th day of February, 1959, 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 ORANGEBURG MUNICIPAL 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, being a portion of Lot 8 of the Coolidge Colony, as per map filed November 15, 1910 in Volume 5 of Maps, Page 17, Stanislaus County Records, described as follows:

Commencing at the Northeastern corner of said Lot 8; thence along the Eastern line of said Lot 8, South $00^{\circ} 10'$ East, 150.00 feet, to the true point of beginning; thence continuing along said Eastern Line of Lot 8, South $00^{\circ} 10'$ East, 155.00 feet, to the Northern Line of a 50 foot public road known as Orangeburg Avenue, as shown on the map of said Coolidge Colony; thence along said Northern line of Orangeburg Avenue, North $89^{\circ} 00'$ West, 110.00 feet; thence North $00^{\circ} 10'$ West, 155.00 feet; thence South $89^{\circ} 00'$ East, 110.00 feet, to the true point of beginning, containing 0.391 Acre 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 Section 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 Bee, the official newspaper of the City of Modesto.

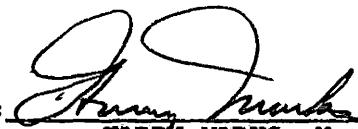
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18 day of February, 1959, by Councilman Spaulding, who moved its adoption and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

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

WHEREAS, a petition was filed with the City Clerk by _____
the City of Modesto

_____ on
January 5 _____, 19 59, 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 PHOENIX STATION 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 7th
day of _____ January _____, 19 59, set said petition for hearing at
the hour of 4:30 o'clock p.m. on the 18th day of _____ February _____, 19 59,
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 pub-
lished in newspapers of general circulation to wit: The Modesto Bee,
a newspaper published in the City of Modesto on _____ January 16 _____, 19 59,
and on _____ January 23 _____, 19 59; and in the Turlock Daily Journal, a
newspaper published outside the City of Modesto, but in the County of Stanis-
laus, on _____ January 16 _____, 19 59, and on _____ January 23 _____, 19 59,
for the time and in the manner required by law, which publications were com-
pleted 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 pro-
posed to be annexed was assessed on the last equalized assessment roll avail-
able 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 18th day of February, 1959, 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 PHOENIX STATION 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 27, Township 3 South, Range 9 East; Mount Diablo Base and Meridian, described as follows:

All of Lot 13 in Block 2196 of the Alta Vista Tract, as per map filed September 12, 1946 in Volume 14 of Maps, Page 75, Stanislaus County Records, containing 0.176 Acre 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 Section 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 Bee, the official newspaper of the City of Modesto.

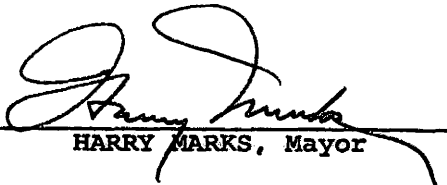
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18 day of February, 1959, by Councilman Merrill, who moved its adoption and passage to print, which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Hammond, Merrill, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

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

WHEREAS, a petition was filed with the City Clerk by Lance E. Ellis,
Carol L. Ellis, Irene T. Cecil, Neil M. Cecil, Clyde Perdue, and Anna L. Fagundes

_____ on
December 31 _____, 1958, 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 CARVERWOOD 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 7th
day of January, 1959, set said petition for hearing at
the hour of 4:30 o'clock p.m. on the 18th day of February 1959,
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 pub-
lished in newspapers of general circulation to wit: The Modesto Bee,
a newspaper published in the City of Modesto on January 16, 1959,
and on January 23, 1959; and in the Turlock Daily Journal, a
newspaper published outside the City of Modesto, but in the County of Stanis-
laus, on January 16, 1959, and on January 23, 1959,
for the time and in the manner required by law, which publications were com-
pleted 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 pro-
posed to be annexed was assessed on the last equalized assessment roll avail-
able 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 18th day of February, 1959, 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

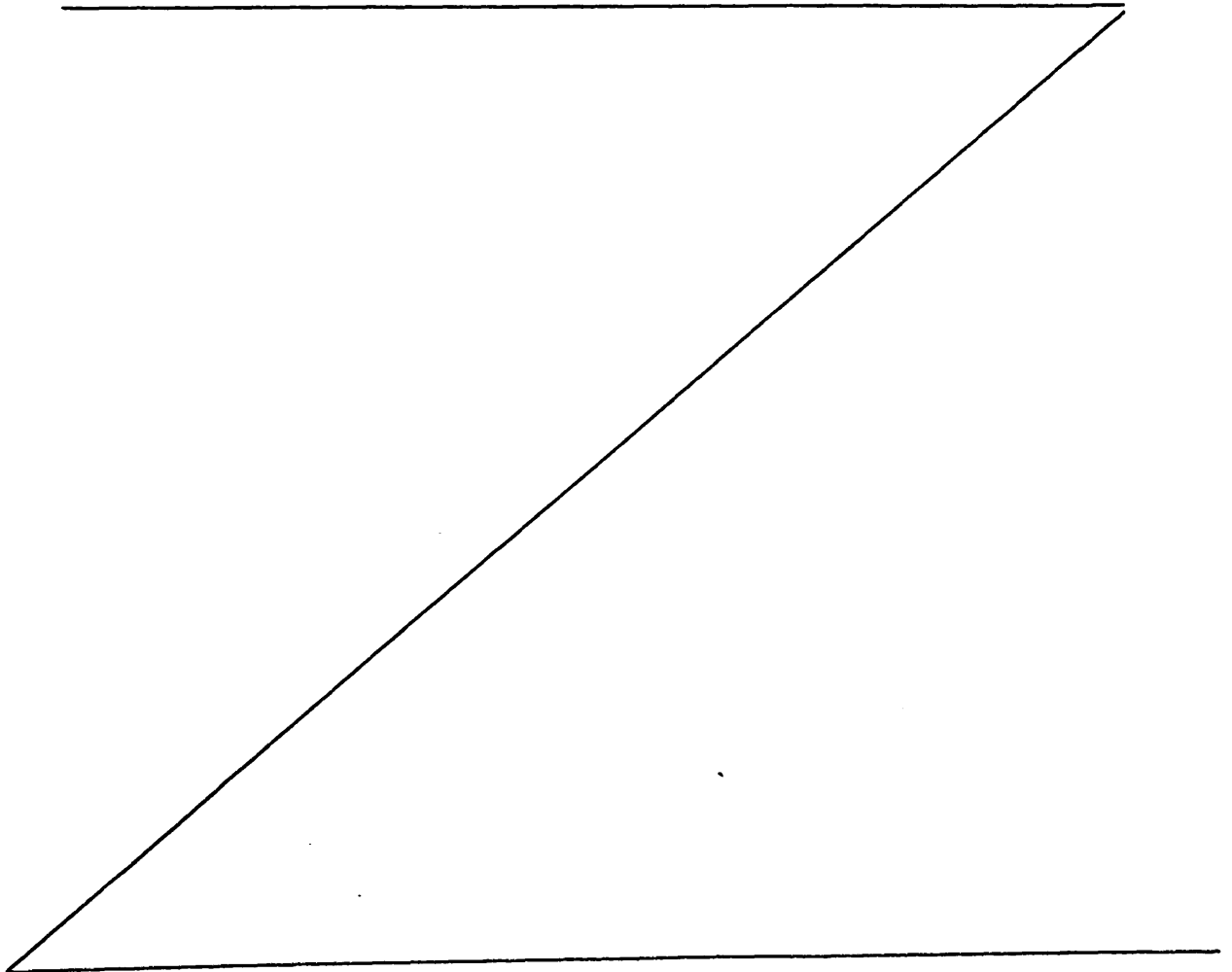
CARVERWOOD

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, Sections 18 and 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and more particularly described as follows:

Beginning at a point on the existing corporate limits of the City of Modesto and the Northern line of the Garrison School Addition, according to the boundary description filed January 29, 1957, as Instrument No. 2646, Stanislaus County Records, said point being the intersection of the Western line of Carver Road and the Southern line of Evergreen Road, as shown on the map of the Dunham Tract, filed December 26, 1946, in Volume 16 of Maps at Page 15, Stanislaus County Records; thence along the corporate city limits and the boundary of said Garrison School Addition, South $0^{\circ} 32'$ East, 281.98 feet, and South $89^{\circ} 06' 30''$ East, 1565.80 feet, to the intersection with the Western line of the West-Glen Addition, filed July 1, 1955 as Instrument No. 19064, Stanislaus County Records, said line being the North-South quarter-quarter section line of Section 19; thence along the existing corporate city limits and the boundary of said West-Glen Addition, the following bearings and distances: North $0^{\circ} 31'$ West, 310.15 feet, to a point on the section line common to said Sections 18 and 19; North $0^{\circ} 34'$ West, 716.84 feet, South $89^{\circ} 23' 50''$ East, 1145.01 feet, to the Southwestern corner of the North Park Addition, filed September 8, 1958 as Instrument No. 22252, Stanislaus County Records; thence along the existing

corporate city limits and the boundary of said North Park Addition, North $0^{\circ} 40' 20''$ West, 296.41 feet, to the Northern line of the Modesto Irrigation District Lateral No. 3; thence along the Northern line of the Modesto Irrigation District Lateral No. 3 and the boundary of said North Park Addition, South $89^{\circ} 32' 30''$ West, 333.36 feet, and North $81^{\circ} 27' 30''$ West, 561.20 feet, to the Western line of said North Park Addition; thence leaving the corporate city limits and continuing along said Northern line of said Modesto Irrigation District Lateral No. 3, North $81^{\circ} 27' 30''$ West, 260.21 feet, to the North-South quarter-quarter section line of Section 18; thence continuing along said Northern line of the Modesto Irrigation District Lateral No. 3, North $81^{\circ} 25' 26''$ West, 1579.92 feet, to the Western line of said Carver Road; thence continuing along said Northern line of the Modesto Irrigation District Lateral No. 3, North $81^{\circ} 25' 26''$ West, 1336.50 feet, to a point on the Northerly extension of the Western line of the property conveyed to Neil M. Cecil, et ux, by deed recorded April 4, 1955 as Instrument No. 9922, Stanislaus County Records; thence along said Northerly extension of the Western line of said Cecil property, South $0^{\circ} 46' 20''$ East, 244.21 feet, to the Northwestern corner of said Cecil property; thence along said Western line of said Cecil property, South $0^{\circ} 46' 20''$ East, 1318.68 feet to the Southwestern corner of said Cecil property and the section line common to Sections 18 and 19; thence along said section line, North $88^{\circ} 58' 40''$ East, 788.56 feet, to the Northerly extension of the Eastern line of Lot B of said Dunham Tract; thence along said Northerly extension of the Eastern line of Lot B of said Dunham Tract, South $0^{\circ} 32'$ East, 33.33 feet, to the Southern line of Evergreen Road as shown on the map of said Dunham Tract, said point being on the Northern line of said Garrison School Addition; thence along said Southern line of Evergreen Road and the corporate city limits, North $87^{\circ} 34' 50''$ East, 520.00 feet, to the Western line of Carver Road and the true point of beginning, containing 107.92 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 Section 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 Bee, 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 18 day of February, 19 59, by Councilman Arata, who moved its adoption 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, Arata, Hammond, Merrill, Spaulding, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX B. GAILFUS, City Clerk

(SEAL)

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

WHEREAS, a petition was filed with the City Clerk by Wolverine Building Service, Inc. by Gale O. Nutson, Pres., Arthur Wylie and Florence Wylie on December 31, 1958, 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 YORKSHIRE 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 7th day of January, 1959, set said petition for hearing at the hour of 4:30 o'clock p.m. on the 18th day of February 1959, 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 Bee, a newspaper published in the City of Modesto on January 16, 1959, and on January 23, 1959; and in the Turlock Daily Journal, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on January 16, 1959, and on January 23, 1959, 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 18th day of February, 1959, 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:

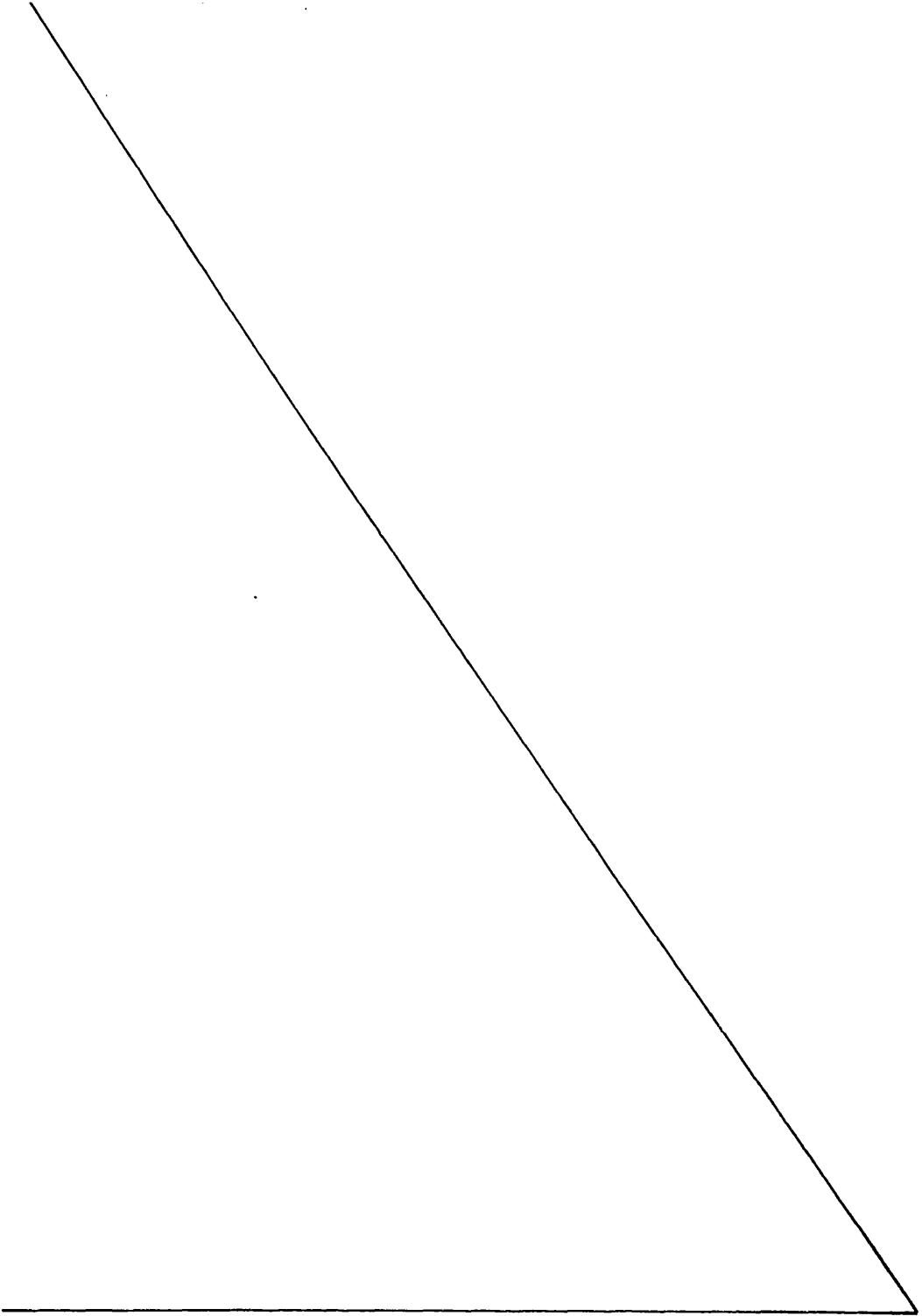
SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated the YORKSHIRE 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 a point on the existing City Limits line said point being the Southwestern corner of the Zlab Addition to the City of Modesto, according to the boundary description filed January 18, 1956 as Instrument No. 1481, Stanislaus County Records, said point also being the Southeastern corner of the West half of Lot 11 of Rice Colony, as per map filed in Volume 1 of Maps, Page 54, Stanislaus County Records, and a Record of Survey Map filed March 19, 1957 in Volume 7, Page 7, Record of Surveys, Stanislaus County Records; thence along the existing City Limits and the Eastern line of said West half of Lot 11 of the Rice Colony, North $0^{\circ} 24' 10''$ West, 658.18 feet, to the Northern line of said Lot 11 of Rice Colony and the Northwestern corner of the Zlab Subdivision No. 2 Addition, according to the boundary description filed October 20, 1958 as Instrument No. 26117, Stanislaus County Records; thence along the Northern line of said Lot 11 of Rice Colony as shown in said Record of Survey Map, North $89^{\circ} 32' 40''$ West, 641.36 feet, to the Eastern line of a 40 foot public road known as El Vecino Avenue; thence along said Eastern line of El Vecino Avenue, South $0^{\circ} 32' 40''$ East, 659.91 feet, to the Southern line of said Lot 11 of Rice Colony, which is also the Northern line of the Loconte Subdivision, as per map filed in Volume 17 of Maps, Page 65, Stanislaus County Records; thence along said Northern line of the Loconte Subdivision and the Southern line of said Lot 11 of Rice Colony, South $89^{\circ} 41' 42''$ East,

639.71 feet, to the Northeastern corner of said Loconte Subdivision and the point of beginning, containing 9.69 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 Section 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 Bee, 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 18 day of February, 1959, by Councilman Spaulding, 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, Arata, Hammond, Merrill, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

ORDINANCE NO. 290 -C.S.

AN ORDINANCE AMENDING SECTION 19 OF THE ZONING MAP OF THE CITY OF MODESTO TO ESTABLISH ZONING FOR CERTAIN PROPERTY LOCATED THEREON NEWLY ANNEXED TO THE CITY. (PORTION OF CARVERWOOD)

WHEREAS, the Carverwood Addition was annexed to the City of Modesto on the 25th day of February, 1959, and

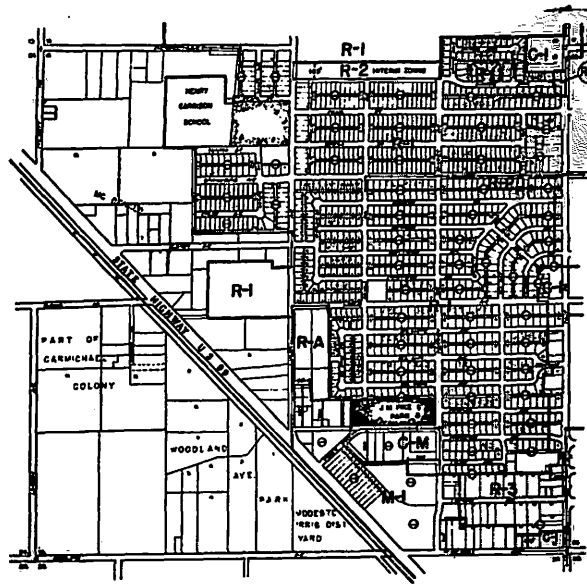
WHEREAS, Section 10-2.1505 of the Municipal Code authorizes the Council, upon the recommendation of the Planning Commission, to temporarily classify newly annexed territory into zones other than R-1 classification by the adoption of an emergency interim ordinance in order to protect the public health, safety and welfare of the City,

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

SECTION 1. INTERIM ZONING. Section 19 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. The purpose of said amendment is to establish interim zoning for newly annexed territory as set forth on said map. Except for the interim zoning of newly annexed territory as shown on said map, the existing zoning shall continue in effect.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety. The following is a statement of facts showing its urgency. The property for which interim zoning is established by this ordinance is newly annexed to the City. The best utilization and development of said property requires the establishment of interim zoning pending the completion of formal zoning proceedings.

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



ZONING MAP OF THE CITY OF MODESTO

MS 19-6-0
 MAY 1959

SECTION MAP 19

Amended by Ordinance No. 290-C.S.

Effective February 25, 1959

SECTION 4. This ordinance shall be published in full at least once in The Modesto Bee, 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 25 day of February, 1959, by Councilman Spaulding, 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, Arata, Hammond, Merrill, Robinson,
Spaulding, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

ORDINANCE NO. 291 -C.S.

AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Losher-Darpinian)

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 Bee, 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 25 day of February, 1959, by Councilman Spaulding, 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:

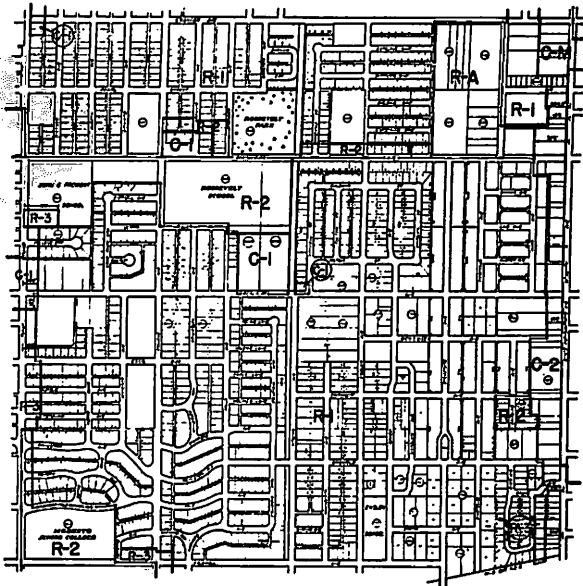
AYES: Councilmen: Adams, Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)



ZONING MAP OF THE CITY OF MODESTO

REV. 8-2-59
THE CITY ENGINEER'S OFFICE

SECTION MAP 20

Amended by Ordinance No. 291-C.S.

Effective March 26, 1959

Ord. No. 291-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 11 day of March, 1959, Councilman Spaulding 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, Merrill, Robinson, Spaulding,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 26, 1959

ORDINANCE NO. 292 -C.S.

AN ORDINANCE AMENDING SECTIONS 3-2.502, 3-2.1010, 3-2.1501 AND 3-2.1502 OF THE MODESTO MUNICIPAL CODE RELATING TO TRAFFIC REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.502 of Article 5 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.502. TRAFFIC CONTROL THROUGH CERTAIN ALLEYS. Whenever any resolution of this City designates an alley as a one-way alley it shall be unlawful to drive any vehicle through said alley except in the direction authorized, or to stop or park any vehicle in said alley except on the side thereof designated by the Director and as near the property line as is practicable. The Director shall cause signs to be erected on one-way alleys indicating the side or portion thereof upon which loading or unloading is authorized.

SECTION 2. AMENDMENT OF CODE. Section 3-2.1010 of Article 10 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1010. DRIVING OR PARKING ON PARKS, PLAYGROUNDS AND CITY PROPERTY. (a) No person shall drive or park any motor vehicle upon any public park, playground, or other City property except on streets, alleys, thoroughfares or parking lots and areas provided for such purposes.

(b) No person shall stop, stand or park a motor vehicle upon any public park, playground or other City property in such a manner as to block, obstruct or impede free access to and from said park or playground or City property.

(c) No person shall park a vehicle on that portion of a street between the curblines, or the lateral lines of a roadway, and the adjacent property lines intended for the use of pedestrians.

SECTION 3. AMENDMENT OF CODE. Section 3-2.1501 of Article 15 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

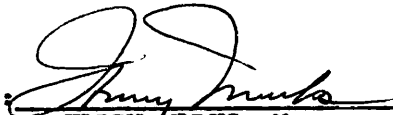
SEC. 3-2.1501 ESTABLISHMENT OF PARKING METER ZONES. The Council, by resolution, from time to time may establish and designate such streets or parts of streets as parking meter zones as traffic conditions require. The time limitations for legal parking in parking meter zones shall be those established by the Director based on engineering surveys, and the time limitations shall be indicated by appropriate signs posted in such zones.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, 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 4 day of March, 1959, by Councilman Spaulding, who moved its introduction 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, Arata, Hammond, Merrill, Spaulding, Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 292-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 11 day of March, 1959, 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, Robinson, Spaulding,
Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 26, 1959

AN ORDINANCE AMENDING SECTION 3-2.815 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE ENTITLED "APPROVAL OF STATE DEPARTMENT OF PUBLIC WORKS" RELATING TO TRAFFIC REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.815 of Article 8 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.815. APPROVAL OF STATE DEPARTMENT OF PUBLIC WORKS.

(a) Any provision of this chapter which regulates traffic or delegates the regulation of traffic upon state highways in any way for which the approval of the Department of Public Works is required by state law, shall cease to be operative six (6) months after receipt by the Council of written notice of withdrawal of approval of the Department of Public Works.

(b) Whenever this chapter delegates authority to a city officer, or authorizes action by the Council to regulate traffic upon a state highway in any way which by state law requires the prior approval of the Department of Public Works, no such officer shall exercise such authority nor shall such action by the Council be effective with respect to any state highway without the prior approval in writing of the Department of Public Works when and to the extent required by Division 9 and Division 11 of the Vehicle Code.

SECTION 2. REPEALS. Ordinance No. 272-C.S. adopted by the Council on December 10, 1958, 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.

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 Bee, 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 4 day of March, 1959, by Councilman Merrill, who moved its introduction 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, Arata, Hammond, Merrill, Spaulding, Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: Robinson

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

Ord. No. 293-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 11 day of March, 1959, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and the ordinance finally adopted by the following vote:

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

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 26, 1959

AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Evergreen Acres Tract)

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

SECTION 1. ZONING RECLASSIFICATIONS. Section Map 19 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 Bee, 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 4 day of March, 1959, by Councilman Merrill, who moved its introduction and passage to print, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Hammond, Merrill, Spaulding,
Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED


HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 294-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 18 day of March, 1959, 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, Arata, Hammond, Merrill, Robinson, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Spaulding

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GALLFUS, City Clerk

EFFECTIVE DATE: April 2, 1959

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

WHEREAS, a petition was filed with the City Clerk by _____
_____ the City of Modesto.

_____ on
_____ January 21 _____, 1959 _____, 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 _____ AIRPORT _____ 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 21st
day of _____ January _____, 1959 _____, set said petition for hearing at
the hour of 4:30 o'clock p.m. on the 4th day of _____ March _____ 1959 _____,
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 pub-
lished in newspapers of general circulation to wit: The Modesto Bee _____,
a newspaper published in the City of Modesto on _____ January 30 _____, 1959 _____,
and on _____ February 6 _____, 1959 _____; and in the Turlock Daily Journal, a
newspaper published outside the City of Modesto, but in the County of Stanis-
laus, on _____ January 30 _____, 1959 _____, and on _____ February 6 _____, 1959 _____,
for the time and in the manner required by law, which publications were com-
pleted 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 pro-
posed to be annexed was assessed on the last equalized assessment roll avail-
able 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 4th day of March, 1959, 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.

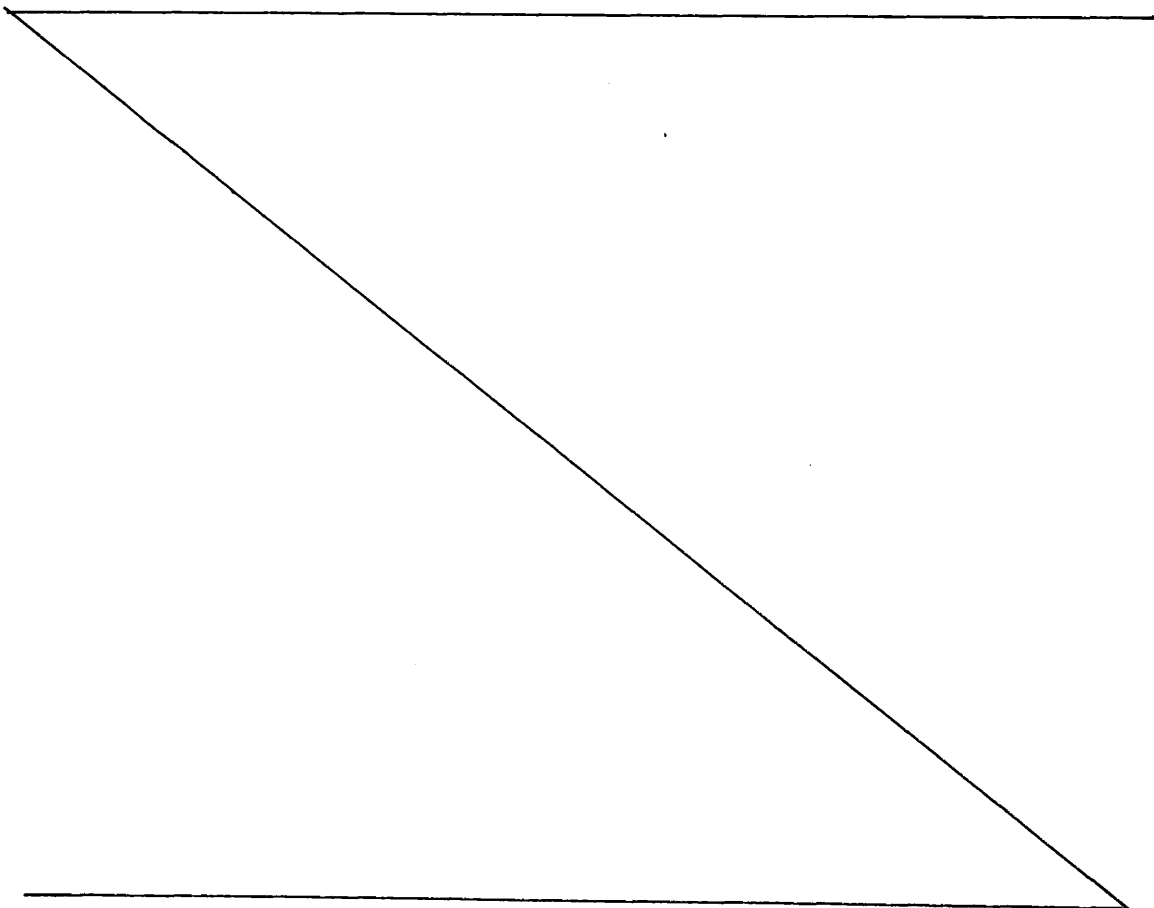
SECTION 2. The area or territory so annexed, designated the AIRPORT ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that certain real property situate in the State of California, County of Stanislaus, Sections 34 and 35, Township 3 South, Range 9 East, and Sections 2 and 3, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the La Loma Yosemite Addition Recorded December 4, 1953 as Instrument 30045, Stanislaus County Records, said point being the intersection of the Northern line of the Modesto and Empire Traction Company Railroad Right of Way and the Western line of Empire Avenue as shown on the map of the Modesto Colony filed July 30, 1888, in Volume 1 of Maps, Page 33, Stanislaus County Records; thence Northeasterly along the Northern line of said Railroad Right of Way to a point on the Eastern line of said Empire Avenue; thence Southerly along said Eastern line of Empire Avenue to the Northern line of Tenaya Drive as shown on the map of the Sierra Subdivision No. 3, filed in Volume 11 of Maps, Page 44, Stanislaus County Records; thence Easterly along the Northern line of said Tenaya Drive to a point on the Northerly extension of the Eastern line of said Sierra Subdivision No. 3; thence Easterly 189.43

feet, along that portion of Tenaya Drive reserved as a road easement on the property conveyed to the City of Modesto by deed recorded July 11, 1950 as Instrument 14992, to the beginning of a tangent curve; thence Southerly 60.00 feet along the radial line of said tangent curve to a point on the Southern line of Tenaya Drive said point being the beginning of a tangent curve concave to the Southwest; thence Easterly along said curve having a radius of 200.00 feet, Central Angle $33^{\circ} 57'$, an Arc Length of 118.51 feet; thence Southeasterly and Easterly along the Southwestern and Southern line of said Tenaya Drive, to a point on the Western line of Snowden Avenue, said point being 80.00 feet, measured at right angles, Westerly from the section line common to said Sections 34 and 35; thence along said Western line of Snowden Avenue parallel to Eastern line of said City of Modesto property, Southerly, to a point on the East-West quarter section line, said point being 80.00 feet, measured at right angles, Westerly from said section line common to Sections 34 and 35; thence continuing along said Western line of Snowden Avenue, Southerly, to a point on a line which is parallel to and 40.00 feet, measured at right angles, Southwesterly from the Southwestern line of the property conveyed to the City of Modesto as Parcel No. 2 in the Deed recorded March 29, 1946 as Instrument No. 7982, Stanislaus County Records; thence along said parallel line, Southerly, to a point on the Eastern line of the property conveyed to the City of Modesto as Parcel No. 1 in said Deed recorded March 29, 1946 as Instrument No. 7982; thence Southerly along the Eastern line of the property described in said Instrument 7982 to the Southeastern corner thereof; thence Westerly along the Southern line of the property described in said Instrument 7982 to its intersection with the Northeastern corner of the property abandoned by Order of the Board of Supervisors recorded March 16, 1948, as Instrument 5785; thence Southerly along the Eastern line of said abandoned property to a point on the Northern line of the property conveyed to the City of Modesto by deed recorded July 29, 1941 as Instrument 9961; thence Southerly and Westerly along the Eastern and Southern line of the property described in said Instrument 9961, to the Southwest corner thereof, said point being the section corner common to Section 2 and 3; thence Southerly along the Section line common to Sections 2 and 3 to a point on the center line of the Tuolumne River; thence along said center line of the Tuolumne River meandering downstream following the thread of the river to a point on the Southerly extension of the Eastern line of Conejo Avenue as shown on the Map of the Legion Park Tract recorded in Volume 14 of Maps, Page 10, Stanislaus County Records; thence along said Southerly extension and Eastern line of said Conejo Avenue, Northerly, to the Northern line of Tuolumne Avenue as shown on said Map of Legion Park; thence along said Northern line of Tuolumne Avenue, Westerly to a point on the North-South quarter section line of said Section 34; thence along said quarter section line, said line also being the Eastern line of Block 2141 of the Sierra Subdivision No. 2, as shown on the map recorded in Volume 11 of Maps, Page 31, Stanislaus County Records, Northerly, to the Southeastern corner of Lot 2 of said Block 2141, said point also being the Southeastern corner of the land conveyed to the City of Modesto by deed recorded August 29, 1939, as Instrument No. 10214, Stanislaus County Records; thence following along the boundary of said City of Modesto Property, Westerly and Northerly, to a point on the Northern line of Lot 1 of said Block 2141, and Southern line of Sierra Avenue as shown on said map of Sierra Subdivision No. 2, said point also being the Southwestern corner of that portion of Sierra Avenue abandoned by Petition No. 621 recorded in Volume 739, Page 137, Stanislaus County Records; thence along the Western line of said abandoned Sierra Avenue, Northerly, to the Northwestern corner of said abandoned Sierra Avenue; thence

Northerly, to a point on Southern line of Tioga Drive as said Tioga Drive is shown on the Map of the Sierra Subdivision No. 3 recorded in Volume 11 of Maps, Page 44, Stanislaus County Records, said point also being the Southwestern corner of that portion of said Tioga Drive abandoned by said Petition No. 621; thence along the Northwestern line of said abandoned Tioga Drive, Northeasterly to the Northwestern corner of said abandoned Tioga Drive; thence Northeasterly, to a point on the Western line of Conejo Avenue as said Conejo Avenue is shown on said map of Sierra Subdivision No. 3, said point also being the Northwestern corner of that portion of said Conejo Avenue, abandoned by said Petition No. 621; thence along the Northwestern line of said abandoned Conejo Avenue, Northeasterly, to the Northeastern corner of said abandoned Conejo Avenue; thence along the Eastern line of said Conejo Avenue, Northerly to a point which is 20.00 feet Southerly from the Northwestern corner of Lot 17, Block 2150, as shown on said Map of Sierra Subdivision No. 3; thence on a line parallel to and 20.00 feet, measured at right angles, Southerly from the Northern line of said Lot 17, Easterly, to a point on the North-South quarter section line of said Section 34, said point also being on the Eastern line of said Sierra Subdivision No. 3; thence along said Eastern line of Sierra Subdivision No. 3, Northerly, to a point on the Southern line of Tenaya Drive as shown on said Map of Sierra Subdivision No. 3; thence Westerly along the Southern line of said Tenaya Drive to its intersection with the Southerly extension of the Western line of said Empire Avenue; thence Northerly along said Southerly extension and the Western line of said Empire Avenue to the point of beginning, containing 286 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 Section 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 Bee, 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 4 day of March, 1959, by Councilman Arata, who moved its adoption 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, Arata, Hammond, Merrill, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

ORDINANCE NO. 296 -C.S.

AN ORDINANCE ADDING SECTION 9 TO THE ZONING MAP OF THE CITY OF MODESTO TO ESTABLISH INTERIM ZONING FOR CERTAIN PROPERTY LOCATED THEREON NEWLY ANNEXED TO THE CITY. (MODESTO INDUSTRIAL PARK)

WHEREAS, the Modesto Industrial Park Addition was annexed to the City of Modesto on the 25th day of February, 1959, and

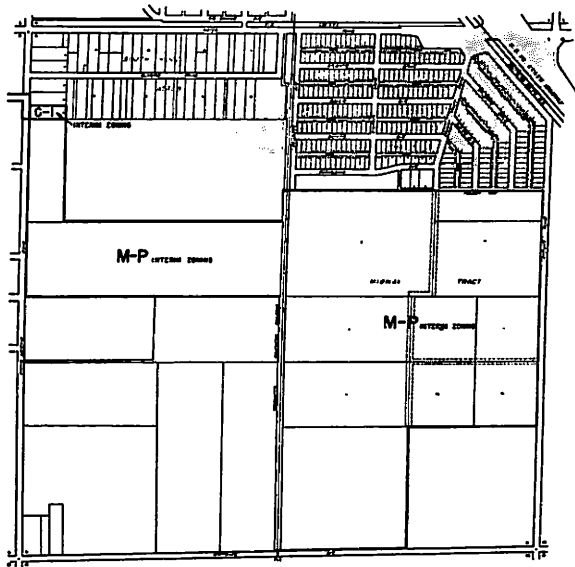
WHEREAS, Section 10-2.1505 of the Municipal Code authorizes the Council, upon the recommendation of the Planning Commission, to temporarily classify newly annexed territory into zones other than R-1 classification by the adoption of an emergency interim ordinance in order to protect the public health, safety and welfare of the City.

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

SECTION 1. INTERIM ZONING. Section 9 is hereby added to the Zoning Map of the City of Modesto to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference. The purpose of said amendment is to establish interim zoning for newly annexed territory as set forth on said map. Except for the interim zoning of newly annexed territory as shown on said map, the existing zoning shall continue in effect.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety. The following is a statement of facts showing its urgency. The property for which interim zoning is established by this ordinance is newly annexed to the City. The best utilization and development of said property requires the establishment of interim zoning pending the completion of formal zoning proceedings.

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



SECTION 9

added by Ordinance No. 296-C.S.

Effective March 4, 1959

SECTION 4. This ordinance shall be published in full at least once in The Modesto Bee, 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 4 day of March, 19 59, by Councilman Spaulding, 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, Arata, Hammond, Merrill, Spaulding,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Robinson

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GALFUS, City Clerk

(SEAL)

AN ORDINANCE APPROVING THE LEASING OF CERTAIN REAL PROPERTY OWNED BY THE CITY OF MODESTO TO THE COUNTY OF STANISLAUS AND AUTHORIZING THE EXECUTION OF A MODIFICATION AND EXTENSION OF LEASE AGREEMENT IN CONNECTION THEREWITH.

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

SECTION 1. APPROVAL OF MODIFICATION AND EXTENSION OF LEASE AGREEMENT. The City of Modesto hereby approves the leasing to the County of Stanislaus for an extended time the following described premises situate in the City of Modesto, County of Stanislaus, State of California, and more particularly described as follows, to wit:

Lot 5 and the Northeasterly 80 feet 6 inches of Lot 4 in Block 69 of the City of Modesto, according to the Official Map thereof, filed in the office of the County Recorder of Stanislaus County, California, on December 21, 1942, in Vol. 15 of Maps; also a right of way over the Southeasterly 6 feet of the Southwesterly 59-1/2 feet of said Lot 4 above referred to,

for a term two (2) years, eight and one half (8 1/2) months commencing on the first day of June, 1957, and ending on the 15th day of February, 1960, in accordance with the terms and conditions set forth in that certain Modification and Extension of Lease Agreement covering the lease of said property, a copy of which is on file in the Office of the City Clerk of the City of Modesto. The terms and conditions of said Modification and Extension of Lease Agreement are hereby accepted and approved.

SECTION 2. SIGNING AND ATTESTING. The City Manager and City Clerk of the City of Modesto are hereby authorized to sign and attest, respectively, said Modification and Extension of Lease Agreement on behalf of the City.

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.

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 Bee, 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 25 day of March, 1959, by Councilman Merrill, 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, Arata, Hammond, Merrill, Robinson, Spaulding,
Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GALLFUS, City Clerk

(SEAL)

Ord. No. 297-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 April, 1959, 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: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Adams

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 16, 1959

ORDINANCE NO. 298 -C.S.

AN ORDINANCE AMENDING SECTION 7-3.108 OF ARTICLE 1 OF CHAPTER 3 OF TITLE VII AND ADDING SECTION 7-3.108.1 TO ARTICLE 1 OF CHAPTER 3 OF TITLE VII AND ADDING SECTION 7-3.406 TO ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO THE MODESTO CITY-COUNTY AIRPORT.

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

SECTION 1. AMENDMENT OF CODE. Section 7-3.108 of Article 1 of the Modesto Municipal Code of Chapter 3 of Title VII/is hereby amended to read as follows:

SEC. 7-3.108. INSURANCE REQUIRED: COMMERCIAL OPERATORS. All persons at said airport operating aircraft for instruction, commercial purposes and/or carrying passengers or cargo for hire must file and deposit with the City Clerk a policy of insurance or certificate of insurance executed and delivered by a company authorized to carry on an insurance business in the State, the financial responsibility of which company shall theretofore have been approved by the City Clerk, by the terms of which said insurance company assumes responsibility for the injuries to persons or property injured by the operation of aircraft in the following amounts, to wit:

One Hundred Thousand and no/100ths (\$100,000.00) Dollars for death or injuries to any one (1) person in any one (1) occurrence;

Three Hundred Thousand and no/100ths (\$300,000.00) Dollars for death or injuries to two (2) or more persons in any one (1) occurrence;

Fifty Thousand and no/100ths (\$50,000.00) Dollars for damage to property.

The policy of insurance shall contain a provision against cancellation except upon ten (10) days' prior written notice thereof to the City Clerk. No permit to use the airport commercially shall be granted without compliance with this section. In the event a permit to use the airport is granted and thereafter the insurance carrier withdraws its insurance or becomes insolvent or passes into receivership or the hands of the insurance commissioner or has its license to do business revoked, the permit previously granted shall be suspended until there has been compliance with this section.

SECTION 2. AMENDMENT OF CODE. Section 7-3.108.1 entitled "Insurance Required: Permanently Based Aircraft" is hereby added to Article 1 of Chapter 3 of Title VII of the Modesto Municipal Code to read as follows:

SEC. 7-3.108.1. INSURANCE REQUIRED: PERMANENTLY BASED AIRCRAFT. Every person owning any aircraft permanently based at said airport, not included within the provisions of Section 7-3.108 of this Code, shall comply with the

provisions of Section 7-3.108 requiring the furnishing of public liability and property damage insurance as therein specified. No person shall be permitted to permanently base an aircraft at said airport without furnishing insurance required by the provisions of Section 7-3.108.

SECTION 3. AMENDMENT OF CODE. Section 7-3.406 entitled

"Fees and Charges: When Payable" is hereby added to Article 4 of Chapter 3 of Title VII of the Modesto Municipal Code to read as follows:

SEC. 7-3.406. FEES AND CHARGES: WHEN PAYABLE.
All fees and charges established by this article for hangar rental and tie down space shall be payable in advance.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, 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 April, 1959, 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: Arata, Hammond, Merrill, Robinson, Spaulding,
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Adams

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 298-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 8 day of April, 1959, 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, Merrill, Robinson, Spaulding, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Hammond

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 23, 1959

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE
PARADISE CENTER NO. 2 ADDITION TO THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by _____
Safeway Stores, Incorporated

_____ On
February 16, 1959, 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 PARADISE CENTER NO. 2 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 18th
day of February, 1959, set said petition for hearing
at the hour of 4:30 o'clock p.m. on the 1st day of April,
1959, 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 Bee, a newspaper published in the City of
Modesto on March 4, 1959, and on March 11,
1959; and in the Turlock Daily Journal, a newspaper published out-
side the City of Modesto, but in the County of Stanislaus, on
March 4, 1959, and on March 11, 1959,
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 1st day of April, 1959, 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:

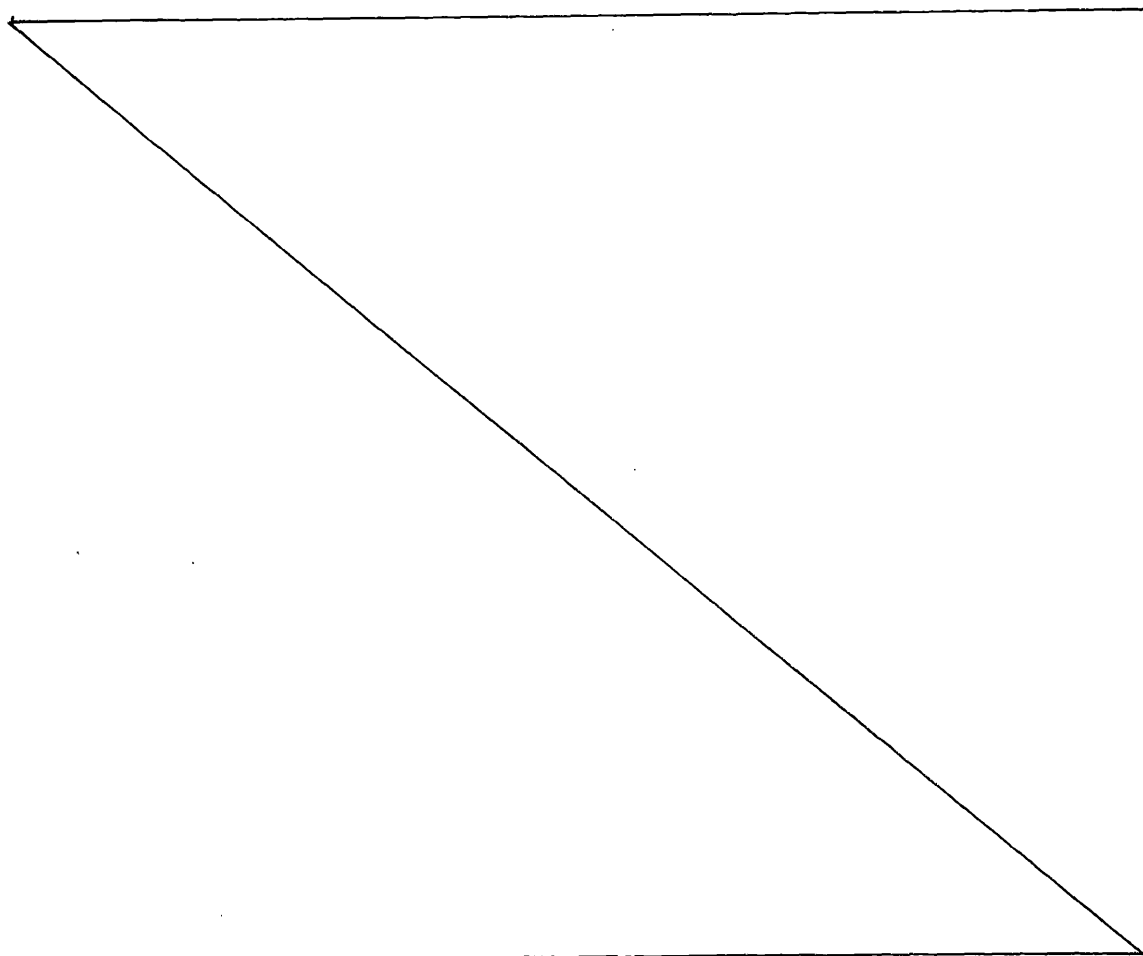
SECTION 1. The territory hereinafter described is hereby annexed to and made a part of the City of Modesto.

SECTION 2. The area or territory so annexed, designated the PARADISE CENTER 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 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, being a portion of Lot 5 of the Resurvey of Brichman's Addition to the City of Modesto, filed October 15, 1904 in Volume 2 of Maps, Page 1, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits line at the intersection of the center line of Sutter Avenue and the Northern line of the Marshall Park Addition, as per description filed December 3, 1957, Instrument No. 30118, Stanislaus County Records; thence Westerly

along said Northern line of the Marshall Park Addition to the Northwestern corner thereof; thence Northerly along the Northern extension of the Western line of said Marshall Park Addition to the Southeastern line of Paradise Road as shown on the map of said Brichman's Addition; thence Northeasterly along said Southeastern line of Paradise Road to the Southwestern corner of the property conveyed to Hardld A. Knowles, et ux, by deed recorded November 21, 1956, Instrument No. 31490, Stanislaus County Records; thence Southeasterly along the Southern line of said Knowles property to a point on the Western line of Sutter Avenue, which is 170 feet Southerly from the intersection of the Southeastern line of Paradise Road ^{and} the Western line of Sutter Avenue as these streets are shown on the map of said Brichman's Addition; thence Easterly at right angles to said Western line of Sutter Avenue 30 feet to the center line of Sutter Avenue and the existing City Limits line; thence Southerly along said center line of Sutter Avenue and the existing City Limits line to the point of beginning, containing 3.75 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 Section 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 Bee, 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 April, 1959, by Councilman Merrill, who moved its adoption 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: Arata, Hammond, Merrill, Robinson, Spaulding, Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Adams

APPROVED: 

HARRY MARKS, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE APPROVING AN AGREEMENT BETWEEN THE CITY OF MODESTO AND ALMA MENSINGER, IAN MENSINGER, W. R. MENSINGER, JR., MERLE MENSINGER, MARIAN RODGERS, LOIS PERDUE, AUDREY MORRISON, FRED H. MENSINGER AND JOHN L. MENSINGER RELATING TO THE DEDICATION AND PURCHASE OF CERTAIN REAL PROPERTY.

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

SECTION 1. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and Alma Mensinger, Ian Mensinger, W. R. Mensinger, Jr., Merle Mensinger, Marian Rodgers, Lois Perdue, Audrey Morrison, Fred H. Mensinger and John L. Mensinger, relating to the dedication of certain real property described therein for street and alley purposes, the construction and improvement of an alley, and authorizing the purchase of certain real property described therein by the City, copy of which is on file in the Office of the City Clerk of the City of Modesto, is hereby approved, and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement respectively, on behalf of the City of Modesto, and do all things necessary to carry out the terms of said agreement.

SECTION 2. ACCEPTANCE AND RECORDING OF DEEDS. The City of Modesto hereby accepts the deed or deeds from grantors, conveying to the City of Modesto, the real property to be purchased by the City as described in said agreement and hereby authorizes the City Clerk to record said deed or deeds with the Recorder of Stanislaus County.

SECTION 3. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary and an emergency measure for preserving the public peace, health and safety. The following is a statement of facts showing its urgency: The property described in the above mentioned agreement is being acquired by the City for necessary municipal purposes. Its immediate acquisition is necessary in order that a contract may be let for the improvement and widening of McHenry Avenue. Failure to obtain the property will jeopardize the completion of the project and adversely affect the public peace, health and safety.

SECTION 4. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, being an emergency ordinance, this ordinance shall take effect and be in full force and operation as of the date of its adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, 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 April, 1959, by Councilman Hammond, who moved its adoption and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance adopted by the following vote:

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

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)