

AN ORDINANCE ADDING ARTICLE 9 TO CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE, RELATING TO A UTILITY USERS' TAX.

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

SECTION 1. AMENDMENT OF CODE. Article 9 is hereby added to Chapter 2 of Title VIII of the Modesto Municipal Code to read as follows:

ARTICLE 9. UTILITY USERS' TAX

SEC. 8-2.901. TITLE. This tax shall be known as the "Utility Users' Tax of the City of Modesto".

SEC. 8-2.902. DEFINITIONS. The following words and phrases whenever used in this Article shall be construed as defined in this section.

(a) "City" shall mean the City of Modesto.

(b) "Electrical Corporation" shall have the same meaning as defined in Section 218 of the Public Utilities Code of the State of California, as said section existed on January 1, 1970, and shall include governmental agencies.

(c) "Gas Corporation" shall have the same meaning as defined in Section 222 of the Public Utilities Code of the State of California, as said section existed on January 1, 1970.

(d) "Month" shall mean a calendar month.

(e) "Person" shall mean all domestic and foreign corporations, associations, syndicates, joint stock companies, partnerships of every kind, joint ventures, clubs, Massachusetts business or common law trusts, societies, individuals, and governmental agencies.

(f) "Service Supplier" shall mean a person required to collect and remit a tax imposed under the provisions of this Article.

(g) "Service User" shall mean a person required to pay a tax imposed under the provisions of this Article.

(h) "Telephone Corporation" shall have the same meaning as defined in Section 234 of the Public Utilities Code of the State of California, as said section existed on January 1, 1970.

(i) "Water Corporation" shall have the same meaning as defined in Section 241 of the Public Utilities Code of the State of California, as said section existed on January 1, 1970, and shall include governmental agencies.

SEC. 8-2.903. CONSTITUTIONAL EXEMPTIONS. Nothing in this Article shall be construed as imposing a tax upon any person when imposition of such tax upon that person would be in violation of the Constitution of the United States or that of the State of California.

SEC. 8-2.904. TELEPHONE USER TAX. (a) There is hereby imposed a tax upon every person in the City, other than a telephone corporation, using intrastate telephone communication services in the City. The tax imposed by this section shall be at the rate of five (5%) percent of all charges made for such services, and shall be paid by the person paying for such services. The maximum annual telephone users tax payable by any service user for an individual service shall be Five Hundred and no/100ths (\$500.00) Dollars for each twelve (12) month period commencing January 1 and ending December 31 of the same calendar year.

(b) As used in this section, the word "charges" shall not include charges for services paid for by inserting coins in coin-operated telephones except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be included in the base for computing the amount of tax due; nor shall the term "telephone communication services" include land mobile services or maritime mobile services as defined in Section 2.1 of Title 47 of the Code of Federal Regulations as said Section exists on January 1, 1971.

(c) The tax imposed by this section shall be collected from the service user by the person providing the intrastate telephone communications services. The amount of tax collected each month shall be remitted to the Director of Finance on or before the last day of the following month.

(d) Notwithstanding the provisions of subsection (a), the tax imposed under this section shall not be imposed upon any person for using intrastate telephone communications services to the extent that the amounts paid for such services are exempt from or not subject to the tax imposed by Section 4251 of Title 26 of the United States Code as said Section exists on January 1, 1971.

SEC. 8-2.905. ELECTRICITY USER TAX. (a) There is hereby imposed a tax upon every person in the City, other than an electrical corporation, using electrical energy in the City. The tax imposed by this section shall be at the rate of five (5%) percent of all charges made for such energy, including minimum charges for service, and shall be paid by the person paying for such energy. The maximum annual electricity users tax payable by any service user for an individual service shall be Five Hundred and no/100ths (\$500.00) Dollars for each twelve (12) month period commencing January 1 and ending December 31 of the same calendar year.

(b) As used in this section, the term "using electrical energy" shall not be construed to mean the storage of such energy by a person in a battery owned or possessed by him for use in an automobile or other machinery or device apart from the premises upon which the energy was received, provided, however, that the term shall include the receiving of such energy for the purpose of using it in the charging of batteries; nor shall the term be construed to mean receiving of such energy by an electrical corporation or a governmental agency at a point within the City for resale to service users.

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

SEC. 8-2.906. GAS USER TAX. (a) There is hereby imposed a tax upon every person in the City, other than a gas corporation, using gas in the City which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of five (5%) percent of all charges made for such gas, including minimum charges for service, and shall be paid by the person paying for such gas. The maximum annual gas users tax payable by any service user for an individual service shall be Five Hundred and no/100ths (\$500.00) Dollars for each twelve (12) month period commencing January 1 and ending December 31 of the same calendar year.

(b) As used in this section, the term "using gas" shall not be construed to mean the receiving of such gas by a gas corporation or governmental agency at a point within the City for resale to service users.

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

SEC. 8-2.907. WATER USER TAX. (a) There is hereby imposed a tax upon every person in the City, other than a water corporation, using water in the City which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of five (5%) percent of all charges made for such water and shall be paid by the person paying for such water. The maximum annual water users tax payable by any service user for an individual service shall be Five Hundred and no/100ths (\$500.00) Dollars for each twelve (12) month period commencing January 1 and ending December 31 of the same calendar year. The word "charges", as used in this section, shall include charges for (1) metered quantities of water, (2) service or minimum charges, and (3) fire protection services.

(b) As used in this section, the term "using water" shall not be construed to mean the receiving of such water by a water corporation or governmental agency at a point within the city for resale to service users.

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

SEC. 8-2.908. PENALTY. (a) Taxes collected from a service user which are not remitted to the Director of Finance on or before the due dates provided in this Article are delinquent.

(b) Penalties for delinquency in remittance of any tax collected shall attach and be paid by the person required to collect and remit at the rate of fifteen (15%) percent of the total tax collected herein.

(c) The Director of Finance shall have power to impose additional penalties upon persons required to collect and remit taxes under the provisions of this Article for fraud or negligence in reporting or remitting at the rate of fifteen (15%) percent of the amount of the tax collected or as recomputed by the Director of Finance.

(d) Every penalty imposed under the provisions of this section shall become a part of the tax required to be remitted.

SEC. 8-2.909. ACTIONS TO COLLECT. Any tax required to^{be} paid by a service user under the provisions of this Article shall be deemed a debt owed by the service user to the City. Any such tax collected from a service user which has not been remitted to the Director of Finance shall be deemed a debt owed to the City by the person required to collect and remit. Any person owing money to the City under the provisions of this Article shall be liable to an action brought in the name of the City for the recovery of such amount.

SEC. 8-2.910. DUTY TO COLLECT - PROCEDURES. The duty to collect and remit the taxes imposed by this Article shall be performed as follows:

(a) The tax shall be collected insofar as practicable at the same time as and along with the charges made in accordance with the regular billing practice of the service supplier. Except in those cases where a service user pays the full amount of said charges but does not pay any portion of a tax imposed by this Article or where a service user has notified a service supplier that he is refusing to pay a tax imposed by this Article which said service supplier is required to collect, if the amount paid by a service user is less than the full amount of the charge and tax which has accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid.

(b) The duty to collect tax from a service user shall commence with the beginning of the first regular billing period applicable to that person which starts on or after the operative date of this Article. Where a person receives more than one billing, one or more being for different periods than another, the duty to collect shall arise separately for each billing period.

SEC. 8-2. 911. POWERS OF THE DIRECTOR OF FINANCE. The Director of Finance may make administrative agreements to vary the strict requirements of this Article so that collection of any tax imposed herein may be made in conformance with the billing procedures of a particular service supplier so long as the over-all result of said agreements results in collection of the tax in conformance with the general purpose and scope of this Article. A copy of each such agreement shall be on file and available for public examination in the office of the Director of Finance.

SEC. 8-2. 912. ASSESSMENT - ADMINISTRATIVE REMEDY. (a) The Director of Finance may make an assessment for taxes not paid or remitted by a person required to pay or remit. A notice of the assessment, which shall refer briefly to the amount of the taxes and penalties imposed and the time and place when such assessment is due and payable, shall be submitted to the City Council for confirmation or modification. The Director of Finance shall mail a copy of such notice to the person selling the service and to the service user at least ten (10) days prior to the date of the hearing, and shall post such notice for at least five (5) continuous days prior to the date of the hearing on the bulletin board in the Lobby of the City Hall. Any interested party having any objections may appear and be heard at the hearing provided his objection is filed in writing with the City Clerk prior to the time set for the hearing. At the time fixed for considering said assessment, the City Council shall hear the same together with any objection filed as aforesaid and thereupon may confirm or modify said assessment.

(b) Whenever the Director of Finance determines that a service user has deliberately withheld the amount of any tax owed by him from the amounts remitted to a service supplier, or that a service user has failed to pay the amount of any tax to such person for a period of four (4) or more billing periods, or whenever the Director of Finance deems it in the best interest of the City, he may relieve the service supplier of the obligation to collect taxes due under this Article from certain named service users for specified billing periods. The Director of Finance shall notify the service user that he has assumed responsibility to collect the taxes due for the stated periods and demand payment of such taxes. The notice shall be served on the service user by handing it to him personally or by deposit of the notice in the United States mail, postage prepaid thereon, addressed to the service user at the address to which billing was made by the service supplier; or should the service user have changed his address, to his last known address. If a service user fails to remit the tax to the Director of Finance within fifteen (15) days from the date of the service of the notice upon him, which shall be the date of mailing if service is not accomplished in person, a penalty of twenty-five (25%) percent of the amount of the tax set forth in the notice shall be imposed, but not less than Five and no/100ths (\$5.00) Dollars. The penalty shall become part of the tax herein required to be paid.

SEC. 8-2. 913. RECORDS. It shall be the duty of every service supplier required to collect and remit to the City any tax imposed by this Article to keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax as such service supplier may have been required to collect and remit to the Director of Finance, which records the Director or his authorized representative shall have the right to inspect at all reasonable times.

SEC. 8-2.914. REFUNDS - ERRONEOUS PAYMENTS. (a) Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once, or has been erroneously or illegally collected or received by the city under this article, it may be refunded as provided in subsections (b) and (c) of this section, provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the finance officer within two (2) years of the date of payment. The claim shall be on forms furnished by the finance officer.

(b) A service supplier may claim a refund or take as credit against taxes collected and remitted an amount overpaid, paid more than once, or erroneously or illegally collected or received, when it is established that the person from whom the tax has been collected was not a service user.

(c) Any service user may obtain a refund of taxes overpaid, or paid more than once, or erroneously or illegally collected or received by the city, by filing a claim in the manner provided in subsection (a) of this section, but only when the service user having paid the tax to the service supplier establishes to the satisfaction of the finance officer that the service user has been unable to obtain a refund from the service supplier who collected the tax.

(d) No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto.

SEC. 8-2.915. REFUNDS - ANNUAL GROSS INCOME LESS THAN \$3,600.00. (a) A refund of not to exceed Five and no/100ths (\$5.00) Dollars of taxes due and paid under the provisions of this article for utility services rendered in any calendar year shall be made whenever all of the following occur:

(1) The annual gross income of the household in which claimant lives is less than Three Thousand, Six Hundred and no/100ths (\$3,600.00) Dollars for the claimant's last federal or state personal income tax reporting period.

(2) Claimant makes application and files a verified claim in writing with the Director of Finance for such refund upon a claim form provided by the Director of Finance.

(3) The claim is approved by the Director of Finance as being in conformance with this section.

Only one member of each household may file a claim, and only one claim may be filed for each individual household.

(b) The claimant shall be the person in whose name the bills for utilities services were rendered. Income of the household means all income of the claimant's household while members of such household and related to the claimant as a spouse or as defined in Sections 17056 and 17057 of the Revenue and Taxation Code of California.

(c) "Gross income" shall mean the sum of adjusted gross income as used for purposes of the California Personal Income Tax Law, together with the net income from all sources of all kinds, including but not limited to alimony, support money, cash public assistance and relief, pensions, annuities, social security, interest on securities (including tax free interest on governmental securities), realized capital gains, workmen's compensation (not including medical benefits), unemployment insurance income, insurance benefits of all kinds

(other than medical), and gifts, except that income shall not include Medicare benefits, Medicaid benefits, gifts of food and gifts between members of the household, the receipt of surplus food or other relief in kind supplied by a governmental agency.

(d) The claim for such refund, for the preceding calendar year, shall be made only during the period of January 1 to April 15 of each year, and must be accompanied by a copy of the utility bills, together with proof that the utility taxes have been paid by the claimant or some member of the household. No such refund shall be made on any claim filed or postmarked later than the 15th day of April.

(e) No refund shall be made to any person for taxes levied on a utility account for which any utility tax is due and outstanding for the period for which refund is claimed or for any prior period. No refund shall be made of any tax which was paid with public assistance or relief funds which included an allowance to pay the tax.

(f) Nothing in this section shall be construed to require that any utility company has any obligation to make or furnish, for the purpose of the refund provisions hereof, proof of utility taxes due or utility taxes paid.

SEC. 8-2.916. CALIFORNIA PUBLIC UTILITIES COMMISSION JURISDICTION. Nothing contained in this Article is intended to conflict with applicable rules, regulations and tariffs of any service supplier subject to the jurisdiction of the California Public Utilities Commission. In the event of any conflict, the provisions of said rules, regulations and tariffs shall control.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective from and after thirty (30) days after its final passage and adoption.

SECTION 3. OPERATIVE DATE. This ordinance shall become operative on and after January 1, 1971.

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 21st day of September, 1970, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1051-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of September, 1970, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 28, 1970

ORDINANCE NO. 1052 -c. s.

AN ORDINANCE ADDING ARTICLE 4 TO CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO REGULATION OF CATS.

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

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

ARTICLE 4.

REGULATION OF CATS

SEC. 5-4.401. TRESPASSING. No cat shall be permitted to be upon any premises within the city to the annoyance of the owner or occupant thereof.

SEC. 5-4.402. TRAPPING. The Chief of Police is authorized, pursuant to the provisions of this Section, to furnish and make available humane type cat traps to the owners and occupants of premises within the City. Said traps shall be used by said persons to trap cats which come upon their premises to their annoyance. The person who requests use of such traps shall be responsible for the care of animals trapped until such time as they are delivered to the City Pound or members of the Police Department. Persons requesting use of such traps shall sign an agreement regarding the use of such traps and shall make a deposit of Ten and no/100ths (\$10.00) Dollars, which deposit shall be refunded upon the return of the traps in a condition acceptable to the Chief of Police or his authorized representative.

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

SECTION 3. PUBLICATION. 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

5th day of October, 1970, by Councilman
Robinson, who moved its introduction and passage
to print, which motion being duly seconded by Councilman Mitchell,
was upon roll call carried and ordered printed and published by the
following vote:

AYES: Councilmen: Mitchell, ~~Newton~~ Robinson, Simon, ~~Smith~~,
Mayor Davies

NOES: Councilmen: Dixon, Newton, Smith

ABSENT: Councilmen: ~~None~~ None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

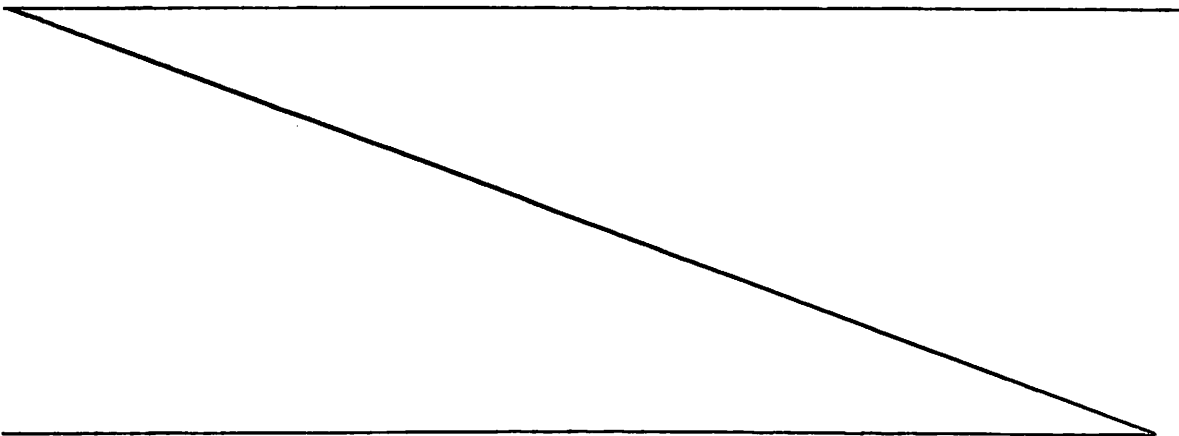
AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY KNOWN AS THE EAST ORANGEBURG-COFFEE ADDITION TO THE CITY OF MODESTO.

WHEREAS, certain proceedings have been instituted under the Annexation Act of 1913, as amended, 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 East Orangeburg-Coffee 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,



EAST ORANGEBURG-COFFEE ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of Section 21, Township 3 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 Northwestern corner of the DOWNEY PARK NO. 2 ADDITION (188), as per description filed May 3, 1966, as Instrument 15774, Stanislaus County Records, said point being the center line of a 40.00 foot public road known as Orangeburg Avenue; thence along the existing City Limits on the boundary of said Addition (188), South $00^{\circ} 36' 00''$ East, 461.26 feet; thence South $89^{\circ} 46' 33''$ West, 436.00 feet, to the center line of a 50.00 foot public road known as Coffee Road; thence along said center line and existing City Limits, South $00^{\circ} 36' 00''$ East, 527.83 feet, to the Northeastern corner of the DOWNEY PARK NO. 4 ADDITION (204), as per description filed September 19, 1967, as Instrument 29499, Stanislaus County Records; thence North $89^{\circ} 41' 50''$ West, 660.04 feet, along the existing City Limits on the Boundary of said Addition (204) to the Northwestern corner of said Addition (204); thence along the existing City Limits on the Western boundary of said Addition (204) South $00^{\circ} 40' 00''$ East, 131.67 feet, to the Northeastern corner of the EL VECINO ADDITION (115), as per description filed December 29, 1960, as Instrument 36791, Stanislaus County Records; thence along the existing City Limits on the Northern boundary of said Addition (115), North $89^{\circ} 35' 30''$ West, 528.87 feet, to the Northeastern corner of the EL VECINO NO. 2 ADDITION (182), as per description filed September 28, 1965, as Instrument 37540, Stanislaus County Records; thence continuing North $89^{\circ} 35' 30''$ West 132.52 feet, to the center line of a 60.00 foot road known as El Vecino Avenue; thence along the center line of El Vecino Avenue and existing City Limits, North $00^{\circ} 39' 30''$ West, 476.11 feet to the Southeastern corner of the SUNRISE ADDITION (206), as per description filed September 25, 1967, as Instrument 30334, Stanislaus County Records; thence along the existing City Limits and Eastern boundary of said Addition (206), North $00^{\circ} 39' 30''$ West, 156.26 feet; thence South $49^{\circ} 30' 00''$ West, 58.10 feet; thence North $39^{\circ} 35' 00''$ West, 113.79 feet; thence North $50^{\circ} 25'$ East, 6.96 feet; thence North $39^{\circ} 35' 00''$ West, 183.20 feet; thence South $51^{\circ} 39' 30''$ West, 90.71 feet, thence South $50^{\circ} 25' 00''$ West, 239.32 feet; thence South $00^{\circ} 40' 20''$ East, 162.62 feet; thence South $89^{\circ} 08' 40''$ West, 177.00 feet along the existing City Limits on the boundary of said Addition (206), to the center line of 60 foot public road known as Sarah Avenue; thence North $00^{\circ} 40' 20''$ West, 8.57 feet along said center line and existing City Limits on the boundary of said Addition (206) to the Southeastern corner of the JOHN SUTTER SCHOOL ADDITION (236), as per description filed July 7, 1969, as Instrument 23267, Stanislaus County Records; thence continuing along the existing City Limits on the Eastern boundary of said Addition (236) North $00^{\circ} 40' 20''$ West, 1584.96 feet to the Southeastern corner of the EAST COOLIDGE ADDITION (244), as per description filed December 1, 1969, as Instrument 39360, Stanislaus County Records; thence along the existing City Limits on the Eastern boundary of said Addition (244) North $00^{\circ} 40' 20''$ West 395.73 feet; thence South $89^{\circ} 34' 20''$ East 330.94 feet along the existing City Limits on the boundary of said Addition (244) to the Northerly extension of the Eastern line of a part width 14 foot alley in Block 1221 of GENEVA HEIGHTS as per map filed June 28, 1955, in Volume 18 of Maps, Page 29 Stanislaus County Records; thence leaving the existing City Limits and along said extension of said Eastern alley line, South $00^{\circ} 39' 20''$ East 1319.45 feet to the center line of a 40.00 foot public road known as Orangeburg Avenue which is also the East-West quarter, quarter line of Section 21; thence along said quarter, quarter Section line, South $89^{\circ} 41' 30''$ East, 1652.73 feet to the center line of a 50.00 foot public road known as Coffee Road which is also the North quarter, quarter corner common to Sections 21 and 22; thence along the center line of said Orangeburg Avenue which is also the East-West quarter, quarter line of Section 22, North $89^{\circ} 45' 00''$ East, 436.00 feet to the point of beginning, Containing 53.909 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 on November 15, 1970.

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 13th day of October, 1970, by Councilman Smith, who moved its introduction and adoption, which motion being duly seconded by Councilman Robinson, was upon roll call

carried and the ordinance ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By P. C. Hayward
Public Works Department

P.M.
10-13-70

AN ORDINANCE AMENDING SECTION MAP 15-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
CERTAIN PROPERTY LOCATED THEREON. (U. S. BY-PRODUCTS, INC.)

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

SECTION 1. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to prezone the following-described property to Planned-Development Zone, P-PD(79):

SHOPPING CENTER

A portion of the North 1/2 of the Northeast 1/4 of Section 15 T. 3 S. R. 9E M. D. B. & M. more particularly described as follows:

Commencing at the southeast corner of said North 1/2 of northeast 1/4 of Section 15 T. 3S R. 9E. being the centerline of Floyd Avenue and Old Oakdale Road. The N 20' and West 20' to the True point of Beginning and Thence South 89° 44' 1/2 30' along the North line of Floyd Avenue; thence North 0° 50' West 895'; Thence North 89° 44' East 430' to the West line of Old Oakdale Road. Thence South 0° 50' East 895' to Point of Beginning.

Including also the northerly 20 feet of Floyd and the Westerly 20 feet of Old Oakdale Road all being immediately adjacent to the above described property.

Containing 8.13 acres net.

SECTION 2. USES. The following uses shall be permitted in said P-PD(79) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

An 8.13 net acre shopping center with uses limited to those specifically permitted in the C-1 Zone.

SECTION 3. ZONING MAP. Section Map 15-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 13th day of October, 1970, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith

NOES: Councilmen: Mayor Davies

ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William J. Nichols
Planning Department

Ordinance 1054 C.S.

Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 29th day of October, 1970, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Simon

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 28, 1970

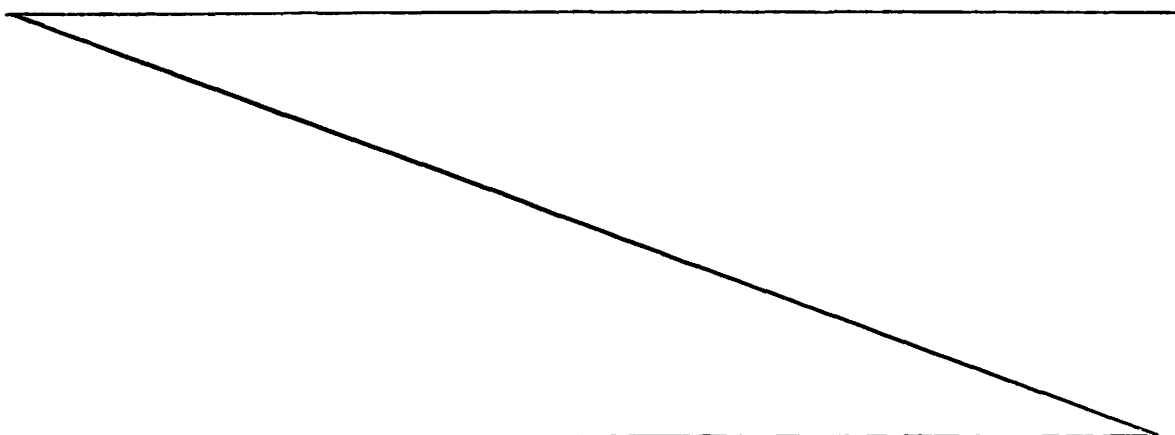
AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY KNOWN AS THE STANDIFORD ADDITION TO THE CITY OF MODESTO.

WHEREAS, certain proceedings have been instituted under the Annexation Act of 1913, as amended, 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 Standiford 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,



STANDIFORD ADDITION

All that real property in the State of California, County of Stanislaus, being a portion of the North half of the Southeast quarter of Section 8, Township 3 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 Northeastern corner of the LEVELAND ADDITION (221), as per description filed August 14, 1968, as Instrument 25254, Stanislaus County Records; thence along the existing City Limits on the Northern line of the Leveland Addition (221), North $89^{\circ} 35'$ West, 501.60 feet, to the Northwestern corner of the Leveland Addition (221); thence along the existing City Limits on the Western line of the Leveland Addition (221), South $1^{\circ} 20'$ East, 5.18 feet, to the Northeastern corner of the WOODROW NO. 2 ADDITION (202), as per description filed July 26, 1967, as Instrument 23305, Stanislaus County Records; thence along the existing City Limits on the Northern line of the Woodrow No. 2 Addition (202), North $89^{\circ} 35'$ West, 251.70 feet, to the Northwestern corner of the Woodrow No. 2 Addition, said point being also the Northeastern corner of the WOODROW ADDITION (174), as per description filed March 23, 1965, as Instrument 11330, Stanislaus County Records; thence along the existing City Limits on the Northern line of the Woodrow Addition (174), North $89^{\circ} 35'$ West, 250.80 feet, to the Northwestern corner of the Woodrow Addition (174); thence along the existing City Limits on the Western line of the Woodrow Addition (174), South $01^{\circ} 13'$ East, 735.38 feet to the Northeastern corner of property conveyed to the City of Modesto by Deed recorded August 23, 1961, as Instrument 26556, Stanislaus County Records; thence along the existing City Limits on the Northern line of said City property, North $89^{\circ} 30'$ West, 46.92 feet, to the Northwestern corner of the City property; thence along the existing City Limits on the Western line of the City Property, South $00^{\circ} 30'$ West, 112.95 feet, to a point on the Northern line of the NORTHLAND ESTATES ADDITION (147), as per description filed February 5, 1963, as Instrument 4469, Stanislaus County Records; thence along the existing City Limits on the Northern line of the Northland Estates Addition (147), North $89^{\circ} 30'$ West, 510.12 feet, to a point on the Eastern line of the Tidewater Southern Railway Company right of way, said point being 30.00 feet, measured at right angles, Easterly from the North-South quarter section line of said Section 8, and said point being also on an Easterly line of the GREENWOOD ESTATES ADDITION (173) as per description filed March 17, 1965, as Instrument 10621, Stanislaus County Records; thence along the existing City Limits along said Easterly line of Greenwood Estates Addition (173) and the Eastern line of said right of way, North $01^{\circ} 19'$ West, 1301.23 feet, to a point on the East-West quarter section line and the center line of Standiford Avenue, said point being on a Southerly line of the Greenwood Estates Addition (173); thence along the existing City Limits on the East-West quarter section line and center line of Standiford Avenue, South $89^{\circ} 35'$ East, 1115.77 feet, to a Southeasterly corner of the Greenwood Estates Addition (173); thence continuing along said quarter section line and center line of Standiford Avenue, South $89^{\circ} 35'$ East, 1490.42 feet, to the East quarter corner of Section 8, said point being on the section line common to Section 8 and 9; thence along said section line, South $01^{\circ} 20'$ East, 448.44 feet; thence along a line parallel with that East-West quarter section line, North $89^{\circ} 35'$ West, 1040.34 feet, to the point of beginning, containing 37.738 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 on ~~November 15~~, 1970.

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 Ree, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of October, 1970, by Councilman Robinson, who moved its introduction and adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call

carried and the ordinance ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, ~~Newton, Simon~~, Robinson, ~~Newton, Simon~~, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton, Simon

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *D. C. Rosewood*
Public Works Department

Bill
10-19-70

AN ORDINANCE AMENDING SECTION MAP 26-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO PREZONING
CERTAIN PROPERTY LOCATED THEREON. (WESTLAND
INVESTMENT COMPANY)

WHEREAS, a verified application for an amendment to
Section 26-3-9 of the Zoning Map was filed by Westland Investment
Company on July 14, 1970, to prezone to Highway Frontage Zone, H-1,
Multiple-Family Residential Zone, R-3, and Two-Family Residential
Zone, R-2, the following described property:

Prezone to H-1

A portion of the Southwest quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in Stanislaus County, California, described as follows:

Beginning at a point located North 0° 33' 30" West 33.00 feet and South 89° 53' 24" East 40.00 feet from the South Quarter corner of said Section 26, and proceeding thence from said point of beginning along a line parallel to the North-South Quarter section line of said Section 26, North 0° 33' 30" West 633.16 feet; thence along a line parallel to Yosemite Avenue South 89° 53' 24" East 800.00 feet; thence South 0° 33' 30" East 633.16 feet to a point on the north line of Yosemite Avenue; thence along said North line North 89° 53' 24" West 800.00 feet to the point of beginning.

Including also the northerly 33.00 feet of Yosemite Boulevard immediately adjacent to the above described property.

Prezone to R-3

A portion of the Southwest Quarter of Section 26, Township 3 South, Range 9 East, M. D. B. & M. in Stanislaus County, California, described as follows:

Beginning at the Northwest corner of the hereinabove described H-1 Zone, which said point of beginning is located North 0° 33' 30" West 666.16 feet and South 89° 53' 24" East 40.00 feet from the South Quarter of said Section 26, and proceeding thence from said point of beginning along a line parallel to Yosemite Avenue South 89° 53' 24" East 800.00 feet; thence South 0° 33' 30" East 633.16 feet to a point on the North line of Yosemite Avenue; thence along said North line South 89° 53' 24" East 801.71 feet more or less to a point on the East line of the West half of the West half of the East half of the Southeast Quarter of said Section 26; thence along said East line North 0° 32' 50" West 1027.33 feet; thence North 89° 53' 24" West 270.00 feet; thence South 82° 29' 46" West 974.73 feet; thence North 89° 53' 24" West 365.58 feet more or less to a point on a line 40.00 feet East of the North-South Quarter Section line of said Section 26; thence along said East line South 0° 33' 30" East 232.03 feet, more or less, to the point of beginning.

Including also, the northerly 33.00 feet of Yosemite Boulevard immediately adjacent to the above described property.

Prezone to R-2

A portion of the Southwest quarter of Section 26, Township 3 South, Range 9 East, M. D. B. & M. in Stanislaus County, California, described as follows:

Beginning at a point located North 0° 33' 33" West 898.19 feet and South 89° 53' 24" East 40.00 feet from the South Quarter corner of said Section 26, and proceeding from said point of beginning along a line 40.00 feet East of the North-South Quarter Section line of said Section 26 North 0° 33' 30" West 359.14 feet; thence South 89° 53' 24" East 1601.95 feet more or less to a point on the East line of the West half of the West half of the East half of the Southeast Quarter of said Section 26; thence along said East line South 0° 32' 27" East 230.00 feet; thence North 89° 53' 24" West 270.00 feet; thence South 82° 29' 46" West 974.73 feet; thence North 89° 53' 24" West 365.58 feet more or less to the point of beginning.

WHEREAS, a public hearing was held on August 18, 1970, at which time the Planning Commission expressed its willingness to approve an amended proposal including substitution of a P-D zone, for R-2 and R-3 uses, for portions of the R-2 and R-3 zoning requested, and substitution of R-2 zoning for a large northerly portion of R-3 as requested; and

WHEREAS, the public hearing was continued until September 1, 1970, to allow the applicant time to file amendments to its application; and

WHEREAS, on September 1, 1970, the continued public hearing was held at which time the Planning Commission considered the amended application consisting of a request for H-1, R-2, and P-D pre zoning, and it was found and determined by the Planning Commission that pre zoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 70-118, adopted on September 1, 1970, the Planning Commission recommended to the Council that the application of Westland Investment Company to amend Section 26-3-9 of the Zoning Map to prezone the hereinafter described property to Highway Frontage Zone, H-1, Two-Family Residential Zone, R-2, and Planned Development Zone, P-D(77), for R-3 and R-2 uses, various portions of the subject property, be approved.

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

SECTION 1. COUNCIL FINDINGS. After a public hearing this Council finds and determines that the requested rezoning to H-1 and P-D is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource. The Council further finds and determines that the requested rezoning to R-2 is not in accordance with the general plan and will not serve the public health, safety and general welfare, and has referred this matter back to the Planning Commission for further study with the recommendation that the application be amended to request rezoning to P-D.

SECTION 2. ZONING CHANGE. Section 26-3-9 of the Zoning Map is hereby amended to prezone the following described property to Highway Frontage Zone, H-1, and Planned Development Zone, P-D(77), for R-3 and R-2 uses, various portions of the subject property.

Prezone to H-1

A portion of the Southwest Quarter of Section 26, Township 3 South, Range 9 East, M.D.B. & M. in Stanislaus County, California, described as follows:

Beginning at a point on the Northerly line of Yosemite Avenue, located North $0^{\circ} 33' 30''$ West 33.00 feet and South $89^{\circ} 53' 24''$ East 40.00 feet from the South Quarter corner of said Section 26, and proceeding thence from said point of beginning North $0^{\circ} 33' 30''$ West 667.00 feet; thence South $89^{\circ} 53' 24''$ East 790.00 feet; thence South $0^{\circ} 33' 30''$ East 667.00 feet to a point on the Northerly line of Yosemite Avenue; thence along said Northerly line North $89^{\circ} 53' 24''$ West 790.00 feet to the point of beginning, containing 12.10 acres.

Parcel 1

A portion of the Southwest Quarter of Section 26, Township 3 South, Range 9 East M.D. B. & M. in Stanislaus County, California, described as follows:

Beginning at a point on the North line of Yosemite Avenue on the Northerly prolongation of the centerline of Beard Avenue, which said point of beginning is located North 0° 33' 30" West 33.00 feet and South 89° 53' 24" East 1321.00 feet from the South Quarter corner of said Section 26, and proceeding thence from said point of beginning along the said Northerly line of Yosemite Avenue North 89° 53' 24" West 491.00 feet; thence North 0° 33' 30" West 667.00 feet; thence South 89° 53' 24" East 552.57 feet; thence South 27° 27' West 31.16 feet; thence 195.46 feet along the arc of a 400-foot radius curve concave to the East, subtended by a central angle of 27° 59' 50" and having a chord bearing of South 13° 27' 05" West with a chord length of 182.21 feet; thence South 0° 32' 50" East 451.01 feet, more or less to the point of beginning, containing 7.62 acres.

Parcel 2

Beginning at a point on the North line of Yosemite Avenue on the Northerly prolongation of the centerline of Beard Avenue which said point of beginning is located North 0° 33' 30" West 33.00 feet and South 89° 53' 24" East 1321.00 feet from the South Quarter corner of said Section 26, and proceeding thence from said point of beginning North 0° 32' 50" West 451.01 feet; thence 195.46 along the arc of a 400-foot radius curve, concave to the East and subtended by a central angle of 27° 59' 50" and having a chord bearing of North 13° 27' 05" East with a chord length of 182.21 feet; thence North 27° 27' East 103.42 feet; thence South 62° 33' East 42.53 feet; thence 195.46 feet along the arc of a 400-foot radius curve, concave to the North and having a central angle of 27° 59' 50" and having a chord bearing of South 76° 42' 55" East with a chord length of 182.21 feet; thence South 0° 32' 50" East 667.00 feet more or less to a point on the Northerly line of Yosemite Avenue; thence along said Northerly line North 89° 53' 24" West 320.71 feet to the point of beginning, containing 4.94 acres.

Parcel 3

Beginning at a point located South 89° 53' 24" East 1641.71 feet and North 0° 32' 50" West 1290.33 feet from the South Quarter corner of said Section 26, and proceeding thence from said point of beginning South 0° 32' 50" East 590.33 feet; thence 195.46 feet along the arc of a 400-foot radius curve, concave to the North with a central angle of 27° 59' 50" and having a chord bearing of North 76° 42' 55" West with a chord length of 182.21 feet; thence North 62° 33' West 42.53 ft. thence North 27° 27' East 380.28 ft; thence 195.46 ft. along the arc of a 400-foot radius curve, concave to the West with a central angle of 27° 59' 50" and having a chord bearing of North 13° 27' 05" East with a chord length of 182.21 feet to the point of beginning, containing 1.33 acre.

SECTION 3. ZONING MAP. Section 26-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 19th day of October, 1970, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Mitchell, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: Dixon, Newton

ABSENT: Councilmen: None

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William Smith
Planning Department

Ordinance 1056 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1970, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: December 23, 1970

AN ORDINANCE AMENDING SECTION MAP 26-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
CERTAIN PROPERTY LOCATED THEREON. (WESTLAND INVESTMENT
COMPANY)

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

SECTION 1. ZONING CHANGE. Section 26-3-9 of the Zoning Map is hereby amended to prezone the following-described property to Planned-Development Zone, P-PD(82):

A portion of the Southwest Quarter of Section 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian in Stanislaus County, California, described as follows:

Beginning at a point located North $0^{\circ} 33' 30''$ West 700.00 feet and South $89^{\circ} 53' 24''$ East 40.00 feet from the South Quarter corner of said Section 26, and proceeding thence from said point of beginning, North $0^{\circ} 33' 30''$ West 590.33 feet; thence South $89^{\circ} 53' 24''$ East 1601.95 feet; thence 195.46 feet along the arc of a 400-foot radius curve concave to the West, and subtended by a central angle of $27^{\circ} 59' 50''$ and having a chord bearing of South $13^{\circ} 27' 05''$ West, with a chord length of 182.21 feet; thence South $27^{\circ} 27'$ West 452.54 feet; thence North $89^{\circ} 53' 24''$ West 1342.57 feet more or less, to the point of beginning, containing 20.23 acres.

SECTION 2. USES. The following uses shall be permitted in said P-PD(82) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code. Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

For R-2 uses.

SECTION 3. ZONING MAP. Section Map 26-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 October, 1970, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dixon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Simon

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William Nichols
Planning Department

Ordinance 1057 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 1057-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of November, 1970, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Smith,
Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: December 23, 1970

AN ORDINANCE AMENDING SECTION 5-5.25 OF CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO GARBAGE COLLECTION RATES.

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

SECTION 1. AMENDMENT OF CODE. Section 5-5.25 of Chapter 5 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-5.25. RATES TO BE CHARGED FOR COLLECTION OF GARBAGE. The following rates shall be charged to the residents of the City of Modesto for the collection of garbage:

- (a) 1 collection per week (1 container) \$1.60 per month
- (b) 1 collection per week (2 containers) \$2.40 per month
- (c) 2 collections per week (1 container) \$3.20 per month
- (d) 2 collections per week (2 containers) \$4.80 per month

These rates shall apply for service when containers are placed in such points on the premises as to be easily accessible to the collector and not more than one hundred (100') feet from the curb when streets are used for collection, or more than thirty (30') feet from the real property line when alleys are used for collection. When more than the number of containers is used as indicated in the above rates, and the containers are collected at the same time, eighty (80¢) cents per month per container shall be charged for each additional container used. The additional charge shall be multiplied by the number of pickups required per week. When containers are located at greater distances there shall be added to the regular rate an additional charge of twenty-five (25¢) cents per month, per container, for each additional fifty (50') feet or portion thereof traveled. The rate shall be multiplied by the number of pickups per week.

Garbage rates may be collected on a bi-monthly basis which shall include the service for the month immediately preceding and the month immediately following the first of the month in which they are billed.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption, but shall apply retroactively on and after November 1, 1970.

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 9th day of November, 1970, by Councilman Smith, who moved its introduction and passage

to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of November, 1970, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Newtoh, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None


ABSENT: Councilmen: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: December 16, 1970

AN ORDINANCE AMENDING SECTION MAP 19-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(JAMES C. CHAMPION)

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning Map was filed by James C. Champion

on September 15, 19 70, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on October 20, 19 70, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 70-134, adopted on October 20, 19 70, the Planning Commission recommended to the Council that the application of James C. Champion

to amend Section 19-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 19-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone,

R-2 :

Parcel A

Portion of Northeast quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Northeast corner of said Section 19; thence South $1^{\circ} 00''$ East along the East line thereof 986 feet to the Southeast corner of the property described in Deed to James Chester Champion, et ux, recorded August 4, 1952, as Instrument No. 18270, and being the true point of beginning of this description; thence North $89^{\circ} 00'$ West along the South line of said Champion property, 231.57 feet, more or less, to a point that is 60 feet east of the east line of the Wilen Tract No. 2, according to the Map thereof, filed in the office of the County Recorder of Stanislaus County, California, on February 27, 1943, in Volume 14 of Maps, Page 43; thence South and parallel with the East line of said Wilen Tract No. 2, a distance of 128.29 feet to a point in the South line of the property conveyed to Oly B. Brown, et ux, by deed recorded February 25, 1932, as Instrument No. 1910; thence South $89^{\circ} 00'$ East along the South line of said Brown property 231.57 feet; more or less, to the East line of said Section; thence North $1^{\circ} 00'$ West along the Section line 128.29 feet, more or less to the point of beginning.

Parcel B

All that portion of the Northeast quarter of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Northeast corner of said Section 19, thence South $1^{\circ} 00'$ East, 916 feet along the Section line to the Northeast corner of the property conveyed to Oly B. Brown and wife by Deed recorded July 23, 1929, as Instrument No. 9297, and being the true point of beginning of this description; thence West and along the North line of said Brown property; a distance of 231.57 feet, more or less to a point that is 60 feet East of the East line of the Wilen Tract No. 2, as per map thereof on file in the office of the County Recorder of Stanislaus County, California, on February 27, 1943 in Volume 14 at page 43; thence South and parallel to the East line of the said Wilen Tract No. 2, a distance of 70 feet; thence East and parallel to the North line of said Brown property a distance of 231.57 feet, more or less, to a point on the East line of said Section 19; thence North and along the East line of said Section 19, a distance of 70 feet to the true point of beginning.

SECTION 3. ZONING MAP. Section 19-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 16th day of November, 1970, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies

LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson

ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William F. Nichols

Planning Department

Ordinance 1059 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of December, 1970, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Mitchell

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 6, 1971

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO PREZONING
CERTAIN PROPERTY LOCATED THEREON. (BOMBERGER)

WHEREAS, a verified application for an amendment to
Section 15-3-9 of the Zoning Map was filed by Robert P.
Bomberger on September 15,
19 70, to prezone to Multiple-Family Residential Zone,
R-3, the hereinafter described property, and

WHEREAS, after public hearing held on October 20,
19 70, it was found and determined by the Planning Commission
that prezoning of the property as requested is required by public
necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 70-135, adopted on
October 20, 19 70, the Planning Commission recommended to
the Council that the application of Robert P. Bomberger
to amend Section 15-3-9 of the Zoning
Map to prezone the hereinafter described property to Multiple-Family
Residential Zone, R-3, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing,
this Council finds and determines that the requested prezoning is
in accordance with the general plan and will serve the public health,
safety and general welfare and provide the economic and social advan-
tages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the
Zoning Map is hereby amended to prezone the following described
property to Multiple-Family Residential Zone, R-3:

All that certain real property situate in the Southeast Quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

The Easterly 122 feet of Parcel D as shown in Book 7 of Parcel Maps at Page 68, Stanislaus County Records, and the Westerly 50 feet of Oakdale Road adjacent more particularly described as follows:

Beginning at the East Quarter corner of said Section 15; thence South $0^{\circ} 01' 26''$ West along the East line of said Section 15 a distance of 645.67 feet; thence North $89^{\circ} 41' 49''$ West 172 feet more or less; thence Northerly 645 feet more or less; thence South $89^{\circ} 22' 05''$ East 172 feet more or less to the point of beginning.

SECTION 3. ZONING MAP. Section 15-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 16th day of November, 1970, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Nichols
Planning Department

Ordinance 1060 C.S.

Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of December, 1970, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Mitchell

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 6, 1971

AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (Louis A. Witt)

The Council of the City of Modesto does ordain as fol-
lows:

SECTION 1. ZONING CHANGE. Section 19-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Neighborhood Commercial Zone, C-1,
to Planned-Development Zone, P-D (81) :

Lot 16 of Evergreen Acre Tract, according to the
Map thereof filed in the office of the County
Recorder of Stanislaus County, California, on
September 21, 1912, in Volume 7 of Maps, at
Page 9.

Including also the westerly 20 feet of Tully Road
immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D (81) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. Use of the westerly 70 feet of the P-D zone shall be limited to storage of rental equipment only.

2. All uses permitted in the C-1 Zone shall be permitted in the remainder of the P-D Zone.

SECTION 3. ZONING MAP. Section Map 19-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 23rd day of November, 1970, by Councilman Smith, 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: Dixon, Mitchell, Newton, Robinson, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Simon

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William J. Nichols
Planning Department

Ordinance 1061 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of December, 1970, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Robinson, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 13, 1971

AN ORDINANCE AMENDING SECTION MAP 30-3-9 OF
 THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
 FYING CERTAIN PROPERTY LOCATED THEREON. (L. L. LOVELESS)

The Council of the City of Modesto does ordain as fol-
 lows:

SECTION 1. ZONING CHANGE. Section 30-3-9 of the
 Zoning Map is hereby amended to reclassify the following-described
 property from One-family Residential Zone, R-1, and Two-family
 Residential Zone, R-2,
 to Planned-Development Zone, P-D (80) :

All that portion of Lot 22 of Maze Ranch Subdivision,
 as per map thereof filed March 19, 1909 in Volume 4
 of Maps, Page 18, Stanislaus County Records, described
 as follows:

R-1 to P-D

Commencing at the point of intersection of the centerline
 of Maze Boulevard with the centerline of Franklin Street;
 thence northerly along the centerline of Franklin
 Street a distance of 185.20 feet to the true point of
 beginning; thence westerly along a line which is parallel
 with the centerline of Maze Boulevard and 185.20 feet
 therefrom, a distance of 355.65 feet to the southeast
 corner of the property conveyed to J. N. Snover and wife,
 by deed recorded June 9, 1932, as instrument No. 5250;
 thence northerly along the east line of said Snover
 property and the northerly extension thereof, a distance
 of 192.7 feet to a point on the centerline of Locust
 Street; thence easterly along the centerline of Locust
 Street 355.65 feet to the point of intersection of the
 centerline of Locust Street with the centerline of
 Franklin Street; thence southerly along centerline of
 Franklin Street 192.70 feet to the true point of beginning.

R-2 to P-D

Beginning at the point of intersection of the centerline
 of Maze Boulevard with the centerline of Franklin Street;
 thence northerly along the centerline of Franklin Street
 185.20 feet; thence westerly along a line which is parallel
 with the centerline of Maze Boulevard and 185.20 feet
 therefrom, a distance of 355.65 feet to the southeast
 corner of the property conveyed to J. N. Snover and
 wife, by deed recorded June 9, 1932, as instrument No.
 5250; thence continuing westerly along the south line
 of said Snover property 23.42 feet to the northeast
 corner of the property conveyed to C. C. Geist and
 wife, by deed recorded January 8, 1938, as instrument
 No. 288; thence southerly along the east line of said
 Geist property and the southerly extension thereof
 185.20 feet a point on the centerline of Maze Boulevard;
 thence easterly along the centerline of Maze Boulevard
 379.05 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D (80) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. A total of 44 one-story apartment units.
2. At least 66 off street parking spaces.

SECTION 3. ZONING MAP. Section Map 30-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 23rd day of November, 19 70, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Smith,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Simon

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William R. Nichols
Planning Department

Ordinance 1062 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of December, 1970, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Robinson, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 13, 1971

AN ORDINANCE AMENDING SECTION 10-2.2206 OF ARTICLE 22 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO THE ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.2206 of Article 22 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.2206. NOTICES. (a) Notice of any public hearing upon a proposed amendment to this chapter, Unclassified Use Permit, or of any appeal to a decision of the Board of Zoning adjustment or of the Planning Commission, shall be given at least one publication in the official newspaper of the City of Modesto not less than ten (10) days before the date of said public hearing, and, in the case of zone boundary changes, Unclassified Use Permits, and appeals, by posting notices thereof on the property under consideration and on both sides of all streets within a radius of three hundred (300') feet from the exterior limits of the property involved. Such notices shall be posted not more than three hundred (300') feet apart. Posting shall be done not less than ten (10) days before such hearing.

~~(b) Notice of public hearing to consider a variance, unclassified-use permit or conditional use permit shall be given by posting as required in this section for amendments and appeals.~~

Notice of public hearing to consider a variance or Conditional Use Permit shall be given by posting as required in this section for amendments, appeals, and Unclassified Use Permits.

(c) Both newspaper publication of notice and posting of notice may be employed at the direction of either the Planning Commission or the Board of Zoning Adjustment.

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

SECTION 3. PUBLICATION. 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 23rd day of November, 1970, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dixon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

ATTEST: W. T. Chynoweth APPROVED: Lee H. Davies
W. T. CHYNOWETH, City Clerk LEE H. DAVIES, Mayor

(SEAL)

APPROVED AS TO FORM: Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of December, 1970, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Mitchell

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 6, 1971

AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1401 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1401. DECREASE OF STATE LAW MAXIMUM SPEED. Pursuant to authority contained in the California Vehicle Code, it is hereby determined upon the basis of an engineering and traffic survey that the speed limit 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 hereinafter 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>
ALICE, from Sycamore to McHenry	25 miles per hour
BLUE GUM AVENUE, between North 9th Street and Prichard Avenue, within the City limits	40 miles per hour
BOWEN, from Geneva Drive to the easterly City limits	25 miles per hour
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
BRIGGSMORE, from Tully Road to the westerly City limits	35 miles per hour
BRIGHTON AVENUE, between Wylie Drive and Coffee Road	25 miles per hour
CARPENTER ROAD, between California and Maze	40 miles per hour
CARPENTER ROAD, between the southerly City limits at the Tuolumne River and Robertson Road	35 miles per hour
CARPENTER ROAD, between Blue Gum Avenue and 1,350 feet southerly within the City limits	50 miles per hour
CARVER ROAD, from Evergreen Street north to the northerly City limits	25 miles per hour
CENTER STREET, entire length in City	25 miles per hour
COFFEE ROAD, Scenic Drive to M. I. D. Lateral #3	30 miles per hour
COFFEE ROAD, between M. I. D. Lateral #3 and Floyd Avenue within the City limits	35 miles per hour
COFFEE ROAD, between Floyd and Sylvan Avenues, within the City limits	40 miles per hour

COLLEGE AVENUE, between Durant and Rumble	25 miles per hour
CONANT ROAD, between North 9th Street and Rumble Road, within the City limits	35 miles per hour
DEL VALE, entire length in City	25 miles per hour
EL VISTA, within the City limits	35 miles per hour
EMERALD, from Maze Road to the southerly City limits	25 miles per hour
ENCINA, Covena to Santa Ana	25 miles per hour
ENSLLEN, between Granger and Orangeburg	25 miles per hour
FAIRMONT AVENUE, between Virginia and McHenry	25 miles per hour
FRANKLIN, between California and Laurel	25 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
HADDON, between La Loma and Conejo	25 miles per hour
HATCH ROAD, within the City limits	35 miles per hour
JEFFERSON, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Avenue and 9th Street	25 miles per hour
KEARNEY, entire length in City	25 miles per hour
LA LOMA, entire length in City	25 miles per hour
LEGION PARK ROAD, between Santa Cruz and Conejo	25 miles per hour
LEVELAND LANE, College to TSRR tracks	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MADISON, entire length in City	25 miles per hour
MILLER, from La Loma to Conejo	25 miles per hour
MORTON BOULEVARD, entire length in City	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the Southerly City limits	25 miles per hour
OAKDALE ROAD, between Scenic Drive and Orangeburg Avenue	30 miles per hour
OAKDALE ROAD, north of Orangeburg within City limits	50 miles per hour

ORANGEBURG AVENUE, east of McHenry Avenue	35 miles per hour
ORANGEBURG AVENUE, Martin to Prescott	25 miles per hour
ORANGEBURG AVENUE, east of Oakdale Road	40 miles per hour
PRESCOTT ROAD, Briggsmore to Rumble	25 miles per hour
RIVER ROAD, Herndon Road to 1,200 feet westerly	35 miles per hour
ROBLE AVENUE, Santa Ana to Rosina	25 miles per hour
ROSE AVENUE, between 500 feet north of Brewer and Floyd Avenue	25 miles per hour
ROSE AVENUE, - Scenic Drive to 400 feet north of Krugar Avenue	30 miles per hour
ROSE AVENUE, - 400-foot north of Krugar Avenue to Floyd Avenue	35 miles per hour
RUMBLE ROAD, between Carver Road and Conant Avenue, within the City limits	30 miles per hour
RUMBLE ROAD, between Tully and Tidewater Southern Tracks	25 miles per hour
RUMBLE ROAD, between Highgate and the east City limits	25 miles per hour
SCENIC DRIVE, between 300 feet west of Rose Avenue and Oakdale Road, within the City limits	35 miles per hour
SHERWOOD, from Orangeburg to Northern Boulevard	25 miles per hour
STANDIFORD AVENUE, Tidewater Southern Railroad to McHenry Avenue	35 miles per hour
STODDARD, between McHenry and Virginia	25 miles per hour
SUNRISE, from Lucerne to the northerly City limits	25 miles per hour
SYLVAN AVENUE, between 1,300 feet west of Coffee Road to 2,650 feet east of Coffee Road, within the City limits	50 miles per hour
TULLY ROAD, from 300 feet north of Woodrow to the north City limits	35 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WOODROW AVENUE, within the City limits	25 miles per hour
WRIGHT, from Sycamore to McHenry	25 miles per hour
9th STREET, from north end of Tuolumne River Bridge to south City limits	40 miles per hour
9th STREET, from north end of Tuolumne River Bridge to D Street	30 miles per hour

9th STREET, from P Street to Tully Road 35 miles per hour

9th STREET, from Tully Road to north
City limits 50 miles per hour

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

SECTION 3. PUBLICATION. 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 23rd day of November, 1970, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of December, 1970, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 6, 1971

AN ORDINANCE AMENDING SECTIONS 9-1.01, 9-1.03, 9-1.07, 9-1.18, 9-1.19 AND 9-1.20 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, ADDING SECTIONS 9-1.15.1 AND 9-1.15.2 THERETO, AND REPEALING SECTIONS 9-1.03.1, 9-1.09, 9-1.10, 9-1.11, 9-1.12, 9-1.15 AND 9-1.17.1 THEREOF, RELATING TO THE BUILDING CODE.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-1.01, 9-1.03.1, 9-1.07, and 9-1.19 of Chapter 1 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-1.01. ADOPTION BY REFERENCE OF "UNIFORM BUILDING CODE". That certain document, three (3) copies of which are on file in the Office of the City Clerk, being marked and designated as "Uniform Building Code, 1970 Edition, Volume 1", published by the International Conference of Building Officials, together with the Appendix thereto and the Uniform Building Code Standards included therein, which said Code provides for proper regulations for erecting, constructing, enlarging, altering, repairing, removing, conversions, demolition, occupancy, equipment, use, height and maintenance of buildings or structures in the City and providing for the issuance of permits and collection of fees therefor, declaring and establishing fire districts, providing penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Building Code of the City of Modesto.

SEC. 9-1.03. UNSAFE BUILDINGS. That Section 203 of said Building Code be amended to read as follows:

Sec. 203. (a) General. All buildings or structures which are structurally unsafe or not provided with adequate egress or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, or abandonment, as specified in this Code or any other effective ordinance, are, for the purpose of this Section, unsafe buildings. All such unsafe buildings are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedure specified in Subsections (b), (c), (d), and (e) of this Section.

(b) Notice to Owner. The Building Official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if such is found to be an unsafe building as defined in this Section, the Building Official shall give to the owner of such building or structure written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises, within 48 hours, to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof, and all such work shall be completed within 60 days from date of notice, unless otherwise stipulated by the Building Official. If necessary, such notice also shall require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected, and approved by the Building Official.

Proper service of such notice shall be by personal service upon the owner of record, if he shall be found within the city limits. If he is not found within the city limits such service may be made upon said owner by registered mail or certified mail, provided, that if such notice is by registered mail or certified mail, the designated period within which said owner or person in charge is required to comply with the order of the Building Official shall begin as of the date he receives such notice.

(c) Posting of Signs. The Building Official shall cause to be posted at each entrance to such building a notice to read: "DO NOT ENTER. UNSAFE TO OCCUPY, Building Department, City of Modesto." Such notice shall remain posted until the required repairs, demolition, or removal are completed. Such notice shall not be removed without written permission of the Building Official and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

(d) Right to Demolish. In case the owner shall fail, neglect, or refuse to comply with the notice to repair, rehabilitate or to demolish and remove said building or structure or portion thereof, the City Council may order the owner of the building prosecuted as a violator of the provisions of this Code and may order the Building Official to proceed with the work specified in such notice. A statement of the cost of such work shall be transmitted to the City Council, who shall cause the same to be paid. The cost, when confirmed by the City Council, shall constitute a special assessment against the parcel of property and shall be a lien on the property for the amount thereof, which lien shall continue until the assessment and all interest thereon is paid, or until it is discharged of record. The special assessment shall be collected in accordance with the procedure contained in Sections 5893 and 5894 of the Streets and Highways Code of the State of California.

(e) Costs. Costs incurred under subsection (d) shall be paid out of the City Treasury. Such costs shall be charged to the owner of the premises involved as a special assessment and lien on the land on which the building or structure is located, and shall be collected in the manner provided for special assessments in Sections 5893 and 5894 of the Streets and Highways Code of the State of California.

SEC. 9-1.07. FEES. That Section 303 of said Building Code be amended to read as follows:

Sec. 303. (a) Building Permit Fees. A fee for each building permit shall be paid to the Building Official as set forth in Table No. 3-A. The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official.

TABLE NO. 3-A ----- BUILDING PERMIT FEES

Total Valuation	Fee
Less than \$20.00	No fee
\$20.00 to \$500.00	\$4.00
\$501.00 to \$2,000.00	\$4.00 for the first \$500.00 plus \$0.50 for each additional \$100.00 or fraction thereof, to and including \$2,000.00.
\$2,001.00 to \$25,000.00	\$11.50 for the first \$2,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00.
\$25,001.00 to \$50,000.00	\$57.50 for the first \$25,000.00 plus \$2.50 for each additional \$1,000.00 or fraction thereof, to and including \$50,000.00.
\$50,001.00 to \$100,000.00	\$120.00 for the first \$50,000.00 plus \$2.13 for each additional \$1,000.00 or fraction thereof, to and including \$100,000.00.
\$100,001.00 and up	\$226.50 for the first \$100,000.00 plus \$1.00 for each additional \$1,000.00 or fraction thereof.

Except that permit and inspection fees for new buildings of Group I and associated J occupancies containing not more than two (2) dwelling units, and having roof and floor spans of twenty-four (24') feet or less, and are of conventional wood frame construction or of single story conventional masonry construction shall be determined by multiplying the square foot of floor area of such building by a price per square foot value which results in the total fee consisting of the building permit fee, the sewer inspection fee, the plumbing, heating and cooling, and electrical permit fees. The per square foot value shall be determined by the Building Official, and such value when multiplied by the floor area shall result in a total fee which shall be commensurate with the sum of such fees if individually calculated by otherwise applicable provisions of the Municipal Code.

(b) Plan Checking Fees. When the valuation of the proposed construction exceeds One Thousand and no/100ths (\$1,000.00) Dollars and a plan is required to be submitted by Subsection (c) of Section 301, a plan checking fee shall be paid to the Building Official at the time of submitting plans and specifications for checking. Said plan checking fee shall be equal to one-half (1/2) of the building permit fee as set forth in Table No. 3-A.

Exceptions:

1. The Building Official may decide that the plan checking fee be paid at the same time the permit fee is paid.

2. There shall be no plan checking fee for construction involving construction of, alteration or additions to Group I and associated J occupancies containing not more than two (2) dwelling units, and having roof and floor spans of twenty-four (24') feet or less, and is of conventional wood frame construction, or single story conventional masonry construction.

(c) Governmental Agencies. No building permit fee shall be required for the issuance of a building permit to any governmental agency.

SEC. 9-1.18. HEIGHT LIMITS. That Section 507 of said Building Code be amended to read as follows:

Sec. 507. The maximum height and number of stories of every building shall be dependent upon the character of the occupancy and the type of construction and shall not exceed the limits set forth in Table No. 5-D except as provided in this Section and as specified in Section 503 (a) for mixed occupancy buildings. The height shall be measured from the highest adjoining sidewalk or ground surface, provided that the height measured from the lowest adjoining surface shall not exceed such maximum height by more than ten (10') feet.

The limits set forth in Table No. 5-D may be increased by one story if the building is provided with an approved automatic fire-extinguishing system throughout. The increase in height for automatic fire-extinguishing systems shall not apply when the automatic fire-extinguishing systems throughout are installed under the following provisions:

- (a) Section 3802 (b) 6 for Group E, Divisions 1 and 2 Occupancies.
- (b) Section 506. For an increase in allowable area.
- (c) Substitution for one-hour fire-resistive construction pursuant to Section 508.

EXCEPTIONS: 1. Towers, spires, and steeples, erected as a part of a building and not used for habitation or storage, are limited as to height only by structural design if completely of noncombustible materials, or may extend not to exceed twenty (20') feet above the height limit in Table No. 5-D if of combustible materials.

2. The height of one-story aircraft hangars shall not be limited if the building is provided with automatic fire-extinguishing systems throughout as specified in Chapter 38 and is entirely surrounded by public space, streets, or yards not less in width than one and one-half (1 1/2) times the height of the building.

See Chapters 6 to 16 inclusive for special occupancy provisions.

No person shall erect, alter, allow to grow, or maintain in the City any building, structure, tower, pole, smokestack or tree to a height in excess of one hundred fifty (150') feet.

SEC. 9-1.19. PROTECTION OF ADJACENT PROPERTY AND SANDBLASTING. That Section 4410 of said Building Code be added to read as follows:

Section 4410. (a) Protection of Adjacent Property. No maintenance, sandblasting, demolition or other building construction operations shall be carried on in a manner that will be detrimental or injurious to adjacent property, pedestrians, sidewalks or vehicles using the streets in the vicinity of the operation.

(b) Sandblasting. No person shall sandblast the exterior of any building or structure located in a C-1 Zone or a C-2 Zone, as established by the zoning regulations of the City of Modesto, without first obtaining a separate permit for each such building or structure from the Building Official. No building or other structure located in a C-1 Zone shall be sandblasted except by a wet process precluding the creation of dust and dry debris.

Exceptions: Dry sandblasting may be permitted by the Building Official only when evidence is submitted that this process is necessary for the proper cleaning of the building or structure. No permission may be granted unless it can be shown that the use of this process will not be detrimental to adjoining property or public welfare.

(c) Fees. Fees for permits shall be as set forth in Section 303 and Table No. 3-A of this Code.

SEC. 9-1.20. CONCRETE SLABS. That Section 2629 of said Building Code be amended to read as follows:

(a) The minimum thickness of concrete floor slabs supported directly on the ground shall be not less than three and one-half (3 1/2") inches.

(b) Concrete slab floors, when used as a finished floor or as a base for other floor finish in rooms to be used for human occupancy, shall be constructed according to the following requirements, or as approved by the Building Official.

(1) Four (4") inches of compacted gravel (three-fourths (3/4 ") inches gravel preferred) shall be placed so that the surface of the base is not less than three (3") inches above grade.

(2) A membrane water proofing or water proofing acceptable to the Building Official shall be placed on the rock base. Membrane shall extend to exterior walls or beyond the limits of habitable rooms and turn up to top of slab or down to bottom of footing for monolithic pours.

(3) One-half (1/2") inch of clean sand shall be placed on membrane water proofing before placing of concrete.

(4) Minimum thickness of concrete shall be three and one-half (3 1/2") inches.

SECTION 2. AMENDMENT OF CODE. Sections 9-1.15.1 and 9-1.15.2 are hereby added to Chapter 1 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-1.15.1 EARTHQUAKE REGULATIONS. That subsection (m) is hereby added to Section 2314 of said Building Code to read as follows:

(m) Seismic Zone. The entire City of Modesto is in Seismic Zone 2.

SEC. 9-1.15.2. ROOF COVERINGS. That subsection (e) of Section 3203 of said Building Code is hereby amended to add paragraph 11 thereto to read as follows:

11. Shake Roofs. Approved roof covering systems of treated wood shingles or shakes, pressure impregnated with an approved "Exterior" grade fire-retardant treatment, having a Class B. rating, Installations shall conform to terms of the approval.

SECTION 3. REPEALS. Sections 9-1.03.1, 9-1.09, 9-1.10, 9-1.11, 9-1.12, 9-1.15 and 9-1.17.1 of Chapter 1 of Title IX 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 thirty (30) days after its final passage and adoption.

SECTION 5. SAVINGS. 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 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 7th day of December, 1970, by Councilman Robinson, who moved its introduction and passage to print,

which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of December, 1970, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Robinson, Simon, Smith,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 13, 1971

AN ORDINANCE AMENDING SECTIONS 9-7.101, 9-7.106, 9-7.108 AND 9-7.208 OF CHAPTER 7 OF TITLE IX OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTIONS 9-7.102, 9-7.107, 9-7.110, 9-7.111, 9-7.112, 9-7.113, 9-7.114 AND 9-7.115 THEREOF, RELATING TO THE MECHANICAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-7.101, 9-7.106, 9-7.108 and 9-7.208 of Chapter 7 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-7.101. ADOPTION BY REFERENCE OF "UNIFORM MECHANICAL CODE." That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Mechanical Code, 1970 Edition, Volume II, Uniform Building Code", published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, which said Code provides for proper regulations for erecting, installing, altering, repairing, relocating, replacing, adding to, use or maintenance of, any heating, ventilating, comfort cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances in the City and providing for the issuance of permits and collection of fees therefor, providing penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Mechanical Code of the City of Modesto.

SEC. 9-7.106. PERMITS. That subsection (c) of Section 302 of said Mechanical Code be amended to read as follows:

(c) Issuance. The application, plans and specifications filed by an applicant for a permit shall be checked by the Building Official. Such plans shall be reviewed by other departments of the City to check compliance with the laws and ordinances under their jurisdiction, including all provisions of the Modesto Municipal Code; heretofore or hereafter adopted. If the Building Official is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this Code, and other pertinent laws and ordinances, including any and all provisions of the Modesto Municipal Code heretofore or hereafter adopted, including, without limitation, the provisions of the zoning regulations, and that the fee specified in Section 304 has been paid, he shall issue a permit therefor to the applicant.

When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED". Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans. The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

SEC. 9-7.108. PERMIT FEES. That Section 304 of said Mechanical Code be amended to read as follows:

Section 304. (a) Every applicant for a permit to install, add to, alter, relocate, or replace heating and/or comfort cooling, or part thereof, shall state in writing on the application form provided for that purpose the character of the work proposed to be done and the amount and kind in connection therewith, together with such information pertinent thereto as the Building Official may require. Such applicant shall pay to the Director of Finance for each permit issued at the time of issuance, a fee in accordance with the following schedule, and at a rate provided for in each classification shown therein.

(b) Whenever heating and/or comfort cooling work is commenced other than stated herein and for which a heating and comfort cooling permit is subsequently permitted to be obtained, the applicant for such permit shall pay double the permit fee fixed by this section for the first violation and shall pay ten (10) times the permit fee fixed by this section or Twenty-five and no/100ths (\$25.00) Dollars, whichever is greater, for each subsequent violation. Emergency work when urgently necessary and so proven to the satisfaction of the Building Official, shall not be subject to these increased fees providing that in all such cases a permit is obtained as soon as practicable.

(c) Schedule of Fees.

(1) For issuing each permit \$1.00

In Addition:

(2) Gas furnace of any nature whatsoever, per 100,000 B. T. U. or fraction thereof \$2.00

(3) For each air outlet of a duct air system ventilation, heating, or comfort cooling \$.25

(4) For the installation of each combustion products vent only, other than a fireplace \$1.00

(5) Gas piping permits at 25 cents per outlet (minimum fee) \$1.00

(6) For each appliance or equipment governed by this Code, but not classed as heating appliances \$.50

Air Conditioning and Refrigeration Installations

(7) Each unit of 1 1/2 tons or less \$1.00

(8) Each additional ton or fraction thereof over said unit up to 14 tons \$.50

(9) Each unit of 14 tons or over \$7.50

(10) Each expansion coil or chilled water coil \$.25

(11) Each separate cooling tower \$1.00

(12) Evaporative coolers \$1.00

(d) No heating and/or comfort cooling permit fee shall be required for the issuance of such a permit to any governmental agency.

SEC. 9-7. 208. RENEWAL OF CERTIFICATE. (a) All Certificates of Competency shall expire on June 30th of each year.

to year upon request and payment of the required renewal fee. If a renewal of a certificate is requested and the required fee paid within thirty (30) days after the expiration date of such certificate, the renewal fee shall be One and no/100ths (\$1.00) Dollar. If such renewal be requested and the required fee paid more than thirty (30) days and less than ninety (90) days after the expiration date of such certificate the renewal fee shall be Two and no/100ths (\$2.00) Dollars. No certificate shall be renewed after ninety (90) days after the expiration date of such certificate.

(c) A Certificate of Competency may be renewed for five (5) year periods. If the renewal is requested within thirty (30) days after the expiration, the renewal fee shall be Five and no/100ths (\$5.00) Dollars. If such renewal be requested more than thirty (30) days and less than ninety (90) days after the expiration date of such certificate, the renewal fee shall be Six and no/100ths (\$6.00) Dollars. No certificate shall be renewed after ninety (90) days after the expiration date of such certificate. Certificates of Competency which are issued for a five (5) year period shall expire on the passage of the fifth June 30th following the date of issuance of the certificate.

SECTION 2. REPEALS. Sections 9-7.102, 9-7.107, 9-7.110, 9-7.111, 9-7.112, 9-7.113, 9-7.114 and 9-7.115 of Chapter 7 of Title IX of the Modesto Municipal Code are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. SAVINGS. 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 7th day of December, 1970, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
NOES: Councilmen: Mayor Davies
ABSENT: Councilmen: None
ATTEST: W. T. Chynoweth APPROVED: Lee H. Davies
(Seal) W. T. CHYNOWETH, City Clerk LEE H. DAVIES, Mayor
APPROVED AS TO FORM: Elwyn C. Johnson


Elwyn C. Johnson, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of December, 1970, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: 

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 13, 1971

ORDINANCE 1981-2-8.
AN ORDINANCE AMENDING SECTIONS 9-2.101, 9-2.105, 9-2.110, 9-2.113, 9-2.122 AND 9-2.209 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTIONS 9-2.106, 9-2.114, 9-2.115, 9-2.118, 9-2.119, 9-2.120, 9-2.121, 9-2.123, 9-2.125 AND 9-2.126 THEREOF, RELATING TO THE PLUMBING CODE.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-2.101, 9-2.105, 9-2.110, 9-2.113, 9-2.122 and 9-2.209 of Chapter 2 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-2.101. ADOPTION OF UNIFORM PLUMBING CODE. That certain document three (3) copies of which are on file in the office of the City Clerk, being marked and designated as the "Uniform Plumbing Code, 1970 Edition," adopted by the International Association of Plumbing and Mechanical Officials, which said Code provides for the protection of the public health and safety, and the qualification of persons laboring at the trade of plumbing; requires a permit for the installation or alteration of plumbing and drainage systems; creates an administrative office and a Board of Plumbing Examiners and prescribes their duties; defines certain terms; establishes minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof; provides penalties for the violation thereof and repeals conflicting ordinances, as hereinafter amended, deleted and added to be and the same is hereby adopted by reference as the Plumbing Code of the City of Modesto.

SEC. 9-2.105. DEPARTMENT HAVING JURISDICTION. That Section 1.3 of said Plumbing Code be amended to read as follows:

Section 1.3. That the words "Building Inspection Division of Public Works" be inserted in the blank space in Section 1.3 of said Plumbing Code.

SEC. 9-2.110. TO WHOM PERMITS MAY BE ISSUED. That Section 1.10 of said Plumbing Code be amended to read as follows:

Section 1.10. (a) Application for a plumbing permit, describing the work to be done, shall be made in writing to the Chief Building Official by the person, firm or corporation installing the work.

(b) The Chief Building Official may issue to an individual a special owner's permit authorizing said individual to do plumbing work 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 plumbing work authorized under any such special owner's permit shall be done, nor shall the owner holding any such permit allow any such work to be done, except personally by the owner to whom the permit is issued, or by a member of his immediate family; and if this or any other provision hereof 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 herein provided for violation of this Code.

(c) A special permit may be issued to any appliance dealer to install appliances which require connection to the water distribution system, such as: evaporative coolers, air conditioners (requiring refrigeration as a cooling system), water softeners, lawn sprinkler systems, dish washers, garbage disposal units and/or garbage grinders not regularly classed as plumbing fixtures which are approved by the Director of Public Works and/or Chief Building Official, and which will not contaminate or pollute the potable water system by reason of such installation; and provided further that all such appliance dealers shall have passed a satisfactory examination showing their qualifications to do such work and have issued to them a Certificate of Competency by the Board of Plumbing Examiners, or have in their employ such person who shall have passed such examination, unless such persons hold a valid Contractor's License in the proper classification issued by the State of California, as specified in Section 9-2.202 of this chapter.

The issuance of such permit shall not be construed as allowing the installation of any waste pipe beyond the opening to receive the fixture trap and no trap or piping shall exceed two (2') feet from the vent pipe serving such trap.

SEC. 9-2.113. RAINWATER PIPING. That Section 410 be added to said Plumbing Code to read as follows:

Section 410. (a) No overflow from a cistern tank, expansion tank, drip pan or other device shall be directly connected to any soil waste or vent pipe, house drain or house sewer.

(b) Rainwater from roofs or other approved areas exposed to rain water may be drained into the storm water drainage system, but shall not drain into any sewer intended for sanitary sewage. A permit shall be procured in all cases to connect rain water drainage to the storm water drainage system.

Rain water from roofs or other approved areas may drain into the public street gutter; provided, that such gutter is paved and runs to a catch basin connected to the storm drain.

Rain water from roofs or other approved areas may drain into a system of drainage piping designed to allow such drainage to be absorbed by the soil of the premises or may discharge upon the premises outside the building walls.

(c) No rain water from roofs or other rain water drainages of premises shall discharge upon a public sidewalk. When it is desired to conduct rain water from a building or premises to a public street gutter, the outside underground piping shall be cast iron soil pipe. Water leaders connecting to such underground drainage piping, which are on the outside of a building wall that abuts on a public thoroughfare, shall be constructed of cast iron pipe for a distance of five (5') feet vertically above grade.

(d) No sheet metal water leader shall be installed on the inside of a building, inner court or vent shaft. No sheet metal leader shall be directly connected to any drainage system which connects to a public sewer.

(e) When an existing sheet metal water leader pipe within the walls of a building becomes defective, such water leader shall be replaced with one which conforms to this Code.

(f) All underground roof and area rain water drainage piping within the walls of a building shall be cast iron pipe and fittings and all such piping above ground shall be cast iron pipe and fittings or galvanized wrought iron or steel pipe with drainage fittings of approved standards.

(g) Except the feeding of rain water leader traps as herein required, no water leader or other rain water piping shall be used as a soil, waste or vent pipe nor shall any soil, waste or vent pipe be used as a rain water leader.

(h) Rain water leaders connecting to the storm water drainage system shall be effectively trapped if such water leader opening is within twelve (12') feet of a side or rear property line which does not abut on a public street or alley, or if such rain water leader opening is within twelve (12') feet of any door or window or other source of ventilation or fresh air supply to any building. All water leaders may be served by one master trap or each leader may be trapped separately. All water leader traps shall have their seals maintained by an automatic priming device, designed and installed for that purpose. When a rain water drainage system is served by one trap, such trap shall be provided with a fresh air inlet, not less than four (4") inches in diameter, which shall lead to the outer air and be provided with an approved cowl or grating so installed as to prevent the entrance of soil, stones or other objectionable materials.

(i) All roof boxes connected to concealed rain water leaders (if made of light metal) shall be made by means of a lead stub and caulking ferrule which shall be firmly caulked with lead and oakum into said rain water leader and the other end of lead stub to be firmly soldered to roof box. Cast iron roof drains may be screwed or caulked to their respective rain water leaders.

(j) Rain water from paved or unpaved areas shall not drain into the sanitary sewer system but may drain to the storm water drainage system. All such rain water shall drain to a sump constructed of concrete with bottom and walls not less than four (4") inches in thickness. All sumps shall be provided with a trap formed by turning down the outlet pipe with a forty-five (45°) degree bend so as to maintain a water seal of not less than twelve (12") inches. No part of such seal shall protrude inside the sump. All sumps shall be not less than eighteen (18") inches wide and eighteen (18") inches long and two (2') feet deep and be provided with suitable grates that may be removed for cleaning purposes.

SEC. 9-2.122. DEFINITIONS. That Section 1202 of said Plumbing Code be amended by adding subsection (f) thereto to read as follows:

(f) Gas Appliance Dealer: One who sells and installs gas appliances. A merchant who sells but does not install gas appliances does not come under the classification of gas appliance dealer as used in this Code; provided, however, that any gas appliance sold

SEC. 9-2.209. RENEWAL OF CERTIFICATE. (a) All Certificates of Competency shall expire on June 30th of each year.

(b) A Certificate of Competency may be renewed from year to year upon request and payment of the required renewal fee. If a renewal of a certificate is requested and the required fee paid within thirty (30) days after the expiration date of such certificate, the renewal fee shall be One and no/100ths (\$1.00) Dollar. If such renewal be requested and the required fee paid more than thirty (30) days and less than ninety (90) days after the expiration date of such certificate the renewal fee shall be Two and no/100ths (\$2.00) Dollars. No certificate shall be renewed after ninety (90) days after the expiration date of such certificate.

(c) A Certificate of Competency may be renewed for five-year periods. If the renewal is requested within thirty (30) days after the expiration, the renewal fee shall be Five and no/100ths (\$5.00) Dollars. If such renewal be requested more than thirty (30) days and less than ninety (90) days after the expiration date of such certificate, the renewal fee shall be Six and no/100ths (\$6.00) Dollars. No certificate shall be renewed after ninety (90) days after the expiration date of such certificate. Certificates of Competency which are issued for a five-year period shall expire on the passage of the fifth June 30th following the date of issuance of the certificate.

SECTION 2. REPEALS. Sections 9-2.106, 9-2.114, 9-2.115, 9-2.118, 9-2.119, 9-2.120, 9-2.121, 9-2.123, 9-2.125 and 9-2.126 of Chapter 2 of Title IX of the Modesto Municipal Code are hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. SAVINGS. The provisions of this ordinance shall not affect any proceedings, 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 7th day of December, 1970, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of December, 1970, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dixon, Mitchell, Robinson, Simon, Smith, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Newton

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 13, 1971

AN ORDINANCE AMENDING SECTIONS 9-3.110 AND 9-3.208 OF CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE ELECTRICAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-3.110 and 9-3.208 of Chapter 3 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-3.110. SPECIAL REQUIREMENTS.

(a) General.

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

(2) Not more than twelve (12) outlets shall be permitted on any lighting circuit on No. 14 AWG wire and not more than fifteen (15) outlets on any lighting circuit on No. 12 AWG wire.

(3) Where the service conduit is extended to furnish a support for the service drop wires, only rigid conduit of not less than one and one fourth (1 $\frac{1}{4}$ ") inch 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 twenty-five (25) volts within Fire District No. 1 as described in this Code, excepting communication circuits, shall be in metal raceway. Wiring over twenty-five (25) volts outside Fire District No. 1 shall be in metal raceway except for the following:

(aa) Dwellings, private garages, small sheds.

(ab) Nursing homes of less than ten (10) patient beds.

(ac) Rest homes, homes for preschool children and homes for aged persons of less than twenty (20) occupants other than the owner and/or manager.

(ad) Motels, hotels, apartment buildings, or other multiple dwellings with an occupancy of less than fifteen (15) units which are two (2) stories or less in height.

(6) 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 liners or insulating bushings at each connector.

(7) 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.

(8) On panel and switchboards all circuits shall be identified by means of painting or other approved

methods. Type S (non-temperable) fuses shall be required in all new fuse panels and in existing installations showing evidence of overfusing.

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

(10) Except with special permission of the Chief Building Official, service entrance conductors shall not be less than No. 6 AWG wire for a fifty (50) to sixty (60) ampere disconnect, No. 4 for seventy (70) amperes, No. 2 for one hundred (100) amperes and No. 4/0 for two hundred (200) amperes.

(11) All temporary power pole services shall be at least fifty (50) ampere capacity with properly protected outlets.

(12) Every air conditioning, heating or cooling unit installed, or wiring placed for future installation thereof, shall have an electrical disconnect device installed adjacent thereto and within three (3') feet of the electrical inlet to this equipment.

(b) Domestic Residences.

(1) Convenience outlets shall be wired with not less than No. 12 AWG wire.

(2) Automatic dishwashers, refrigerated coolers or any fixed motors rated over one third (1/3) H. P. or any fixed appliance or device rated over one thousand (1000) watts shall be installed on a separate circuit with not less than No. 12 AWG wire.

(3) Household electrical ranges shall be wired with not less than No. 6 AWG wire except that built-in cooking tops and ovens may have a smaller circuit run separately to each.

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

(5) 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.

An approved type of semirecessed meter socket-combination panel will be accepted for service equipment when provided with a rigid conduit riser that contains a grounded conductor, used with a threaded type weather-head, and is provided with two (2) accessible insulated pullwires extending from the interior of the panel through minimum one (1") inch holes in the top and bottom plates. This may be placed within a hollow space of a frame building without overcurrent protection being required at the outer end. Locknuts and bushings on service riser conduit will not be acceptable.

(6) 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.

(7) Where non-metallic wiring is used all grounding of noncurrent carrying metal parts or fixed equipment shall be done by means of a grounding conductor running in the same cable with the circuit conductors.

(8) No wall outlet shall be required in a clear space of less than four (4') feet.

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

(1) Light 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 accommodation of the emergency lighting in apartment houses containing more than two (2) apartments, above the first floor, hotels not more than two (2) stories in height, and public assemblies not above the second floor. Lights shall be kept burning twenty-four (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:

(aa) Apartment houses containing three (3) floors or more;

(ab) Hotels three (3) stories or more in height;

(ac) Public assemblies located on the third floor or higher; and

(ad) 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 No. 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.

SEC. 9-3.208. RENEWAL OF CERTIFICATE. (a) All Certificates of Competency shall expire on June 30th of each year.

(b) A Certificate of Competency may be renewed from year to year upon request and payment of the required renewal fee. If a renewal of a certificate is requested and the required fee paid within thirty (30) days after the expiration date of such certificate, the renewal fee shall be One and no/100ths (\$1.00) Dollar. If such renewal be requested and the required fee paid more than thirty (30) days and less than ninety (90) days after the expiration date of such certificate the renewal fee shall be Two and no/100ths (\$2.00) Dollars.

No certificate shall be renewed after ninety (90) days after the expiration date of such certificate.

(c) A Certificate of Competency may be renewed for five-year periods. If the renewal is requested within thirty (30) days after the expiration, the renewal fee shall be Five and no/100ths (\$5.00) Dollars. If such renewal be requested more than thirty (30) days and less than ninety (90) days after the expiration date of such certificate, the renewal fee shall be Six and no/100ths (\$6.00) Dollars. No certificate shall be renewed after ninety (90) days after the expiration date of such certificate. Certificates of Competency which are issued for a five-year period shall expire on the passage of the fifth June 30th following the date of issuance of the certificate.

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

SECTION 3. PUBLICATION. 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 7th day of December, 1970, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of December, 1970, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Robinson, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 13, 1971

AN ORDINANCE AMENDING SECTION 3-2.1301 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTION 3-2.1006 THEREOF, RELATING TO TRUCK ROUTES.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1301 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

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 nine (9) feet to the rear of the driving compartment of said vehicle or any vehicle whose load extends more than nine (9) feet to the rear of the driving compartment thereof,~~ exceeds a maximum gross weight of five thousand (5,000) pounds, 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 designation to the public.

SECTION 2. REPEALS. Section 3-2.1006 of Chapter 2 of Title III 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 thirty (30) 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 7th day of December, 1970, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Robinson, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of December, 1970, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Robinson, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 13, 1971

AN ORDINANCE AMENDING SECTION MAPS 8-3-9 AND 17-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING
CERTAIN PROPERTY LOCATED THEREON. (RUDDY)

WHEREAS, a verified application for an amendment to Sections 8-3-9 and 17-3-9 of the Zoning Map was filed by Joseph William Ruddy on October 13, 1970, to prezone to Highway Frontage Zone, H-1, the hereinafter described property, and

WHEREAS, after public hearing held on November 17, 1970, it was found and determined by the Planning Commission that pre-zoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 70-146, adopted on November 17, 1970, the Planning Commission recommended to the Council that the application of Joseph William Ruddy to amend Sections 8-3-9 and 17-3-9 of the Zoning Map to prezone the hereinafter described property to Highway Frontage Zone, H-1, be approved.

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested pre-zoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Sections 8-3-9 and 17-3-9 of the Zoning Map are hereby amended to prezone the following described property to Highway Frontage Zone, H-1:

All that certain real property situate in a portion of Section 8 and 17, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Commencing at the Section corner common to Sections 8, 9, 16, and 17, said corner being on the center line of McHenry Avenue; thence South 0° 47' 40" East along the east line of said Section 17 and said center line of McHenry Avenue a distance of 990.35 feet, more or less, to the center line of Leveland Lane; thence North 88° 54' 50" West along said center line of Leveland Lane 425.23 feet to a point which is 425.00 feet at right angles from the center line of

McHenry Avenue, said point being the point of beginning of this description; thence continuing North 88° 54' 50" West along said center line of Leveland Lane 101.51 feet; thence North 0° 47' 40" West along a line parallel with and 526.46 feet at right angles from said center line of McHenry Avenue, a distance of 630.00 feet; thence North 10° 12' East 364.50 feet, more or less, to a point on the Section line between said Sections 8 and 17 from which the corner common to said Sections 8, 9, 16, and 17 bears South 88° 56' 25" East 457.25 feet; thence North 0° 52' 20" West along a line parallel with and 457.00 feet at right angles from the center line of McHenry Avenue a distance of 503.33 feet, more or less, to the Southwest corner of land conveyed to Dorothy B. Wilbur, et al, by Deed dated January 15, 1968, and recorded January 16, 1968, in Volume 2202 of Official Records at Page 625, Instrument Number 1671, Stanislaus County Records; thence South 89° 01' 45" East along the South line of said Wilbur land 32.02 feet; thence South 0° 52' 20" East along a line parallel with and 524.00 feet at right angles from said center line of McHenry Avenue a distance of 503.35 feet, more or less, to a point on the Section line between said Sections 8 and 17 from which the corner common to said Sections 8, 9, 16, and 17 bears South 88° 56' 25" East 425.23 feet; thence South 0° 47' 40" East along a line parallel with and 425.00 feet at right angles from said center line of McHenry Avenue a distance of 990.15 feet, more or less, to the point of beginning.

CONTAINING: 2.35 acres.

SECTION 3. ZONING MAP. Sections 8-3-9 and 17-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 14th day of December, 1970, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William Nichols
Planning Department

**Ordinance 1070 C.S.
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of December, 1970, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Smith,
Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Simon

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 27, 1971

AN ORDINANCE AMENDING SECTION MAP 16-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(WAINWRIGHT REALTY)

WHEREAS, a verified application for an amendment to Section 16-3-9 of the Zoning Map was filed by Wainwright Realty

on October 14, 19 70, to reclassify from Multiple-Family Residential Zone, R-3, to Professional Office Zone, P-0, the hereinafter described property, and

WHEREAS, after public hearing held on November 17, 19 70, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 70-147, adopted on November 17, 19 70, the Planning Commission recommended to the Council that the application of Wainwright Realty

to amend Section 16-3-9 of the Zoning Map to reclassify the hereinafter described property from Multiple-Family Residential Zone, R-3, to Professional Office Zone, P-0, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 16-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Multiple-Family Residential Zone,

P-O :Parcel A

Parcel 3 as shown on the Parcel Map filed August 15, 1967, in Book 4 of Parcel Maps, at Page 9, Stanislaus County Records, and being a portion of the Southeast quarter of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian;

Excepting therefrom all that portion described as follows: Beginning at the Northwest corner of said Parcel 3; thence South $0^{\circ} 53'$ East, 200.00 feet thence $89^{\circ} 31'$ East, 255.64 feet; thence North 200.00 feet, more or less, to a point on the North line of Parcel 3, said point also being the Northwest corner of Parcel 4, as shown on said Parcel Map; thence along the North line, North $89^{\circ} 31'$ West, 256.00 feet to the point of beginning.

Parcel B

Parcel 4, as shown on the Parcel Map filed August 15, 1967, in Book 4 of Parcel Maps, at Page 9, Stanislaus County Records, and being a portion of the Southeast quarter of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Including that portion of Coffee Road immediately adjacent to Parcel 3 and Parcel 4 lying westerly of the centerline of Coffee Road.

Also including the northerly 30 feet of Norwegian Avenue immediately adjacent to Parcel 3.

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

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

SECTION 5. PUBLICATION. 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 14th day of December, 1970, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: ~~WHEELER~~ None

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

William P. Nichols
Planning Department

Ordinance 1071 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of December, 1970, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 27, 1971

AN ORDINANCE AMENDING SECTION MAP 31-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(GALLO GLASS COMPANY)

WHEREAS, a verified application for an amendment to Section 31-3-9 of the Zoning Map was filed by Gallo Glass Company on October 14, 1970, to reclassify from One-Family Residential Zone, R-1, to Residential Agricultural Zone, R-A, the hereinafter described property, and

WHEREAS, after public hearing held on November 17, 1970, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 70-145, adopted on November 17, 1970, the Planning Commission recommended to the Council that the application of Gallo Glass Company

to amend Section 31-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, to Residential Agricultural Zone, R-A, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 31-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone,

R-A :

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

Parcel No. 1:

All of Lot 25 of Maze Ranch Subdivision, as per Map filed March 19, 1909, in Volume 4 of Maps, Page 18, Stanislaus County Records.

Including all of Maze Road adjacent to Lot 25 of said Maze Ranch Subdivision.

Excepting therefrom that portion thereof described in Deed to Roy B. Maxey recorded April 12, 1929, in Volume 329 of Official Records, Page 273, as follows:

Beginning at a point that lies south 0° 12' East 30 feet and North 89° 45' 30" west 40 feet from quarter section corner between Section 30 and 31, Township 3 South, Range 9 East, M.D.B. & M.; thence continuing North 89° 45' 30" West 160 feet thence South 0° 12' East, 200 feet; thence South 89° 45' 30" East 160 feet; thence North 0° 12' West 200 feet to the point of beginning.

Also excepting therefrom that portion deeded to the City of Modesto, a municipal corporation, by Deed recorded February 15, 1966, in Volume 2086, page 37 as Instrument No. 5709, Stanislaus County Records.

Parcel No. 2:

All of Lots 26 and 27 of Maze Ranch Subdivision, as per Map filed March 19, 1909, in Volume 4 of Maps, page 18, Stanislaus County Records.

Excepting from said Lot 27, the West 137.10 feet thereof.

Including All of Maze Road immediately adjacent to the above described property.

Parcel No. 3

All of Lots 29, 30 and 31 of Maze Ranch Subdivision, as per map filed March 19, 1909, in Volume 4 of Maps, Page 18, Stanislaus County Records.

Excepting therefrom said Lot 29 and from Lots 30 and 31, that portion described as follows:

Beginning at the Southeast corner of said Lot 31, said corner being also the interior quarter corner of Section 31, Township 3 South, Range 9 East, M.D.B. and M.; thence South 89° 53' West, along the South line of Lots 31, 30, and 29 and along the East and West quarter section line of said Section 31, a distance of 1554.84 feet to a point on a line which is parallel with and 130.00 feet, measured at right angles, Easterly from the East line of property conveyed to Maze Ranches, Inc., by Deed

recorded August 17, 1962, in Volume 1790, of Official Records, page 145, as Instrument No. 31415; thence North $0^{\circ} 50' 55''$ West, along said parallel line, a distance of 784.05 feet to a point on the Westerly extension of the North line of property conveyed to the Modesto Elementary School District by Deed recorded October 28, 1949, as Instrument No. 22512; thence North $89^{\circ} 53'$ East, along the last mentioned line and along the North line of said School District property, a distance of 1563.71 feet to a point on the east line of said Lot 31, said line being also the North and South quarter section line of said Section 31; thence South $0^{\circ} 12'$ East along said East lot line, a distance of 784.00 feet to the point of beginning.

Also excepting all of California Avenue immediately adjacent to Lot 29 of said Maze Ranch Subdivision.

Also excepting from Parcels 1, 2, and 3 above described, that portion lying within the boundaries of Unit No. 1 of Willow Estates, as per Map filed May 15, 1962, in Volume 20 of Maps, page 13, Stanislaus County Records.

Also excepting all of Emerald Avenue immediately adjacent to Lot 25 and Lot 31 of said Maze Ranch Subdivision.

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

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

SECTION 5. PUBLICATION. 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 14th day of December, 1970, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William J. Nichols
Planning Department

Ordinance 1072 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of December, 1970, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Smith,
Mayor Davies

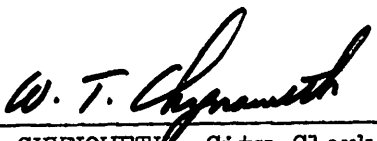
NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 27, 1971

AN ORDINANCE AMENDING SECTION 10-2, 2106 OF ARTICLE 21 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO REZONING HEARINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2, 2106 of Article 21 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2, 2106. TIME FOR HEARING. (a) The hearing by the Planning Commission for any zone boundary change initiated under the provisions of Section 10-2, 2102 (a) shall be held ~~during the month of April for amendments initiated during the period of December 16, to March 15, inclusive; during the month of July for amendments initiated during the period of March 16 to June 15 inclusive; during the month of October for amendments initiated during the period of June 16 to September 15, inclusive; and during the month of January for amendments initiated during the period of September 16 to December 15, inclusive~~ at the Planning Commission's regularly scheduled evening meeting of the month for amendments initiated prior to the 15th day of the previous month.

(b) The hearing by the Planning Commission for an unclassified use permit shall be held not less than ten (10) days nor more than forty (40) days following the filing of an application for such unclassified use permit, unless such maximum time is waived in writing by the applicant.

SECTION 2. EFFECTIVE DATE. This ordinance shall become effective on February 16, 1971.

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 21st day of December, 1970, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies
- NOES: Councilmen: None
- ABSENT; Councilmen: None

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:
By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:
By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of December, 1970, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 27, 1971

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF
 THE ZONING MAP OF THE CITY OF MODESTO PREZONING
 CERTAIN PROPERTY LOCATED THEREON. (Charles Gargotto)

WHEREAS, a verified application for an amendment to
 Section 22-3-9 of the Zoning Map was filed by CHARLES
GARGOTTO on NOVEMBER 4,
 1970, to prezone to Two-family Residential Zone,
P-R-2, the hereinafter described property, and

WHEREAS, after public hearing held on DECEMBER 15,
 1970, it was found and determined by the Planning Commission
 that pre zoning of the property as requested is required by public
 necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 70-159, adopted on
DECEMBER 15, 1970, the Planning Commission recommended to
 the Council that the application of CHARLES GARGOTTO
 to amend Section 22-3-9 of the Zoning
 Map to prezone the hereinafter described property to Two-family
Residential Zone, P-R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing,
 this Council finds and determines that the requested pre zoning is
 in accordance with the general plan and will serve the public health,
 safety and general welfare and provide the economic and social advan-
 tages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 22-3-9 of the
 Zoning Map is hereby amended to prezone the following described
 property to Two-family Residential Zone, P-R-2:

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

Commencing at the Southeast corner of the Wright-Mineni Tract, according to the amended map thereof, recorded in Volume 16 of Maps, at Page 71-A, Stanislaus County Records; thence South 89° 55' 35" West along the South line of said Wright-Mineni Tract 839.67 feet to the East line of alley in Block 1178 of said Wright-Mineni Tract, being the point of beginning of this description; thence continuing South 89° 55' 35" West along said South line 225.49 feet to the West line of Water Street as shown on Map of said Wright-Mineni Tract; thence South 0° 27' 45" East 329.79 feet to the centerline of Orangeburg Avenue; thence North 89° 54' East along said centerline of Orangeburg Avenue 1065.97 feet; thence North 0° 36' 14" West 120.00 feet; thence South 89° 54' West 390.75 feet; thence North 0° 27' West 5.00 feet; thence South 89° 54' West 449.48 feet; thence North 0° 27' West 204.69 feet to the point of beginning.

Containing 4.07 Acres

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

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

SECTION 5. PUBLICATION. 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 11th day of January, 1971, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William J. Nichols
Planning Department

Ordinance 1074 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of January, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 24, 1971

AN ORDINANCE AMENDING SECTION MAP 19-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(Rebecca Turner)

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning Map was filed by Rebecca Turner

on November 13, 1970, to reclassify from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on December 15, 1970, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 70-160, adopted on December 15, 1970, the Planning Commission recommended to the Council that the application of Rebecca Turner

to amend Section 19-3-9 of the Zoning Map to reclassify the hereinafter described property from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 19-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-family Residential Zone,

R-1, to Two-family Residential Zone,

R-2 :

All that portion of Section 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, being more particularly described as follows:

All of Lots 1 through 8 inclusive of Dunham Tract, according to the map thereof filed in the office of the County Recorder of Stanislaus County, State of California, in Volume 16 at Page 15.

Including also the southerly 30 feet of Evergreen Avenue, the westerly 30 feet of Carver Road, and the northerly 25 feet of Pearl Street, all being immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 19-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 11th day of January, 19 71, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Robinson

APPROVED: Lee H. Davies

LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson

ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William J. Milote

Planning Department

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of January, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 24, 1971

Ordinance 1075 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

AN ORDINANCE AMENDING SECTION MAPS 5-4-9 AND 8-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (COMMISSION INITIATED)

WHEREAS, the Modesto City Council by Ordinance No. 858-C.S. effective November 22, 1967, rezoned from One-Family Residential Zone, R-1, to Planned Development Zone, P-D(33), to allow a one-story, 145-unit multi-family apartment complex on the north side of Hatch Road south of the Tuolumne River approximately 1/2 mile west of Crows Landing Road, the following described property:

All that portion of Sections 5 and 8 Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, and more particularly described as follows: Lots 1 to 5, inclusive, and the East 0.057 chains of Lot 8 of the Rio Grande Colony, according to the map thereof, filed in the office of the County Recorder of Stanislaus County, California, on July 5, 1912 in Volume 6 of Maps, at page 47.

Except that portion of said Lots 1 and 2 described as commencing at the Southeast corner of said Lot 1; thence North 0° 18' West, 7.782 chains; thence North 88° 53' West, 6.047 chains; thence South 0° 26' West; 10.002 chains; thence North 46° 45' East, 3.183 chains; thence South 88° 51' East, 3.846 chains to the point of beginning.

Also excepting that portion of Lots 3, 4, 5, and 8 of said Rio Grande Colony described as follows: Beginning at the southwest corner of Lot 5, thence North 88° 51' 48" West, 3.76 feet; thence North 0° 26' East, 81.065 feet; thence North 71° 14' 42" East, 510.82 feet; thence along a curve concave to the south, having a central angle of 8° 06' 39" and a Radius of 1000 feet a distance of 141.56 feet to the east line of lot 3; thence South 0° 26' West, 100.365 feet; thence South 46° 46' 52" West, 276.27 feet; thence North 88° 51' 48" West, 415.75 feet to the point of beginning.

WHEREAS, Resolution No. 67-884, adopted by the City Council on October 9, 1967, included a development schedule for P-D (33) specifying that construction was to begin on or before June 30, 1968, and completion to be not later than June 30, 1969; and

WHEREAS, on May 21, 1968, by Resolution No. 68-68 the Planning Commission granted a two-year time extension requiring that construction begin on or before June 30, 1970, and completion to be not later than June 31, 1971; and

WHEREAS, the property owner and developer did not meet the amended development schedule and acknowledge their inability to develop the property in accordance with the P-D Zone; and

owner or owners of property in P-D Zones have failed to meet the approved development, the Commission shall initiate proceedings to repeal the P-D Zone and rezone the property to the Zone classification it held immediately prior to being zoned P-D; and

WHEREAS, on November 3, 1970, by Resolution No. 70-142 the Planning Commission initiated proceedings to rezone the property described above from P-D(33) to One-family Residential Zone, R-1, setting Tuesday, December 15, 1970, at 7:30 p. m. in the City Council Chambers, City Hall, 801-11th Street, Modesto, as the time and place for public hearing; and

WHEREAS, after public hearing held on December 15, 1970, it was found and determined by the Planning Commission that rezoning of the property as initiated is required by public necessity, convenience and general welfare, and for the following reasons:

1. The property owner and developer have been unable to develop the subject property as P-D(33) within the specified amended time schedule.
2. Section 10-2.2709(c) of the Municipal Code requires that the subject property revert to the zone prior to being zoned P-D if the approved development schedule is not met by the property owner.

WHEREAS, by Resolution No. 70-156, adopted on December 15, 1970, the Planning Commission recommended to the Council that Sections 5-4-9 and 8-4-9 of the Zoning Map be amended to reclassify the property described above from Planned Development Zone, P-D(33), to One-family Residential Zone, R-1, be approved.

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth in Planning Commission Resolution No. 70-156.

Zoning Map are hereby amended to reclassify the above described property from Planned Development Zone, P-D (33), to One-family Residential Zone, R-1;

SECTION 3. ZONING MAP. Sections 5-4-9 and 8-4-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 11th day of January, 19 70 by Councilman Smith who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION

By: William P. Nichols
Planning Department

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of January, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 24, 1971

Ordinance 1076 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RE-
CLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(COMMISSION INITIATED)

WHEREAS, the Modesto City Council, by Ordinance No. 503-C.S. effective March 13, 1962, rezoned from One-family Residential Zone, R-1, to Planned Development Zone, P-D (8) to allow 44 apartment units and 3 existing dwellings, property located on the east side of Emerald Avenue, south of Maze Boulevard; and

WHEREAS, P-D (8) was never developed to completion; and

WHEREAS, the Modesto City Council by Ordinance No. 566-C.S. effective March 27, 1963, rezoned from Planned Development Zone, P-D (8), to Planned Development Zone P-D (13), to allow a low density multiple-family complex, the following described property:

Beginning at a point 160 feet east of the northwest corner of Lot 5 of the Spencer Colony; thence South $0^{\circ} 30'$ East a distance of 100 feet; thence South $89^{\circ} 55' 37''$ West a distance of 160 feet to the center line of Emerald Avenue; thence South $0^{\circ} 30'$ East along said center line of Emerald Avenue a distance of 6.50 feet; thence North $89^{\circ} 30'$ East a distance of 158.00 feet; thence South $0^{\circ} 30'$ East a distance of 95.60 feet; thence South $89^{\circ} 55' 37''$ West a distance of 158 feet to the center line of Emerald Avenue; thence South $0^{\circ} 30'$ East along said center line of Emerald Avenue a distance of 60.00 feet; thence North $89^{\circ} 55' 37''$ East a distance of 260 feet; thence South $0^{\circ} 30'$ East a distance of 163.55 feet; thence North $89^{\circ} 55' 37''$ East a distance of 495.73 feet to the west right-of-way line of Modesto Irrigation District Lateral Number 5; thence North $3^{\circ} 34' 23''$ West along said west right-of-way line a distance of 361.03 feet; thence continuing along said west right-of-way line along a curve concave to the east having a radius of 420.00 feet, through a central angle of $8^{\circ} 46' 31''$, a curve distance of 64.33 feet to the North line of Lot 5 of said Spencer Colony; thence south $89^{\circ} 55' 37''$ West along the north line of said Lot 5 a distance of 577.85 feet to the point of beginning, being located east of Emerald Avenue south of Franklin School.

WHEREAS, Resolution No. 63-18, adopted February 11, 1963, by the City Council, included a development schedule for P-D (13) specifying that construction was to be commenced and completed in 5 phases; and

WHEREAS, on February 16, 1965, by Resolution No. 65-28, the Planning Commission granted a time extension for Phases C, D, and E; and

WHEREAS, on May 3, 1966, by Resolution No. 66-52, the Planning Commission granted another time extension for Phases D and E; and

WHEREAS, on April 30, 1968, by Resolution No. 68-55, the Planning Commission granted another time extension for Phases D and E, which time

WHEREAS, the property owner did not meet the amended development schedule and the developers of the property were not able to arrive at a realistic development schedule for Phases D and E.

WHEREAS, Section 10-2.2709(c) of the Municipal Code provides that if the owner or owners of the property in P-D zones have failed to meet the development schedule the Commission shall initiate proceedings to repeal the P-D Zone and rezone the property to the zone classification it held immediately prior to being zoned P-D; and

WHEREAS, since the subject property was zoned P-D (8), which was never developed to completion, immediately prior to being currently zoned P-D (13), the Planning Commission in complying with Section 10-2.2709 (c) determined to initiate proceedings to rezone P-D (13) to R-1, which zone the subject property held prior to being zoned P-D(8); and

WHEREAS, on November 3, 1970, by Resolution No. 70-143, the Planning Commission initiated proceedings to rezone the property described above from Planned Development Zone P-D(13) to One-family Residential Zone, R-1, setting Tuesday, December 15, 1970, at 7:40 p. m. in the City Council Chambers, City Hall, 801-11th Street, Modesto, as the time and place for the public hearing; and

WHEREAS, after public hearing held on December 15, 1970, it was found and determined by the Planning Commission that rezoning of the property as initiated is required by public necessity, convenience and general welfare for the following reasons:

1. The property owners and developers have been unable to develop the property as P-D(13) within the specified amended time schedule.
2. Section 10-2.2709(c) of the Municipal Code requires that the subject property revert to its prior zone if the approved development schedule is not met by the owner.

WHEREAS, by Resolution No. 70-157, adopted on December 15, 1970, the Planning Commission recommended to the Council that Section 31-3-9 of the Zoning Map be amended to reclassify the property described above from Planned Development Zone, P-D(13) to One-family Residential Zone, R-1.

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

finds and determines that the recommended rezoning is in the public interest and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth in Planning Commission Resolution No. 70-157.

SECTION 2. ZONING CHANGE. Section 31-3-9 of the Zoning Map is hereby amended to reclassify the property described above from Planned Development Zone P-D(13), to One-family Residential Zone, R-1.

SECTION 3. ZONING MAP. Section 31-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 11th day of January, 1970, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By: Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By: William J. Nichols
Planning Department

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of January, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 24, 1971

Ordinance 1077 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

AN ORDINANCE AMENDING SECTION 9-6.07 OF CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO SIGN REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 9-6.07 of Chapter 6 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-6.07. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS BY ZONE. It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type or having an area and/or height in violation of the following specific requirements:

(a) R-1 Zone. (1) One for sale or rent sign, unlighted, not exceeding eight (8) square feet in area and six (6') feet in height.

(2) Three (3) unlighted open house directional signs, which do not exceed three (3) square feet in area each, are permitted during daylight hours only, for each house or group of houses offered for sale by the same realtor at the same general location, provided they do not bear any advertising message and that such signs are located wholly on private property with permission of the property owner on whose property they are located.

(3) One name plate not exceeding one square foot in area.

(4) One bulletin board or identification sign not exceeding twelve (12) square feet in area and six (6') feet in height for uses permitted by conditional use permits and unclassified use permits.

(5) One construction sign not exceeding twenty (20) square feet in area and six (6') feet in height provided sign is removed not later than thirty (30) days after construction is completed.

(6) One subdivision sign not exceeding sixty-four (64) square feet in area or ten (10') feet in height for each recorded subdivision provided such sign is removed not later than two (2) years from the recording date of the subdivision.

(7) Political signs may be erected, maintained and displayed as follows:

(aa) On lots or parcels upon which there is located a residential structure, except that:

(i) The combined area of all of said signs shall not exceed four (4) square feet.

(ii) The overall height shall not exceed four (4') feet.

(ab) On lots or parcels upon which there is not located a residential structure, except that:

(i) Each sign shall not exceed thirty-two (32) square feet in area.

(ii) The overall height shall not exceed six (6') feet.

(ac) Political signs shall not be attached to trees, fence posts or utility poles.

(ad). Political signs shall not be lighted either directly or indirectly.

(ae) Political signs shall be erected no more than thirty (30) days prior to the date of the election.

(af) Political signs shall be removed within ten (10) days after the date of the election.

(8) Bench signs are not permitted.

(9) Temporary signs are not permitted.

(10) Window signs are not permitted.

(11) Outdoor advertising signs are not permitted.

(b) R-A and F Zones. Same as R-1 Zone.

(c) R-2 Zone. Same as R-1 Zone with the following addition:

(1) Area or group housing project signs not exceeding twelve (12) square feet in area or six (6') feet in height.

(d) R-3 Zone. Same as R-2 Zone with the following addition:

(1) One identification sign not exceeding twelve (12) square feet in area and six (6') feet in height for a boarding house, lodging house or multiple dwelling.

(e) P-O Zone. Same as R-1 Zone with the following addition:

(1) On major streets one identification sign not exceeding twelve (12) square feet in area and forty-two (42'') inches in height.

(2) On collector streets one identification sign not exceeding one square foot in area for each separate use on the premises, and not exceeding twelve (12) square feet in total area, and forty-two (42'') inches in height.

(f) C-1 Zone. (1) Only one free-standing or projecting double-faced identification sign not exceeding one hundred fifty (150) square feet in area, thirty-five (35') feet in height, and thirty (30') feet in length is permitted for each use or occupancy.

(2) Canopy or wall identification signs are permitted on each wall of a building or structure provided:

(aa) That on the wall designated as principal frontage of a building or structure said signs may not exceed four (4) square feet in combined sign area for each lineal foot of that wall of the building or structure or portion thereof wherein the use or occupancy is conducted.

(ab) That on each of the other walls of the building or structure said signs may not exceed two (2) square feet in combined sign area for each lineal foot of each wall of the building or structure or portion thereof wherein the use or occupancy is conducted.

(3) Six (6) unlighted signs are permitted which do not exceed twelve (12) square feet in combined sign area; such signs may indicate credit cards honored, trading stamps available, or official public services provided on the premises.

(4) Directional or informational signs not exceeding twelve (12) square feet in area or six (6') feet in height are permitted provided they do not bear any advertising message and that such signs are located wholly on private property on the premises to which they pertain.

(6) One construction sign not exceeding sixty-four (64) square feet in area and ten (10') feet in height.

(7) One canopy sign not exceeding six (6) square feet in area may be hung from a canopy, providing such sign is not less than seven and one-half (7 1/2') feet above a public or private sidewalk.

(8) Bench signs are permitted.

(9) Political signs not exceeding one hundred (100) square feet in area and eight (8') feet in height. Said signs may not be erected more than thirty (30) days prior to the date of the election, and shall be removed within ten (10) days after the date of the election.

(10) Temporary signs are not permitted.

(11) Outdoor advertising signs are not permitted.

(12) Window signs are permitted.

(g) M-P and H-1 Zones. Same as C-1 Zone except that in the H-1 Zone freestanding and projecting identification signs are not permitted.

(h) C-2 Zone. Same as C-1 Zone with the following addition:

(1) Outdoor advertising signs not exceeding three hundred (300) square feet in area, twenty-five (25') feet in height and thirty (30') feet in length, except that:

(aa) No outdoor advertising sign shall be located within two hundred (200') feet of an R-1, R-2, or R-3 Zone or a lot or parcel which has been approved for residential development in a P-Q, H-1 or P-D Zone without first obtaining a conditional use permit therefor from the Board of Zoning Adjustment in accordance with the provisions of Article 20 of Chapter 2 of Title X of this Code.

(ab) The maximum combined area of outdoor advertising signs located within a family of circles with two hundred fifty (250') foot radii measured from the point or points where the center lines of intersecting streets meet, shall not exceed six hundred (600') square feet.

(i) C-M, M-1 and M-2 Zones. Same as C-2 Zone.

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

SECTION 3. PUBLICATION. 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 25th day of January, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of February, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 2, 1971

AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO PREZONING
CERTAIN PROPERTY LOCATED THEREON. (WALLY DE VE)

WHEREAS, a verified application for an amendment to
Section 7-3-9 of the Zoning Map was filed by Wally DeVe
on December 15,
1970, to prezone to Two-Family Residential Zone,
R-2, the hereinafter described property, and

WHEREAS, after public hearing held on January 19,
1971, it was found and determined by the Planning Commission
that pre zoning of the property as requested is required by public
necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 71-9, adopted on
January 19, 1971, the Planning Commission recommended to
the Council that the application of Wally DeVe
to amend Section 7-3-9 of the Zoning
Map to prezone the hereinafter described property to Two-Family
Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing,
this Council finds and determines that the requested pre zoning is
in accordance with the general plan and will serve the public health,
safety and general welfare and provide the economic and social advan-
tages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 7-3-9 of the
Zoning Map is hereby amended to prezone the following described
property to Two-Family Residential Zone, R-2:

All that portion of the northeast quarter of Section 7, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the northeast corner of said Section 7; thence South 1° 14' 15" East along the east line of said Section 7 (centerline of Tully Road) a distance of 327.50 feet to the true point of beginning of this description; thence continuing South 1° 14' 15" East along said east line of Section 7 (centerline of Tully Road) a distance of 568.35 feet; thence at right angles South 88° 45' 45" West a distance of 50.00 feet; thence North 62° 44' 15" West a distance of 65.00 feet; thence North 30° 03' 07" West a distance of 243.16 feet; thence North 0° 39' 15" East a distance of 110.00 feet; thence North 0° 06' 26" West a distance of 63.05 feet; thence North 8° 33' 26" West a distance of 160.54 feet to the south line of Parcel A as shown on the map filed in Volume 10 of Parcel Maps at Page 22, Stanislaus County Records; thence South 89° 20' 45" East along said south line of Parcel A and its easterly prolongation thereof a distance of 240.03 feet to the point of beginning.

Containing: 1.663 net acres

INCLUDING also all of Parcel A as shown on that map filed in Book 10 of Parcel Maps, at Page 22, Instrument No. 38880, and the westerly 50.03 feet of Tully Road immediately adjacent to said Parcel A.

CONTAINING: 1.00 net acres

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

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

SECTION 5. PUBLICATION. 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 16th day of February, 1971, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William J. Nichols
Planning Department

Ordinance 1079 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of March, 1971, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 14, 1971

AN ORDINANCE AMENDING SECTION 2 OF
ORDINANCE NO. 916-C.S. RELATING TO
PLANNED DEVELOPMENT ZONE, P-D(45).
(MODESTO SWIM AND RACQUET CLUB)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 916-C.S.

Section 2 of Ordinance No. 916-C.S. is hereby amended to read as follows:

SECTION 2. USES. The following uses shall be permitted in said P-D(45) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code; said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit: Private recreational facilities, including the following:

1. Gymnasium;
2. Tennis facilities (excluding any stadium or bleachers, etc.);
3. Swimming facilities;
4. Parking area;
5. General recreation area;
6. Club activities area; and
7. All of the above facilities may be used by the Racquet Club members and their guests, and by any other private club or group for events or activities of those particular groups or clubs. The Racquet Club and such private groups or clubs may conduct social, recreational, athletic, or educational classes, instruction, tournaments, or other related activities on said premises. However, no dances, or dance band concerts that are open to the general public or that are advertised by any news media shall be permitted. All activities for young adults or teenagers conducted at the Club shall be terminated no later than 12:00 p.m.

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

SECTION 3. PUBLICATION. 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 16th day of February, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 24, 1971

AN ORDINANCE ADDING ARTICLE 8 TO CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO COMMUNICATION SYSTEMS.

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

SECTION 1. AMENDMENT OF CODE. Article 8 is hereby added to Chapter 7 of Title IV of the Modesto Municipal Code to read as follows:

ARTICLE 8. COMMUNICATION SYSTEMS

SEC. 4-7.801. AUTOMATIC CALLING DEVICES. No person shall use or operate, attempt to use or operate, or cause to be used or operated any device or combination of devices that is arranged, adjusted or programmed so that it will upon activation, either mechanically, electronically or by other automatic means, initiate, call and deliver a recorded message to any telephone number assigned to the City of Modesto by a public telephone company, without the prior written consent of the City Manager; nor shall any person so arrange, adjust, or program such devices without such permission.

The term "telephone number" includes any additional numbers assigned by a public telephone company to be used by means of a rotary or other system to connect with a primary telephone number when the primary number is in use.

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

SECTION 3. PUBLICATION. 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 16th day of February, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmen:	Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies
NOES:	Councilmen:	None
ABSENT:	Councilmen:	Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM: Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of February, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Robinson

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 24, 1971

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (MODESTO
AFFILIATED CHURCH HOUSING CORPORATION)

The Council of the City of Modesto does ordain as fol-
lows:

SECTION 1. ZONING CHANGE. Section 28-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Multiple-family Residential Zone, R-3,
to Planned-Development Zone, P-D (83) :

All that portion of Section 28, Township 3 South,
Range 9 East, Mount Diablo Base and Meridian, in
the County of Stanislaus, State of California,
being more particularly described as follows:
Lots 17 through 24 inclusive in Block 131 of
the City of Modesto, of Stanislaus County, State
of California.

Including also the northeasterly 40 feet of 17th Street,
the northwesterly 50 feet of I Street, all being
immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D 83 Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. 200 dwelling units
2. A minimum of 60 off-street parking spaces shall be provided.
3. A beauty shop
4. A gift shop

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

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

SECTION 5. PUBLICATION. 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.

meeting of the Council of the City of Modesto held on the 16th
day of February, 1971, by Councilman Dixon,
who moved its introduction and passage to print, which motion
being duly seconded by Councilman Newton, was upon roll
call carried and ordered printed and published by the following
vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Mitchell
Planning Department

Ordinance 1082 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of March, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 14, 1971

AN ORDINANCE AMENDING SECTIONS 3-3.01, 3-3.02, 3-3.03, 3-3.04 AND 3-3.06 OF CHAPTER 3 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO BICYCLES.

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

SECTION 1. AMENDMENT OF CODE. Sections 3-3.01, 3-3.02, 3-3.03, 3-3.04 and 3-3.06 of Chapter 3 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-3.01. LICENSE REQUIRED. It shall be unlawful for any person to operate or use a bicycle propelled wholly or in part by muscular power upon any streets, alleys or public highways of the City, without first obtaining ~~from the Police Department~~ a license therefor.

SEC. 3-3.02. PERIOD FOR WHICH LICENSE IS EFFECTIVE AND WHERE OPERATION IS PERMISSIBLE. ~~The Police Department is hereby authorized and directed to issue, upon written application, Bicycle licenses which shall be effective from the date of issuance. The~~ A license, when issued, shall entitle the licensee to operate the bicycle, for which the license has been issued, upon all the streets, alleys and public highways, exclusive of any sidewalk area in any business district as defined by the California Vehicle Code.

SEC. 3-3.03. LICENSE PLATES. The City shall provide ~~metallic licenses plates and seals,~~ together with registration cards therefor which shall have numbers stamped thereon in numerical order, beginning with Number 1, and also the letters MODESTO stamped thereon. ~~The metallic licenses plates shall be suitable for attachment on the frames of bicycles. It shall be the duty of the Police Department to attach one such metallic license plate~~ A license shall be attached to the frame of each bicycle and to issue a corresponding registration card to shall be issued to the licensee upon payment of the license fee herein provided for. ~~The metallic license plate shall remain attached to the bicycle. The Police Department shall also keep a record of the date of issue of each license, to whom issued and the number thereof.~~

SEC. 3-3.04. REPORTING SALE OF SECOND-HAND BICYCLES. All persons engaged in the business of buying second-hand bicycles are hereby required to make a daily report to the Police Department, giving the name and address of the person from whom each bicycle is purchased, the description of each bicycle purchased, the frame number thereof, and the number of the ~~metallic license plate~~ found thereon, if any. All persons engaged in the business of selling new or second-hand bicycles are hereby required to make a daily report to the Police Department, giving a list of all sales made by such dealers, which list shall include the name and address of each person to whom sold, the kind of bicycle sold, together with a description and frame number thereof, and the number of the ~~metallic license plate~~ attached thereto, if any.

SEC. 3-3.06. UNLAWFUL TO MUTILATE. It shall be unlawful for any person to willfully or maliciously remove, destroy, mutilate or alter the number of any bicycle frame licensed pursuant to this chapter. It shall also be unlawful for any person to remove, destroy, mutilate or alter any license plate, seal or registration card during the time in which such license plate, seal or registration card is operative. Provided, however, that nothing in this chapter shall prohibit the ~~Police Department from~~ stamping of numbers on the frames of bicycles on which no serial number can be found, or on which said number is illegible or insufficient for identification purposes.

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

SECTION 3. PUBLICATION. 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 22nd day of February, 1971, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Robinson

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of March, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell, Robinson

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 31, 1971

AN ORDINANCE AMENDING SECTION MAPS 7-3-9 AND 18-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, AND RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (HARLEY D. BRANNAN)

WHEREAS, a verified application for an amendment to Sections 7-3-9 and 18-3-9 of the Zoning Map was filed by Harley D. Brannan on December 10, 1970, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, the following described property:

All that certain real property situate in portion of Lots 4 and 5 of the Knapp Tract, according to the Official Map thereof, recorded in Volume 2 of Maps, at Page 2, Stanislaus County Records, described as follows:

Beginning at the Southeast corner of said Lot 4 of the Knapp Tract, said corner being on the centerline of Carver Road; thence South 0° 12' 25" East along said centerline of Carver Road 162.08 feet to its intersection with the centerline of Rumble Road; thence North 88° 36' 15" West along said centerline of Rumble Road 1318.09 feet to the West line of said Lot 5; thence North 0° 13' 15" West along said West line of Lot 5 and the West line of said Lot 4 a distance of 822.38 feet to the North line of the South half of said Lot 4; thence South 88° 32' 55" East along said North line of the South half 244.69 feet; thence South 1° 27' 05" West 115.00 feet; thence South 88° 32' 55" East 12.78 feet to a point which is 254.00 feet easterly of said West line of Lot 4; thence South 0° 13' 15" East along a line parallel with and 254.00 feet from said West line of Lots 4 and 5 a distance of 580.03 feet to a point which is 127.00 feet Northerly of said centerline of Rumble Road; thence South 88° 36' 15" East along a line parallel with and 127.00 feet from said centerline of Rumble Road 936.97 feet to a point which is 127.00 feet Westerly of said centerline of Carver Road; thence North 0° 12' 25" West along a line parallel to and 127.00 feet from said centerline of Carver Road 491.67 feet; thence North 89° 47' 35" East 17.00 feet; thence North 0° 12' 25" West 115.00 feet to the South line of the Prescott Community Hall Association property as described in Deed recorded in Volume 246 of Deeds, at Page 597, Stanislaus County Records; thence South 88° 32' 55" East along said South line of the Prescott Community Hall Association property 110.05 feet to said centerline of Carver Road; thence South 0° 12' 25" East along said centerline of Carver Road 572.01 feet to the point of beginning.

Including also the easterly 20 feet of Carver immediately adjacent to above described property.

Containing 8.7 acres.

WHEREAS, after public hearing held on January 19, 1971, it was found and determined by the Planning Commission as follows:

1. That rezoning to R-2 of that portion of the subject property proposed for lots fronting directly on Carver and Rumble

Roads is required by public necessity, convenience and general welfare for the following reasons:

(a) The proposed lots having frontage on Carver Road and Rumble Road would be created as an integral part of a subdivision.

(b) R-2 zoning of the proposed lots fronting directly onto Carver and Rumble Roads would provide a transition separating these busy collector streets from One-Family Residential development in the interior of the subdivision.

2. That rezoning of a portion of the subject property extending northerly from Rumble Road beyond the proposed lots having direct frontage on Rumble Road is not required by public necessity, convenience and general welfare for the following reasons:

(a) All 60' wide collector streets need not necessarily be bounded by R-2 density development.

(b) Granting R-2 density zoning along other than Rumble or Carver Roads, which are the existing two collector streets in the development, would create an undesirable land use pattern.

WHEREAS, by Resolution No. 71-8, adopted on January 19, 1971, the Planning Commission recommended to the Council that the application of Harley D. Brannan to amend Sections 7-3-9 and 18-3-9 of the Zoning Map to rezone to R-2 that portion of the subject property proposed for lots fronting directly on Carver and Rumble Roads, as hereinafter described in the revised property description, be approved.

WHEREAS, the Planning Commission further recommended, by Resolution No. 71-8, adopted on January 19, 1971, that the area of property included in the application for R-2 rezoning which is not comprised of proposed lots having direct frontage on Rumble or Carver Roads and is not included in the revised property description hereinafter described be denied.

does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the rezoning as recommended by the Planning Commission is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Sections 7-3-9 and 18-3-9 of the Zoning Map ^{are} hereby amended to reclassify the hereinafter described property from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2.

All that certain real property situate in portion of Lots 4 and 5 of the Knapp Tract, according to the Official Map thereof, recorded in Volume 2 of Maps, at Page 2, Stanislaus County Records, described as follows:

Beginning at the Southeast corner of said Lot 4 of the Knapp Tract, said corner being on the centerline of Carver Road; thence South $0^{\circ} 12' 25''$ East along said centerline of Carver Road 162.08 feet to its intersection with the centerline of Rumble Road; thence North $88^{\circ} 36' 15''$ West along said centerline of Rumble Road 1318.09 feet to the West line of said Lot 5; thence North $0^{\circ} 13' 15''$ West along said West line of Lot 5 a distance of 102.70 feet; thence North $89^{\circ} 46' 45''$ East 127.00 feet; thence North $0^{\circ} 13' 15''$ West 20.77 feet to a point which is 127.00 feet northerly of said centerline of Rumble Road; thence South $88^{\circ} 36' 15''$ East along a line parallel with and 127.00 feet from said centerline of Rumble Road 1064.02 feet to a point which is 127.00 feet Westerly of said centerline of Carver Road; thence North $0^{\circ} 12' 25''$ West along a line parallel to and 127.00 feet from said centerline of Carver Road 491.67 feet; thence North $89^{\circ} 47' 35''$ East 17.00 feet; thence North $0^{\circ} 12' 25''$ West 115.00 feet to the South line of the Prescott Community Hall Association property as described in Deed recorded in Volume 246 of Deeds, at Page 597, Stanislaus County Records; thence South $88^{\circ} 32' 55''$ East along said South line of the Prescott Community Hall Association property 110.05 feet to said centerline of Carver Road; thence South $0^{\circ} 12' 25''$ East along said centerline of Carver Road 572.01 feet to the point of beginning.

Including also the easterly 20 feet of Carver Road immediately adjacent to the above described property.

Containing 4.17 acres.

SECTION 3. ZONING MAP. Sections 7-3-9 and 18-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to ^{its} ~~the~~ 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 22nd day of February, 1971, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the ~~following~~ ^{following} vote:

AYES: Councilmen: Dixon, Newton, Mitchell, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION

By William J. Nichols
Planning Department

Ordinance 1084 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of April, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 5, 1971

AN ORDINANCE AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO.

WHEREAS, Section 3-2.1501 of the Modesto Municipal Code provides that changes in the boundaries of the parking meter zones shall be made by ordinance adopting an amended Parking Meter Zoning Map, or section or unit thereof.

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

SECTION 1. PARKING METER ZONING MAP. The Parking Meter Zoning Map of the City of Modesto is hereby 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 thirty (30) 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 1st day of March, 19 71, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell, Robinson

APPROVED: Lee H. Davies

LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson

ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of March, 1971, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 14, 1971

Ordinance 1085 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

AN ORDINANCE AMENDING SECTION 3-1.201 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTION 3-1.201.1 THEREOF, RELATING TO FIRE PREVENTION.

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

SECTION 1. AMENDMENT OF CODE. Section 3-1.201 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.201. SPECIFIC DISTRICTS. For the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of buildings and/or structures in the City as defined in the Building Code of the City of Modesto, the entire City is hereby declared to be and is established as a fire district comprising three (3) zones, respectively known and designated as Fire Zone No. 1, Fire Zone No. 2 and Fire Zone No. 3.

The territory or portion of the City included in each of said fire zones is more particularly described as follows:

(a) Fire Zone No. 1 shall include and comprise all the territory within the City described as follows:

Blocks 67, 68, 69, 83, 84 and 85 in the City of Modesto

(b) Fire Zone No. 2 shall include and comprise all the territory within the City, except Blocks 67, 68, 69, 83, 84 and 85, which is now or hereafter, under the Zoning Regulations of the City of Modesto, designated as:

(1) C-1, C-2, C-M, M-1, M-2 and M-P Zones.

(2) Those lots in P-O, H-1, P-D and R-3 Zones on which there are uses other than dwellings.

(c) Fire Zone No. 3 shall include and comprise all the territory within the City which is now or hereafter, under the Zoning Regulations of the City of Modesto, designated as:

(1) R-A, R-1, R-2 and F Zones.

(2) Those lots in P-O, H-1, P-D and R-3 Zones which are used exclusively for dwellings.

Plus those areas of the Modesto City-County Airport which are occupied by aircraft repair hangars.

SECTION 2. REPEALS. Section 3-1.201.1 of Article 2 of Chapter 1 of Title III 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 thirty (30) 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 1st day of March, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell, Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of March, 1971, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 14, 1971

AN ORDINANCE ADDING SECTION 9-1.13.1 TO CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO BUILDING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 9-1.13.1 is hereby added to Chapter 1 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-1.13.1. FIRE-RETARDANT ROOF. That Section 1315 of said Building Code be added to read as follows:

Section 1315. Roof covering shall be fire-retardant roofing as specified in Section 3203 (e). See Section 104 (f) for repairs.

SECTION 2. FINDING AND DECLARATION. As required by Section 17958.7 of the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing addition to the Uniform Building Code, 1970 Edition, is necessary in order to require fire-retardant roofs on apartment houses located in Fire Zone No. 3, which requirement is necessary in order to assure adequate fire protection while continuing to permit the least expensive construction.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. 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 1st day of March, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell, Robinson

ATTEST:

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of March, 1971, Councilman Dixon moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Robinson, Smith

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 7, 1971

AN ORDINANCE ADDING CHAPTER 9 TO TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE HOUSING CODE.

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

SECTION 1. Chapter 9 entitled "Housing Code" is hereby added to Title IX of the Modesto Municipal Code to read as follows:

CHAPTER 9 - HOUSING CODE

SEC. 9-9.01. ADOPTION BY REFERENCE OF "HOUSING CODE". That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Building Code Volume III, Housing, 1970 Edition" published by the International Conference of Building Officials, which said Code provides for proper regulations for the alteration, relocation, removing, demolition, sanitation, occupancy, vacation, equipment, use and maintenance of residential buildings within the City, and providing procedures for processing appeals on decisions made by the Building Official, and providing for enforcement of orders, performance of work, repair or demolition, and for recovering the costs of repair or demolition, as hereinafter amended, deleted and added to, and not including the appendix thereto, is hereby adopted by reference as the Housing Code of the City of Modesto.

SEC. 9-9.02. TITLE. That Section H-101 of said Housing Code be amended to read as follows:

Section H-101. This Code shall be known as the "Housing Code", may be cited as such, and will be referred to herein as "this Code".

SEC. 9-9.03. BOARD OF APPEALS. That Section H-203 of said Housing Code be amended to read as follows:

Section H-203. In order to provide for final interpretation of the provisions of this Code and to hear appeals provided for hereunder, the Board of Appeals created by Section 205 of the "Dangerous Building Code" is hereby designated as the Housing Advisory and Appeals Board for this Code. Appeals to the Board shall be processed in accordance with the provisions contained in Section H-1201 of this Code.

SEC. 9-9.04. SUBSTANDARD BUILDINGS. That Section H-1001 of said Housing Code be amended to amend subsection (a) thereof and add subsection (p) thereto to read as follows:

(a) General. Any building or portion thereof including any dwelling unit, guest room or suite of rooms, or the premises on which the same is located, in which there exists any of the following listed conditions shall be deemed and hereby is declared to be a substandard building.

(p) Other Conditions. Any conditions to an extent that endangers the life, limb, health, property, safety or welfare of the public.

SEC. 9-9.05. DUTIES AND RESPONSIBILITIES OF HOUSING ADVISORY AND APPEALS BOARD. That Section H-1301 of said Housing Code be amended to read as follows:

Section H-1301. The Building Official shall act as Secretary of the Housing Advisory and Appeals Board and shall keep a record of its proceedings and transactions. The Board shall adopt reasonable rules and regulations for conducting its investigations and hearings, and shall render all decisions and findings in writing. The Board may recommend to the Council such new legislation as is consistent with its duties and responsibilities.

SEC. 9-9.06. REASONABLE DISPATCH. That Section H-1302 of said Housing Code be amended to read as follows:

Section H-1302. The Board shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

SEC. 9-9.07. HOUSING AND ADVISORY APPEALS BOARD MAY REQUEST REPORTS. That Section H-1303 of said Housing Code be amended to read as follows:

Section H-1303. Whenever in the course of any proceedings taken hereunder, the Board shall have cause to request additional information, the same may be requested of the Building Inspection Division, the Fire Department, the Health Department, or any other agencies charged by law with enforcement of health or safety requirements of local or State law.

SEC. 9-9.08. FORM OF DECISION. That Section H-1304 of said Housing Code be amended to read as follows:

Section H-1304. Decisions of the Board shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.

SEC. 9-9.09. EFFECTIVE DATE OF DECISION. That Section H-1305 of said Housing Code be amended to read as follows:

Section H-1305. The effective date of decisions of the Board shall be as stated therein.

SECTION 2. FINDINGS AND DECLARATION. As required by Section 17958.7 of the Health and Safety Code of the State of California, the Council of the City of Modesto finds and declares that the foregoing amendments to the Uniform Building Code, Volume III, Housing, 1970 Edition, are necessary to clarify the definition of substandard buildings, to facilitate appeals procedures, and to minimize the number of boards and commissions operating under the Charter and Municipal Code of the City of Modesto.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. 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 8th day of March, 1971, by

Councilman Mitchell, who moved its introduction and passage to print,
which motion being duly seconded by Councilman Newton, was upon roll call
carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Smith

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of March, 1971, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 14, 1971

ORDINANCE NO. 1009 - C. S. 13e

AN ORDINANCE AMENDING CHAPTER 8 OF TITLE IX
OF THE MODESTO MUNICIPAL CODE RELATING TO THE
DANGEROUS BUILDING CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 8 of Title IX of the Modesto
Municipal Code is hereby amended to read as follows:

CHAPTER 8 - DANGEROUS BUILDING CODE

SEC. 9-8.01. ADOPTION BY REFERENCE OF "DANGEROUS BUILDING
CODE." That certain document, three (3) copies of which are on
file in the office of the City Clerk, being marked and designated as "Uniform
Building Code, Volume IV, Dangerous Buildings, 1970 Edition" published
by the International Conference of Building Officials, which said Code
provides for a just, equitable, and practicable method, to be cumulative
and in addition, to any other remedy available at law, whereby buildings
or structures which from any cause endanger the life, limb, health, morals,
property, safety or welfare of the general public or their occupants,
may be required to be repaired, vacated, or demolished, and providing
procedures for processing appeals on decisions made by the Building
Official, and providing for enforcement of orders, performance of work,
repair or demolition, and for recovery of costs of repair or demolition,
as hereinafter amended, deleted and added to, is hereby adopted by
reference as the Dangerous Building Code of the City of Modesto.

SEC. 9-8.02. TITLE. That Section 101 of said Dangerous Building Code
be amended to read as follows:

Section 101. This Code shall be known as the "Dangerous Building Code",
may be cited as such, and will be referred to herein as "this Code".

SEC. 9-8.03. BOARD OF APPEALS. That Section 205 of said
Dangerous Building Code be amended to read as follows:

Section 205. In order to provide for final interpretation of the provisions
of this Code and to hear appeals provided for hereunder, there is
hereby created a Board of Appeals, consisting of five (5) members who
by experience or training are capable of passing upon matters pertaining
to building construction. The Board of Appeals shall be appointed by the
Council in accordance with the provisions of Article XI of the City
Charter. Appeals to the Board shall be processed in accordance with
the provisions contained in Section 501 of this Code.

SEC. 9-8.04. DANGEROUS BUILDINGS. That Section 302 of said
Dangerous Building Code be amended to read as follows:

Section 302. For the purpose of this Code, any building or structure
which has any or all of the conditions or defects hereinafter described
shall be deemed to be a dangerous building:

(a) Whenever any door, aisle, passageway, stairway or other
means of exit do not comply with the minimum requirements of the
Uniform Building Code or is not of sufficient width or size, or is not
so arranged as to provide safe and adequate means of exit in case of fire
or panic.

(b) Whenever the stress in any materials, members or
portions thereof, due to all dead loads, live loads, and lateral loads,
is more than one and one-half (1 1/2) times the working stress or
stresses allowed in the Uniform Building Code, for new buildings of
similar structure, purpose or location.

quake, wind, flood, or by any other cause, to such an extent that the structural strength or stability thereof is less than it was before such catastrophe and is less than the minimum requirements of the Uniform Building Code, for new buildings of similar structure, purpose or location.

(d) Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

(e) Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one-half (1/2) of that specified in the Uniform Building Code for new buildings of similar structure, purpose or location without exceeding the working stresses permitted in the Uniform Building Code for such buildings.

(f) Whenever any portion thereof has wracked, warped, buckled or settled to such an extent that walls or other structural portions have less resistance to winds or earthquakes than is required in the case of similar new construction.

(g) Whenever the building or structure, or any portion thereof, because of (i) dilapidation, deterioration, or decay; (ii) faulty construction; (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building; (iv) the deterioration, decay or inadequacy of its foundation; or (v) any other cause, is likely to partially or completely collapse.

(h) Whenever, for any reason, the building or structure, or any portion thereof, is unsafe for the purpose for which it is being used.

(i) Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third (1/3) of the base.

(j) Whenever the building or structure, exclusive of the foundation, shows thirty-three (33%) per cent or more damage or deterioration of its supporting member or members, or fifty (50%) per cent damage or deterioration of its nonsupporting members, enclosing or outside walls or coverings.

(k) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(l) Whenever any building or structure has been constructed, exists or is maintained in violation of any specific requirement or prohibition applicable to such building or structure provided by the building regulations of this city, as specified in the Uniform Building Code, Volume I, or Uniform Building Code, Volume III, Housing, or of any law or ordinance of this State or city relating to the condition, location, or structure of buildings.

(m) Whenever any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting part, member or portion, less than fifty (50%) per cent, or in any supporting part, member, or portion less than sixty-six (66%) per cent of the (i) strength, (ii) fire-resisting qualities or characteristics, or (iii) weather-resisting qualities or characteristics required by law in the case of a newly constructed building of like area, height and occupancy in the same location.

(n) Whenever a building or structure, used or intended to be used for dwelling purposes, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities, or otherwise, is determined by the Health Officer to be unsanitary, unfit for human habitation or in such a condition that is likely to cause sickness or disease.

(o) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the Fire Marshal to be a fire hazard.

(p) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(q) Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six (6) months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.

(r) Whenever any conditions or defects exist to the extent that the life, health, property, or safety of the public or its occupants are endangered.

SEC. 9-8.05. DUTIES AND RESPONSIBILITIES OF BOARD OF APPEALS. That Section 601 of said Dangerous Building Code be amended to read as follows:

Section 601. The Building Official shall act as Secretary of the Board of appeals and shall keep a record of its proceedings and transactions. The Board shall adopt reasonable rules and regulations for conducting its investigations and hearings, and shall render all decisions and findings in writing. The Board may recommend to the Council such new legislation as is consistent with its duties and responsibilities.

SEC. 9-8.06. REASONABLE DISPATCH. That Section 602 of said Dangerous Building Code be amended to read as follows:

Section 602. The Board shall proceed with reasonable dispatch to conclude any matter before it. Due regard shall be shown for the convenience and necessity of any parties or their representatives.

SEC. 9-8.07. BOARD OF APPEALS MAY REQUEST REPORTS. That Section 603 of said Dangerous Building Code be amended to read as follows:

Section 603. Whenever in the course of any proceedings taken hereunder, the Board shall have cause to request additional information, the same may be requested of the Building Department, the Fire Department, the Health Department, or any other agencies charged by law with enforcement of health or safety requirements of local or State law.

SEC. 9-8.08. FORM OF DECISION. That Section 604 of said Dangerous Building Code be amended to read as follows:

Section 604. Decisions of the Board shall be in writing and shall contain findings of fact, a determination of the issues presented, and the requirements to be complied with. A copy of this decision shall be delivered to the appellant personally or sent to him by certified mail, postage prepaid, return receipt requested.

SEC. 9-8.09. EFFECTIVE DATE OF DECISION. That Section 605 of said Dangerous Building Code be amended to read as follows:

Section 605. The effective date of decisions of the Board shall be as stated therein.

in full force and operation from and after thirty (30) 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 8th day of March, 1971, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Smith

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of March, 1971, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 14, 1971

AN ORDINANCE REPEALING SECTION 9-1.03 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE BUILDING CODE.

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

SECTION 1. REPEALS. Section 9-1.03 of Chapter 1 of Title IX of the Modesto Municipal Code is hereby repealed.

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

SECTION 3. PUBLICATION. 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 8th day of March, 1971, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Mayor
Davies
NOES: Councilmen: None
ABSENT: Councilmen: Robinson, Smith

APPROVED: Lee H. Davies

LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth

W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson

ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of March, 1971, Councilman Newton moved its final adoption, which motion being duly seconded by Councilman Dixon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 14, 1971

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF,
 THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
 FYING CERTAIN PROPERTY LOCATED THEREON. (James E.
 Price)

The Council of the City of Modesto does ordain as fol-
 lows:

SECTION 1. ZONING CHANGE. Section 22-3-9 of the
 Zoning Map is hereby amended to reclassify the following-described
 property from Multiple-family Residential Zone, R-3,
 to Planned-Development Zone, P-D (85) :

All that portion of Lot 13 of the Broughton Colony as shown on
 the map filed in Volume 1 of Maps at Page 78, Stanislaus County
 Records and lying in the Northwest quarter of Section 22,
 Township 3 South, Range 9 East, Mount Diablo Base and Meridian,
 described as follows:

Commencing at the intersection of the West line of Section 22
 and the North line of Lot 13 of the Broughton Colony; thence
 North 89° 53' 05" East along the North line of said Lot 13
 a distance of 18.16 feet to the true point of beginning of this
 description; thence continuing North 89° 53' 05" East along
 said North line of Lot 13 a distance of 869.02 feet; thence
 South 0° 29' 40" East a distance of 59.34 feet; thence in a
 southeasterly direction along a curve concave to the northeast
 through a central angle of 21° 19' 40", having a radius of
 250.00 feet, a curve distance of 93.06 feet; thence South
 21° 49' 20" East a distance of 72.19 feet; thence in a south-
 westerly direction along a curve concave to the southeast from
 a tangent bearing South 68° 10' 40" West thru a central angle
 of 49° 38' 17", having a radius of 250.00 feet, a curve distance
 of 216.59 feet; thence South 18° 32' 23" West a distance of
 167.71 feet; thence North 71° 27' 37" West a distance of 345.00
 feet; thence in a northwesterly direction along a curve concave
 to the northeast through a central angle of 54° 21' 38", having
 a radius of 600.00 feet, a curve distance of 569.26 feet to
 the point of beginning.

Containing 6.293 acres.

SECTION 2. USES. The following uses shall be permitted in said P-D (85) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. 132 two-story apartment units.
2. At least 198 off-street parking spaces - at least 132 spaces covered.
3. 2 single bedroom and bath guest units with occupancy limited to guests of residents within the P-D Zone.
4. Accessory buildings and facilities as shown on the plan.

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

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

SECTION 5. PUBLICATION. 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 March, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William Nichols
Planning Department

**Ordinance 1091 C.S.
Exhibit A – Map**

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of April, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 5, 1971

AN ORDINANCE AMENDING SECTION MAP 10-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (TOM SUTTER)

The Council of the City of Modesto does ordain as fol-
lows:

SECTION 1. ZONING CHANGE. Section 10-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Multiple-family Residential Zone, R-3, 2011
to Planned-Development Zone, P-D (84) :

All that portion of the southwest quarter of Section 10,
Township 3 South, Range 9 East, Mount Diablo Base and
Meridian described as follows:

All of lots 1, 2, 3, 4 and 5 in Block 12500 of Coffee
Terrace No. 1, being a subdivision of land, as shown
on the face of the map thereof filed May 20, 1970, in
Volume 22 of Maps, at Page 47, in the Stanislaus County
Records.

Including also all of Rumble Road and the easterly 50
feet of Coffee Road immediately adjacent to the above
described property.

SECTION 2. USES. The following uses shall be permitted in said P-D (84) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. 36 two-story multilpe-family dwelling units
2. At least 54 parking spaces
3. Accessory buildings as shown on the plan

SECTION 3. ZONING MAP. Section Map 10-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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.

meeting of the Council of the City of Modesto held on the 15th
day of March, 1971, by Councilman Newton,
who moved its introduction and passage to print, which motion
being duly seconded by Councilman Smith, was upon roll
call carried and ordered printed and published by the following
vote:

- AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Robinson

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Evelyn L. Johnson*
EVELYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *William J. Nichols*
Planning Department

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of April, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 5, 1971

Ordinance 1092 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

AN ORDINANCE AMENDING SECTION MAP 9-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(ALLEN GRANT)

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Allen R. Grant

on January 15, 19 71, to reclassify from One-family Residential Zone, R-1, to Two-family Residential Zone Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on February 16, 19 71, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 71-18, adopted on February 16, 19 71, the Planning Commission recommended to the Council that the application of Allen R. Grant

to amend Section 9-3-9 of the Zoning Map to reclassify the hereinafter described property from One-family Residential Zone, R-1, to Two-family Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-family Residential Zone,

R-1, to Two-family Residential Zone,

R-2 :

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

All of lots 6, 7, 8, 9, and 10 in Block 12307 of King Arthur's Camelot being a Subdivision Map recorded June 8, 1965, in Volume 21 of Maps, at Page 13, in the County of Stanislaus Records.

Including also the Northerly 30 feet of Rumble and the Easterly 30 feet of Lancelot Lane immediately adjacent to the above described property.

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

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

SECTION 5. PUBLICATION. 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 March, 1971, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: ~~Abner~~ Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY William L. Nichols
Planning Department

Ordinance 1093 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of April, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 5, 1971

AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (ROBERT M. WEEKS)

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

SECTION 1. ZONING CHANGE. Section 16-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from One-family Residential Zone, R-1,
to Planned-Development Zone, P-D (86) :

All that portion of the north half of the southeast quarter of Section 16, Township 3 south, Range 9 east, Mount Diablo Base and Meridian, situated in the County of Stanislaus, State of California, more particularly described as follows:

Commencing at the point of intersection of the centerline of Coffee Road with the centerline of Norwegian Avenue; thence north $88^{\circ} 39'$ west along the centerline of Norwegian Avenue 804.04 feet to the true point of beginning; thence, north $0^{\circ} 01'$ west 615.54 feet to the north boundary line of the property conveyed to Michael Mancini, et ux, by deed recorded August 11, 1944, Instrument No. 11466; thence, north $88^{\circ} 37'$ west along the north line of said Mancini property 247.65 feet; thence south $0^{\circ} 01'$ east 615.60 feet to the centerline of Norwegian Avenue; thence, south $88^{\circ} 39'$ east along the centerline of Norwegian Avenue 247.65 feet to the true point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D 86 Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

1. 48 units, 1 and 2 story multiple-family dwelling units.
2. At least 72 off-street parking spaces - at least 48 spaces covered.
3. Maintenance building and yard for use by management only.
4. Accessory buildings and facilities as shown on the plan.

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

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

SECTION 5. PUBLICATION. 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 March, 19 71, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By William Nichols
Planning Department

Ordinance 1094 C.S.
Exhibit A – Map

Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of April, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 5, 1971

AN ORDINANCE AMENDING CHAPTER 5 OF TITLE V OF THE
MODESTO MUNICIPAL CODE RELATING TO GARBAGE DISPOSAL.

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

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

CHAPTER 5 - GARBAGE DISPOSAL

SEC. 5-5.01. DECLARATION OF POLICY. The accumulation, collection, removal and disposal of garbage must be controlled by the City for the protection of the public health, safety and welfare. The Council finds that to give effect to this policy, a comprehensive system for the periodic collection, removal, and disposal of garbage from all premises in the City is essential and benefits all occupants of premises in the City, and, therefore, all such occupants are required to have garbage collection service.

SEC. 5-5.02. DEFINITIONS. The following words and phrases, whenever used in this chapter, shall be construed as defined in this section.

(a) "Director of Finance" means the Director of Finance of the City of Modesto or his duly authorized agent.

(b) "Director of Public Works" means the Director of Public Works of the City of Modesto or his duly authorized agent.

(c) "Disposal Area" as used in this chapter shall mean any area designated or provided by the City Council from time to time for the purpose of disposal of garbage.

(d) "Place or Premises" means every dwelling house, dwelling unit, apartment house, or multiple dwelling building, trailer or mobile home park, store, restaurant, rooming house, hotel, motel, hospital, office building, department store; manufacturing, processing or assembling shop or plant; warehouse, and every other property or building where any person resides or any business or activity is carried on or conducted within the City of Modesto.

(e) "Customer" shall mean any person, firm or corporation receiving garbage service under the provisions of this chapter.

(f) "Garbage" means any and all matter and materials which are rejected, abandoned or discarded by the owners or producers thereof as offensive, or useless, or no longer desired by said owners or producers thereof, and which by their presence or accumulation may injuriously affect the health, comfort or safety of the community. It shall include rubbish, waste matter, swill, salvageable waste and similar substances or materials of the nature described above, but shall not include garden refuse as defined in Section 4-7.1102 of this Code.

(g) "Swill" means all classes of putrescible, animal, fish, fowl, fruit or vegetable matter, and shall include matter or substances used in the preparation, cooking, dealing in or storage of meats, fowl, fish, fruits and vegetables that are subject to immediate decay and the attraction of flies or rodents, and having a property value.

(h) "Rubbish" means non-putrescible, useless, unused, unwanted or discarded material or debris, either combustible or non-combustible which by their presence may injuriously affect the health, safety and comfort of persons and property in the vicinity thereof.

- (i) "Salvageable waste" means rubbish having a property value.
- (j) "Property value" means a worth to the extent that a collector will collect the materials involved with compensation to the customer, or at no cost to the customer.
- (k) "Industrial garbage" means garbage produced by any person, firm or corporation engaged in the business of processing or manufacturing agricultural products, animals, poultry, goods, wares, or other products or materials, who processes or manufactures the same for the purpose of wholesale in processed or manufactured form.
- (l) "Garbage collector" means an agent or employee of the City, or any person, or the agents, assignees or employees thereof, to whom a license shall have been issued under the terms of this chapter for the collection of garbage as hereinafter set forth.
- (m) "Swill collector" means an agent or employee of the City, or any person, or the agents, assignees, or employees thereof, to whom a license shall have been issued under the terms of this chapter for the collection of swill.
- (n) "Salvageable waste collector" means an agent or employee of the City, or any person, or the employees thereof, to whom a license shall have been issued under the terms of this chapter for the collection of salvageable wastes.
- (o) "Industrial garbage collector" means an agent or employee of the City, or any person, or the employees thereof, to whom a license shall have been issued under the terms of this chapter for the collection of industrial garbage.
- (p) "Standard container" means a galvanized metal can, water-tight and with a close-fitting cover, cover handle and side handles, of not less than ten (10) nor more than thirty-three (33) gallons net capacity, of a design satisfactory to the Director of Public Works, or such other disposal unit of like capacity approved by the Director of Public Works.
- (q) "Detachable container" means a metal container, water-tight and with a cover, designed for direct dumping into a collection vehicle, and constructed in standard sizes with a minimum of one cubic yard in capacity, as approved by the Director of Public Works, and furnished by a licensed collector.
- (r) "Drop box container" means a metal box designed for loading upon a vehicle for transportation to the disposal area, with a minimum of twenty (20) cubic yards capacity, of a design approved by the Director of Public Works, and furnished by a licensed collector

SEC. 5-5.03. SEGREGATION AND DISPOSITION OF WASTE MATERIALS. Every producer of garbage may, at his option, segregate the same into rubbish, salvageable waste, and/or swill, and dispose of the same as provided in this chapter.

SEC. 5-5.04. DEPOSITING OR BURYING GARBAGE. No person shall throw, drop, leave, dump, bury, place, keep, accumulate, or otherwise dispose of any garbage upon any property within the city limits of the City, either with or without intent to remove the same from such property; or upon any street, way, sidewalk, gutter, stream or creek or the banks thereof, or any public place or public property within the city limits of the City; provided, however, that this section should not apply to any land used by the City for a disposal area.

SEC. 5-5.05. ACCUMULATION OF GARBAGE OR RUBBISH. Every person shall keep the premises occupied by him, and every owner of any unoccupied premises or property shall keep the same, in a clean and sanitary condition, and shall not cause, suffer, or permit any garbage to accumulate on such premises or property for a period in excess of

one calendar week; or cause, suffer, or permit any rubbish to accumulate on his premises for a period in excess of one calendar month; provided, however, that this provision shall not be construed to prohibit any person from keeping building materials on any premises or property during the period of active construction, reconstruction, or repair of a building or structure thereon under a current valid building permit; nor the keeping of wood, neatly piled, upon such premises for household use, nor the composting of grass or trimmings.

SEC. 5-5.06. GARBAGE COLLECTION. Collection of garbage shall be made at least once a week, and collection of swill shall be made daily. The collector shall transfer the contents of all containers into the collection vehicle provided therefor without spilling any contents.

SEC. 5-5.07. CONTAINERS REQUIRED. It shall be unlawful for any person occupying any premises within the City, or for any person owning, controlling or maintaining any premises within the City where garbage is created, produced, or accumulated, to fail or neglect to obtain a sufficient number of standard containers for receiving and holding without leakage or escape of odors all garbage produced, created, or accumulated upon such premises, except as hereinafter provided; and all such persons shall deposit all such garbage in such containers, and all such containers shall be at all times kept in a good usable and sanitary condition. Containers shall be kept continuously closed except when garbage is being placed therein or removed therefrom, and shall at all times be closed against the access of flies, rodents, and animals to the contents thereof. Garbage and rubbish may be deposited in the same container. Containers shall not exceed thirty-three (33) gallons in volume, and shall not exceed fifty (50) pounds in weight when filled for removal, except when detachable or drop box containers are used.

SEC. 5-5.08. NUMBER OF CONTAINERS REQUIRED. All places or premises within the City shall have sufficient containers to hold all garbage generated, produced or accumulated on the place or premise during a one-week period, unless a more frequent collection schedule has been approved or directed pursuant to this chapter. In determining the sufficiency of the number of containers required, the following minimum standards shall apply.

(a) One family and two family dwellings: one standard container per dwelling unit.

(b) Three family dwellings, apartment houses, and multiple dwelling buildings: one standard container per dwelling unit, unless a lesser number is authorized by the Director of Public Works.

(c) Motel, hotel, trailer park, or mobile home park: one standard container per unit or space, unless a lesser number is authorized by the Director of Public Works.

(d) Commercial place or premise: not less than one standard container.

Customers responsible for garbage collection services to apartment houses, multiple dwelling buildings, commercial and industrial places or premises may arrange for the use of detachable containers and/or drop box containers instead of standard containers. These arrangements shall be made with the licensed collector on the basis of charges established for this purpose.

Nothing herein shall be construed to prohibit the joint use of a detachable container or drop box container by two or more customers upon approval of the Director of Public Works.

SEC. 5-5.09 PROHIBITED LOCATION OF CONTAINERS. Garbage, rubbish, swill, industrial garbage and salvageable waste containers shall not be placed or allowed to remain in or on any street or alley right of way, unless authorized by the Director of Public Works.

SEC. 5-5.10. CONTAINER LOCATIONS.

(a) On single family and two family premises, garbage containers shall be placed by the customer on the premises and collected by the collector as follows:

1. Where alleys exist, upon the customer's premises, immediately adjacent to and accessible from the alley without the necessity of entering the premises.

2. Where alleys do not exist, upon the customer's premises, in a location no greater than fifty (50') feet from the front property line and accessible to the collector without the necessity of entering a fenced yard. All containers shall be screened from public view in a manner approved by the Director of Public Works.

(b) Standard and detachable containers for garbage service to multiple dwelling buildings, apartments, commercial and industrial premises, shall be placed in a location no greater than fifty (50') feet from the nearest point where the collector's vehicle can reasonably be parked. Drop box containers shall be located as agreed upon between the customer and the collector. In case of dispute, the location shall be as determined by the Director of Public Works.

(c) Containers for garbage may be placed on premises at a location other than required in paragraphs (a) and (b) above if the customer so desires, and collected therefrom at an additional charge as set forth in the schedule of charges adopted by the City Council from time to time.

SEC. 5-5.11. EXPLOSIVES OR HAZARDOUS MATERIALS. No person shall deposit in any container used for garbage, rubbish, swill, industrial garbage or salvageable waste any explosive, highly flammable, radioactive or otherwise hazardous material or substance without having first made special arrangements therefor with the collector thereof.

SEC. 5-5.12. SPILLAGE OF RUBBISH. All rubbish hauled by any person over public streets in the City shall be secured during the hauling thereof so as to prevent spillage or blowing.

SEC. 5-5.13. FURNISHING OF DETACHABLE AND DROP BOX CONTAINERS. Any license granted by the City for garbage collection shall provide for the availability of approved detachable containers and drop box containers by the licensee on a rental basis. The licensee shall be responsible for the general repair and upkeep of all detachable containers and drop box containers. The customer shall maintain all rented detachable containers and drop box containers in a sanitary condition at all times.

SEC. 5-5.14. HOURS OF COLLECTION.

(a) No collections shall be made in residential districts, as shown on the Zoning Map of the City of Modesto, or at schools, churches, hospitals, offices or commercial establishments in or adjacent to said residential districts, except between the hours of 6:00 o'clock A. M. and 6:00 o'clock P. M.

(b) No collections shall be made from premises in commercial areas other than described in subsection (a) above, except between the hours of 6:00 o'clock P. M. and 10:00 o'clock A. M. of the following day. The Director of Public Works shall determine the commercial areas subject to this provision.

SEC. 5-5.15. COLLECTION EQUIPMENT. All collections shall be made with vehicles of a design approved by the Director of Public Works. All collections shall be made as quietly as possible, and use of any unnecessarily noisy trucks or equipment is prohibited.

SEC. 5-5.16. LICENSE TO COLLECT GARBAGE.

(a) It shall be unlawful for any person to engage in the business of collecting garbage, swill, industrial garbage and/or salvageable waste within the City unless such person is an employee or agent of the City, or has been granted a license by the Council so to do, or is the employee of a person who has been so licensed.

(b) It shall be unlawful for any person to interfere in any manner with the lawful operations of such licensee or his authorized agents or assignees.

(c) The City may provide in any license issued pursuant to this chapter that the licensee may assign a portion or portions of the garbage collection services for which he is so licensed to one or more agents or assignees upon approval of the City Council. The licensee shall be responsible for the operation and conduct of such agents or assignees.

SEC. 5-5.17. REMOVAL OF GARBAGE BY PRODUCERS. Notwithstanding the provisions of Section 5-5.16:

(a) Any person may remove or dispose of, or may cause to be removed and disposed of, from premises occupied by him or under his control, such rubbish as is created or produced on such premises in excess of the regular garbage collection made by City's licensee if the following conditions have been or will be complied with:

1. Such removal and disposal activity shall be only by the owner or occupant personally, or by such owner's or occupant's regularly employed personnel carried on owner's or occupant's payroll records as an employee.

2. All vehicles used in carrying out such removal and disposal activities shall be owned by, or under the exclusive control of owner or occupant, and shall meet all the requirements of this chapter and all other laws and ordinances of the State of California and the City. Any such vehicle shall be subject to inspection by the Director of Public Works.

(b) Any producer of industrial garbage or swill, or his employee, may transport the same upon or through any street or public place of the City for disposal at an approved disposal area. In the event said producer desires to dispose of such garbage or swill at a location other than an approved disposal area, the approval of the Health Officer shall first be obtained in writing of the manner in which and the place at which such industrial garbage or swill is to be disposed of. If, in the opinion of the Health Officer, such manner of disposal will be detrimental to the public health or welfare, the Health Officer shall have the right to deny such request.

(c) It shall be unlawful for any person acting as an employee of a producer of industrial garbage or swill to collect or transport such garbage or swill from more than one industrial producer thereof.

(d) Any person engaged in the business of gardening or tree trimming, or building demolition, is authorized to remove and dispose of rubbish as an incident to such business.

SEC. 5-5.18. LICENSE FEE FOR COLLECTION OF GARBAGE AND INDUSTRIAL GARBAGE. The license fee for engaging in the business of collecting garbage, and/or industrial garbage, in the City shall be the sum of One hundred and no/100ths (\$100.00) Dollars per year, or fraction thereof, payable in advance. In addition to the annual fee, the collector shall be required to pay quarterly to the City within thirty (30) days

following the close of the preceding quarter an amount equivalent to five (5) per cent of the gross receipts derived from the furnishing of such garbage collection services within the City for the preceding quarter. Quarters shall terminate on March 31, June 30, September 30 and December 31.

SEC. 5-5.19. LICENSE FEE FOR COLLECTION OF SWILL AND/OR SALVAGEABLE WASTE. The license fee for the privilege of engaging in the business of collecting swill or salvageable wastes in the City shall be the sum of Twenty-five and no/100ths (\$25.00) Dollars per calendar quarter, or fraction thereof, payable in advance.

SEC. 5-5.20. DELINQUENT LICENSE FEES. To all license fees not paid within thirty (30) days following the close of the preceding quarter there shall be added a penalty of five (5%) per cent of the amount of license fees due per month or fraction thereof until paid.

SEC. 5-5.21. APPLICATIONS FOR LICENSES. Applications for licenses under this chapter shall be submitted in writing to the City Clerk. Each application shall contain the following information:

(a) Name and address of the applicant. If the applicant is a firm or partnership, names of all owners and partners of all classes, limited and general, shall be listed. If the applicant is a corporation, the names and titles of each of the officers and directors shall be listed, and in addition the names of all stockholders owning, holding or controlling five (5%) per cent or more of corporate stock shall be listed.

(b) The type of license sought.

(c) The number, kind and capacity of the vehicles and other equipment to be used for such purposes.

(d) A financial statement showing the applicant's financial status and his financial ability to conduct the collection operation proposed in his application.

SEC. 5-5.22. PROCEDURE TO GRANT LICENSE. Upon receipt of an application for a license hereunder, the Council shall pass a resolution declaring its intention to consider the application, setting forth notice of the day, hour and place, when and where any and all persons may appear before the Council and be heard thereon. The time fixed for such hearing shall be not less than ten (10) days nor more than thirty (30) days after the date of the passage of said resolution.

SEC. 5-5.23. PROTESTS MAY BE FILED. At any time not later than the hour set for the hearing, any person interested may make written protest stating objections against the granting of such license. Such protest must be signed by the protestant and delivered to the City Clerk.

SEC. 5-5.24. HEARING. At the time set for the hearing, the Council shall proceed to hear the matter, and all persons shall be given opportunity to be heard. The Council may adjourn said hearing from time to time.

SEC. 5-5.25. COMPETITIVE BIDS. The Council may in its discretion, in lieu of considering applications for licenses, advertise for competitive bids for licenses hereunder.

SEC. 5-5.26. GRANTING LICENSES. Upon consideration of an application or bids for a license, the Council may refuse to grant the requested license, or may grant a license to any such applicant or bidder as may appear from said application or bids to be in its opinion best qualified to render proper and efficient collection service.

Every license granted by the Council pursuant to the provisions of this chapter shall cover the following matters:

(a) The name and address of the person, firm or corporation to whom the license is issued.

(b) The type of collection service authorized.

(c) Whether the license is exclusive or non-exclusive; limited or unlimited.

(d) The term for which the license is granted.

(e) Such other conditions as the Council may provide.

SEC. 5-5.27. LIMIT ON NUMBER OF LICENSES. In order to preserve the health, safety and welfare of the people in the City, the Council hereby retains the authority to limit the number of licenses for the collection of garbage, swill, industrial garbage and salvageable waste which will be issued under this chapter.

SEC. 5-5.28. INSURANCE REQUIREMENTS. No license shall be issued under the provisions of this chapter, nor shall any such license be valid after issuance unless there is at all times in force and effect to provide protection against liability for damages which may be imposed for the negligence of the licensee or his employees or agents, a liability insurance policy or policies approved by the City Clerk and issued by an insurance company authorized to do business in the State of California.

Such policy or policies shall provide protection against liability of the licensee for the payment of damages in amounts, at least, as follows:

In the amount of One Hundred Thousand and no/100ths (\$100,000.00) Dollars on account of bodily injuries to, or death of, one person...

In the amount of Three Hundred Thousand and no/100ths (\$300,000.00) Dollars against the total liability of the licensee on account of bodily injuries to, or death of, more than one person as a result of any one accident.

In the amount of Twenty-five Thousand and no/100ths (\$25,000.00) Dollars for one accident resulting in damage or destruction of property, whether the property of one or more than one claimant.

A liability insurance policy required by this section shall insure to the benefit of any persons who shall be injured or who shall sustain damage to property proximately caused by the negligence of the licensee insured by such policy, his employees or agents.

Satisfactory evidence that the liability insurance required by this section is at all times in full force and effect shall be furnished the City Clerk by each licensee required to provide such insurance.

The policy of insurance shall contain a provision against cancellation except upon ten (10) days' prior written notice thereof to the City Clerk.

SEC. 5-5.29. FAITHFUL PERFORMANCE BOND BY GARBAGE COLLECTORS. Each person granted a license to collect garbage pursuant to the provisions of this chapter shall file with the City Clerk a faithful performance bond or other form of security satisfactory to the City in an amount not to exceed the sum of Twenty-five Thousand and no/100ths (\$25,000.00) Dollars. Said bond or security shall be conditioned upon the faithful performance of all of the terms and conditions of said license and the provisions of this chapter, insofar as they are applicable to said licensee.

This section shall not apply to swill, industrial garbage or salvageable waste collectors.

SEC. 5-5.30. TRANSFER OF LICENSES. No license granted by the Council pursuant to the provisions of this chapter can be sold, transferred, leased, assigned, or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation, change in control of the corporation or company, stock transfer, transfer in trust, mortgage or otherwise, without the prior written consent of the City Council granted after a public hearing in accordance with the procedures specified in Sections 5-5.21, 5-5.22, 5-5.23 and 5-5.24 of this chapter. The Council may grant, or deny such a request, or impose such conditions as it may deem to be in the public interest.

SEC. 5-5.31. REVOCATION OF LICENSES. Any license granted by the Council pursuant to the provisions of this chapter may be revoked by the Council, if after conducting a public hearing on said revocation, the Council finds and determines that the person doing business by virtue of such license has failed to comply with any of the terms of said license, or this chapter, or has failed to render satisfactory collection services.

SEC. 5-5.32. CHARGES. (a) Charges to customers for garbage service shall be set by the City Council by resolution upon approval of an application for a license, or upon acceptance of a bid received for a license. Said charges may be revised by the Council from time to time after the holding of a public hearing thereon.

(b) The basic minimum rate in the schedule of charges adopted by the City Council shall provide for the collection of one standard container of garbage per week per occupied premises by the collector.

(c) Charges for industrial garbage service shall be as negotiated between the collector and the customer, and shall not be subject to City review and mediation.

SEC. 5-5.33. CUSTOMER MAY CONTRACT FOR EXCESS COLLECTION. Any owner or occupant of any premises may contract with the licensee, or his agents or assignees, for special haul services for the removal of garbage or rubbish in excess of services provided by the licensee under regular collection fees established by the City Council.

SEC. 5-5.34. LIABILITY FOR PAYMENT OF GARBAGE CHARGES. Every person occupying, owning, controlling or maintaining any premises or place within the City where garbage service is required by this Chapter is liable for the payment of the garbage charges therefor.

Owners of multiple dwelling buildings or apartments are responsible for the payment of charges for garbage services rendered to premises owned by them, although payments will be accepted from tenants.

SEC. 5-5.35. COLLECTION OF GARBAGE CHARGES. Garbage collectors may collect the charges adopted by the City Council for garbage service, or said garbage collectors may enter into agreements with the City of Modesto whereby the City will collect said charges for said collectors. Such an agreement shall set forth the respective duties and responsibilities of the collector and the City regarding the collection of said charges.

SEC. 5-5.36. METHOD OF COLLECTION OF GARBAGE CHARGES BY CITY. If an agreement is entered into between the collectors and the City of Modesto as provided for in Section 5-5.35, then, and in such event the following provisions shall be applicable to and determine the method of collection of such garbage charges by the City of Modesto:

(a) The charge for garbage service shall be added to the charges for water service and/or sewer service and payment of the total amount must be made in accordance with Section 11-1.11 of this Code regulating the payment of water service charges, and Section 5-6.11 of this Code regulating the payment of sewer service charges.

(b) Delinquent payment of charges for garbage service shall be treated in the same manner as delinquency for payment of water service charges and/or sewer service charges, as specified in Sections 11-1.11 and 5-6.11 of this Code. Discounts for advance payment of garbage charges shall be made in the same manner as discounts for advance payments of water service charges and/or sewer service charges in accordance with Sections 11-1.11 and 5-6.11 of this Code.

(c) All charges for garbage collection shall be billed to the following persons:

(1) In the case of any person whose premises are connected with the municipal water system, then to the person who requested such connection to the municipal water system or his successor in interest, or to any person requesting that such bill will be charged to him.

(2) In the case of any person whose premises are not connected to the municipal water system, then to the person who requested the connection to the sewage system or his successor in interest, or if no such request was made, then to the owner of record of such premises on the date on which such premises are required hereby to commence garbage collection services, or to the successors in interest to such person, or to any person requesting that such bill be charged to him.

(d) Each charge for garbage collection service levied pursuant to this section on any premises within the City of Modesto is hereby made a lien upon such premises, and any steps authorized by law may be taken by the City to enforce payment of such lien.

(e) In each case where a bill for garbage collection service shall become delinquent, the Director of Finance shall cause the premises to be disconnected from the municipal water and/or sewage system. Whenever premises have been disconnected from either or both the municipal water system and the municipal sewage system for the non-payment of garbage collection charges, such premises shall not be reconnected to either the municipal water system or the municipal sewage system until all delinquent fees, charges, and rates have been paid, together with such reasonable charges for reconnection as may be established from time to time by resolution adopted by the City Council.

SEC. 5-5.37. RECORDS REQUIRED. Each person granted a license pursuant to the provisions of this Chapter shall maintain detailed records of all receipts and expenditures received or incurred in the operation of such business, including all fees collected for services rendered. The City, its officers and employees, shall be entitled to inspect, audit and copy such books and records upon notice at all reasonable times.

SEC. 5-5.38. ANNUAL FINANCIAL REPORT BY GARBAGE COLLECTORS. On or before March 1 of each year, each person granted a license to collect garbage pursuant to the provisions of this chapter shall file with the Director of Finance a detailed financial statement including a balance sheet and profit and loss statement for the preceding calendar year.

This section shall not apply to swill, industrial garbage or salvageable waste collectors.

SEC. 5-5.39. INSPECTION OF PREMISES. The Director of Public Works may inspect all premises within the City from time to time and examine the condition of the premises to determine compliance with the provisions of this chapter.

SEC. 5-5.40. APPLICATION OF OTHER PROVISIONS OF THIS CODE. Except for the provisions of Article 3 thereof, the provisions of Chapter 1 of Title VI of this Code shall not apply to persons licensed under the provisions of this chapter.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after January 1, 1972.

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 March, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmen:	Mitchell, Newton, Smith, Mayor Davies
NOES:	Councilmen:	Dixon, Simon
ABSENT:	Councilmen:	Robinson

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of March, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Newton, Smith, Mayor DAVIES

NOES: Councilmen: None


ABSENT: Councilmen: Mitchell, Robinson, Simon

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 21, 1971

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1001-C.S., RELATING TO PLANNED DEVELOPMENT ZONE, P-D(34). (SANDERS CONSTRUCTION COMPANY, INC.)

WHEREAS, on November 22, 1967, by Ordinance No. 857-C.S., the City Council granted a zone change request from R-1 to Planned Development Zone, P-D(34) to allow development of a convalescent hospital complex at the intersection of Celeste and Vera Cruz Drives; and

WHEREAS, said convalescent hospital was expressly granted as a three-function complex for a 134-bed convalescent hospital, a 10,000 sq. ft. short-term nursing care hospital, and a 10,000 sq. ft. pediatrics convalescent hospital; and

WHEREAS, City Council Ordinance No. 1001-C.S., effective February 11, 1970, amended P-D(34) to allow construction of a 194-bed "Type L-Long-Term Facility", a medical institution primarily for the admission of chronic mentally disordered or other incompetent persons who are provided medical care, nursing service, and intensive supervision; and

WHEREAS, the approved 194-bed "Type L-Long-Term Facility" was constructed but not occupied; and

WHEREAS, on January 20, 1971, an application was filed requesting another amendment to P-D(34) to allow the existing facility to be used as a 178-bed split license facility for the treatment of persons under three separate classifications set forth under the "Private Institution Licensing Act and Regulations Relating to Private Institutions" which Code is administered by the State of California, Department of Mental Hygiene; and

WHEREAS, the three classifications and the number of beds requested for occupancy in the existing structure are, 73 beds for use as a "Type P-Acute Psychiatric" hospital, 25 beds for use as a "Type A-Alcoholism Rehabilitation" hospital, and 80 beds for use as a "Type L-Long Term Facility", the same as already permitted in P-D(34); and

WHEREAS, Section 10-2.2708(a) of the Municipal Code specifies that 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; and

WHEREAS, said amendment request was advertised and notices were posted in the field, in accordance with provisions of Article 21 of the Municipal Code; and

WHEREAS, after a public hearing held on February 16, 1971, it was found and determined by the Planning Commission that amendment of P-D(34) as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The proposed medical facility site is adjacent to Memorial Hospital immediately to the south and will therefore complement and add to other medical facilities planned for this area.
2. The proposed development will be compatible with other institutional uses, both existing and planned for the surrounding area, which include a Boy Scout Service Center, an elementary school, and other convalescent type institutions.

WHEREAS, the Planning Commission recommended to the Council the granting of an amendment to P-D(34) to allow use of the existing building for a maximum 178-bed split license facility for treatment of persons under three separate classifications under regulations administered by the State of California, Department of Mental Hygiene, including 73 beds for use as a "Type P-Acute Psychiatric" hospital, 25 beds for use as a "Type A-Alcoholism Rehabilitation" hospital, and 80 beds for use as a "Type L-Long-Term Facility", subject to the condition that the requested occupancy of the P-D(34) premises be approved by the Stanislaus County Comprehensive Health Planning Council; and

WHEREAS, after a public hearing held on March 22, 1971, the Council found and determined that the application requesting an amendment to P-D(34) as hereinabove mentioned, should be granted as consonant with public necessity, convenience and general welfare for the reasons set forth above,

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1001-C.S.

Section 2 of Ordinance No. 1001-C.S. is hereby amended to read as follows:

SECTION 2. USES. The following uses shall be permitted in said P-D(34), P-D(35) and P-D(36) Zones which are hereinafter set forth after their designation subject to securing approval of the Secretary of the Planning Commission if the plans for construction conform in principle to the approved plans, or by the Planning Commission if any changes not conforming in principle to the approved plans are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

P-D(34) Uses:

(A) Said use is as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to issuance of a building permit and further subject to the condition that approval be obtained from the Stanislaus County Comprehensive Health Planning Council prior to occupancy of the P-D(34) premises:

(1) 178-bed split license facility for treatment of persons under three separate classifications under regulations administered by the State of California, Department of Mental Hygiene, including 73 beds for use as a "Type P-Acute Psychiatric" hospital, 25 beds for use as a "Type A-Alcoholism Rehabilitation" hospital, and 80 beds for use as a "Type L-Long-Term Facility".

(2) A minimum of 105 parking spaces.

P-D(35) Uses:

(A) Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

(1) A 5,813 square foot single-story building to be used as a Boy Scout Service Center. Said building to provide space for the following uses: executive offices, field staff offices, storage rooms, meeting room, kitchen facilities, lobby, lounge and rest rooms.

(2) 76 car parking spaces.

P-D(36) Uses:

(A) Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

(1) A total of 116 apartment units.

(2) 174 parking spaces.

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

SECTION 3. PUBLICATION. 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 22nd day of March, 1971, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell, Robinson, Simon

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of April, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 5, 1971

AN ORDINANCE AMENDING SECTION 10-2. 501 OF ARTICLE 5 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. 501 of Article 5 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2. 501. PERMITTED USES. In an R-1 Zone only the following uses are permitted as are hereinafter specifically provided and allowed.

(a) One-family dwelling.

(b) 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 building 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.

(c) The renting of not more than three (3) rooms to not more than three (3) roomers, or the providing of table board to not more than three (3) boarders, or both, but not to exceed three (3) in any combination thereof; the day care of not more than six (6) children, in addition to members of the family, when such care is authorized under permits granted by the Stanislaus County Welfare Department, the County Fire Warden, the County Health Department, and the Secretary of the Commission.

(d) Home occupations when authorized under a permit granted in accordance with the provisions of Section 10-2. 2502.

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

(1) Household pets, subject to the provisions of Section 10-2. 233.

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

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

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

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

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

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

(g) The following signs:

(1) One for sale or rent sign, unlighted, not exceeding eight (8) square feet in area and six (6') feet in height.

(2) Three (3) unlighted open house directional signs, which do not exceed three (3) square feet in area each, are permitted during daylight hours only, for each house or group of houses offered for sale by the same realtor at the same general location, provided they do not bear any advertising message and that such signs are located wholly on private property with permission of the property owner on whose property they are located.

(3) One name plate not exceeding one square foot in area.

(4) One bulletin board or identification sign not exceeding twelve (12) square feet in area and six (6') feet in height for uses permitted by a conditional use permit and unclassified use permits.

(5) One construction sign not exceeding twenty (20) square feet in area and six (6') feet in height provided sign is removed not later than thirty (30) days after construction is completed.

(6) One subdivision sign not exceeding sixty-four (64) square feet in area or ten (10') feet in height for each recorded subdivision provided such sign is removed not later than two (2) years from the recording date of the subdivision, except that where fewer than one-half (1/2) 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 sign.

(7) Political signs may be erected, maintained and displayed as follows:

(aa) On lots or parcels upon which there is located a residential structure, except that:

(i) The combined area of all of said signs shall not exceed four (4) square feet.

(ii) The overall height shall not exceed four (4') feet.

(ab) On lots or parcels upon which there is not located a residential structure, except that:

square feet in area. (i) Each sign shall not exceed thirty-two (32)

feet. (ii) The overall height shall not exceed six (6')

(ac) Political signs shall not be attached to trees, fence posts, or utility poles.

(ad) Political signs shall not be lighted either directly or indirectly.

(ae) Political signs shall be erected no more than thirty (30) days prior to the date of the election.

(af) Political signs shall be removed within ten (10) days after the date of the election.

(8) Bench signs are not permitted.

(9) Temporary signs are not permitted.

(10) Window signs are not permitted.

(11) Outdoor advertising signs are not permitted.

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

(i) A parking area, provided:

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

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

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

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

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

SECTION 3. PUBLICATION. 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 22nd day of March, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dixon, was upon roll call

carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell, Robinson, Simon

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of April, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 5, 1971

AN ORDINANCE AMENDING SECTION 3-1.226 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO BURNING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-1.226 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.226. BONFIRES AND OPEN FIRES NOT CONFINED TO INCINERATORS. That Section 28.1 of said Fire Prevention Code be amended to read as follows:

Section 28.1. (a) Bonfires, Open Fires and Ceremonial Fires Prohibited. No person shall kindle or maintain a bonfire, open fire or ceremonial fire in the City of Modesto, except as set forth in paragraphs (b) and (c) below.

(b) Open Burning Under Immediate Control of Fire Department. Open burning under the immediate control of the Fire Department is permitted when used for training or fire control purposes.

(c) Agricultural Burning. Open fires may be permitted on agricultural property where these fires are for the purpose of disposing of agricultural waste directly related to the agricultural activity of pruning, tree removal or land preparation. A permit must be obtained from the Fire Marshal prior to kindling or maintaining such a fire. Burning will be permitted only where adequate separation from structures and other combustible materials has been provided. The permit may be revoked by the Fire Marshal at any time that atmospheric conditions or the public safety requires the prohibition of said burning.

A responsible adult shall be in attendance at all times that the burning is being conducted and shall have the means available to extinguish the fire at any time he is instructed to do so by the Fire Marshal or his designated representative.

The burning shall be limited to the hours of 6:00 A. M. to 6:00 P. M., Monday through Friday. All fires shall be completely extinguished by 6:00 P. M. daily.

Rubber or petroleum products shall not be used as accelerants.

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

SECTION 3. PUBLICATION. 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 22nd day of March, 1971, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried

and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell, Robinson, Simon

APPROVED: *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST:
By *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:
By *Elwyn L. Johnson*
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of April, 1971, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Robinson

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 5, 1971

AN ORDINANCE GRANTING W. R. TOMSON, DOING BUSINESS AS THE TRANSADTISE COMPANY, AN EXCLUSIVE FRANCHISE FOR THE RIGHT, PRIVILEGE AND PERMISSION TO PLACE, CONSTRUCT AND MAINTAIN BENCHES WITH ADVERTISING THEREON AT DESIGNATED LOCATIONS ON THE STREETS AND SIDEWALKS IN THE CITY OF MODESTO.

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

SECTION 1. DEFINITIONS. (a) Bench: A seat located upon public property along the public way for the accommodation of passersby or persons awaiting transportation.

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

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

SECTION 2. BENCHES PROHIBITED. No person shall install or maintain any bench with advertising thereon upon any street in the City except in accordance with the provisions of this franchise.

SECTION 3. FRANCHISE GRANTED. The City of Modesto hereby grants to W. R. TOMSON, doing business as The Transadtise Company, for the term of five (5) years, beginning January 20, 1971, the exclusive franchise for the right, privilege and permission to place, construct and maintain benches with advertising thereon at designated locations on the streets and sidewalks in the City of Modesto.

SECTION 4. PAYMENT. For the privilege herein granted, the Grantee shall pay to the City of Modesto Three and no/100ths (\$3.00) Dollars per quarter per bench installed and in place. No later than the tenth day of the month following the close of each quarterly period, Grantee shall submit a report to the Director of Finance stating the total number of benches on location on the last day of the preceding month and the number installed during the preceding quarterly period. The fee shall be paid according to the number of benches in place on the last day of the quarterly

period, whether or not there is advertising thereon, and shall be paid on or before the tenth day of the month following the close of the quarterly period. These payments shall be in lieu of payment to the City of a percentage of gross receipts or other license fees under the provisions of Chapter 1 of Title VI of the Modesto Municipal Code.

SECTION 5. COMMENCEMENT OF WORK. No work shall be commenced under the provisions of this franchise until plans and specifications have been filed with and approved by the City Manager, nor until a map showing the precise location of the benches proposed to be installed shall be filed with the City Manager, nor until the insurance policy and performance bond required by Sections 14 and 15, respectively, of this franchise shall be filed with the City Clerk. After complying with the provisions of this section, the Grantee shall be required to place and install not less than twenty-five (25) benches within ninety (90) days after being awarded the franchise. Thereafter, Grantee shall maintain a minimum of twenty-five (25) benches in place during the term of this franchise.

SECTION 6. GENERAL CONDITIONS. This franchise is granted upon and subject to each and all of the conditions set forth in the following sections.

SECTION 7. ADVERTISING SPACE. No advertising matter or sign whatever shall be displayed upon any bench except upon the front and rear surface of the backrest. No advertisement or sign on any bench shall display the words, "Stop", "Look", "Drive-in", "Danger" or any other word, phrase, symbol or character that might interfere with, mislead or distract traffic. The City may require bus schedules to be placed on any bus bench. No advertising other than bus schedules shall be placed on any benches erected and maintained in areas zoned as residential by the zoning regulations of the City. Commercial advertising shall not be placed on any bench where such advertising is prohibited by the laws of the City. No advertising which does not meet with the approval of the City Manager shall be placed or maintained on any of said benches. Bus

inches (9" x 12") and shall be placed on the front of the bench back.

SECTION 8. APPROVAL OF LOCATION. Benches shall be placed only in locations approved by the City Manager. The benches contemplated are designed for the convenience of those using the buses in the City and shall be placed upon the streets traversed by any holder of any bus franchise in the City. The benches may not be installed at any place except public carrier stops except with the express approval of the Council. No bench shall be installed or maintained:

(a) In any alley;

(b) At any location where the distance from the face of the curb to the property line is less than ten (10') feet; provided that whenever, in the opinion of the City Manager, observance of this requirement would result in inconvenience or hardship, this requirement may be waived by the City Manager; or

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

SECTION 9. APPROVAL OF PROPERTY OWNER REQUIRED. No bench shall be placed or maintained against the desire of the owner or the person in lawful possession or control of the property abutting upon the public street at the place where the bench is proposed to be located, or their representatives. Such persons may veto the placing or maintaining of the bench by written request to the City Manager.

SECTION 10. RATIO OF BENCHES BETWEEN COMMERCIAL AND RESIDENTIAL AREAS. For each seven (7) benches installed in areas zoned for commercial uses, at least one bench shall be installed in areas zoned for residential uses.

SECTION 11. MAINTENANCE OF BENCHES. All benches must be cleaned regularly and when needed, and must be maintained in

~~good repair in a safe and mighty condition. The City Manager's~~
decision as to the state of repair and condition shall be conclusive.
Grantee shall inspect each bench periodically to assure full
compliance with the provisions of this section.

SECTION 12. REMOVAL OF BENCHES. No bench after being
installed on the streets or sidewalks of the City shall be removed
by the Grantee during the term of this franchise except with the
consent of the City Manager. The City Manager may, for a cause
considered by him reasonable, order the Grantee to remove any bench.
When the City Manager orders the bench removed, the Grantee shall
remove it within thirty (30) days at his own expense. If he shall
fail to do so, the City Manager may order the removal of the bench,
and destroy or sell it at his discretion, and may, in addition, bill
Grantee for the removal or destruction in a sum not in excess of
Ten and no/100ths (\$10.00) Dollars per bench.

SECTION 13. LOCATION OF BENCHES. The front of all
benches shall be placed not less than eighteen (18") inches nor
more than thirty (30") inches from the curb line and parallel
thereto; provided that whenever, in the opinion of the City Manager,
observance of this requirement would result in inconvenience or
hardship, this requirement may be varied by the City Manager. No
bench shall seat fewer than four (4) people. No bench shall be
placed so as to injuriously obstruct passage on the sidewalk or street.
No bench shall be placed within fifteen (15') feet of any fire hydrant.
No bench shall be more than forty-two (42") inches high nor more than
thirty (30") inches wide, nor more than (8') feet long, except that,
with the consent of the City Manager, two (2) eight (8') foot long
benches may be attached together.

SECTION 14. HOLD HARMLESS AND INSURANCE. The Grantee
shall indemnify and save harmless the City, its officers, boards,
commissions, agents and employees from and against any and all
liability claims, demands, actions, suits and proceedings by
others, for loss or damage for personal injury, death or property
damage, occasioned by the operations of Grantee under this
franchise; and the Grantee shall, at all times during the existence
of this franchise, maintain in full force and effect, at its own
cost and expense, a general comprehensive liability insurance

policy protecting the City and all persons against liability for loss or damage for personal injury, death or property damage, occasioned by the operations of Grantee under this franchise, with minimum liability limits of One Hundred Thousand, and no/100ths (\$100,000.00) Dollars for personal injury or death of any one person, and Three Hundred Thousand and no/100ths (\$300,000.00) Dollars for personal injury or death of two or more persons in any one occurrence, and Fifty Thousand, and no/100ths (\$50,000.00) Dollars for damage to property resulting from any one occurrence.

The liability policy and the certificate of insurance which is to be furnished the City shall contain a contractual liability endorsement stating that the policy is extended to cover the liability assumed by the Grantee under the terms of this franchise, and shall also contain a cancellation endorsement that the insurance coverage may not be cancelled nor the amount of coverage reduced until ten (10) days after receipt by the City Clerk of the City of Modesto of a written notice of such cancellation or reduction in coverage.

SECTION 15. PERFORMANCE BOND. The Grantee shall post a performance bond in the sum of One Thousand, and no/100ths (\$1,000.00) Dollars guaranteeing its performance of the conditions of this franchise and stating that the said sum of One Thousand, and no/100ths (\$1,000.00) Dollars shall be forfeited to the City as liquidated damages in the event that Grantee shall fail to perform the conditions of its franchise. Said bond shall be furnished by a surety company authorized to do business in the State of California and shall be approved by the City Attorney.

SECTION 16. ACCEPTANCE OF FRANCHISE. Grantee shall be required to file in the Office of the City Clerk of the City an acceptance in writing of the provisions of this franchise and shall agree to perform all the conditions thereof. Said acceptance in writing shall be filed on or before thirty (30) days following the adoption of this ordinance.

SECTION 17. DEFAULT. In the event that either party shall fail or neglect to do or perform each and all of the terms

and conditions of this franchise on his or its part to be performed, the aggrieved party may give the party in default thirty (30) days' written notice to correct the conditions in default, and if the party in default refuses or neglects to make such corrections within the thirty (30) day period, the aggrieved party may terminate this franchise. Should Grantee herein default, it will remove all benches within thirty (30) days of the termination of this franchise if requested to do so by City.

SECTION 18. INSPECTION OF BOOKS. The City shall have the right at all reasonable times to examine all books, papers, and records of the Grantee for the purpose of verifying the statements or reports required and for any other purpose whatsoever connected with this franchise.

SECTION 19. DEFACING BENCHES PROHIBITED. No person shall tamper with or deface any bench placed under the franchise granted by this ordinance.

SECTION 20. PENALTY. It shall be unlawful for any person to violate the provisions of Section 19 of this franchise, or to cause, permit or suffer the same to be done; and any person who does shall be deemed guilty of a misdemeanor, and upon conviction of any such violation, such person shall be punished by a fine of not more than One Thousand, and no/100ths (\$1,000.00) Dollars or by imprisonment for not more than one year or by both such fine and imprisonment.

SECTION 21. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 22. 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 5th day of April, 1971, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of April, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 12, 1971

AN ORDINANCE AMENDING SECTIONS 9-6.03, 9-6.06 AND 9-6.07 OF CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO SIGN REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-6.03, 9-6.06 and 9-6.07 of Chapter 6 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-6.03. DEFINITIONS. For the purpose of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Area of a Sign" shall mean the entire area within a single continuous perimeter enclosing the extreme limits of all elements such as boards or frames, perforated or solid backgrounds, ornamental embellishments, writings, representations, emblems or any figures or similar characters, including any spires, masts, shafts or similar projections, but excluding the necessary supports or uprights on which such sign is placed. Area of a free-standing sign shall be the entire area enclosing the extreme limits of all elements such as boards or frames, perforated or solid backgrounds, ornamental embellishments, writings, representations, emblems or any figures or similar characters, including any spires, masts, shafts or similar projections, but excluding the necessary supports or uprights on which such sign is placed. Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except where two (2) such faces are placed back to back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one face if the two (2) faces are of equal area, or as the area of the larger face if two (2) faces are of unequal area.

(b) "Area or Group Housing Project Sign" shall mean a sign identifying the name of a group housing project and attached to a wall or fence located within the boundaries of a group housing project.

(c) "Bench Sign" shall mean a bench located outdoors ~~upon public or private property~~ with advertising matter thereon.

(d) "Bulletin Board" shall mean a sign used to announce a coming event or attraction or used to convey a specific message related to the building or use of the property on which the bulletin board is located. In all zones, bulletin boards, which are displayed so as to be viewed from a public street, highway, parking lot, walkway or mall shall be subject to the sign regulations of the zone in which the building or project is located.

(e) "Canopy or Marquee" shall mean a fixed overhead shelter used as a roof, which may or may not be attached to a building.

(f) "Canopy Sign" shall mean a sign attached to or hung from a canopy or marquee, but not projecting above the top of the canopy or marquee.

(g) "Construction Sign" shall mean a sign with the names of the architects, engineers, contractors and subcontractors of buildings and structures being constructed upon the premises on which the sign is located.

(h) "Directional Sign" shall mean a sign used to direct and control pedestrian or vehicular traffic and located on the same lot or premises as the use which it is intended to serve.

(i) "For Sale or Rent Sign" shall mean a sign advertising that the subject building or real property or portion thereof is for sale, rent or lease. ~~or-hire.~~

(j) "Free-Standing Sign" shall mean a sign detached from any building or structure, and the supports of which are permanently affixed in the ground.

(k) "Height" shall mean the vertical distance from the highest point used in measuring the area of a sign to the top of curb of the street at a point which is closest to the highest point of the sign.

(l) "Identification Sign" shall mean any sign which is used to identify or advertise the occupant of a building, lot or premises or the merchandise or activity available at the building, lot or premises where the sign is located.

(m) "Lighted Sign" shall mean any sign which is illuminated either directly or indirectly by artificial light.

(n) "Outdoor Advertising Sign" shall mean a sign that directs attention to a business, profession, product, commodity, or service that is not the primary business, profession, product, commodity or service sold, manufactured, conducted, or offered on the site on which the sign is located.

(o) "Principal Frontage" shall mean that wall of a building or structure which has frontage on a public street, highway, parking lot, walkway or mall and which is designated by the owner or occupant thereof as the principal frontage of said building or structure for the purposes of Section 9-6.07 (f) (2) of this Code.

(p) "Political Sign" shall mean a sign advertising a candidate for political office, a political party or a measure scheduled for an election.

(q) "Projecting Sign" shall mean any sign attached to and projecting from the face of or above the roof of a building, structure, canopy or marquee.

(r) "Sign" shall mean any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public. However, a sign shall not include the following:

(1) Official notices authorized by a court, public body or public officer.

(2) Directional, warning or information sign authorized by federal, state or municipal authority or public utility.

(3) ~~The~~ A properly displayed official flag emblem or insignia of a government, ~~school or~~ religious group, ~~or-agency~~ or nonprofit organization.

(4) Memorial plaque, tablet or cornerstone indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure.

(5) Signs within a building except window or wall signs as hereinafter defined.

(s) "Subdivision Sign" shall mean a sign erected and maintained within the boundaries of a recorded subdivision and indicating the name of the subdivision, the name of the contractor or subdivider, the name of the owner or agent, and giving information regarding directions, price or terms.

(t) "Temporary Sign" shall mean any banner, pennant, valance, balloon, streamer, placard, "A" frame, sandwich board or similar impermanent temporary- sign or advertising device or display thereon, which directs, promotes or attracts service or price, or which is otherwise designed to attract attention, except as provided for in Sections 4-5.10 and 9-6.03 (v) of this Code.

(u) "Wall Sign" shall mean any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a place approximately parallel to the plane of the wall and which does not project beyond the top or ends of the wall. "Wall Sign" shall also mean any sign permanently displayed on the inside or outside of a window.

(v) "Window Sign" shall mean any sign temporarily displayed on the inside or outside of a window and facing a public street, highway, parking lot, walkway or mall.

(w) "Zone" shall mean one of the various classes of area into which the City has been divided by Title X, Planning and Zoning, of the Modesto Municipal Code.

SEC. 9-6.06. GENERAL REQUIREMENTS. (a) Height Limitation. The maximum height of any sign shall be as stated herein, but in no case shall a sign exceed thirty-five (35') feet in height.

(b) Rotating, Moving, Flashing, Changing or Blinking Signs. No sign shall have or consist of any moving, rotating or otherwise animated part or any flashing, blinking, fluctuating or otherwise animated light. The provisions of this subsection shall not be applied so as to prohibit the following types of signs:

(1) A sign showing time separately and which changes no oftener than once a minute.

(2) A sign showing temperature separately and which changes only when the temperature rises or falls one degree or more.

(3) An on-premises barber pole of a height not to exceed thirty (30") inches of traditional design which shall be permitted to revolve during the time that a barber shop is open for business.

(c) Projections. No sign shall project into any alley, required front, side, or rear yard, easement or street right of way except that identification signs may project over street rights of way to within two (2') feet of the curb face, but wall signs may project not more than ten (10") inches into a street right of way.

(d) Vertical Clearance. No sign except a canopy sign shall be less than ten (10') feet above a public or private sidewalk or fifteen (15') feet above ground level in areas open to vehicular traffic.

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

(f) Construction Standards. All signs, including all parts, portions, units and material comprising the same, together with the frames, backgrounds, supports and anchorage therefor shall be manufactured, fabricated, assembled, constructed and erected in accordance with applicable Building, Electrical and Fire Prevention Codes of the City of Modesto.

(g) Illuminated Signs. Any illuminated sign or lighting device shall employ only lights emitting a light of constant intensity and no sign shall be illuminated by or contain flashing, intermittent, rotating, or moving light or lights. In no event shall an illuminated sign or lighting device be so placed or directed so as to permit the beams and illumination therefrom to be directed or beamed upon a public street, highway, sidewalk or adjacent premises so as to cause glare or reflection that may constitute a traffic hazard or nuisance.

(h) Signs Not to Constitute Vehicular Traffic Hazard. No sign, as regulated in this chapter, shall be erected at the intersection of any street, or at any railroad grade crossing, in such a manner as to obstruct free and clear vision of operators of motor vehicles, or at any location where, by reason of the position, shape, or color, it may interfere with, obstruct the view of, or be confused with any authorized traffic sign, signal, or device; or which makes use of the words "STOP", "DANGER", or any other word, phrase, symbol or character in such manner as to interfere with, mislead or confuse traffic.

(i) Sign Company Identification. It shall be unlawful for any person to erect, alter or relocate within the City any sign without printing or causing to be printed in the lower right-hand corner of the sign in clearly legible letters, the name of the person, firm or company erecting, altering or relocating the sign, the date of erection, alteration or relocation, and the City of Modesto building permit number. If said information is not printed in the lower right-hand corner of a sign, the Chief Building Official may remove the sign pursuant to the provisions of Section 9-6.04 (k) of this chapter.

(j) Temporary Signs. It shall be unlawful for any person to erect, install or maintain any temporary sign.

~~(k) Bench Signs. All advertising matter shall be painted on the bench. - No advertising matter shall be displayed upon any bench except on the front and rear surface of the backrest. - Commercial advertising shall not be placed upon any bench where such advertising is prohibited by the laws and ordinances of the City.~~

It shall be unlawful for any person to erect, install or maintain any bench sign, except on public property pursuant to a franchise granted by the City of Modesto.

SEC. 9-6.07. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS BY ZONE. It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type or having an area and/or height in violation of the following specific requirements:

(a) R-1 Zone. (1) One for sale or rent sign, unlighted, not exceeding eight (8) square feet in area and six (6') feet in height.

(2) One name plate not exceeding one square foot in area.

(3) One bulletin board or identification sign not exceeding twelve (12) square feet in area and six (6') feet in height for uses permitted by conditional use permits and unclassified use permits.

(4) One construction sign not exceeding twenty (20) square feet in area and six (6') feet in height provided sign is removed not later than thirty (30) days after construction is completed.

(5) One subdivision sign not exceeding sixty-four (64) square feet in area or ten (10') feet in height for each recorded subdivision provided such sign is removed not later than two (2) years from the recording date of the subdivision.

(6) Political signs may be erected, maintained and displayed as follows:

(aa) On lots or parcels upon which there is located a residential structure, except that:

(i) The combined area of all of said signs shall not exceed four (4) square feet.

(ii) The overall height shall not exceed four (4') feet.

(ab) On lots or parcels upon which there is not located a residential structure, except that:

- (32) square feet in area. (i) Each sign shall not exceed thirty-two (6') feet.
- (ii) The overall height shall not exceed six (ac) Political signs shall not be attached to trees, fence posts or utility poles.
- (ad) Political signs shall not be lighted either directly or indirectly.
- (ae) Political signs shall be erected no more than thirty (30) days prior to the date of the election.
- (af) Political signs shall be removed within ten (10) days after the date of the election.

~~(7) Bench signs are not permitted.~~

~~(8) (7) Temporary signs are not permitted.~~

~~(9) (8) Window signs are not permitted.~~

~~(10) (9) Outdoor advertising signs are not permitted.~~

(b) R-A and F Zones. Same as R-1 Zone.

(c) R-2 Zone. Same as R-1 Zone with the following addition:

(1) Area or group housing project signs not exceeding twelve (12) square feet in area or six (6') feet in height.

(d) R-3 Zone. Same as R-2 Zone with the following addition:

(1) One identification sign not exceeding twelve (12) square feet in area and six (6') feet in height for a boarding house, lodging house or multiple dwelling.

(e) P-O Zone. Same as R-1 Zone with the following additions.

(1) On major streets one identification sign not exceeding twelve (12) square feet in area and forty-two (42'') inches in height.

(2) On collector streets one identification sign not exceeding one square foot in area for each separate use on the premises, and not exceeding twelve (12) square feet in total area, and forty-two (42'') inches in height.

(f) C-1 Zone. (1) Only one free-standing or projecting double-faced identification sign not exceeding one hundred fifty (150) square feet in area, thirty-five (35') feet in height, and thirty (30') feet in length is permitted for each use or occupancy.

(2) Canopy or wall identification signs are permitted on each wall of a building or structure provided:

(aa) That on the wall designated as principal frontage of a building or structure said signs may not exceed four (4) square feet in combined sign area for each lineal foot of that wall of the building or structure or portion thereof wherein the use or occupancy is conducted.

(ab) That on each of the other walls of the building or structure said signs may not exceed two (2) square feet in combined sign area for each lineal foot of each wall of the building or structure or portion thereof wherein the use or occupancy is conducted.

(3) Six (6) unlighted signs are permitted which do not exceed twelve (12) square feet in combined sign area; such signs may indicate credit cards honored, trading stamps available, or official public services provided on the premises.

(4) Directional or informational signs not exceeding twelve (12) square feet in area or six (6') feet in height are permitted provided they do not bear any advertising message and that such signs are located wholly on private property on the premises to which they pertain.

(5) One for sale or rent sign not exceeding sixty-four (64) square feet in area and ten (10') feet in height.

(6) One construction sign not exceeding sixty-four (64) square feet in area and ten (10') feet in height, provided sign is removed not later than thirty (30) days after construction is completed.

(7) One canopy sign not exceeding six (6) square feet in area may be hung from a canopy, providing such sign is not less than seven and one-half (7 1/2') feet above a public or private sidewalk.

~~(8) Beneh-signs-are-permitted,-~~

~~(9)~~ (8) Political signs not exceeding one hundred (100) square feet in area and eight (8') feet in height. Said signs may not be erected more than thirty (30) days prior to the date of the election, and shall be removed within ten (10) days after the date of the election.

(10) (9) Temporary signs are not permitted.

(11) (10) Outdoor advertising signs are not permitted.

(12) (11) Window signs are permitted.

(g) M-P and H-1 Zones. Same as C-1 Zone except that in the H-1 Zone freestanding and projecting identification signs are not permitted.

(h) C-2 Zone. Same as C-1 Zone with the following addition:

(1) Outdoor advertising signs not exceeding three hundred (300) square feet in area, twenty-five (25') feet in height and thirty (30') feet in length, except that:

(aa) No outdoor advertising sign shall be located within two hundred (200') feet of an R-1, R-2 or R-3 Zone or a lot or parcel which has been approved for residential development in a P-O, H-1, or P-D Zone without first obtaining a conditional use permit therefor from the Board of Zoning Adjustment in accordance with the provisions of Article 20 of Chapter 2 of Title X of this Code.

(ab) The maximum combined area of outdoor advertising signs located within a family of circles with two hundred fifty (250') foot radii measured from the point or points where the center lines of intersecting streets meet, shall not exceed six hundred (600) square feet.

(i) C-M, M-1 and M-2 Zones. Same as C-2 Zone.

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

SECTION 3. PUBLICATION. 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 5th day of April, 1971, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED: Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1100-S.P.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of April, 1971, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Mitchell, Newton, Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 12, 1971