

ORDINANCE NO. 1201 -C. S.

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 and forty-two (42") inches in height, 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 must be removed not later than three (3) years from the recording date of the subdivision, except as follows:

(aa) Where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) percent, of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional one year period.

(ab) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional two (2) year period.

(7) Unlighted subdivision directional signs not exceeding sixteen (16) square feet in area and six (6') feet in height are permitted for each recorded subdivision as follows:

(aa) When the boundaries of any recorded subdivision or any part thereof abut a major street or expressway, one subdivision directional sign is permitted, which sign may be located as follows:

(i) On any vacant lot or parcel which is owned by the subdivision owner.

(ab) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway but include or abut a collector street which directly connects to a major street or expressway, two (2) subdivision directional signs are permitted, which signs may be located as follows:

(i) One may be located on property not owned by the subdivision owner.

(ii) The other sign or signs may be located only on property owned by the subdivision owner.

(ac) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway and do not include or abut a collector street which directly connects to a major street or expressway, three (3) subdivision directional signs are permitted, which signs may be located as follows:

(i) One may be located on property not owned by the subdivision owner.

(ii) The other signs may be located only on property owned by the subdivision owner.

Such signs must be removed not later than three (3) years from the recording date of the subdivision, except as follows:

(ad) Where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) percent, of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional one year period.

(ae) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional two (2) year period.

(8) 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.

(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 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 square feet in area, thirty-five (35') feet in height, and thirty (30') feet in length is permitted for each use or occupancy, except that a shopping center, as defined below, shall not be deemed to be a use or occupancy for purposes of this paragraph.

(2) Subject to securing a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code, a shopping center, as herein defined, shall be entitled to erect one free-standing shopping center identification sign, hereinafter referred to as a "shopping center sign", for each separate frontage of the shopping center, subject to the following provisions:

(aa) Each shopping center sign shall not exceed one hundred fifty (150) square feet in area, thirty-five (35') feet in height, and thirty (30') feet in length.

(ab) The identification on each shopping center sign shall be limited to the shopping center name and either a reader board or a listing of uses within the center. The lettering for the reader board or the listing of such uses shall be of a size not greater than one-half (1/2) the size of the lettering of the shopping center name on such sign.

(ac) Any free-standing or projecting double-faced identification sign or signs erected at said shopping center on or after July 1, 1972, whether identifying said shopping center or any use or occupancy therein, shall be removed prior to obtaining a building permit for the erection of a shopping center sign.

(ad) After the erection of a shopping center sign at a shopping center, no additional free-standing or projecting double-faced identification sign shall be erected at such shopping center for any use or occupancy therein.

In granting an application for a conditional use permit for a shopping center sign, the Board of Zoning Adjustment may impose such additional conditions as it deems appropriate to insure conformity with the purposes of this chapter and to insure compatibility with the surrounding area. Such conditions may include, but are not limited to, restrictions on area, height, length, and lighting, and requirements for landscaping and other beautification of the area immediately adjacent to the shopping center sign.

In granting an application for a conditional use permit for a shopping center sign, the Board of Zoning Adjustment shall determine whether the applicant is a shopping center, and what uses or occupancies are included within such shopping center, after consideration of the following factors:

(i) A shopping center is usually comprised of a cluster of retail uses at one location held out to the public as a distinct shopping area and having at least one retail use with a minimum area for that use of twenty thousand (20,000) square feet, and having a minimum of five (5) other retail uses on the same or adjacent sites.

(ii) A shopping center is not normally traversed by any public streets.

(iii) The existence of and extent of membership of any merchants association.

(iv) The existence of any common advertising program for such center, or any uses or occupancies conducted therein, and the number of uses or occupancies therein which participate in such program.

(2) (3) 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) (4) 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)~~(5) 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)~~(6) One for sale or rent sign not exceeding sixty-four (64) square feet in area and ten (10') feet in height.

~~(6)~~(7) 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)~~(8) 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)~~(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.

~~(9)~~(10) Temporary signs are not permitted.

~~(10)~~(11) Outdoor advertising signs are not permitted.

~~(11)~~(12) Window signs are permitted.

(g) M-P Zone. Same as C-1 Zone.

(h) H-1 Zone. Same as C-1 Zone excepting that freestanding and projecting identification signs as allowed in Section 10-2. 807 (a) are not permitted in an H-1 Zone; provided, however, that the Board of Zoning Adjustment may, by a conditional use permit granted in accordance with the provisions of Article 20 of Chapter 2 of Title X of this Code, allow one freestanding sign per use or occupancy. Before any such conditional use permit may be granted by the Board of Zoning Adjustment, both of the following must be shown:

(1) That the use or occupancy is a freestanding use. For purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.

(2) That the use or occupancy cannot be adequately identified by the other signs permitted in the H-1 Zone.

(i) 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.

(j) 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 3rd day of July, 1972, by Councilman Elliott, 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, Elliott, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, 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

Ord. No. 1201-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of July, 1972, 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, Dunlap, Elliott, Newton, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Smith

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

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

EFFECTIVE DATE: August 9, 1972

AN ORDINANCE AMENDING SECTION 10-2. 807 OF
ARTICLE 8 OF CHAPTER 2 OF TITLE X OF THE
MODESTO MUNICIPAL CODE RELATING TO SIGNS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2. 807 of Article
8 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read
as follows:

SEC. 10-2. 807. SIGNS. The following signs are permitted in the
C-1 Zone:

(a) 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,
except that a shopping center, as defined below, shall not be
deemed to be a use or occupancy for purposes of this
paragraph.

(b) Subject to securing a conditional use permit from the
Board of Zoning Adjustment in accordance with Article 20 of
Chapter 2 of Title X of this Code, a shopping center, as
herein defined, shall be entitled to erect one free-standing
shopping center identification sign, hereinafter referred to as
a "shopping center sign", for each separate frontage of the
shopping center, subject to the following provisions:

(1) Each shopping center sign shall not exceed
one hundred fifty (150) square feet in area, thirty-five (35') feet
in height, and thirty (30') feet in length.

(2) The identification on each shopping center sign
shall be limited to the shopping center name and either a reader
board or a listing of uses within the center. The lettering for
the reader board or the listing of such uses shall be of a size
not greater than one-half (1/2) the size of the lettering of the
shopping center name on such sign.

(3) Any free-standing or projecting double-faced
identification sign or signs erected at said shopping center on
or after July 1, 1972, whether identifying said shopping center
or any use or occupancy therein, shall be removed prior to
obtaining a building permit for the erection of a shopping center
sign.

(4) After the erection of a shopping center sign at a
shopping center, no additional free-standing or projecting double-
faced identification sign shall be erected at such shopping center
for any use or occupancy therein.

In granting an application for a conditional use permit for a shopping
center sign, the Board of Zoning Adjustment may impose such
additional conditions as it deems appropriate to insure conformity
with the purposes of this chapter and to insure compatibility with
the surrounding area. Such conditions may include, but are not
limited to, restrictions on area, height, length, and lighting,
and requirements for landscaping and other beautification of
the area immediately adjacent to the shopping center sign.

In granting an application for a conditional use permit for a shopping center sign, the Board of Zoning Adjustment shall determine whether the applicant is a shopping center, and what uses or occupancies are included within such shopping center, after consideration of the following factors:

(1) A shopping center is usually comprised of a cluster of retail uses at one location held out to the public as a distinct shopping area and having at least one retail use with a minimum area for that use of twenty thousand (20,000) square feet, and having a minimum of five (5) other retail uses on the same or adjacent sites.

(2) A shopping center is not normally traversed by any public streets.

(3) The existence of and extent of membership of any merchants association.

(4) The existence of any common advertising program for such center, or any uses or occupancies conducted therein, and the number of uses or occupancies therein which participate in such program.

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

(1) 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.

(2) 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.

~~(e)~~ (d) 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.

~~(d)~~ (e) 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.

~~(e)~~ (f) One for sale or rent sign not exceeding sixty-four (64) square feet in area and ten (10') feet in height.

~~(f)~~ (g) 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.

~~(g)~~ (h) 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.

~~(h)~~ (i) 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.

(i) (j) Temporary signs are not permitted.

(j) (k) Outdoor advertising signs are not permitted.

(k) (l) Window signs are permitted.

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 3rd day of July, 1972, by Councilman Elliott, 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, Elliott, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, 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

Ord. No. 1202-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of July, 1972, 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, Dunlap, Elliott, Newton, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Smith

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

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

EFFECTIVE DATE: August 9, 1972

ORDINANCE NO. 1203 -C. S.

AN ORDINANCE ADDING SECTION 9-3.116 TO ARTICLE 1 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. Section 9-3.116 is hereby added to Article 1 of Chapter 3 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-3.116. OVERHEAD CONDUCTOR CLEARANCES. That until December 31, 1972, Section 680-8 of said National Electrical Code be amended to read as follows:

Section 680-8. Clearances. Service drop conductors and any other open overhead wiring shall not be installed above the swimming pool or surrounding area extending ten (10') feet horizontally from the pool edge, or diving structure, observation stands, towers or platforms.

That from and After January 1, 1973, Section 680-8 of said National Electrical Code shall read as said section is set forth in the 1971 Edition of said Code, to wit:

Section 680-8. Overhead Conductor Clearances. The following parts of swimming pools shall not be placed under existing service-drop conductors or any other open overhead wiring; nor shall such wiring be installed above the following:

- (a) Swimming pool and the area extending 10 feet horizontally from the inside of the walls of the pool.
- (b) Diving structure.
- (c) Observation stands, towers or platforms.

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 amendment is reasonably necessary because of local conditions in that the amendment restores the language of Section 680-8 as set forth in the 1968 Edition of the National Electrical Code in place of the language used in the 1971 Edition of that Code. Local contractors have not had sufficient time to become aware of, and comply with, the more stringent provisions of the 1971 Edition of said Code and some construction projects are now in progress that would not comply with Section 680-8 of the 1971 Edition of said Code. In order to avoid hardship to contractors and persons having swimming pools under construction, it is necessary to amend the Code so as to postpone until January 1, 1973, the effective date of the more stringent provisions of Section 680-8 of the 1971 Edition of said Code.

SECTION 3. EMERGENCY PROVISIONS. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety.

Unless the foregoing ordinance is adopted without delay, swimming pools presently under construction and for which large excavations have been made will not be permitted to proceed to prompt completion, thereby causing serious pecuniary and economic disadvantages to the owners thereof, and causing hazard to the general public by reason of such excavations.

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

SECTION 5. 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 6. PUBLICATION. 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 10th day of July, 1972, by Councilman Simon, who moved its adoption 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, Dunlap, Elliott, Newton, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Smith

ATTEST:

By W. T. Chynoveth
W. T. CHYNOVETH, City Clerk

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

(SEAL)

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

AN ORDINANCE ADDING SECTION 9-3.116 TO ARTICLE 1 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. Section 9-3.116 is hereby added to Article 1 of Chapter 3 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-3.116. OVERHEAD CONDUCTOR CLEARANCES. That until December 31, 1972, Section 680-8 of said National Electrical Code be amended to read as follows:

Section 680-8. Clearances. Service drop conductors and any other open overhead wiring shall not be installed above the swimming pool or surrounding area extending ten (10') feet horizontally from the pool edge, or diving structure, observation stands, towers or platforms.

That from and After January 1, 1973, Section 680-8 of said National Electrical Code shall read as said section is set forth in the 1971 Edition of said Code, to wit:

Section 680-8. Overhead Conductor Clearances. The following parts of swimming pools shall not be placed under existing service-drop conductors or any other open overhead wiring; nor shall such wiring be installed above the following:

- (a) Swimming pool and the area extending 10 feet horizontally from the inside of the walls of the pool.
- (b) Diving structure.
- (c) Observation stands, towers or platforms.

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 amendment is reasonably necessary because of local conditions in that the amendment restores the language of Section 680-8 as set forth in the 1968 Edition of the National Electrical Code in place of the language used in the 1971 Edition of that Code. Local contractors have not had sufficient time to become aware of, and comply with, the more stringent provisions of the 1971 Edition of said Code and some construction projects are now in progress that would not comply with Section 680-8 of the 1971 Edition of said Code. In order to avoid hardship to contractors and persons having swimming pools under construction, it is necessary to amend the Code so as to postpone until January 1, 1973, the effective date of the more stringent provisions of Section 680-8 of the 1971 Edition of said Code.

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 10th day of July, 1972, 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, Dunlap, Elliott, Newton, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: 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

Ord. No. 1204-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 17th day of July, 1972, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Smith

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

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

EFFECTIVE DATE: August 16, 1972

ORDINANCE NO. 1205 -C. S.

AN ORDINANCE GRANTING TO AIRPORT GARBAGE SERVICE, a co-partnership composed of EUGENE GILTON AND LEROY GILTON A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO.

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

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

SECTION 2. A license to collect garbage, including swill, industrial garbage and salvageable waste, in the City of Modesto is hereby granted to Airport Garbage Service, a co-partnership composed of EUGENE GILTON and LEROY GILTON and subject to the following terms and conditions.

(a) Said license shall be for a term of ten (10) years, commencing on January 1, 1973, and ending December 31, 1982, unless terminated at an earlier date under the provisions of this license. Nothing herein shall be deemed or construed to impair or affect in any way the right of the City to acquire the equipment and assume the operations of the Licensee at any time during the term of this license by purchase of the Licensee's equipment at a fair and just market value, which shall not include any amount for the license itself or for any of the rights or privileges granted by this license.

(b) Said license shall be an exclusive license to collect garbage, except swill, industrial garbage and salvageable waste, within the area delineated and marked as Area B on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made. Said license shall be a non-exclusive license to collect swill, industrial garbage and salvageable waste.

(c) In accepting this license, Licensee thereby agrees to serve the area covered by the license for the term herein specified in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

(d) Said license shall automatically extend to any portion of the Licensee's service area, as shown on the map referred to in paragraph (b) above, which is hereafter annexed to the City, except that City may permit any person or firm licensed by the County of Stanislaus and then serving such area or portion thereof to continue to serve such area or portion thereof for such period of time, not to exceed three (3) years from the date of annexation, as the City deems proper. The Licensee, when required to serve new portions of the City, shall promptly extend his routes and services and, when necessary, shall hire additional personnel and obtain additional equipment.

(e) The City hereby sets the following rates and charges to be charged for the collection of garbage:

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

No. of Containers	Number of Collections per Week					
	1	2	3	4	5	6
1	1.40	2.80	4.20	5.60	7.00	8.40
2	2.10	4.20	6.30	8.40	10.50	12.60
3	2.80	5.60	8.40	11.20	14.00	16.80
4	3.50	7.00	10.50	14.00	17.50	21.00
5	4.20	8.40	12.60	16.80	21.00	25.20
6	4.90	9.80	14.70	19.60	24.50	29.40

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

Container Size	Number of Collections per Week					
	1	2	3	4	5	6
1 cy	5.25	10.50	15.75	21.00	26.25	31.50
2 cy	10.50	21.00	31.50	42.00	52.50	63.00
3 cy	15.75	31.50	42.00	63.00	78.75	94.50
4 cy	21.00	42.00	63.00	84.00	105.00	126.00

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

Detachable Container Size	1 cy	2 cy	3 cy	4 cy
Monthly Rental Rates	5.00	5.50	6.00	6.50

DROP BOX CONTAINERS

Pickup Charge	\$25.00/pickup
Rental	\$ 1.00/day with \$25.00 max. for each 30-day rental period
Disposal Charge	Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent	\$2.00 plus \$0.25/container
Detachable Containers	\$5.00 plus \$0.75/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

1 yd	2 yd	3 yd	4 yd
5.00	6.00	8.00	10.00

NOTATIONS

1. Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
2. Where tenant pays for can regardless of location, it shall be regarded as one service.

Said charges shall remain in effect for not less than a three (3) year period commencing on January 1, 1973, except that any revisions in dumping fees at the Geer Road Sanitary Landfill may be considered as grounds for possible revision of the rates during this period. Service charges and costs of operation of the Licensee will be reviewed biennially after said three (3) year period by the City Council, and rate adjustments made if deemed necessary by the City Council.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

(f) Licensee shall bill and collect all garbage service charges.

(g) The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S., from time to time, as required in order to protect the public health, safety and welfare of the City.

(h) The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of this license.

(i) The Director of Public Works of the City of Modesto shall administer and supervise the Licensee's operations under the terms of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code, as amended by Ordinance No. 1196-C. S.

In the event of any disagreement between the Licensee and customers regarding the amount of charges for garbage collection service or the type or extent of service provided by the Licensee, the Director of Public Works shall make an investigation and determination, and the decision of the Director of Public Works shall be final.

(j) The Licensee shall establish and maintain an office within the City of Modesto, or other location approved by the City Manager, and shall keep said office open for business from 8:00 a. m. to 5:00 p. m. of each and every day except Saturday, Sunday, and all legal holidays observed by the City of Modesto.

The Licensee shall keep and maintain in said office at all times during the hours it is required to be open, competent personnel who shall have authority to represent the Licensee in his relations with the City and with the public. The Licensee shall obtain and keep in said office sufficient listed telephones and personnel to courteously, quickly and expeditiously receive and answer all telephone and other calls to said office. A daily log of service calls received and the disposition thereof shall be kept by the Licensee.

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually within sixty (60) days of the end of the preceding calendar year with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

(l) The Licensee shall collect and remove from any and all premises, within twenty-four (24) hours, and no later, after notice, demand or request, any and all garbage which Licensee shall have failed to collect and remove at the regularly scheduled time. The customer's failure to place garbage for collection at the regularly scheduled time shall not be deemed a missed collection.

(m) The Licensee shall collect garbage at least once each calendar week, on a Monday through Friday basis for residential collections, and on a Monday through Saturday basis for commercial and industrial collections. For purposes of such collection, the Licensee shall divide the City into collection routes. Such collection routes shall be each wholly within the City limits, and shall be approved by the Director of Public Works. Upon approval of the proposed routes by the Director of Public Works, the Licensee shall prepare route books as soon as possible which shall indicate the address of each service, number of containers, frequency of collection, and such other pertinent information as the Director of Public Works may require. The Licensee shall keep route books up to date at all times. The Licensee shall give reasonable notice to the general public as to the days and times for collection on each route. No changes in collection schedules shall be made without the approval of the Director of Public Works and reasonable notice thereof to the customers concerned by the Licensee.

The Licensee will not be required to make collections on Sundays or legal holidays observed by the City. The Licensee may arrange with commercial and industrial customers for Sunday and holiday collections, however. Scheduled collections not made on legal holidays shall be made within twenty-four (24) hours, Sundays excepted.

(n) The Licensee shall make garbage collection service available on request to all schools, public agencies, institutions, and other non-residential premises at the same rates established for business locations.

In special cases where unusual quantities of materials or special type of materials, or where special methods of handling and/or disposing is required, the Director of Public Works may permit independent arrangements with the Licensee.

(o) The Licensee shall have approved detachable containers for apartment, commercial, business, and industrial services on a rental basis. The Licensee shall be responsible for the general repair and upkeep of all detachable containers. Containers shall be kept in serviceable condition at all times. The Licensee shall provide detachable container cleaning service at a rate approved by the Director of Public Works.

Containers shall be of metal and shall be so constructed that no liquid can leak from said containers. However, containers made of materials other than metal may be proposed by the Licensee for the approval of the Director of Public Works during the term of this license. No materials may be substituted without prior approval.

(p) The Licensee shall supply all occupants or premises in the Licensee's service area with printed information cards approved by the Director of Public Works containing information regarding amounts of garbage which will be collected, complaint procedures, charges, regulations and days of collection. Such cards shall be distributed every two years and, in addition, upon request by occupants or owners of any premises and in advance of route, charge or regulation changes.

(q) The Licensee shall not litter any premises or public property in making collections of garbage, nor shall garbage be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. The Licensee shall, without delay, after removing garbage from any container replace the container in its designated position on the premises with its cover on, and shall repair or replace at his expense any containers damaged as a result of his handling thereof, normal wear and tear excepted. The Licensee shall close all gates after making collections and shall avoid crossing private or public planted areas and climbing or jumping over hedges and fences. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise. If, for any reason, garbage is not picked up, such as overweight container, not in container, etc., the Licensee shall attach a tag to the container explaining the reason therefor, and shall maintain a log or record of such refusals.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances, Vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Director of Public Works, and the outside of each vehicle shall be cleaned and washed at least once a week.

(r) All equipment used for the collection and hauling of garbage shall be approved by the Director of Public Works and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code. All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed

thereto. Collection trucks shall be painted white, or other color approved by the Director of Public Works, and shall be equipped with such safety devices and warning lights required by the State of California Motor Vehicle Code.

All vehicles and equipment used in the collection of garbage, if kept within the boundaries of the City, shall at all times when not in use in the collection of garbage be kept on private property in the appropriate zone and not on streets or other public ways.

(s) All garbage collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition. The Licensee shall institute a complete and comprehensive system of preventative maintenance on all vehicles and shall keep them lubricated and in good repair. Records in a form approved by the Director of Public Works to provide data on operating, maintenance and repair costs shall be kept on each piece of equipment.

(t) For purposes of this paragraph the following definitions shall apply:

(1) "Interruption of service" shall mean:

(aa) Any time period during which garbage collection services by the Licensee are interrupted by a labor dispute and scheduled collections are discontinued or substantially reduced; or

(ab) Any time period after notice by the City of the termination of the license by reason of a breach or default by the Licensee and until other suitable equipment can reasonably be purchased or otherwise acquired by the City for such purpose.

(2) "Equipment" shall mean any and all vehicles and equipment used by the Licensee for the purpose of performing the services provided for in the license at any time within the ninety (90) days immediately prior to the commencement of the interruption of service.

(3) "Payment for use" shall have the following meaning:

(aa) In the case of a piece of equipment subject to a contract, "payment for use" shall mean any installment payment coming due under a contract for such piece of equipment while the City is possessing and using such piece of equipment pursuant to this paragraph during an interruption of service. Payment for use shall not be deemed to include any payment coming due under such contract either prior to, or after the expiration of, such period. Payment for use shall be made by the City, from time to time, directly to the person or company to whom the payment is owed under the contract, and the making of such payment or payments shall constitute full compensation to all persons for the City's temporary use of such piece of equipment.

(ab) In the case of a piece of equipment not subject to a contract, "payment for use" shall mean the reasonable rental value of such piece of equipment for such period of time during which the City possesses and uses such piece of equipment pursuant to this paragraph during an interruption of service. Such payment shall, at the expiration of the term of the interruption of such service, be applied against any sums then owed to the City by the Licensee, or, if none, it shall be paid by the City to the Licensee.

(4) "Contract" shall mean any conditional sales contract, mortgage, encumbrance, lease, rental agreement or other agreement which provides for retention of title to said equipment or grants a security interest therein, that may exist at the commencement of the interruption of service with regard to a piece of equipment.

(5) "Notice" shall mean written notification actually received by the person to be notified or mailed to him by registered or certified mail at the most recent address furnished by him to the City Clerk of the City of Modesto. As to the holder of a contract, the City shall be required to give notice only if the holder's identity is known to the City and the holder has furnished his address to said City Clerk.

In the event of an interruption of service, the City shall be entitled to have the temporary possession of all or any portion of the equipment of Licensee on the condition that the City shall, from time to time, make the payment for use as provided in subparagraph (3) hereof. Upon taking such temporary possession, City shall forthwith give notice thereof to the Licensee and to the then holder of a contract on such equipment, if any. Such temporary use shall not be deemed to be a breach of the terms of any contract regarding said equipment, but it shall otherwise be subject to the terms of such contract which are not in conflict herewith, except that the City shall not be required to make any payment other than the payment for use prescribed in subparagraph (3) hereof. The making by the City of the payment for use prescribed in subparagraph (3) hereof shall be deemed to be compensation only for the temporary use of such equipment and the City shall not thereby acquire any ownership interest in such equipment.

So long as the City continues to make the payment for use of a piece of equipment when due, or within ten (10) days thereafter, such equipment may be retained by the City and may not be repossessed from the City. In the event the City fails to make a payment for use when due, or within ten (10) days thereafter, the City's right to the continued temporary use of such piece of equipment shall cease, and possession of such equipment may be retaken by the Licensee or by the holder of any contract thereon.

At the expiration of the City's temporary possession of such equipment the City shall give written notice of such expiration to the Licensee and to the then holder of a contract on such equipment, if any. In the event the Licensee shall fail to take possession of such equipment within ten (10) days after such notice, the Licensee shall be deemed to have abandoned such equipment and waived all interest therein, and the City shall be free to use and dispose of such equipment without liability or compensation to the Licensee, subject to the terms of any contract that may then exist with regard to such equipment.

All equipment used by the Licensee for the purpose of performing the services provided for in this license shall be solely owned by the Licensee except that the Licensee may, with the prior approval of the City Manager, enter into contracts as defined in subparagraph (4) hereof with respect to such equipment. All such contracts shall provide for temporary possession by the City as set forth herein and shall provide that such temporary possession shall not be deemed a breach of such contract.

(u) All vehicles and equipment used by the Licensee for the collection and hauling of garbage shall be solely owned by Licensee, except that the Licensee may, with the prior approval of the City Manager, enter into conditional sales contracts, mortgages, encumbrances, leases, rental agreements, and other appropriate agreements for the purpose of purchasing, leasing or renting vehicles and equipment to be used in providing the services provided for in this license. All such documents shall provide for temporary possession by the City as set forth in the foregoing section and shall provide that such temporary possession shall not be deemed a breach of the agreement.

(v) Garbage collected by the Licensee shall be disposed of at the Geer Road sanitary landfill. The City reserves the right to designate other sanitary landfill areas for disposal, and other methods of disposal. Disposal of garbage at the sanitary landfill will be in accordance with regulations in effect for the same as they now exist or may hereafter be amended. Industrial garbage collected by the Licensee may be disposed of at such other locations as are approved by the Health Officer.

(w) The Licensee shall have the full and exclusive right to all salvageable materials collected in connection with the collection of garbage under this license, and shall have the sole right to any and all funds received from the sale of said salvageable materials. Such funds shall be accounted for as part of the gross revenues of Licensee.

Salvaging or scavenging by the Licensee, or any of his employees, is prohibited on the collection routes. Salvaging at a suitable location is encouraged, however.

(x) The Licensee agrees to keep the Director of Public Works advised as to any current developments in recycling programs, and to participate in such recycling programs when it can be done on a sound economical basis. The Licensee agrees to cooperate on any reasonable basis with local civic organizations who desire to participate in a recycling program. The term recycling as used herein means any process which has as its goal the conversion of garbage, rubbish or salvageable waste into a usable product.

(y) The Licensee shall file with the City Clerk and maintain during the term of this license a corporate surety bond or other form of security satisfactory to the City Attorney in the sum of Six Thousand and no/100ths (\$6,000.00) Dollars

Said bond or security shall be conditioned upon the faithful performances of the terms and conditions of this license and the provisions of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

(z) Licensee agrees, in connection with the performance of all operations under or pursuant to this license, to be an Equal Opportunity Employer and not to discriminate against any employee or applicant for employment because of race, creed, color or national origin.

SECTION 3. This ordinance shall become effective thirty (30) days from and after its final passage and adoption; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the bond and insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

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

The foregoing ordinance was introduced at an adjourned regular meeting of the Council of the City of Modesto held on the 11th day of July, 1972, 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, Dunlap, Newton, Simon, Mayor Davies

NOES: Councilmen: Elliott

ABSENT: Councilmen: 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, City Attorney

Ord. No. 1205-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 17th day of July, 1972, Councilman Dixon 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, Dunlap, Elliott, Newton, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Smith

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

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

EFFECTIVE DATE: August 16, 1972

AN ORDINANCE GRANTING TO MODESTO GARBAGE COMPANY, INC.,
A CALIFORNIA CORPORATION, dba MODESTO DISPOSAL SERVICE
A LICENSE FOR THE COLLECTION OF GARBAGE IN THE
CITY OF MODESTO.

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

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

SECTION 2. A license to collect garbage, including swill, industrial garbage and salvageable waste, in the City of Modesto is hereby granted to Modesto Garbage Company, Inc., A California Corporation, dba Modesto subject to the following terms and conditions. Disposal Service

(a) Said license shall be for a term of ten (10) years, commencing on January 1, 1973, and ending December 31, 1982, unless terminated at an earlier date under the provisions of this license. Nothing herein shall be deemed or construed to impair or affect in any way the right of the City to acquire the equipment and assume the operations of the Licensee at any time during the term of this license by purchase of the Licensee's equipment at a fair and just market value, which shall not include any amount for the license itself or for any of the rights or privileges granted by this license.

(b) Said license shall be an exclusive license to collect garbage, except swill, industrial garbage and salvageable waste, within the area delineated and marked as Area C on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made. Said license shall be a non-exclusive license to collect swill, industrial garbage and salvageable waste.

(c) In accepting this license, Licensee thereby agrees to serve the area covered by the license for the term herein specified in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

(d) Said license shall automatically extend to any portion of the Licensee's service area, as shown on the map referred to in paragraph (b) above, which is hereafter annexed to the City, except that City may permit any person or firm licensed by the County of Stanislaus and then serving such area or portion thereof to continue to serve such area or portion thereof for such period of time, not to exceed three (3) years from the date of annexation, as the City deems proper. The Licensee, when required to serve new portions of the City, shall promptly extend his routes and services and, when necessary, shall hire additional personnel and obtain additional equipment.

(e) The City hereby sets the following rates and charges to be charged for the collection of garbage:

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

No. of Containers	Number of Collections per Week					
	1	2	3	4	5	6
1	1.40	2.80	4.20	5.60	7.00	8.40
2	2.10	4.20	6.30	8.40	10.50	12.60
3	2.80	5.60	8.40	11.20	14.00	16.80
4	3.50	7.00	10.50	14.00	17.50	21.00
5	4.20	8.40	12.60	16.80	21.00	25.20
6	4.90	9.80	14.70	19.60	24.50	29.40

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

Container Size	Number of Collections per Week					
	1	2	3	4	5	6
1 cy	5.25	10.50	15.75	21.00	26.25	31.50
2 cy	10.50	21.00	31.50	42.00	52.50	63.00
3 cy	15.75	31.50	42.00	63.00	78.75	94.50
4 cy	21.00	42.00	63.00	84.00	105.00	126.00

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

Detachable Container Size	1 cy	2 cy	3 cy	4 cy
Monthly Rental Rates	5.00	5.50	6.00	6.50

DROP BOX CONTAINERS

Pickup Charge	\$25.00/pickup
Rental	\$ 1.00/day with \$25.00 max. for each 30-day rental period
Disposal Charge	Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent	\$2.00 plus \$0.25/container
Detachable Containers	\$5.00 plus \$0.75/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

1 yd	2 yd	3 yd	4 yd
5.00	6.00	8.00	10.00

NOTATIONS

- Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
- Where tenant pays for can regardless of location, it shall be regarded as one service.

Said charges shall remain in effect for not less than a three (3) year period commencing on January 1, 1973, except that any revisions in dumping fees at the Geer Road Sanitary Landfill may be considered as grounds for possible revision of the rates during this period. Service charges and costs of operation of the Licensee will be reviewed biennially after said three (3) year period by the City Council, and rate adjustments made if deemed necessary by the City Council.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

(f) Licensee shall bill and collect all garbage service charges.

(g) The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S., from time to time, as required in order to protect the public health, safety and welfare of the City.

(h) The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of this license.

(i) The Director of Public Works of the City of Modesto shall administer and supervise the Licensee's operations under the terms of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code, as amended by Ordinance No. 1196-C. S.

In the event of any disagreement between the Licensee and customers regarding the amount of charges for garbage collection service or the type or extent of service provided by the Licensee, the Director of Public Works shall make an investigation and determination, and the decision of the Director of Public Works shall be final.

(j) The Licensee shall establish and maintain an office within the City of Modesto, or other location approved by the City Manager, and shall keep said office open for business from 8:00 a. m. to 5:00 p. m. of each and every day except Saturday, Sunday, and all legal holidays observed by the City of Modesto.

The Licensee shall keep and maintain in said office at all times during the hours it is required to be open, competent personnel who shall have authority to represent the Licensee in his relations with the City and with the public. The Licensee shall obtain and keep in said office sufficient listed telephones and personnel to courteously, quickly and expeditiously receive and answer all telephone and other calls to said office. A daily log of service calls received and the disposition thereof shall be kept by the Licensee.

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually within sixty (60) days of the end of the preceding calendar year with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

(l) The Licensee shall collect and remove from any and all premises, within twenty-four (24) hours, and no later, after notice, demand or request, any and all garbage which Licensee shall have failed to collect and remove at the regularly scheduled time. The customer's failure to place garbage for collection at the regularly scheduled time shall not be deemed a missed collection.

(m) The Licensee shall collect garbage at least once each calendar week, on a Monday through Friday basis for residential collections, and on a Monday through Saturday basis for commercial and industrial collections. For purposes of such collection, the Licensee shall divide the City into collection routes. Such collection routes shall be each wholly within the City limits, and shall be approved by the Director of Public Works. Upon approval of the proposed routes by the Director of Public Works, the Licensee shall prepare route books as soon as possible which shall indicate the address of each service, number of containers, frequency of collection, and such other pertinent information as the Director of Public Works may require. The Licensee shall keep route books up to date at all times. The Licensee shall give reasonable notice to the general public as to the days and times for collection on each route. No changes in collection schedules shall be made without the approval of the Director of Public Works and reasonable notice thereof to the customers concerned by the Licensee.

The Licensee will not be required to make collections on Sundays or legal holidays observed by the City. The Licensee may arrange with commercial and industrial customers for Sunday and holiday collections, however. Scheduled collections not made on legal holidays shall be made within twenty-four (24) hours, Sundays excepted.

(n) The Licensee shall make garbage collection service available on request to all schools, public agencies, institutions, and other non-residential premises at the same rates established for business locations.

In special cases where unusual quantities of materials or special type of materials, or where special methods of handling and/or disposing is required, the Director of Public Works may permit independent arrangements with the Licensee.

(o) The Licensee shall have approved detachable containers for apartment, commercial, business, and industrial services on a rental basis. The Licensee shall be responsible for the general repair and upkeep of all detachable containers. Containers shall be kept in serviceable condition at all times. The Licensee shall provide detachable container cleaning service at a rate approved by the Director of Public Works.

Containers shall be of metal and shall be so constructed that no liquid can leak from said containers. However, containers made of materials other than metal may be proposed by the Licensee for the approval of the Director of Public Works during the term of this license. No materials may be substituted without prior approval.

(p) The Licensee shall supply all occupants or premises in the Licensee's service area with printed information cards approved by the Director of Public Works containing information regarding amounts of garbage which will be collected, complaint procedures, charges, regulations and days of collection. Such cards shall be distributed every two years and, in addition, upon request by occupants or owners of any premises and in advance of route, charge or regulation changes.

(q) The Licensee shall not litter any premises or public property in making collections of garbage, nor shall garbage be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. The Licensee shall, without delay, after removing garbage from any container replace the container in its designated position on the premises with its cover on, and shall repair or replace at his expense any containers damaged as a result of his handling thereof, normal wear and tear excepted. The Licensee shall close all gates after making collections and shall avoid crossing private or public planted areas and climbing or jumping over hedges and fences. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise. If, for any reason, garbage is not picked up, such as overweight container, not in container, etc., the Licensee shall attach a tag to the container explaining the reason therefor, and shall maintain a log or record of such refusals.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances. Vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Director of Public Works, and the outside of each vehicle shall be cleaned and washed at least once a week.

(r) All equipment used for the collection and hauling of garbage shall be approved by the Director of Public Works and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code. All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed

thereto. Collection trucks shall be painted white, or other color approved by the Director of Public Works, and shall be equipped with such safety devices and warning lights required by the State of California Motor Vehicle Code.

All vehicles and equipment used in the collection of garbage, if kept within the boundaries of the City, shall at all times when not in use in the collection of garbage be kept on private property in the appropriate zone and not on streets or other public ways.

(s) All garbage collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition. The Licensee shall institute a complete and comprehensive system of preventative maintenance on all vehicles and shall keep them lubricated and in good repair. Records in a form approved by the Director of Public Works to provide data on operating, maintenance and repair costs shall be kept on each piece of equipment.

(t) For purposes of this paragraph the following definitions shall apply:

(1) "Interruption of service" shall mean:

(aa) Any time period during which garbage collection services by the Licensee are interrupted by a labor dispute and scheduled collections are discontinued or substantially reduced; or

(ab) Any time period after notice by the City of the termination of the license by reason of a breach or default by the Licensee and until other suitable equipment can reasonably be purchased or otherwise acquired by the City for such purpose.

(2) "Equipment" shall mean any and all vehicles and equipment used by the Licensee for the purpose of performing the services provided for in the license at any time within the ninety (90) days immediately prior to the commencement of the interruption of service.

(3) "Payment for use" shall have the following meaning:

(aa) In the case of a piece of equipment subject to a contract, "payment for use" shall mean any installment payment coming due under a contract for such piece of equipment while the City is possessing and using such piece of equipment pursuant to this paragraph during an interruption of service. Payment for use shall not be deemed to include any payment coming due under such contract either prior to, or after the expiration of, such period. Payment for use shall be made by the City, from time to time, directly to the person or company to whom the payment is owed under the contract, and the making of such payment or payments shall constitute full compensation to all persons for the City's temporary use of such piece of equipment.

(ab) In the case of a piece of equipment not subject to a contract, "payment for use" shall mean the reasonable rental value of such piece of equipment for such period of time during which the City possesses and uses such piece of equipment pursuant to this paragraph during an interruption of service. Such payment shall, at the expiration of the term of the interruption of such service, be applied against any sums then owed to the City by the Licensee, or, if none, it shall be paid by the City to the Licensee.

(4) "Contract" shall mean any conditional sales contract, mortgage, encumbrance, lease, rental agreement or other agreement which provides for retention of title to said equipment or grants a security interest therein, that may exist at the commencement of the interruption of service with regard to a piece of equipment.

(5) "Notice" shall mean written notification actually received by the person to be notified or mailed to him by registered or certified mail at the most recent address furnished by him to the City Clerk of the City of Modesto. As to the holder of a contract, the City shall be required to give notice only if the holder's identity is known to the City and the holder has furnished his address to said City Clerk.

In the event of an interruption of service, the City shall be entitled to have the temporary possession of all or any portion of the equipment of Licensee on the condition that the City shall, from time to time, make the payment for use as provided in subparagraph (3) hereof. Upon taking such temporary possession, City shall forthwith give notice thereof to the Licensee and to the then holder of a contract on such equipment, if any. Such temporary use shall not be deemed to be a breach of the terms of any contract regarding said equipment, but it shall otherwise be subject to the terms of such contract which are not in conflict herewith, except that the City shall not be required to make any payment other than the payment for use prescribed in subparagraph (3) hereof. The making by the City of the payment for use prescribed in subparagraph (3) hereof shall be deemed to be compensation only for the temporary use of such equipment and the City shall not thereby acquire any ownership interest in such equipment.

So long as the City continues to make the payment for use of a piece of equipment when due, or within ten (10) days thereafter, such equipment may be retained by the City and may not be repossessed from the City. In the event the City fails to make a payment for use when due, or within ten (10) days thereafter, the City's right to the continued temporary use of such piece of equipment shall cease, and possession of such equipment may be retaken by the Licensee or by the holder of any contract thereon.

At the expiration of the City's temporary possession of such equipment the City shall give written notice of such expiration to the Licensee and to the then holder of a contract on such equipment, if any. In the event the Licensee shall fail to take possession of such equipment within ten (10) days after such notice, the Licensee shall be deemed to have abandoned such equipment and waived all interest therein, and the City shall be free to use and dispose of such equipment without liability or compensation to the Licensee, subject to the terms of any contract that may then exist with regard to such equipment.

All equipment used by the Licensee for the purpose of performing the services provided for in this license shall be solely owned by the Licensee except that the Licensee may, with the prior approval of the City Manager, enter into contracts as defined in subparagraph (4) hereof with respect to such equipment. All such contracts shall provide for temporary possession by the City as set forth herein and shall provide that such temporary possession shall not be deemed a breach of such contract.

(u) All vehicles and equipment used by the Licensee for the collection and hauling of garbage shall be solely owned by Licensee, except that the Licensee may, with the prior approval of the City Manager, enter into conditional sales contracts, mortgages, encumbrances, leases, rental agreements, and other appropriate agreements for the purpose of purchasing, leasing or renting vehicles and equipment to be used in providing the services provided for in this license. All such documents shall provide for temporary possession by the City as set forth in the foregoing section and shall provide that such temporary possession shall not be deemed a breach of the agreement.

(v) Garbage collected by the Licensee shall be disposed of at the Geer Road sanitary landfill. The City reserves the right to designate other sanitary landfill areas for disposal, and other methods of disposal. Disposal of garbage at the sanitary landfill will be in accordance with regulations in effect for the same as they now exist or may hereafter be amended. Industrial garbage collected by the Licensee may be disposed of at such other locations as are approved by the Health Officer.

(w) The Licensee shall have the full and exclusive right to all salvageable materials collected in connection with the collection of garbage under this license, and shall have the sole right to any and all funds received from the sale of said salvageable materials. Such funds shall be accounted for as part of the gross revenues of Licensee.

Salvaging or scavenging by the Licensee, or any of his employees, is prohibited on the collection routes. Salvaging at a suitable location is encouraged, however.

(x) The Licensee agrees to keep the Director of Public Works advised as to any current developments in recycling programs, and to participate in such recycling programs when it can be done on a sound economical basis. The Licensee agrees to cooperate on any reasonable basis with local civic organizations who desire to participate in a recycling program. The term recycling as used herein means any process which has as its goal the conversion of garbage, rubbish or salvageable waste into a usable product.

(y) The Licensee shall file with the City Clerk and maintain during the term of this license a corporate surety bond or other form of security satisfactory to the City Attorney in the sum of ~~Fifteen Thousand and no/100ths (\$15,000.00) Dollars~~ _____

Said bond or security shall be conditioned upon the faithful performances of the terms and conditions of this license and the provisions of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

(z) Licensee agrees, in connection with the performance of all operations under or pursuant to this license, to be an Equal Opportunity Employer and not to discriminate against any employee or applicant for employment because of race, creed, color or national origin.

SECTION 3. This ordinance shall become effective thirty (30) days from and after its final passage and adoption; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the bond and insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

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

The foregoing ordinance was introduced at an adjourned regular meeting of the Council of the City of Modesto held on the 11th day of July, 1972, 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, Dunlap, Newton, Simon, Mayor Davies

NOES: Councilmen: Elliott

ABSENT: Councilmen: 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

Ord. No. 1206-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 17th day of July, 1972, Councilman Dixon 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, Dunlap, Elliott, Newton, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Smith

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 16, 1972

ORDINANCE NO. 1207 -C. S.

AN ORDINANCE GRANTING TO RONALD T. DRISCOLL AND DIANE M.

DRISCOLL, dba ORANGE LINE SANITATION COMPANY
A LICENSE FOR THE COLLECTION OF GARBAGE IN THE
CITY OF MODESTO.

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

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

SECTION 2. A license to collect garbage, including swill, industrial garbage and salvageable waste, in the City of Modesto is hereby granted to Ronald T. Driscoll and Diane M. Driscoll, dba Orange Line Sanitation/ Company subject to the following terms and conditions.

(a) Said license shall be for a term of ten (10) years, commencing on January 1, 1973, and ending December 31, 1982, unless terminated at an earlier date under the provisions of this license. Nothing herein shall be deemed or construed to impair or affect in any way the right of the City to acquire the equipment and assume the operations of the Licensee at any time during the term of this license by purchase of the Licensee's equipment at a fair and just market value, which shall not include any amount for the license itself or for any of the rights or privileges granted by this license.

(b) Said license shall be an exclusive license to collect garbage, except swill, industrial garbage and salvageable waste, within the area delineated and marked as Area D on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made. Said license shall be a non-exclusive license to collect swill, industrial garbage and salvageable waste.

(c) In accepting this license, Licensee thereby agrees to serve the area covered by the license for the term herein specified in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

(d) Said license shall automatically extend to any portion of the Licensee's service area, as shown on the map referred to in paragraph (b) above, which is hereafter annexed to the City, except that City may permit any person or firm licensed by the County of Stanislaus and then serving such area or portion thereof to continue to serve such area or portion thereof for such period of time, not to exceed three (3) years from the date of annexation, as the City deems proper. The Licensee, when required to serve new portions of the City, shall promptly extend his routes and services and, when necessary, shall hire additional personnel and obtain additional equipment.

(e) The City hereby sets the following rates and charges to be charged for the collection of garbage:

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

No. of Containers	Number of Collections per Week					
	1	2	3	4	5	6
1	1.40	2.80	4.20	5.60	7.00	8.40
2	2.10	4.20	6.30	8.40	10.50	12.60
3	2.80	5.60	8.40	11.20	14.00	16.80
4	3.50	7.00	10.50	14.00	17.50	21.00
5	4.20	8.40	12.60	16.80	21.00	25.20
6	4.90	9.80	14.70	19.60	24.50	29.40

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

Container Size	Number of Collections per Week					
	1	2	3	4	5	6
1 cy	5.25	10.50	15.75	21.00	26.25	31.50
2 cy	10.50	21.00	31.50	42.00	52.50	63.00
3 cy	15.75	31.50	42.00	63.00	78.75	94.50
4 cy	21.00	42.00	63.00	84.00	105.00	126.00

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

Detachable Container Size	1 cy	2 cy	3 cy	4 cy
Monthly Rental Rates	5.00	5.50	6.00	6.50

DROP BOX CONTAINERS

Pickup Charge	\$25.00/pickup
Rental	\$ 1.00/day with \$25.00 max. for each 30-day rental period
Disposal Charge	Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent	\$2.00 plus \$0.25/container
Detachable Containers	\$5.00 plus \$0.75/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

1 yd	2 yd	3 yd	4 yd
5.00	6.00	8.00	10.00

NOTATIONS

- Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
- Where tenant pays for can regardless of location, it shall be regarded as one service.

Said charges shall remain in effect for not less than a three (3) year period commencing on January 1, 1973, except that any revisions in dumping fees at the Geer Road Sanitary Landfill may be considered as grounds for possible revision of the rates during this period. Service charges and costs of operation of the Licensee will be reviewed biennially after said three (3) year period by the City Council, and rate adjustments made if deemed necessary by the City Council.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

(f) Licensee shall bill and collect all garbage service charges.

(g) The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S., from time to time, as required in order to protect the public health, safety and welfare of the City.

(h) The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of this license.

(i) The Director of Public Works of the City of Modesto shall administer and supervise the Licensee's operations under the terms of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code, as amended by Ordinance No. 1196-C. S.

In the event of any disagreement between the Licensee and customers regarding the amount of charges for garbage collection service or the type or extent of service provided by the Licensee, the Director of Public Works shall make an investigation and determination, and the decision of the Director of Public Works shall be final.

(j) The Licensee shall establish and maintain an office within the City of Modesto, or other location approved by the City Manager, and shall keep said office open for business from 8:00 a. m. to 5:00 p. m. of each and every day except Saturday, Sunday, and all legal holidays observed by the City of Modesto.

The Licensee shall keep and maintain in said office at all times during the hours it is required to be open, competent personnel who shall have authority to represent the Licensee in his relations with the City and with the public. The Licensee shall obtain and keep in said office sufficient listed telephones and personnel to courteously, quickly and expeditiously receive and answer all telephone and other calls to said office. A daily log of service calls received and the disposition thereof shall be kept by the Licensee.

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually within sixty (60) days of the end of the preceding calendar year with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

(l) The Licensee shall collect and remove from any and all premises, within twenty-four (24) hours, and no later, after notice, demand or request, any and all garbage which Licensee shall have failed to collect and remove at the regularly scheduled time. The customer's failure to place garbage for collection at the regularly scheduled time shall not be deemed a missed collection.

(m) The Licensee shall collect garbage at least once each calendar week, on a Monday through Friday basis for residential collections, and on a Monday through Saturday basis for commercial and industrial collections. For purposes of such collection, the Licensee shall divide the City into collection routes. Such collection routes shall be each wholly within the City limits, and shall be approved by the Director of Public Works. Upon approval of the proposed routes by the Director of Public Works, the Licensee shall prepare route books as soon as possible which shall indicate the address of each service, number of containers, frequency of collection, and such other pertinent information as the Director of Public Works may require. The Licensee shall keep route books up to date at all times. The Licensee shall give reasonable notice to the general public as to the days and times for collection on each route. No changes in collection schedules shall be made without the approval of the Director of Public Works and reasonable notice thereof to the customers concerned by the Licensee.

The Licensee will not be required to make collections on Sundays or legal holidays observed by the City. The Licensee may arrange with commercial and industrial customers for Sunday and holiday collections, however. Scheduled collections not made on legal holidays shall be made within twenty-four (24) hours, Sundays excepted.

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(o) The Licensee shall have approved detachable containers for apartment, commercial, business, and industrial services on a rental basis. The Licensee shall be responsible for the general repair and upkeep of all detachable containers. Containers shall be kept in serviceable condition at all times. The Licensee shall provide detachable container cleaning service at a rate approved by the Director of Public Works.

Containers shall be of metal and shall be so constructed that no liquid can leak from said containers. However, containers made of materials other than metal may be proposed by the Licensee for the approval of the Director of Public Works during the term of this license. No materials may be substituted without prior approval.

(p) The Licensee shall supply all occupants or premises in the Licensee's service area with printed information cards approved by the Director of Public Works containing information regarding amounts of garbage which will be collected, complaint procedures, charges, regulations and days of collection. Such cards shall be distributed every two years and, in addition, upon request by occupants or owners of any premises and in advance of route, charge or regulation changes.

(q) The Licensee shall not litter any premises or public property in making collections of garbage, nor shall garbage be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. The Licensee shall, without delay, after removing garbage from any container replace the container in its designated position on the premises with its cover on, and shall repair or replace at his expense any containers damaged as a result of his handling thereof, normal wear and tear excepted. The Licensee shall close all gates after making collections and shall avoid crossing private or public planted areas and climbing or jumping over hedges and fences. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise. If, for any reason, garbage is not picked up, such as overweight container, not in container, etc., the Licensee shall attach a tag to the container explaining the reason therefor, and shall maintain a log or record of such refusals.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances. Vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Director of Public Works, and the outside of each vehicle shall be cleaned and washed at least once a week.

(r) All equipment used for the collection and hauling of garbage shall be approved by the Director of Public Works and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code. All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed

thereto. Collection trucks shall be painted white, or other color approved by the Director of Public Works, and shall be equipped with such safety devices and warning lights required by the State of California Motor Vehicle Code.

All vehicles and equipment used in the collection of garbage, if kept within the boundaries of the City, shall at all times when not in use in the collection of garbage be kept on private property in the appropriate zone and not on streets or other public ways.

(s) All garbage collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition. The Licensee shall institute a complete and comprehensive system of preventative maintenance on all vehicles and shall keep them lubricated and in good repair. Records in a form approved by the Director of Public Works to provide data on operating, maintenance and repair costs shall be kept on each piece of equipment.

(t) For purposes of this paragraph the following definitions shall apply:

(1) "Interruption of service" shall mean:

(aa) Any time period during which garbage collection services by the Licensee are interrupted by a labor dispute and scheduled collections are discontinued or substantially reduced; or

(ab) Any time period after notice by the City of the termination of the license by reason of a breach or default by the Licensee and until other suitable equipment can reasonably be purchased or otherwise acquired by the City for such purpose.

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(aa) In the case of a piece of equipment subject to a contract, "payment for use" shall mean any installment payment coming due under a contract for such piece of equipment while the City is possessing and using such piece of equipment pursuant to this paragraph during an interruption of service. Payment for use shall not be deemed to include any payment coming due under such contract either prior to, or after the expiration of, such period. Payment for use shall be made by the City, from time to time, directly to the person or company to whom the payment is owed under the contract, and the making of such payment or payments shall constitute full compensation to all persons for the City's temporary use of such piece of equipment.

(ab) In the case of a piece of equipment not subject to a contract, "payment for use" shall mean the reasonable rental value of such piece of equipment for such period of time during which the City possesses and uses such piece of equipment pursuant to this paragraph during an interruption of service. Such payment shall, at the expiration of the term of the interruption of such service, be applied against any sums then owed to the City by the Licensee, or, if none, it shall be paid by the City to the Licensee.

(4) "Contract" shall mean any conditional sales contract, mortgage, encumbrance, lease, rental agreement or other agreement which provides for retention of title to said equipment or grants a security interest therein, that may exist at the commencement of the interruption of service with regard to a piece of equipment.

(5) "Notice" shall mean written notification actually received by the person to be notified or mailed to him by registered or certified mail at the most recent address furnished by him to the City Clerk of the City of Modesto. As to the holder of a contract, the City shall be required to give notice only if the holder's identity is known to the City and the holder has furnished his address to said City Clerk.

In the event of an interruption of service, the City shall be entitled to have the temporary possession of all or any portion of the equipment of Licensee on the condition that the City shall, from time to time, make the payment for use as provided in subparagraph (3) hereof. Upon taking such temporary possession, City shall forthwith give notice thereof to the Licensee and to the then holder of a contract on such equipment, if any. Such temporary use shall not be deemed to be a breach of the terms of any contract regarding said equipment, but it shall otherwise be subject to the terms of such contract which are not in conflict herewith, except that the City shall not be required to make any payment other than the payment for use prescribed in subparagraph (3) hereof. The making by the City of the payment for use prescribed in subparagraph (3) hereof shall be deemed to be compensation only for the temporary use of such equipment and the City shall not thereby acquire any ownership interest in such equipment.

So long as the City continues to make the payment for use of a piece of equipment when due, or within ten (10) days thereafter, such equipment may be retained by the City and may not be repossessed from the City. In the event the City fails to make a payment for use when due, or within ten (10) days thereafter, the City's right to the continued temporary use of such piece of equipment shall cease, and possession of such equipment may be retaken by the Licensee or by the holder of any contract thereon.

At the expiration of the City's temporary possession of such equipment the City shall give written notice of such expiration to the Licensee and to the then holder of a contract on such equipment, if any. In the event the Licensee shall fail to take possession of such equipment within ten (10) days after such notice, the Licensee shall be deemed to have abandoned such equipment and waived all interest therein, and the City shall be free to use and dispose of such equipment without liability or compensation to the Licensee, subject to the terms of any contract that may then exist with regard to such equipment.

All equipment used by the Licensee for the purpose of performing the services provided for in this license shall be solely owned by the Licensee except that the Licensee may, with the prior approval of the City Manager, enter into contracts as defined in subparagraph (4) hereof with respect to such equipment. All such contracts shall provide for temporary possession by the City as set forth herein and shall provide that such temporary possession shall not be deemed a breach of such contract.

(u) All vehicles and equipment used by the Licensee for the collection and hauling of garbage shall be solely owned by Licensee, except that the Licensee may, with the prior approval of the City Manager, enter into conditional sales contracts, mortgages, encumbrances, leases, rental agreements, and other appropriate agreements for the purpose of purchasing, leasing or renting vehicles and equipment to be used in providing the services provided for in this license. All such documents shall provide for temporary possession by the City as set forth in the foregoing section and shall provide that such temporary possession shall not be deemed a breach of the agreement.

(v) Garbage collected by the Licensee shall be disposed of at the Geer Road sanitary landfill. The City reserves the right to designate other sanitary landfill areas for disposal, and other methods of disposal. Disposal of garbage at the sanitary landfill will be in accordance with regulations in effect for the same as they now exist or may hereafter be amended. Industrial garbage collected by the Licensee may be disposed of at such other locations as are approved by the Health Officer.

(w) The Licensee shall have the full and exclusive right to all salvageable materials collected in connection with the collection of garbage under this license, and shall have the sole right to any and all funds received from the sale of said salvageable materials. Such funds shall be accounted for as part of the gross revenues of Licensee.

Salvaging or scavenging by the Licensee, or any of his employees, is prohibited on the collection routes. Salvaging at a suitable location is encouraged, however.

(x) The Licensee agrees to keep the Director of Public Works advised as to any current developments in recycling programs, and to participate in such recycling programs when it can be done on a sound economical basis. The Licensee agrees to cooperate on any reasonable basis with local civic organizations who desire to participate in a recycling program. The term recycling as used herein means any process which has as its goal the conversion of garbage, rubbish or salvageable waste into a usable product.

(y) The Licensee shall file with the City Clerk and maintain during the term of this license a corporate surety bond or other form of security satisfactory to the City Attorney in the sum of ~~Five Thousand and no/100ths (\$5,000.00 Dollars)~~

Said bond or security shall be conditioned upon the faithful performances of the terms and conditions of this license and the provisions of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

(z) Licensee agrees, in connection with the performance of all operations under or pursuant to this license, to be an Equal Opportunity Employer and not to discriminate against any employee or applicant for employment because of race, creed, color or national origin.

SECTION 3. This ordinance shall become effective thirty (30) days from and after its final passage and adoption; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the bond and insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

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

The foregoing ordinance was introduced at an adjourned regular meeting of the Council of the City of Modesto held on the 11th day of July, 1972, 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, Dunlap, Newton, Simon, Mayor Davies

NOES: Councilmen: Elliott

ABSENT: Councilmen: 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

Ord. No. 1207-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 17th day of July, 1972, Councilman Dixon 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, Dunlap, Elliott, Newton, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Smith

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 16, 1972

ORDINANCE NO. 1208 -C. S.

AN ORDINANCE GRANTING TO SANDERS BROTHERS, INC., A CALIFORNIA CORPORATION, dba SANDERS GARBAGE COMPANY A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO.

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

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

SECTION 2. A license to collect garbage, including swill, industrial garbage and salvageable waste, in the City of Modesto is hereby granted to Sanders Brothers, Inc., a California corporation, dba Sanders Garbage Company subject to the following terms and conditions.

(a) Said license shall be for a term of ten (10) years, commencing on January 1, 1973, and ending December 31, 1982, unless terminated at an earlier date under the provisions of this license. Nothing herein shall be deemed or construed to impair or affect in any way the right of the City to acquire the equipment and assume the operations of the Licensee at any time during the term of this license by purchase of the Licensee's equipment at a fair and just market value, which shall not include any amount for the license itself or for any of the rights or privileges granted by this license.

(b) Said license shall be an exclusive license to collect garbage, except swill, industrial garbage and salvageable waste, within the area delineated and marked as Area A on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made. Said license shall be a non-exclusive license to collect swill, industrial garbage and salvageable waste.

(c) In accepting this license, Licensee thereby agrees to serve the area covered by the license for the term herein specified in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

(d) Said license shall automatically extend to any portion of the Licensee's service area, as shown on the map referred to in paragraph (b) above, which is hereafter annexed to the City, except that City may permit any person or firm licensed by the County of Stanislaus and then serving such area or portion thereof to continue to serve such area or portion thereof for such period of time, not to exceed three (3) years from the date of annexation, as the City deems proper. The Licensee, when required to serve new portions of the City, shall promptly extend his routes and services and, when necessary, shall hire additional personnel and obtain additional equipment.

(e) The City hereby sets the following rates and charges to be charged for the collection of garbage:

CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

No. of Containers	Number of Collections per Week					
	1	2	3	4	5	6
1	1.40	2.80	4.20	5.60	7.00	8.40
2	2.10	4.20	6.30	8.40	10.50	12.60
3	2.80	5.60	8.40	11.20	14.00	16.80
4	3.50	7.00	10.50	14.00	17.50	21.00
5	4.20	8.40	12.60	16.80	21.00	25.20
6	4.90	9.80	14.70	19.60	24.50	29.40

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

Container Size	Number of Collections per Week					
	1	2	3	4	5	6
1 cy	5.25	10.50	15.75	21.00	26.25	31.50
2 cy	10.50	21.00	31.50	42.00	52.50	63.00
3 cy	15.75	31.50	42.00	63.00	78.75	94.50
4 cy	21.00	42.00	63.00	84.00	105.00	126.00

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

Detachable Container Size	1 cy	2 cy	3 cy	4 cy
Monthly Rental Rates	5.00	5.50	6.00	6.50

DROP BOX CONTAINERS

Pickup Charge	\$25.00/pickup
Rental	\$ 1.00/day with \$25.00 max. for each 30-day rental period
Disposal Charge	Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent	\$2.00 plus \$0.25/container
Detachable Containers	\$5.00 plus \$0.75/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

1 yd	2 yd	3 yd	4 yd
5.00	6.00	8.00	10.00

NOTATIONS

- Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
- Where tenant pays for can regardless of location, it shall be regarded as one service.

Said charges shall remain in effect for not less than a three (3) year period commencing on January 1, 1973, except that any revisions in dumping fees at the Geer Road Sanitary Landfill may be considered as grounds for possible revision of the rates during this period. Service charges and costs of operation of the Licensee will be reviewed biennially after said three (3) year period by the City Council, and rate adjustments made if deemed necessary by the City Council.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

(f) Licensee shall bill and collect all garbage service charges.

(g) The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S., from time to time, as required in order to protect the public health, safety and welfare of the City.

(h) The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of this license.

(i) The Director of Public Works of the City of Modesto shall administer and supervise the Licensee's operations under the terms of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code, as amended by Ordinance No. 1196-C. S.

In the event of any disagreement between the Licensee and customers regarding the amount of charges for garbage collection service or the type or extent of service provided by the Licensee, the Director of Public Works shall make an investigation and determination, and the decision of the Director of Public Works shall be final.

(j) The Licensee shall establish and maintain an office within the City of Modesto, or other location approved by the City Manager, and shall keep said office open for business from 8:00 a.m. to 5:00 p.m. of each and every day except Saturday, Sunday, and all legal holidays observed by the City of Modesto.

The Licensee shall keep and maintain in said office at all times during the hours it is required to be open, competent personnel who shall have authority to represent the Licensee in his relations with the City and with the public. The Licensee shall obtain and keep in said office sufficient listed telephones and personnel to courteously, quickly and expeditiously receive and answer all telephone and other calls to said office. A daily log of service calls received and the disposition thereof shall be kept by the Licensee.

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually within sixty (60) days of the end of the preceding calendar year with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

(l) The Licensee shall collect and remove from any and all premises, within twenty-four (24) hours, and no later, after notice, demand or request, any and all garbage which Licensee shall have failed to collect and remove at the regularly scheduled time. The customer's failure to place garbage for collection at the regularly scheduled time shall not be deemed a missed collection.

(m) The Licensee shall collect garbage at least once each calendar week, on a Monday through Friday basis for residential collections, and on a Monday through Saturday basis for commercial and industrial collections. For purposes of such collection, the Licensee shall divide the City into collection routes. Such collection routes shall be each wholly within the City limits, and shall be approved by the Director of Public Works. Upon approval of the proposed routes by the Director of Public Works, the Licensee shall prepare route books as soon as possible which shall indicate the address of each service, number of containers, frequency of collection, and such other pertinent information as the Director of Public Works may require. The Licensee shall keep route books up to date at all times. The Licensee shall give reasonable notice to the general public as to the days and times for collection on each route. No changes in collection schedules shall be made without the approval of the Director of Public Works and reasonable notice thereof to the customers concerned by the Licensee.

The Licensee will not be required to make collections on Sundays or legal holidays observed by the City. The Licensee may arrange with commercial and industrial customers for Sunday and holiday collections, however. Scheduled collections not made on legal holidays shall be made within twenty-four (24) hours, Sundays excepted.

(n) The Licensee shall make garbage collection service available on request to all schools, public agencies, institutions, and other non-residential premises at the same rates established for business locations.

In special cases where unusual quantities of materials or special type of materials, or where special methods of handling and/or disposing is required, the Director of Public Works may permit independent arrangements with the Licensee.

(o) The Licensee shall have approved detachable containers for apartment, commercial, business, and industrial services on a rental basis. The Licensee shall be responsible for the general repair and upkeep of all detachable containers. Containers shall be kept in serviceable condition at all times. The Licensee shall provide detachable container cleaning service at a rate approved by the Director of Public Works.

Containers shall be of metal and shall be so constructed that no liquid can leak from said containers. However, containers made of materials other than metal may be proposed by the Licensee for the approval of the Director of Public Works during the term of this license. No materials may be substituted without prior approval.

(p) The Licensee shall supply all occupants or premises in the Licensee's service area with printed information cards approved by the Director of Public Works containing information regarding amounts of garbage which will be collected, complaint procedures, charges, regulations and days of collection. Such cards shall be distributed every two years and, in addition, upon request by occupants or owners of any premises and in advance of route, charge or regulation changes.

(q) The Licensee shall not litter any premises or public property in making collections of garbage, nor shall garbage be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. The Licensee shall, without delay, after removing garbage from any container replace the container in its designated position on the premises with its cover on, and shall repair or replace at his expense any containers damaged as a result of his handling thereof, normal wear and tear excepted. The Licensee shall close all gates after making collections and shall avoid crossing private or public planted areas and climbing or jumping over hedges and fences. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise. If, for any reason, garbage is not picked up, such as overweight container, not in container, etc., the Licensee shall attach a tag to the container explaining the reason therefor, and shall maintain a log or record of such refusals.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances, Vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Director of Public Works, and the outside of each vehicle shall be cleaned and washed at least once a week.

(r) All equipment used for the collection and hauling of garbage shall be approved by the Director of Public Works and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code. All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed

thereto. Collection trucks shall be painted white, or other color approved by the Director of Public Works, and shall be equipped with such safety devices and warning lights required by the State of California Motor Vehicle Code.

All vehicles and equipment used in the collection of garbage, if kept within the boundaries of the City, shall at all times when not in use in the collection of garbage be kept on private property in the appropriate zone and not on streets or other public ways.

(s) All garbage collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition. The Licensee shall institute a complete and comprehensive system of preventative maintenance on all vehicles and shall keep them lubricated and in good repair. Records in a form approved by the Director of Public Works to provide data on operating, maintenance and repair costs shall be kept on each piece of equipment.

(t) For purposes of this paragraph the following definitions shall apply:

(1) "Interruption of service" shall mean:

(aa) Any time period during which garbage collection services by the Licensee are interrupted by a labor dispute and scheduled collections are discontinued or substantially reduced; or

(ab) Any time period after notice by the City of the termination of the license by reason of a breach or default by the Licensee and until other suitable equipment can reasonably be purchased or otherwise acquired by the City for such purpose.

(2) "Equipment" shall mean any and all vehicles and equipment used by the Licensee for the purpose of performing the services provided for in the license at any time within the ninety (90) days immediately prior to the commencement of the interruption of service.

(3) "Payment for use" shall have the following meaning:

(aa) In the case of a piece of equipment subject to a contract, "payment for use" shall mean any installment payment coming due under a contract for such piece of equipment while the City is possessing and using such piece of equipment pursuant to this paragraph during an interruption of service. Payment for use shall not be deemed to include any payment coming due under such contract either prior to, or after the expiration of, such period. Payment for use shall be made by the City, from time to time, directly to the person or company to whom the payment is owed under the contract, and the making of such payment or payments shall constitute full compensation to all persons for the City's temporary use of such piece of equipment.

(ab) In the case of a piece of equipment not subject to a contract, "payment for use" shall mean the reasonable rental value of such piece of equipment for such period of time during which the City possesses and uses such piece of equipment pursuant to this paragraph during an interruption of service. Such payment shall, at the expiration of the term of the interruption of such service, be applied against any sums then owed to the City by the Licensee, or, if none, it shall be paid by the City to the Licensee.

(4) "Contract" shall mean any conditional sales contract, mortgage, encumbrance, lease, rental agreement or other agreement which provides for retention of title to said equipment or grants a security interest therein, that may exist at the commencement of the interruption of service with regard to a piece of equipment.

(5) "Notice" shall mean written notification actually received by the person to be notified or mailed to him by registered or certified mail at the most recent address furnished by him to the City Clerk of the City of Modesto. As to the holder of a contract, the City shall be required to give notice only if the holder's identity is known to the City and the holder has furnished his address to said City Clerk.

In the event of an interruption of service, the City shall be entitled to have the temporary possession of all or any portion of the equipment of Licensee on the condition that the City shall, from time to time, make the payment for use as provided in subparagraph (3) hereof. Upon taking such temporary possession, City shall forthwith give notice thereof to the Licensee and to the then holder of a contract on such equipment, if any. Such temporary use shall not be deemed to be a breach of the terms of any contract regarding said equipment, but it shall otherwise be subject to the terms of such contract which are not in conflict herewith, except that the City shall not be required to make any payment other than the payment for use prescribed in subparagraph (3) hereof. The making by the City of the payment for use prescribed in subparagraph (3) hereof shall be deemed to be compensation only for the temporary use of such equipment and the City shall not thereby acquire any ownership interest in such equipment.

So long as the City continues to make the payment for use of a piece of equipment when due, or within ten (10) days thereafter, such equipment may be retained by the City and may not be repossessed from the City. In the event the City fails to make a payment for use when due, or within ten (10) days thereafter, the City's right to the continued temporary use of such piece of equipment shall cease, and possession of such equipment may be retaken by the Licensee or by the holder of any contract thereon.

At the expiration of the City's temporary possession of such equipment the City shall give written notice of such expiration to the Licensee and to the then holder of a contract on such equipment, if any. In the event the Licensee shall fail to take possession of such equipment within ten (10) days after such notice, the Licensee shall be deemed to have abandoned such equipment and waived all interest therein, and the City shall be free to use and dispose of such equipment without liability or compensation to the Licensee, subject to the terms of any contract that may then exist with regard to such equipment.

All equipment used by the Licensee for the purpose of performing the services provided for in this license shall be solely owned by the Licensee except that the Licensee may, with the prior approval of the City Manager, enter into contracts as defined in subparagraph (4) hereof with respect to such equipment. All such contracts shall provide for temporary possession by the City as set forth herein and shall provide that such temporary possession shall not be deemed a breach of such contract.

(u) All vehicles and equipment used by the Licensee for the collection and hauling of garbage shall be solely owned by Licensee, except that the Licensee may, with the prior approval of the City Manager, enter into conditional sales contracts, mortgages, encumbrances, leases, rental agreements, and other appropriate agreements for the purpose of purchasing, leasing or renting vehicles and equipment to be used in providing the services provided for in this license. All such documents shall provide for temporary possession by the City as set forth in the foregoing section and shall provide that such temporary possession shall not be deemed a breach of the agreement.

(v) Garbage collected by the Licensee shall be disposed of at the Geer Road sanitary landfill. The City reserves the right to designate other sanitary landfill areas for disposal, and other methods of disposal. Disposal of garbage at the sanitary landfill will be in accordance with regulations in effect for the same as they now exist or may hereafter be amended. Industrial garbage collected by the Licensee may be disposed of at such other locations as are approved by the Health Officer.

(w) The Licensee shall have the full and exclusive right to all salvageable materials collected in connection with the collection of garbage under this license, and shall have the sole right to any and all funds received from the sale of said salvageable materials. Such funds shall be accounted for as part of the gross revenues of Licensee.

Salvaging or scavenging by the Licensee, or any of his employees, is prohibited on the collection routes. Salvaging at a suitable location is encouraged, however.

(x) The Licensee agrees to keep the Director of Public Works advised as to any current developments in recycling programs, and to participate in such recycling programs when it can be done on a sound economical basis. The Licensee agrees to cooperate on any reasonable basis with local civic organizations who desire to participate in a recycling program. The term recycling as used herein means any process which has as its goal the conversion of garbage, rubbish or salvageable waste into a usable product.

(y) The Licensee shall file with the City Clerk and maintain during the term of this license a corporate surety bond or other form of security satisfactory to the City Attorney in the sum of Seven Thousand and no/100ths (\$7,000.00) Dollars.

Said bond or security shall be conditioned upon the faithful performances of the terms and conditions of this license and the provisions of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

(z) Licensee agrees, in connection with the performance of all operations under or pursuant to this license, to be an Equal Opportunity Employer and not to discriminate against any employee or applicant for employment because of race, creed, color or national origin.

SECTION 3. This ordinance shall become effective thirty (30) days from and after its final passage and adoption; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the bond and insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

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

The foregoing ordinance was introduced at an adjourned regular meeting of the Council of the City of Modesto held on the 11th day of July, 1972, 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, Dunlap, Newton, Simon, Mayor Davies

NOES: Councilmen: Elliott

ABSENT: Councilmen: 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

Ord. No. 1208-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 17th day of July, 1972, Councilman Dixon 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, Dunlap, Elliott, Newton, Simon,
Mayor Davies

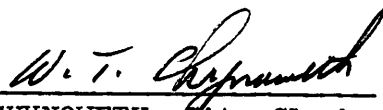
NOES: Councilmen: None

ABSENT: Councilmen: Smith

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 16, 1972

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (TRI-COUNTY
LEASING)

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 Neighborhood Commercial Zone, C-1,
to Planned-Development Zone, P-D (101) :

Lot 5, 6, 7, and 8, Block 102, City of Modesto.

Also including the southwesterly 40 feet of 14th
Street immediately adjacent to the above
described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(101) 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. Twenty 2-story apartment units.
2. A minimum of 20 off-street parking spaces.
3. A combination management office, sitting room, restroom building.
4. A central open space area with swimming pool and other recreational facilities.
5. Laundry and storage building.

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.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of July, 1972, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Smith

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 1209 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 August, 1972, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 6, 1972

AN ORDINANCE ADOPTING SPECIFIC PLAN LINES FOR THOSE SECTIONS OF CROWS LANDING ROAD LOCATED WITHIN THE MODESTO CITY LIMITS.

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

SECTION 1. NECESSITY FOR ESTABLISHMENT OF RIGHT-OF-WAY FOR CROWS LANDING ROAD. The Modesto Urban Area General Plan provides for the development of Crows Landing Road as a major street extending in a north-south direction in the southern part of the City of Modesto. The Stanislaus County Board of Supervisors has recently adopted specific plan lines for those portions of Crows Landing Road located outside of the Modesto City limits and in order to fully protect the future right-of-way of Crows Landing Road from encroachment by new construction, it is necessary to adopt a specific plan for those portions of this street located within the Modesto City limits.

SECTION 2. ADOPTION OF SPECIFIC PLAN. That certain specific plan for the right-of-way of Crows Landing Road in the City of Modesto titled "CROWS LANDING ROAD, Specific Plan for Right-of-Way from Glenn Avenue to Amador Avenue, and from the City Limit 90 feet South of El Paso Avenue to Zeff Road", consisting of two (2) pages, is hereby adopted. Copies of said specific plan are on file in the offices of the City Clerk and the Director of Public Works, and by this reference made a part hereof as though set forth in full herein.

SECTION 3. DESCRIPTION OF RIGHT-OF-WAY. The right-of-way of Crows Landing Road in the City of Modesto is described on the attached Exhibit "A", and by this reference made a part hereof as though set forth in full herein.

SECTION 4. USE OF BUILDING LINE SETBACKS. Within the right-of-way adopted by this ordinance, it shall be unlawful to erect buildings of any kind, or to erect any structure, including, but not confined to, advertising structures or solid walls; or to establish any well, whether for water, oil or other hydrocarbon products, or to make excavations or install any subsurface structure except those subsurface structures permitted by the Building Code; provided such prohibition shall not apply to trees, agricultural crops, open fences, or public utilities installed under authority of law, or any buildings, structures, well excavation or subsurface structure existing on the effective date of this ordinance, or to signs, canopies or marquees permitted by the Municipal Code.

SECTION 5. FRONT YARD AND SIDE YARD SETBACKS. Front yard and side yard setbacks shall be observed for new construction adjacent to the right-of-way of Crows Landing Road in the City of Modesto, as adopted by this ordinance, in accordance with the requirements of the zoning classification in which the property is located. Front yards shall be measured in accordance with Section 10-2.1608 of the Modesto Municipal Code.

SECTION 6. VARIANCES. When practical difficulties, unnecessary hardships, or results inconsistent with the general purpose of this ordinance result through the strict and literal interpretation and enforcement of the provisions hereof, the Board of Zoning Adjustment shall have authority, as an administrative act, subject to the provisions of this ordinance, to grant, upon such conditions as it may determine, such variances from the provisions of this ordinance as may be in harmony with its general purpose and intent, so that the spirit of this ordinance shall be observed, public safety and welfare secured and substantial justice done.

SECTION 7. SEVERABILITY. If any section, subsection, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this ordinance; it being hereby expressly declared that this ordinance, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

SECTION 8. VIOLATIONS AND PENALTIES. Any person, firm, association or corporation who, either as principal, owner, agent, servant or employee violates any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding One Thousand and no/100ths (\$1,000.00) Dollars, or by imprisonment in the County Jail of Stanislaus County, California, for a period not exceeding one year, or by both such fine and imprisonment.

Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a separate offense for each day or portion thereof during which such violation continues and shall be punishable therefor as herein provided.

The imposition of one penalty for any violation of this ordinance shall not excuse the violation, or permit it to continue, and all such persons shall be required to correct or remedy such violations or defects within a reasonable time.

SECTION 9. 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 10. 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 17th day of July, 1972, 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, Dunlap, Elliott, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, 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

APPROVED AS TO DESCRIPTION:

By Public Works Department
Public Works Department

EXHIBIT A

CROWS LANDING ROAD

Specific Plan for Right of Way, from Glenn Avenue to Amador Avenue and from the City Limit 90 feet South of El Paso Avenue to Jeff Road.

A right of way fifty (50.00) feet West of and fifty (50.00) feet East of the established center line which reduces to forty (40.00) feet on the East as noted of the established center line, described as follows:

Beginning at a point on the Southern line of Section 9, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, said point being on the center line of a public road known as Whitmore Avenue, said point also being 5.00 feet, measured at right angles, Easterly from the section line common to Sections 8 and 9; thence along the center line of a 100.00 foot right of way, North $00^{\circ} 17' 21''$ East, 1025.35 feet; thence along a tangent curve concave to the Southeast, having a Radius of 5000.00 feet, a Central Angle of $03^{\circ} 08' 19''$ and an Arc Length of 273.90 feet; thence along a reverse curve concave to the Northwest, having a Radius of 5000.00 feet, a Central Angle of $03^{\circ} 18' 19''$ and an Arc Length of 273.90 feet, to its point of tangency on a line which is parallel with and 20.00 feet, measured at right angles, Easterly from the section line common to Sections 8 and 9; thence along said parallel line, North $00^{\circ} 17' 21''$ East, 1056.82 feet, to a point on the East-West quarter section line of said Section 9, said point being on the Easterly extension of the center line of a 60.00 foot public road known as Glenn Avenue; thence continuing along said parallel line, North $00^{\circ} 17' 18''$ East, 1170.82 feet, to the center line of a 70.00 foot public road known as Winmoore Way; thence along a right of way 50.00 feet West of and 40.00 feet East of the established center line described as follows, North $00^{\circ} 17' 18''$ East, 599.94 feet; thence along the center line of a 100.00 foot right of way, North $00^{\circ} 17' 18''$ East, 283.91 feet; thence along a tangent curve concave to the Southwest, having a Radius of 2000.00 feet, a Central Angle of $05^{\circ} 43' 55''$ and an Arc Length of 200.08 feet; thence along a reverse curve concave to the Northeast, having a Radius of 2000.00 feet, a Central Angle of $05^{\circ} 43' 55''$ and an Arc Length of 200.08 feet, to its point of tangency on the section line common to Sections 8 and 9; thence along said section line, North $00^{\circ} 17' 21''$ East, 178.00 feet, to the section corner common to Sections 4, 5, 8 and 9, Township 4 South, Range 9 East; thence along the section line common to said Sections 4 and 5, North $00^{\circ} 25' 10''$ East, 315.00 feet; thence along a tangent curve concave to the Southwest, having a Radius of 200.00 feet, a Central Angle of $05^{\circ} 43' 55''$ and an Arc Length of 200.08 feet; thence along a reverse curve concave to the Northeast, having a Radius of 2000.00 feet, a Central Angle of $05^{\circ} 43' 55''$ and an Arc Length of 200.08 feet, to its point of tangency on a line which is parallel with and 20.00 feet, measured at right angles, Westerly from said section line common to Sections 4 and 5; thence along said parallel line, North $00^{\circ} 25' 10''$ East, 1445.95 feet; thence along a tangent curve concave to the Southeast, having a Radius of 2000.00 feet, a Central Angle of $04^{\circ} 57' 49''$ and an Arc Length of 173.26 feet, thence continuing along a reverse curve concave to the Northwest, having a Radius of 2000.00 feet, a Central Angle of $04^{\circ} 57' 49''$ and an Arc Length of 173.26 feet, to its point of tangency on a line which is parallel with and 5.00 feet, measured at right angles, Westerly from the Section line common to Sections 4 and 5; thence along said parallel line, North $00^{\circ} 25' 10''$ East, 715.95 feet, and the end of this description.

EXCEPTING that portion lying outside the Corporate City Limits of the City of Modesto.

Ord. No. 1210-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 24th day of July, 1972, Councilman Dunlap 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: Dunlap, Elliott, Newton, Simon, Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Smith

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 23, 1972

AN ORDINANCE AMENDING SECTION MAP 32-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (O. B. PHILLIPS,
JR. P-D(100))

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

SECTION 1. ZONING CHANGE. Section 32-3-9 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 (100) :

All that certain real property situate in the County of
Stanislaus, State of California, described as:

All that portion of Block 306, and of Block 307, and
of Tuolumne Boulevard and of Center Street and alley
as said blocks, boulevard, street and alley are shown
on the official map of the City of Modesto, as per
map thereof filed December 21, 1942, in Volume 15 of
Maps, Stanislaus County Records, said portions lying
within the following described boundaries:

BEGINNING at the intersection of the center line of
Calaveras Avenue (70.0 feet in width) with the easterly
prolongation of the northerly line of Lot 27 in said
Block 306; thence along said centerline the following
two courses; (1) South 0° 21' 24" East, 87.07 feet;
and (2) South 42° 50' 00" East, 166.0 feet to the
Northerly line of said Tuolumne Boulevard; thence (3)
along last said Northerly line South 47° 10' West
35.00 feet to the intersection of the Westerly line
of said Calaveras Avenue with last said Northerly
line; thence (4) along the prolongation of said
Westerly line South 42° 50' East, 85.48 feet; thence
(5) South 47° 17' 45" West, 48.03 feet; thence (6)
North 88° 02' 18" West, 151.54 feet; thence (7) North
51° 47' 31" West, 80.56 feet; thence (8) North 11°
45' 31" West, 268.36 feet; thence (9) North 08° 18' 35"
West 14.88 feet to said Northerly line of Lot 27; thence
along last said Northerly line and its Easterly pro-
longation South 88° 21' 41" East, 161.10 feet to the
point of beginning.

EXCEPTING THEREFROM all that portion lying within
Calaveras Avenue.

SECTION 2. USES. The following uses shall be permitted in said P-D (100) 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 61-unit, 2-story motel.
2. A minimum of 65 parking spaces.
3. An open space area with swimming pool and other recreation facilities at owners option.
4. A 35-foot, 150 sq. ft. area, free-standing pole sign to advertise and identify the motel.

SECTION 3. ZONING MAP. Section Map 32-3-9 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 17th day of July, 1972, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Mayor: Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Smith

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 1211 C.S.
Exhibit A – Map**

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

Ord. No. 1211-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 7th day of August, 1972, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, 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: September 6, 1972

AN ORDINANCE ADOPTING A DRAINAGE PLAN FOR
THE SCENIC-SONOMA-ORANGEBURG DRAINAGE AREA

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

SECTION 1. That certain drainage plan entitled "Proposal for the Formation of the Scenic-Sonoma-Orangeburg Drainage Area" consisting of eleven (11) pages of text material and nineteen (19) sheets of drawings, copies of which are on file in the offices of the City Clerk and the Director of Public Works of the City of Modesto, is hereby adopted as the drainage plan for the removal of surface and storm waters from the following described area:

Scenic-Sonoma-Orangeburg Drainage Area Boundary Description

All that certain real property situate in a portion of Sections 14, 23 and 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the Southeast corner of Scenic Village Unit No. 2, filed in Volume 21 Maps, Page 36, Stanislaus County Records; thence North $0^{\circ} 51' 45''$ West along the East line thereof 790.33 feet to the Northeast corner thereof; thence North $89^{\circ} 55' 44''$ West along the North line thereof 3.11 feet to the West line of Erin Estates No. 1, filed in Volume 23 Maps, Page 68, Stanislaus County Records; thence North $0^{\circ} 41' 58''$ West along the West line thereof and along the East line of Morningside Estates, filed in Volume 22 Maps, Page 61, Stanislaus County Records, a distance of 1102.52 feet to the Northeast corner thereof; thence North $89^{\circ} 57' 35''$ West along the North line thereof 125.26 feet to the Southeast corner of Morningside Heights No. 2, filed in Volume 20 Maps, Page 91, Stanislaus County Records; thence North $0^{\circ} 42' 25''$ West along the East line thereof 1323.33 feet to the center line of Orangeburg Avenue and the Southwest corner of Lot 5, O. McHenry Ranch filed in Volume 2 Maps, Page 7, Stanislaus County Records; thence North $0^{\circ} 20' 20''$ West along the West line thereof 1541 feet, more or less, to the South right-of-way line of Modesto Irrigation District Lateral No. 3; thence South $82^{\circ} 14'$ East along said right-of-way line 2305 feet more or less to an angle point to the left; thence South $89^{\circ} 35'$ East 999.02 feet more or less, to the East line of the west half of Lot 7 of aforementioned O. McHenry Ranch; thence South $0^{\circ} 15' 30''$ East along said East line 1261 feet, more or less, to the center line of Orangeburg Avenue, and the northwest corner of Orangeburg East, filed in Volume 23 Maps, Page 40, Stanislaus County Records; thence South $0^{\circ} 14' 52''$ East along the west line thereof 1322.75 feet to the southwest corner thereof and the North line of Parkview Estates, filed in Volume 18 Maps, Page 57, Stanislaus County Records; thence South $89^{\circ} 46' 30''$ West along the North line thereof 123.86 feet to the Northwest corner thereof; thence South $0^{\circ} 59' 30''$ East along the west line thereof 446.29 feet to the Southwest corner thereof; thence North $89^{\circ} 46' 30''$ East along the South line thereof 590.85 feet; thence South $0^{\circ} 59' 30''$ East 581 feet, more or less, to the center line of an irrigation pipeline; thence South $68^{\circ} 19'$ West along said center line 144.21 feet; thence South $0^{\circ} 59' 30''$ East 796 feet, more or less, to the South right-of-way line of Scenic Drive; thence the following five courses along said South right-of-way line:

South 77° 40' West 270 feet, more or less;
South 50° 21' West 235 feet, more or less;
South 29° 24' West 773 feet, more or less;
North 88° 44' 30" West 3085 feet, more or less;
North 66° 58' West 200 feet, more or less, to the Southerly
projection of the West line of land owned by C. R. Maino and
Jeannette Gould Maino as per deed recorded in Volume 1288, Official
Records, Page 432, Stanislaus County Records; thence 0° 45' West
along said west line 790 feet, more or less, to the northwest cor-
ner of said Maino land, said corner being on the southwesterly line
of aforementioned Scenic Village Unit No. 2; thence South 74° 56' 45"
East along said southwesterly line 397.67 feet; thence North 83° 08' 15"
East along the southeasterly line of said Scenic Village Unit No. 2
a distance of 220.49 feet to the point of beginning.

CONTAINING: 419 Acres, more or less.

Said drainage plan contains an estimate of the total costs of constructing the local drainage facilities required by the plan and includes a map of such area showing its boundaries and the location of such facilities.

SECTION 2. This Council does hereby find and determine that subdivision or division of land not defined as a subdivision, and development of property within said Scenic-Sonoma-Orangeburg Drainage Area will require construction of the facilities described in said drainage plan, and that the fees are fairly apportioned within said area on the basis of benefits conferred on property proposed for subdivision or other division and on the need for such facilities created by the proposed subdivision or other division and development of other property within said drainage area and that the estimated costs contained in said drainage plan are based upon these findings.

SECTION 3. Each subdivider of a subdivision, any part of which is located within the boundaries of said Scenic-Sonoma-Orangeburg Drainage Area, and each subdivider filing a parcel map for the division of land, any part of which is located within the boundaries of said Scenic-Sonoma-Orangeburg Drainage Area, shall pay to the City of Modesto, as a condition of approval of the final subdivision map or the filing of the final parcel map, a fee in the amount of Three Hundred Ninety-five and no/100ths (\$395.00) Dollars per acre, payable on a pro rata basis, or in lieu of the payment of all or part of said fees, a subdivider may install drainage facilities in accordance with an agreement entered into with the City of Modesto, which agreement may provide for the reimbursement to the subdivider from the "Scenic-Sonoma-Orangeburg Drainage Area Fund" of expenditures for such drainage facilities made in excess of the fees required herein.

SECTION 4. This Council does hereby find and determine that, as to any property proposed for subdivision within the Scenic-Sonoma-Orangeburg Drainage Area, the fee established by Section 3 hereof does not exceed the pro rata share of

the amount of the total estimated costs of all facilities within the Scenic-Sonoma-Orangeburg Drainage Area which would be assessable on such property if such costs were apportioned uniformly on a per acre basis.

SECTION 5. This Council does hereby find and determine that all of the properties within the Scenic-Sonoma-Orangeburg Drainage Area will be benefited by the drainage plan for said area adopted by this ordinance.

SECTION 6. This Council does hereby find and determine that the drainage facilities planned and described in said drainage plan are in addition to existing facilities serving the area at this time.

SECTION 7. This Council does hereby find and determine that Stanislaus County does not have a countywide general drainage plan nor is there a district covering the area of the Scenic-Sonoma-Orangeburg Drainage Area having a district general drainage plan.

SECTION 8. The fees required by Section 3 hereof shall be paid into a planned local drainage facilities fund designed as the "Scenic-Sonoma-Orangeburg Drainage Area Fund", to be expended in accordance with the provisions of Sections 11543, 11543.5 and 11543.6 of the Business and Professions Code of the State of California.

SECTION 9. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety for the following reasons:

There are properties within the Scenic-Sonoma-Orangeburg Drainage Area which are currently being subdivided and unless the City of Modesto immediately commences acquisition of easements and rights of way and prepares plans and specifications and calls for bids for the construction of the 60 inch diameter lines, provided for in the drainage plan adopted by the foregoing ordinance, during the 1972 construction season and enters into agreements with the subdividers of said properties, there will be no means available to remove surface and storm waters from said subdivisions during the 1972-73 rainy season, thereby endangering the public health and safety.

SECTION 10. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective upon its adoption.

SECTION 11. 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 17th day of July, 1972, by Councilman Simon, who moved its adoption and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, 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

APPROVED AS TO DESCRIPTION:

By *RC Mangrell*
Public Works Department

*305
7-14-72*

AN ORDINANCE ADOPTING A DRAINAGE PLAN FOR
THE SCENIC-SONOMA-ORANGEBURG DRAINAGE AREA

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

SECTION 1. That certain drainage plan entitled "Proposal for the Formation of the Scenic-Sonoma-Orangeburg Drainage Area" consisting of eleven (11) pages of text material and nineteen (19) sheets of drawings, copies of which are on file in the offices of the City Clerk and the Director of Public Works of the City of Modesto, is hereby adopted as the drainage plan for the removal of surface and storm waters from the following described area:

Scenic-Sonoma-Orangeburg Drainage Area Boundary Description

All that certain real property situate in a portion of Sections 14, 23 and 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

BEGINNING at the Southeast corner of Scenic Village Unit No. 2, filed in Volume 21 Maps, Page 36, Stanislaus County Records; thence North $0^{\circ} 51' 45''$ West along the East line thereof 790.33 feet to the Northeast corner thereof; thence North $89^{\circ} 55' 44''$ West along the North line thereof 3.11 feet to the West line of Erin Estates No. 1, filed in Volume 23 Maps, Page 68, Stanislaus County Records; thence North $0^{\circ} 41' 58''$ West along the West line thereof and along the East line of Morningside Estates, filed in Volume 22 Maps, Page 61, Stanislaus County Records, a distance of 1102.52 feet to the Northeast corner thereof; thence North $89^{\circ} 57' 35''$ West along the North line thereof 125.26 feet to the Southeast corner of Morningside Heights No. 2, filed in Volume 20 Maps, Page 91, Stanislaus County Records; thence North $0^{\circ} 42' 25''$ West along the East line thereof 1323.33 feet to the center line of Orangeburg Avenue and the Southwest corner of Lot 5, O. McHenry Ranch filed in Volume 2 Maps, Page 7, Stanislaus County Records; thence North $0^{\circ} 20' 20''$ West along the West line thereof 1541 feet, more or less, to the South right-of-way line of Modesto Irrigation District Lateral No. 3; thence South $82^{\circ} 14'$ East along said right-of-way line 2305 feet more or less to an angle point to the left; thence South $89^{\circ} 35'$ East 999.02 feet more or less, to the East line of the west half of Lot 7 of aforementioned O. McHenry Ranch; thence South $0^{\circ} 15' 30''$ East along said East line 1261 feet, more or less, to the center line of Orangeburg Avenue, and the northwest corner of Orangeburg East, filed in Volume 23 Maps, Page 40, Stanislaus County Records; thence South $0^{\circ} 14' 52''$ East along the west line thereof 1322.75 feet to the southwest corner thereof and the North line of Parkview Estates, filed in Volume 18 Maps, Page 57, Stanislaus County Records; thence South $89^{\circ} 46' 30''$ West along the North line thereof 123.86 feet to the Northwest corner thereof; thence South $0^{\circ} 59' 30''$ East along the west line thereof 446.29 feet to the Southwest corner thereof; thence North $89^{\circ} 46' 30''$ East along the South line thereof 590.85 feet; thence South $0^{\circ} 59' 30''$ East 581 feet, more or less, to the center line of an irrigation pipeline; thence South $68^{\circ} 19'$ West along said center line 144.21 feet; thence South $0^{\circ} 59' 30''$ East 796 feet, more or less, to the South right-of-way line of Scenic Drive; thence the following five courses along said South right-of-way line:

South 77° 40' West 270 feet, more or less;
South 50° 21' West 235 feet, more or less;
South 29° 24' West 773 feet, more or less;
North 88° 44' 30" West 3085 feet, more or less;
North 66° 58' West 200 feet, more or less, to the Southerly
projection of the West line of land owned by C. R. Maino and
Jeannette Gould Maino as per deed recorded in Volume 1288, Official
Records, Page 432, Stanislaus County Records; thence 0° 45' West
along said west line 790 feet, more or less, to the northwest cor-
ner of said Maino land, said corner being on the southwesterly line
of aforementioned Scenic Village Unit No. 2; thence South 74° 56' 45"
East along said southwesterly line 397.67 feet; thence North 83° 08' 15"
East along the southeasterly line of said Scenic Village Unit No. 2
a distance of 220.49 feet to the point of beginning.

CONTAINING: 419 Acres, more or less.

Said drainage plan contains an estimate of the total costs of constructing
the local drainage facilities required by the plan and includes a map of such area
showing its boundaries and the location of such facilities.

SECTION 2. This Council does hereby find and determine that sub-
division or division of land not defined as a subdivision, and development of property
within said Scenic-Sonoma-Orangeburg Drainage Area will require construction of
the facilities described in said drainage plan, and that the fees are fairly apportioned
within said area on the basis of benefits conferred on property proposed for sub-
division or other division and on the need for such facilities created by the
proposed subdivision or other division and development of other property within
said drainage area and that the estimated costs contained in said drainage plan
are based upon these findings.

SECTION 3. Each subdivider of a subdivision, any part of which is
located within the boundaries of said Scenic-Sonoma-Orangeburg Drainage Area,
and each subdivider filing a parcel map for the division of land, any part of which
is located within the boundaries of said Scenic-Sonoma-Orangeburg Drainage Area,
shall pay to the City of Modesto, as a condition of approval of the final subdivision
map or the filing of the final parcel map, a fee in the amount of Three Hundred
Ninety-five and no/100ths (\$395.00) Dollars per acre, payable on a pro rata basis, or
in lieu of the payment of all or part of said fees, a subdivider may install drainage
facilities in accordance with an agreement entered into with the City of Modesto,
which agreement may provide for the reimbursement to the subdivider from
the "Scenic-Sonoma-Orangeburg Drainage Area Fund" of expenditures for such
drainage facilities made in excess of the fees required herein.

SECTION 4. This Council does hereby find and determine that, as to
any property proposed for subdivision within the Scenic-Sonoma-Orangeburg Drainage
Area, the fee established by Section 3 hereof does not exceed the pro rata share of

the amount of the total estimated costs of all facilities within the Scenic-Sonoma-Orangeburg Drainage Area which would be assessable on such property if such costs were apportioned uniformly on a per acre basis.

SECTION 5. This Council does hereby find and determine that all of the properties within the Scenic-Sonoma-Orangeburg Drainage Area will be benefited by the drainage plan for said area adopted by this ordinance.

SECTION 6. This Council does hereby find and determine that the drainage facilities planned and described in said drainage plan are in addition to existing facilities serving the area at this time.

SECTION 7. This Council does hereby find and determine that Stanislaus County does not have a countywide general drainage plan nor is there a district covering the area of the Scenic-Sonoma-Orangeburg Drainage Area having a district general drainage plan.

SECTION 8. The fees required by Section 3 hereof shall be paid into a planned local drainage facilities fund designated as the "Scenic-Sonoma-Orangeburg Drainage Area Fund", to be expended in accordance with the provisions of Sections 11543, 11543.5 and 11543.6 of the Business and Professions Code of the State of California.

SECTION 9. 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 10. 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 17th day of July, 1972, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Smith

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

APPROVED AS TO DESCRIPTION: R. C. Mangrum
Public Works Department

Ord. No. 1213-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 24th day of July, 1972, Councilman Dunlap 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: Dunlap, Elliott, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Smith

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

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

EFFECTIVE DATE: August 23, 1972

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
KNOWN AS THE CONANT NO. 1 ADDITION
TO THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Lawrence C. Krepela, Cecelia B. Krepela, Tempo Homes by Thomas R. Sutter and Sutco Construction Co. by Thomas R. Sutter

on May 30, 1972, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the CONANT NO. 1 ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 5th day of June, 1972, set said petition for hearing at the hour of 8:05 o'clock P.M. on the 24th day of July, 1972, in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, to wit: The Modesto Bee, a newspaper published in the City of Modesto on June 9, 1972, and on June 16, 1972; and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on June 16, 1972, and on June 23, 1972, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation

of Uninhabited Territory Act of 1939, as amended, have been complied with,
and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on May 26, 1972, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 24th day of July, 1972, at the hour of 8:05 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated as the CONANT NO. 1 ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

SECTION 3. No change in school district boundaries shall be effected by reason of the annexation of the hereinafter described area to the City of Modesto.

SECTION 4. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California

as required by the provisions of Section 35316 of the Government Code of the State of California.

SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and the filing of a statement of change of boundary.

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto 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 24th day of July, 1972, by Councilman Dixon, who moved its adoption and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: 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

APPROVED AS TO DESCRIPTION:
By RC Mangrum
Public Works Department

R. Smith
6-15-72

CONANT NO. 1 ADDITION

All that real property in the State of California, County of Stanislaus, in the South half of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, being a portion of Lots 2, 3, and 11 of the McKINNEY COLONY Map, as per map filed November 21, 1903, in Volume 1 of Maps, Page 57, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits as established by a Northwestern corner of the PRESCOTT NO. 2 ADDITION (231), as per description filed May 16, 1969, as Instrument 17227, Stanislaus County Records, said point also being the intersection of the center lines of two 40.00 foot public roads known as Conant Avenue and West Rumble Road; thence along the existing City Limits on the Northern boundary of ADDITION (231), which is also the center line of said West Rumble Road, North $89^{\circ} 21' 30''$ East, 1247.86 feet, to a Northwestern corner of ADDITION (231), thence continuing along the existing City Limits on a Western boundary of ADDITION (231), North $0^{\circ} 16' 20''$ West, 1486.38 feet, to the most Northwestern corner of ADDITION (231), said corner being on the Southern line of a 110.00 foot HETCH HETCHY AQUEDUCT right of way; thence leaving the existing City Limits, North $0^{\circ} 16' 20''$ West, 664.54 feet, to the Southern line of a 100.00 foot Modesto Irrigation District Lateral No. 7 right of way; thence North $50^{\circ} 10' 40''$ West, 100.00 feet, to the Northern line of said Modesto Irrigation District right of way; thence along said Northern line, South $39^{\circ} 49' 20''$ West, 255.70 feet, to the Southwestern corner of Parcel C as per Map filed October 3, 1966, in Book 2 of Parcel Maps, Page 70, Stanislaus County Records; thence along the Western line of Parcel C and its Northerly extention, North $0^{\circ} 37' 30''$ West, 619.25 feet, to the center line of an original 40.00 foot public road known as Standiford Avenue, said center line also being a quarter section line; thence along said quarter section line, South $89^{\circ} 22' 30''$ West, 1022.07 feet to the interior quarter corner of Section 12; thence continuing along the quarter section line, South $89^{\circ} 22' 30''$ West, 1326.88 feet, to the Northwestern corner of Lot 3 of the McKINNEY COLONY; thence along the Western line of said Lot 3 and its Southerly extention, South $0^{\circ} 14' 15''$ East, 1375.08 feet, to the Southern line of 100.00 foot Modesto Irrigation District Lateral No. 7 right of way; thence along said Southern line, North $85^{\circ} 54' 00''$ East, 1350.33 feet; thence South $0^{\circ} 15' 17''$ East, 1347.6 feet, to the point of beginning, containing 114.075 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 24-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (J.C. and
DOROTHY BEARDEN)

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

SECTION 1. ZONING CHANGE. Section 24-3-9 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 (99):

All that portion of Lot 8 of the Idaho Colony lying in
the Northwest quarter of Section 24, Township 3 South,
Range 9 East, Mount Diablo Base and Meridian described
as follows:

Commencing at the northwest corner of said Section 24;
thence South 0° 58' East along the west line of said
Section 24 a distance of 190.00 feet to the south line
of Briggsmore Avenue as conveyed to the County of
Stanislaus by deed recorded as Instrument No. 7699-70,
Stanislaus County Records and the true point of begin-
ning of this description; thence continuing South
0° 58' East along said west line of Section 24 a
distance of 630.00 feet; thence at right angles North
89° 02' East a distance of 560.00 feet; thence North
0° 58' West parallel to said west line of Section 24
a distance of 630.00 feet to the aforementioned south
right-of-way- line of Briggsmore Avenue; thence South
89° 22' West along said south right-of-way line of
Briggsmore Avenue a distance of 560.00 feet to the
point of beginning.

Containing: 8.1 acres.

SECTION 2. USES. The following uses shall be permitted in said P-D (99) 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 neighborhood shopping center containing a maximum of 80,175 square feet of retail sales spaces.
2. A minimum of 160 off-street parking spaces.
3. A service station.

SECTION 3. ZONING MAP. Section Map 24-3-9 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 24th day of July, 1972, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Smith

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 1215 C.S.
Exhibit A – Map

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

Ord. No. 1215-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 7th day of August, 1972, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 6, 1972

AN ORDINANCE AMENDING SECTION MAP 17-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(MERVYN'S)

WHEREAS, a verified application for an amendment to Section 17-3-9 of the Zoning Map was filed by Mervyn's on May 16, 1972, to reclassify from One-Family Residential Zone, R-1, to Highway Frontage Zone, H-1, the hereinafter described property, and

WHEREAS, after public hearing held on June 20, 1972, 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. 72-89, adopted on June 20, 1972, the Planning Commission recommended to the Council that the application of Mervyn's

to amend Section 17-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, 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 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 17-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone,

R-1 , to Highway Frontage

Zone,

H-1 :

All that portion of the Northeast quarter of Section 17, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and lying in a portion of Parcel 1, as shown on the map recorded in Volume 14 of Parcel Maps at Page 10, Stanislaus County Records, the parcel of land being rezoned is a 20.00 foot wide strip the west line of which is described as follows:

COMMENCING at the Northeast corner of said Section 17; thence South 0° 47' 40" East along the east line of said Section 17 (centerline of McHenry Avenue) a distance of 990.88 feet to the intersection with the centerline of Leveland Lane; thence North 88° 54' 50" West along said centerline of Leveland Lane a distance of 546.75 feet to the intersection of the southerly prolongation of the west line of said Parcel 1 and the true point of beginning of this description; thence North 0° 47' 40" West along said southerly prolongation and the west line of Parcel 1 a distance of 631.26 feet; thence continuing along said west line of Parcel 1 a distance of 295.83 feet to the intersection with the centerline of Rumble Road.

SECTION 3. ZONING MAP. Section 17-3-9 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 24th day of July, 1972, by Councilman Elliott, 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, Dunlap, Elliott, Newton, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Smith

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 1216 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 August, 1972, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, 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: September 13, 1972

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

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

SECTION 1. ZONING CHANGE. Section 28-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Two-Family Residential Zone, R-2, to Planned-Development Zone, P-D (83) :

Proposed parking area located on the north side of Downey Avenue between Johnson Street and McHenry Avenue

R-2 to P-D(83)

The southerly 10.02 feet of Lots 29, 30, 31 and 32; the southerly 10.02 feet of the easterly 4 feet of Lot 33; all in Block 568, City of Modesto, according to the official map thereof filed in the office of the Recorder of Stanislaus County, State of California, on December 21, 1942.

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):

Proposed parking area located on the north side of Downey Avenue between Johnson Street and McHenry Avenue

R-3 to P-D(83)

The easterly 22 feet of Lot 18; all of Lots 19 and 20; the westerly 13 feet of Lot 21; all in Block 568, City of Modesto, according to the official map thereof filed in the office of the Recorder of Stanislaus County, State of California, on December 21, 1942.

Said additional parcels are added to the area of existing P-D(83) located at northerly corner of 17th and I Streets which is described as follows:

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 and the southerly 40 feet of Downey Avenue, all being immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted additions to 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. 30 off-street parking spaces to be used in conjunction with the uses heretofore approved for P-D(83) Zone by Ordinance No. 1082-C.S., which ordinance was amended by Ordinance No. 1166-C.S, said parking spaces to constitute a portion of the minimum of 60 off-street parking spaces required by said Ordinance No. 1082-C.S., as amended by Ordinance No. 1166-C.S.

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.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of July, 1972, by Councilman Newton, 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, Dunlap, Elliott, Newton, Simon and Davies

NOES: Councilmen: None

ABSENT: Councilmen: Smith

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 1217 C.S.
Exhibit A – Map

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

Ord. No. 1217-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 7th day of August, 1972, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 6, 1972

AN ORDINANCE AMENDING SECTION MAP 13-3-8
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(J. FUDENNA)

WHEREAS, a proposal for an amendment to Section 13-3-8 of the Zoning Map was initiated by the Planning Commission on May 2, 1972, to reclassify from Planned Development Zone, P-D (59) to One-Family Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on June 20, 1972, 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

WHEREAS, by Resolution No. 72-83, adopted on June 20, 1972, the Planning Commission recommended to the Council that the proposal of the Planning Commission to amend Section 13-3-8 of the Zoning Map to reclassify the hereinafter described property from Planned Development Zone, P-D (59), 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 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 13-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D (59), to One-Family Residential Zone, R-1:

That portion of the Northeast quarter of the Southeast quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian described as follows:

Commencing at the East quarter corner of said Section 13; thence South 89° 36' 30" West along the East and West quarter section lines a distance of 20 feet to a point on the West line of a 40-foot County Road (Prescott Road) and being the true point of beginning of this description; thence continuing South 89° 36' 30" West 613.03 feet to the Northwest corner; thence South 132.50 feet; thence East 17.57 feet; thence South 263.50 feet to the Southwest corner; thence

North 89° 36' 30" East 250.00 feet; thence North
0° 23' 30" East 192 feet; thence North 89° 36'
30" East 345.51 feet to a point on the west line
of Prescott Road; thence northerly along the west
line of Prescott Road 204.00 feet to the true
point of beginning.

Contains 3.944 acres.

SECTION 3. ZONING MAP. Section 13-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 24th day of July, 1972, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Smith

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 John R. Day
Planning Department

**Ordinance 1218 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 August, 1972, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, 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: September 6, 1972

AN ORDINANCE ADDING CHAPTER 5 ENTITLED "REGULATIONS AND PROCEDURES FOR THE REMOVAL OF OVERHEAD UTILITY FACILITIES AND THE INSTALLATION OF UNDERGROUND FACILITIES IN UNDERGROUND UTILITY DISTRICTS" TO TITLE XI OF THE MODESTO MUNICIPAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 5 entitled "Regulations and Procedures for the Removal of Overhead Utility Facilities and the Installation of Underground Facilities in Underground Utility Districts" is hereby added to Title XI of the Modesto Municipal Code to read as follows:

CHAPTER 5

REGULATIONS AND PROCEDURES FOR THE REMOVAL OF OVERHEAD UTILITY FACILITIES AND THE INSTALLATION OF UNDERGROUND FACILITIES IN UNDERGROUND UTILITY DISTRICTS.

SEC. 11-5.01. DEFINITIONS. Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

(a) "Commission" shall mean the Public Utilities Commission of the State of California.

(b) "Underground Utility District" or "District" shall mean that area in the City within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section 11-5.03 hereof.

(c) "Person" shall mean and include individuals, firms, corporations, partnerships, and their agents and employees.

(d) "Poles, overhead wires and associated overhead structures" shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above-ground within a District and used or useful in supplying electric, communication or similar or associated service.

(e) "Utility" shall include all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices.

SEC. 11-5.02. PUBLIC HEARING BY COUNCIL. The Council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the City and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The City Clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten (10) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the Council shall be final and conclusive.

SEC. 11-5.03. COUNCIL MAY DESIGNATE UNDERGROUND UTILITY DISTRICTS BY RESOLUTION. If, after any such public hearing the Council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the Council shall, by resolution, declare such designated area an Underground Utility District and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

SEC. 11-5.04. UNLAWFUL ACTS. Whenever the Council creates an Underground Utility District and orders the removal of poles, overhead wires and associated overhead structures therein as provided in Section 11-5.03 hereof, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the District after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 11-5.09 hereof, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this chapter.

SEC. 11-5.05. EXCEPTION, EMERGENCY OR UNUSUAL CIRCUMSTANCES. Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten (10) days, without authority of the City Engineer in order to provide emergency service. The City Engineer may grant special permission, on such terms as the City Engineer may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures.

SEC. 11-5.06. PUBLIC AGENCY EXCEPTION. This chapter and any resolution adopted pursuant to Section 11-5.03 hereof shall not apply to any facilities or equipment owned and maintained by a public agency unless otherwise provided in such resolution with prior written consent of the public agency.

SEC. 11-5.07. OTHER EXCEPTIONS. This chapter and any resolution adopted pursuant to Section 11-5.03 hereof shall, unless otherwise provided in such resolution, not apply to the following types of facilities.

(a) Any municipal facilities or equipment installed under the supervision and to the satisfaction of the City Engineer.

(b) Poles or electroliers used exclusively for street lighting.

(c) Overhead wires (exclusive of supporting structures) crossing any portion of a District within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.

(d) Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street.

(e) Antenna, associated equipment and supporting structures, used by a utility for furnishing communication services. "Communication services" does not include community antenna television systems.

(f) Equipment appurtenant to underground facilities, such as pedestal mounted terminal boxes and concealed ducts.

SEC. 11-5.08. NONAPPLICATION TO CERTAIN TYPES OF FACILITIES. This chapter and any resolution adopted pursuant to Section 11-5.03 hereof shall not apply to the following types of facilities;

(a) Poles, overhead wires and associated overhead structures used for the transmission of electrical energy at nominal voltage in excess of 34,500 volts.

(b) Surface mounted transformers and meter cabinets appurtenant to underground facilities.

(c) Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

SEC. 11-5.09. NOTICE TO PROPERTY OWNERS AND UTILITY COMPANIES. Within ten (10) days after the effective date of a resolution adopted pursuant to Section 11-5.03 hereof, the City Clerk shall notify all affected utilities and all persons owning real property within the District created by said resolution of the adoption thereof. Said City Clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to applicable rules, regulations and tariffs of the respective utility or utilities on file with said utility or utilities or with the Commission.

Notification by the City Clerk shall be made by mailing a copy of the resolution adopted pursuant to Section 11-5.03, together with a copy of this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

SEC. 11-5.10. RESPONSIBILITY OF UTILITY COMPANIES. If underground construction is necessary to provide utility service within a District created by any resolution adopted pursuant to Section 11-5.03 hereof, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with said utility or utilities or with the Commission.

SEC. 11-5.11. RESPONSIBILITY OF PROPERTY OWNERS. (a) Every person owning, operating, leasing, occupying or renting a building or structure within a District shall perform construction and provide that portion of the service connection on his property between the facilities referred to in Section 11-5.08 hereof and the termination facility on or within said building or structure being served, all in accordance with applicable rules, regulations and tariffs of the respective utility or utilities on file with said utility or utilities or with the Commission. If the above is not accomplished by any person within the time provided for in the resolution enacted pursuant to Section 11-5.03 hereof, the City Engineer shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within ten (10) days after receipt of such notice.

(b) The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to General Delivery, City of _____ . If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after the mailing thereof, If notice is given by mail to either the owner or occupant of such premises, the City Engineer shall, within forty-eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight (8) inches by ten (10) inches in size, to be posted in a conspicuous place on said premises.

(c) The notice given by the City Engineer to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of such notice, the City Engineer will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

(d) If upon the expiration of the thirty (30) day period, the said required underground facilities have not been provided, the City Engineer shall forthwith proceed to do the work; provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the City Engineer shall, in lieu of providing the required underground facilities, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property. Upon completion of the work by the City Engineer, he shall file a written report with the City Council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The Council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten (10) days thereafter.

(e) The City Engineer shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provide the required underground facilities, of the time and place that the Council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

(f) Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

(g) If any assessment is not paid within five (5) days after its confirmation by the Council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the City Engineer, and the City Engineer is directed to turn over to the Assessor and Tax Collector a notice of lien on each of said properties on which the assessment has not been paid, and said Assessor and Tax Collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six per cent (6%) per annum.

SEC. 11-5.12. RESPONSIBILITY OF CITY. City shall remove at its own expense all city-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section 11-5.03 hereof.

SEC. 11-5.13. EXTENSION OF TIME. In the event that any act required by this chapter or by a resolution adopted pursuant to Section 11-5.03 hereof cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

SEC. 11-5.14. PENALTY. It shall be unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter.

SECTION 2. CONSTITUTIONALITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The Council hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

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 24th day of July, 1972, by Councilman Dunlap, 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: Dunlap, Elliott, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Smith

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

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 7th day of August, 1972, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Smith,
Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 6, 1972

AN ORDINANCE AMENDING SECTION 7-1.109 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO ENCROACHMENT PERMITS.

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

SECTION 1. AMENDMENT OF CODE. Section 7-1.109 of Article 1 of Chapter 1 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-1.109. RESPONSIBILITY FOR ACCIDENTS: LIABILITY INSURANCE. Permittee shall be responsible for any and all claims and liabilities for damages caused by any of the work herein permitted or caused by permittee's failure to perform his obligations under the permit. In the event any such claim or liability for damages is made against or imposed upon the City or any department, officer or employee thereof, permittee shall and by acceptance of the permit agrees to defend, indemnify, and hold each of them harmless from such claim or liability. Permittee All permittees, except property owners constructing, repairing or removing any curb, gutter, sidewalk or driveway themselves along the street frontages of property owned by them, shall provide and keep in force during the life of the permit a policy of public liability and property damage insurance against liability for personal injury, including accidental death, as well as liability for property damage, which may arise in any way out of the exercise of the rights granted by the permit. The amounts of such insurance shall be as follows:

Public Liability Insurance, in an amount not less than One Hundred Thousand and no/100ths (\$100,000.00) Dollars for injury or death to any one person, and Three Hundred Thousand and no/100ths (\$300,000.00) Dollars for injury or death arising from any one accident or occurrence; and

Property Damage Insurance, in an amount not less than Twenty-Five Thousand and no/100ths (\$25,000.00) Dollars.

The policy of insurance so provided shall contain a contractual liability endorsement covering the liability assumed by the permittee by the terms of the permit and shall contain a provision that such policy may not be cancelled except after ten (10) days' notice in writing to the City Clerk.

A copy of the policy or certificate of insurance evidencing the insurance shall be filed with the City Clerk.

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 August, 1972, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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 August, 1972, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 13, 1972

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1112-C. S. RELATING TO PLANNED DEVELOPMENT ZONE, P-D (88). (DR. ZANE GARD)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1112-C. S. Section 2 of Ordinance No. 1112-C. S. is hereby amended to read as follows:

SECTION 2. USES. The following uses shall be permitted in said P-D (88) 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. Six 4-unit apartment buildings on the north side of Kruger Drive.
2. Thirty-five covered carports and one small car space serving the above 24 units.
3. One single-family residence and 2 attached 2-car garages plus 1 duplex structure with one attached 2-car garage located at the southeast corner of Crestwood and Kruger Drive. These three dwelling units may be combined under one roof to form one triplex structure.
4. One swimming pool on the north side of Kruger Drive between the second and third 4-plex apartment building east from Granada Way.

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 21st day of August, 1972, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Smith

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

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

(SEAL)

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

Ord. No. 1221-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 August, 1972, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Simon

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: September 27, 1972

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1972-73 AND REPEALING ORDINANCE NO. 1139-C. S.

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

SECTION 1. DEFINITION: TAX CODE AREA. A geographical area within the City of Modesto as established by the State Board of Equalization for the purpose of taxation and as shown on the tax code area maps on file in the Office of the Assessor of Stanislaus County, State of California.

SECTION 2. TAX RATE. There is hereby levied upon the assessed valuation of the property in the following described tax code areas situated in the City of Modesto, State of California, for the fiscal year beginning July 1, 1972, and ending June 30, 1973, the rates of taxation hereinafter specified, said rates being upon each One Hundred and no/100ths (\$100.00) Dollars of the valuation according to the equalized assessment roll, to wit:

(a) Tax Code Areas No. 2-1; 2-2; 2-4; 2-6; 2-7; 2-8; 2-9; 2-10; 2-11; 2-12; 2-13; 2-14; 2-15; 2-18; 2-22; and 2-23:

For the General Fund	\$ 1.12
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For the Bond Redemption and Interest Fund	.01
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(1) Municipal Improvement Bonds of 1947 for the redemption of bonds and the payment of interest thereon that shall accrue during the said fiscal year:

For the Park Fund	<u>.04</u>
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The aggregate of said sums, to wit	\$ 1.17
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(b) Tax Code Areas No. 2-3 and 2-5:

For the General Fund	\$ 1.12
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For the Park Fund	<u>.04</u>
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The aggregate of said sums, to wit	\$ 1.16
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SECTION 3. REPEALS. Ordinance No. 1139-C. S., adopted by the Council of the City of Modesto on the 16th day of August, 1971, is hereby repealed.

SECTION 4. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect and be in full force and operation upon adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of August, 1972, by Councilman Smith, who moved its introduction and adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon

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

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

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

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

ARTICLE 7. TAXICAB DRIVERS' PERMITS

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

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

SEC. 4-6.702. APPLICATION BLANK. Applicants for such permits shall file applications therefor with the Chief of Police upon blanks to be furnished by the City. Applicants for drivers' permits shall pay to the Director of Finance a fee of Three and no/100ths (\$3.00) Dollars for each application. A copy of the receipt for fees paid, shall be filed with the Chief of Police.

In the event a person who has obtained a permit to drive a taxicab pursuant to this article thereafter terminates his employment as a taxicab driver, no permit fee shall be required for such person to obtain a new taxicab driver's permit if the application for the new permit is made within one year from the date of the termination of his immediate prior employment as a taxicab driver.

SEC. 4-6.703. INFORMATION REQUIRED. Said permit shall be in the form of a card which shall bear the signature, photograph and fingerprints of the applicant. Such card shall be issued in duplicate and one copy with the fingerprints, photograph and signature of the applicant shall be placed on file with the Chief of Police of the City and the other card shall be displayed in the taxicab in a conspicuous place visible to all passengers while the taxicab is being operated.

SEC. 4-6.704. POLICE INVESTIGATION OF APPLICANT: TRAFFIC AND POLICE RECORD. The Police Department shall conduct an investigation of each applicant for a taxicab driver's permit and a report of such investigation and a copy of the traffic and police record of the applicant, if any, shall be attached to the application for the consideration of the Chief of Police.

SEC. 4-6.705. CONSIDERATION OF APPLICATION. The Chief of Police shall, upon consideration of the application and the reports and certificate required to be attached thereto, approve or reject the application. If the application is rejected, the applicant may request a personal appearance before the Chief of Police and may offer evidence why his application should be reconsidered.

If the Chief of Police again rejects the application, the applicant may request a personal appearance before the Council to offer evidence why his application should be granted. The ruling of the Council on the application shall be final.

SEC. 4-6.706. ELIGIBILITY FOR PERMIT. No permit shall be issued to any of the following persons:

(a) Any person under the age of eighteen (18) years.

(b) Any person who is currently required to register pursuant to Section 290 of the California Penal Code.

(c) Any person who has been convicted of a crime involving moral turpitude, narcotics or dangerous drugs, unless a period of not less than five (5) years shall have elapsed since the date of conviction or the date of release from confinement for such offense, whichever is later.

(d) Any person who has been convicted of driving a vehicle recklessly within the two (2) years immediately preceding application for a permit.

(e) Any person who has been convicted of driving a vehicle while under the influence of intoxicating liquors within the five (5) years immediately preceding application for a permit.

(f) Any person not possessing a valid class 3 driver's license, issued by the State of California.

(g) Any person who has been convicted of three (3) or more felonies.

SEC. 4-6.707. KNOWLEDGE OF REGULATIONS. Each applicant for a permit may be examined as to his knowledge of the provisions of this chapter and the traffic regulations by a person designated by the Chief of Police. If the result of the examination is unsatisfactory, he shall be refused a permit.

SEC. 4-6.708. REVOCATION AND/OR RENEWAL OF DRIVERS' PERMITS. The Chief of Police may revoke or refuse to renew a driver's permit if the driver has since the granting of the permit:

(a) Been convicted of any crime described in paragraphs (c), (d) or (e) of Section 4-6.706, or any crime for which registration is required pursuant to Section 290 of the California Penal Code.

(b) Had his class 3 driver's license revoked or suspended.

(c) Had two (2) or more convictions of any of the offenses set forth in the Vehicle Code of the State of California and amendments thereto relating to speeding violations, or any combination of any of such offenses, occurring during any continuous period not exceeding twelve (12) months.

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

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

SEC. 4-6.709. TERMINATION OF EMPLOYMENT. It shall be the duty of the owner of each taxicab company to notify the Chief of Police in writing within five (5) days whenever a driver has either voluntarily or involuntarily terminated employment.

Each taxicab driver shall return his taxicab driver's permit to the Chief of Police within five (5) days after the termination of his employment as a taxicab driver.

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 28th day of August, 1972, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, 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

Ord. No. 1223-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 5th day of September, 1972, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Simon

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

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

EFFECTIVE DATE: October 5, 1972

AN ORDINANCE AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO PARKING METERS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1504 of Article 15 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1504. TIME LIMITS AND RATES OF FEES. It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in his name or operated or controlled by him to be parked in any parking space for more than the time indicated by proper signs placed on such parking meter or zone indicating the maximum parking time allowed in such parking space or any time during which the meter is displaying a signal indicating that the space is illegally in use, except during the time necessary to set the said meter to show legal parking. Each period of overparking for more than the period stated on the time limit sign constitutes a separate offense.

The time limits for the parking of vehicles in parking meter zones are hereby established as follows:

- (a) PM-1 The time limits for legal parking in PM-1 zone shall be those established by the Director based on engineering surveys.
- (b) PM-2 Three (3) hour limit, 9 a. m. to 10 p. m. daily.
- (c) PM-3 No time limit, 9 a. m. to 10 p. m. daily.
- (d) PM-4 No time limit, 7:30 a. m. to 5:00 p. m. , Sundays excepted.
- (e) PM-5 No time limit, 9:00 a. m. to 4:30 p. m. , Sundays excepted.
- (f) PM-6 Three (3) hour limit, 9 a. m. to 6 p. m. , Sundays excepted.
- (g) PM-7 No time limit, 9 a. m. to 10 p. m. daily.
- (h) PM-8 Five (5) hour limit, 9 a. m. to 6 p. m. daily.
- (i) PM-9 No time limit, 9 a. m. to 6 p. m. , Sundays excepted.
- (j) PM-10 No time limit, 9 a. m. to 10 p. m. daily.
- (k) PM-11 No time limit, 9 a. m. to 9 p. m. daily.

The rates of fees for parking in the parking meter zones shall be as follows:

- (a) PM-1 One cent per twelve (12) minutes or fraction.
- (b) PM-2 Five (5¢) cents per one-half (1/2) hour or fraction.
- (c) PM-3 Five (5¢) cents per one hour or fraction.
- (d) PM-4 Five (5¢) cents per two and one-half (2 1/2) hours or fraction.

(e) PM-5 Five (5¢) cents for one and one-half (1 1/2) hours or fraction; thirty (30¢) cents for all day.

(f) PM-6 Five (5¢) cents per one-half (1/2) hour or fraction.

(g) PM-7 Five (5¢) cents per one-half (1/2) hour or fraction.

(h) PM-8 Five (5¢) cents per one-half (1/2) hour or fraction.

(i) PM-9 Five (5¢) cents per one-half (1/2) hour or fraction.

(j) PM-10 Five (5¢) cents per one hour or fraction.

(k) PM-11 Ten (10¢) cents per one-half (1/2) hour or fraction.

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 28th day of August, 1972, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, 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

Ord. No. 1224-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 5th day of September, 1972, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton, Simon

APPROVED Lee H. Davies
LEE H. DAVIES, Mayor

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

EFFECTIVE DATE: October 5, 1972

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 28th day of August, 1972, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, 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

Ord. No. 1225-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of September, 1972, Councilman Newton 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, Elliott, Newton, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

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

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

EFFECTIVE DATE: October 11, 1972

Ordinance 1225 C.S.
Exhibit A – Map

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

ORDINANCE 1226-C.S.

AN ORDINANCE AMENDING SECTION 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (LOEB INVESTMENT COMPANY, et al)

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by the Loeb Investment Company, Francis P. Atteberry, Mabel Masellis, and the Sylvan Improvement Club on May 4, 1972, to reclassify from One-Family Residential Zone, R-1, to Highway Frontage Zone, H-1, the hereinafter described property, and

WHEREAS, after a public hearing held on June 20, 1972, it was found and determined by the Planning Commission that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 72-85, and

WHEREAS, by Resolution No. 72-85, adopted on June 20, 1972, the Planning Commission denied the application of the Loeb Investment Company, Francis P. Atteberry, Mabel Masellis, and the Sylvan Improvement Club for an amendment to Section 9-3-9 of the Zoning Map to reclassify the property hereinafter described from One-Family Residential Zone, R-1, to Highway Frontage Zone, H-1, and

WHEREAS, an appeal to the Planning Commission's decision denying the above-requested rezoning was filed with the City Council on July 3, 1972, by E. Dean Price, Attorney for the Loeb Investment Company, Francis P. Atteberry, Mabel Masellis, and the Sylvan Improvement Club, and

WHEREAS, said matter was set for public hearing before the Council in the Council Chambers, 801 - 11th Street, in the City of Modesto, at 8:25 o'clock P.M., on July 24, 1972, at which time evidence, both oral and documentary, was taken and introduced, and

WHEREAS, the public hearing held on July 24, 1972 was closed and the matter was continued from meeting to meeting pending the attendance of a sufficient number of Councilmen to take action thereon,

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

SECTION 1. COUNCIL FINDINGS. After the public hearing held on July 24, 1972, on the above-mentioned appeal, this Council finds and determines that the rezoning of the property as requested 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. OVERRULING DECISION OF PLANNING COMMISSION. As a result of the evidence presented and findings made at said public hearing, the City Council of the City of Modesto does hereby overrule the decision of the Planning Commission denying the requested rezoning.

SECTION 3. 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 Highway Frontage Zone, H-1:

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

Beginning at the point of intersection of centerline of Sylvan Avenue with the centerline of McHenry Avenue, also being the true point of beginning; thence northerly along the centerline of McHenry Avenue 724.00 feet to the point of intersection with the westerly extension of the south line of Warren Way; thence easterly along the said extension of Warren Way and the true south line of Warren Way 275.00 feet to the northwest corner of Lot 1 in Block 12350 of McHenry Estates No. 1 as shown on the map thereof, filed in Volume 23 of Maps, at Page 63 in the Stanislaus County records; thence southerly along the west line of Lots 1, 2, and 3 in Block 12350 of said McHenry Estates No. 1 and the southerly extension of said Lot 3, 731.00 feet to a point on the centerline of Sylvan Avenue; thence westerly along the centerline of Sylvan Avenue 275.09 feet to the true point of beginning.

SECTION 4. 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 5. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 6. PUBLICATION. 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 September, 1972, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Elliott, Newton, Simon
NOES: Councilmen: Dunlap, Smith, 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 *Bruce W. Liedstrand*
BRUCE W. LIEDSTRAND, Acting City Attorney

APPROVED AS TO DESCRIPTION:

BY *William 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 September, 1972, Councilman Dixon moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Smith,
Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 25, 1972

Ordinance 1226 C.S.
Exhibit A – Map

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

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, between McHenry and Coffee Road	35 miles per hour
BRIGGSMORE, (Westbound) from 1000 feet east of Coffee to Coffee	40 miles per hour
BRIGGSMORE, (Eastbound) from Coffee to Oakdale Road	50 miles per hour
BRIGGSMORE, (Westbound) from Oakdale Road to 1000 feet east of Coffee	50 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

GARVER 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
<u>EL VISTA AVENUE, between Ada Street and Scenic Drive</u>	<u>35 miles per hour</u>
EMERALD, within the City limits	25 miles per hour
ENCINA, Covena to Santa Ana	25 miles per hour
ENSLEN, 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
GRAPE AVENUE, between Pearl Street and Evergreen Avenue	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
LUCERN 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
<u>ORANGEBURG AVENUE, between Oakdale Road and 1,000 feet east</u>	<u>40 miles per hour</u>
<u>ORANGEBURG AVENUE, between 1,000 feet east of Oakdale Road and 2,650 feet east of Lakewood Avenue</u>	<u>45 miles per hour</u>
ORANGEBURG AVENUE, Martin to Prescott	25 miles per hour
ORANGEBURG AVENUE, east of Oakdale Road	40 miles per hour
PEARL STREET, west of Carver Road	25 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
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 Lucern to the northerly City limits	25 miles per hour
SYLVAN AVENUE, from McHenry to 2,637 feet east of McHenry	50 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
<u>SYLVAN AVENUE, between 1,300 feet west of Coffee Road and 3,750 feet east of Coffee Road</u>	<u>45 miles per hour</u>
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
7TH STREET, Sierra to southerly City limits	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 11th day of September, 1972, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

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

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

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 18th day of September, 1972, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Simon, Vice Mayor Smith


NOES: Councilmen: ,None

ABSENT: Councilmen: Dixon, Newton, Mayor Davies

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 18, 1972

AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(JADAL PROPERTIES, INC.)

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

SECTION 1. ZONING CHANGE. Section 18-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Planned-Development Zone P-D(5) to Planned-Development Zone P-D(102):

Parcel No. 1
From P-D(5) to P-D(102)

All that portion of Lot 10 of the Knapp Tract according to the map thereof as recorded in Volume 2 of Maps at Page 2, Stanislaus County Records, in the southwest Quarter of Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Beginning at the southwest corner of Lot 10 of said Knapp Tract; thence north along the west line of said Lot 10, a distance of 747.00 feet; thence east a distance of 355.00 feet; thence along a curve concave to the northwest having a radius of 275.00 feet, through a central angle of 25° 00' a curve distance of 120.00 feet; thence north 65° 00' East a distance of 139.00 feet; thence south 25° 00' east a distance of 470.00 feet; thence 11° 30' East, 231.00 feet more or less to the northerly right-of-way line of the existing Modesto Irrigation District Lateral No. 3; thence along said northerly right-of-way line along a curve concave to the southeast having a radius of 300.00 feet, a curve distance of 335.00 feet more or less, thence continuing along said northerly right-of-way line in a southwesterly direction a distance of 61.00 feet more or less to the south line of said Lot 10; thence along said south line to the point of beginning, such property being located on the east side of Prescott Road north of M.I.D. Lateral No. 3.

Section 18-3-9 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(102):

Parcel No. 2
From R-1 to P-D(102)
(Road strip only)

The easterly 45 feet of Prescott Road and the southerly 30 feet of Mount Vernon Drive, all being immediately adjacent to the above described Parcel No. 1.

Parcel No. 3
From R-1 to P-D(102)

Commencing at the Southeastern corner of Park Manor No. 4 Subdivision as per map filed October 10, 1961, in Volume 19 of Maps, Page 85 Stanislaus County Records, said point being on the former Northern line of the Modesto Irrigation District Lateral No. 3; thence along the Southern line of said Park Manor No. 4 Subdivision, North 84° 15' 00" West, 373.69 feet, to its intersection with the Northern line of a 60.00 foot public road known as West Briggsmore Avenue,

said point also being on a Southern line of Lot 12 of Block 6531 of the Park Manor No. 4 Subdivision and the true point of beginning of this description; thence continuing along the Southern line of Park Manor No. 4 Subdivision and said Lot 12, North 84° 15' 00" West, 69.35 feet; thence continuing along the Southern boundary of Park Manor No. 4 on a tangent curve concave to the Southeast, having a Radius of 365.00 feet, a Central Angle of 64° 09' 30" and an Arc Length of 408.72 feet; thence along a tangent line, South 31° 35' 30" West, 69.35 feet; thence along a non-tangent curve concave to the Southeast, having a Radius of 1110.00 feet, a Central Angle of 26° 18' 32" and an Arc Length of 509.69 feet, to the point of beginning, from which point a radial line bears South 13° 10' 29" East.

Section 18-3-9 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(102):

Parcel No. 4
From C-1 to P-D(102)

All that portion of Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the intersection of the Northern line of the Modesto Irrigation District Lateral No. 3, and the Eastern line of a 40-foot public road known as Prescott Road; thence along the Eastern line of Prescott Road, North 00° 37' West, 810.00 feet, to a point on the Southern line of Lot 10 of the Knapp Tract, as per map filed November 16, 1904, in Volume 2 of Maps, Page 2, Stanislaus County Records; thence along the Southern line of said Lot 10, South 89° 17' 57" East, 25.00 feet at right angles easterly from the eastern line of Prescott Road, South 00° 37' East, 374.35 feet, thence along a tangent curve concave to the Northeast having a radius of 95.00 feet, a central angle of 57° 47' 30", an arc length of 95.82 feet; thence along a compound curve concave to the North, having a radius of 70.31 feet, a central angle of 90° 00', an arc length of 110.44 feet, to its point of tangency on a line parallel with and 60.00 feet, measured at right angles, northerly from the Southeastern line of the property as conveyed to the City of Modesto, a municipal corporation, by Deed recorded January 18, 1963, in Volume 1825, Page 341, Official Records, as Instrument No. 2442; thence along said parallel line North 31° 35' 30" East 123.40 feet; thence on a tangent curve concave to the southeast, having a radius of 1110.00 feet; a central angle of 18° 55' 29", an arc length of 366.63 feet to a point on the Northern line of the Modesto Irrigation District Lateral No. 3; thence along the Northern line of Lateral No. 3, North 31° 35' 30" East to the Southern line of said Lot 10 of the Knapp Tract, also being the Southern line of Park Manor No. 4 Subdivision, as per Map filed October 10, 1961, in Volume 19 of Maps, at page 85, Stanislaus County Records; thence along said Southerly line North 89° 17' 57" West 478.09 feet, more or less, to the point of beginning.

Including also the easterly one-half of Prescott immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D (102) 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 community shopping center containing a maximum of 203,000 square feet of retail sales space. Uses within the shopping center shall be limited to those uses permitted in the H-1 zone.
2. A minimum of 405 off-street parking spaces.

SECTION 3. ZONING MAP. Section Map 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 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 ^{18th} ~~21st~~ day of September, 19 72, by Councilman Elliott, 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, Eunlap, Elliott, Simon, Smith

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Mayor Davies

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 1228 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 2nd day of October, 1972, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Simon

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

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

EFFECTIVE DATE: November 1, 1972

AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (SETLIFF BROTHERS)

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

SECTION 1. ZONING CHANGE. Section 21-3-9 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 (103) :

Parcel A per Parcel Map recorded in Book 10
of Page 40, Stanislaus County Records and the
Southerly 57.00 feet of Parcel B per Parcel
Map recorded in Book 13 at Page 40, Stanislaus
County Records.

Including also the westerly 55 feet of Coffee
Road immediately adjacent to the above described
property.

SECTION 2. USES. The following uses shall be permitted in said P-D (103) 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 hardware store to include a garden and nursery shop section.
2. A coin-operated car wash to include vacuum stations.
3. A minimum of 39 off-street parking spaces.

SECTION 3. ZONING MAP. Section Map 21-3-9 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 18th day of September, 19 72, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Smith

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Mayor Davies

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 1229 C.S.
Exhibit A – Map

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

Ord. No. 1229-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1972, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Simon

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 1, 1972

ORDINANCE NO. 1230 -C. S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1112-C. S. RELATING TO PLANNED DEVELOPMENT ZONE P-D (88). (DR. ZANE GARD)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1112-C. S. Section 2 of Ordinance No. 1112-C. S. is hereby amended to read as follows:

SECTION 2. USES. The following uses shall be permitted in said P-D (88) 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. Six 4-unit apartment buildings on the north side of Kruger Drive.
2. Thirty-five covered carports and one small car space serving the above 24 units.
3. One single-family residence and 2 attached 2-car garages plus 1 duplex structure with one attached 2-car garage located at the southeast corner of Crestwood and Kruger Drive. These three dwelling units may be combined under one roof to form one triplex structure.
4. One swimming pool on the north side of Kruger Drive between the second and third 4-plex apartment building east from Granada Way.
5. One swimming pool in the portion of the apartment complex located south of Kruger Drive.

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 18th day of September, 1972, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Simon, Smith

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED:

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

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

(SEAL)

APPROVED AS TO FORM:

Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

Ord. No. 1230-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 25th day of September, 1972, Councilman Dixon moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, Smith,
Mayor Davies


NOES: Councilmen: None

ABSENT: Councilmen: Simon

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 25, 1972

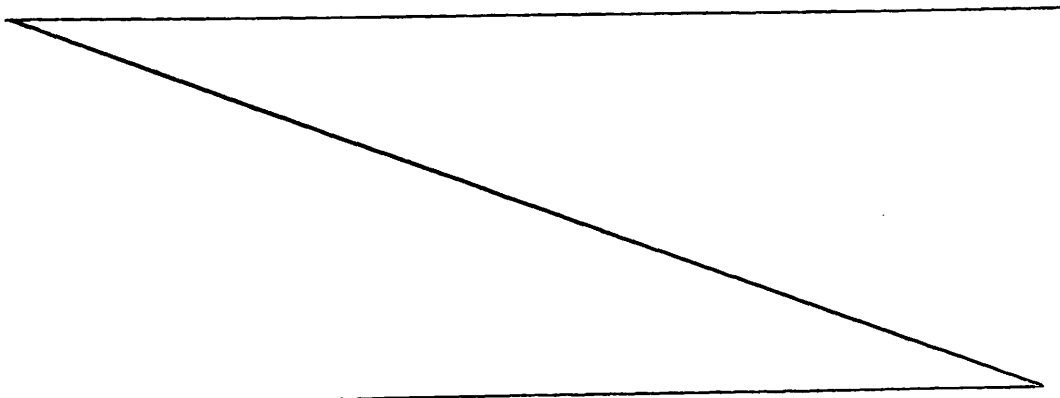
AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY KNOWN AS THE SUNRISE-GRANGER ADDITION TO THE CITY OF MODESTO.

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 Sunrise-Granger Addition, the question whether or not said territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and whether or not the property in said territory shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election, and

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

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

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



All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of the Southwest quarter and the Southwest quarter of the Southeast quarter of Section 16, 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 Southeastern corner of the FELLOWSHIP HOMES ADDITION (167), as per description filed October 5, 1964, as Instrument 39594, Stanislaus County Records; thence along the existing City Limits as established by the Western boundary of said Addition (167), North 0° 45' West, 64.34 feet; thence leaving the existing City Limits, South 69° 35' East, 636.69 feet to the center line of a 40.00 foot public road known as Sunrise Avenue; thence along said center line, which is also a quarter section line, North 00° 07' East, 871.22 feet, to the existing City Limits as established by the Southern boundary of the NORWEGIAN NO. 1 ADDITION (273), as per description filed July 29, 1971, as Instrument 28289, Stanislaus County Records; thence continuing along the existing City Limits on the Southern boundary of said Addition (273), which is also the centerline of a 60.00 foot public road known as Norwegian Avenue, South 89° 57' East, 643.84 feet, to the Northwestern corner of the MEMORIAL HOSPITAL NORTH ADDITION (261), as per description filed November 4, 1970, as Instrument 36348, Stanislaus County Records; thence along the existing City Limits on the Western boundary of said Addition (261), South 0° 25' East, 1261.69 feet, to a Northern boundary of the EAST COOLIDGE ADDITION (244), as per description filed December 1, 1969, as Instrument 39360, Stanislaus County Records, which is also the Southern line of the Modesto Irrigation District right of way for Lateral No 3; thence along the existing City Limits on the Northern boundary of said Addition (244), North 69° 35' West, 686.62 feet, to the most Northwestern corner of said Addition (244), which is also the center line of a 60.00 foot public road known as Sunrise Avenue and the quarter section line; thence along the existing City Limits on a Western boundary of said Addition (244), and said centerline of Sunrise Avenue, South 0° 07' West, 371.02 feet, to the section line common to Section 16 and 21 which is also a Northern boundary of said Addition (244); thence along the Northern boundary of said Addition (244), North 89° 37' West, 1172.72 feet, to the Northwestern corner of said Addition (244); thence along an Eastern boundary of the GLENN ADDITION (125), as per description filed January 9, 1962, as Instrument 995, Stanislaus County Records, North 0° 47' West, 150.00 feet, to a Southeastern corner of the McHENRY VILLAGE ADDITION (60), as per description filed May 11, 1954, as Instrument 11745, Stanislaus County Records; thence continuing along the existing City Limits on the Eastern boundary of said Addition (60), North 0° 47' West, 631.65 feet, to the Southern line of the right of way for Lateral No. 3 and the Northeastern corner of said Addition (60), thence along said Southern line, North 69° 35' West 27.39 feet, to the Southeastern corner of the RACQUET CLUB ADDITION (76), as per description filed July 30, 1957, as Instrument 19002, Stanislaus County Records; thence along the existing City Limits on the Eastern boundary of said Addition (76), North 0° 47' West, 106.17 feet, to the Southwestern corner of Addition (167), and the Northern line of the right of way for Lateral No. 3; thence along the existing City Limits on the Southern boundary of said Addition (167), South 69° 35' East, 644.60 feet, to the point of beginning, containing 34.465 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 8, 1972.

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 25th day of September, 1972, by Councilman Dixon, who moved its introduction and adoption, which motion being duly seconded by Councilman Elliott, was upon roll call

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

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, 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 *Bruce W. Liedstrand*
ELWYN L. JOHNSON, City Attorney
BRUCE W. LIEDSTRAND, Assistant City Attorney

APPROVED AS TO DESCRIPTION:

By *R. M. Mangum*
Public Works Department
9-22-72

AN ORDINANCE AMENDING SECTION MAP 13-3-8
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(ROBERT A. MORRISON - CONANT AVENUE)

WHEREAS, a verified application for an amendment to Section 13-3-8 of the Zoning Map was filed by Robert A. Morrison

on August 16, 19 72, 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 September 19, 19 72, 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. 72-138, adopted on September 19, 1972, the Planning Commission recommended to the Council that the application of Robert A. Morrison

to amend Section 13-3-8 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 13-3-8 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 Northeast Quarter of Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian described as follows:

Commencing at the intersection of the westerly projection of the south line of Walter Heights Subdivision with the north-south quarter section line of said Section 13 as shown on the map filed in Volume 20 of maps at Page 50, Stanislaus County Records; thence North $89^{\circ} 22' 15''$ East along said westerly projection a distance of 20.00 feet to the centerline of Conant Avenue; thence North $0^{\circ} 18'$ West along said centerline of Conant Avenue parallel to and 20.00 feet distant easterly from said north-south quarter section line a distance of 123.00 feet to the true point of beginning of this description; thence continuing North $0^{\circ} 18'$ West along said centerline of Conant Avenue a distance of 154.06 feet to the south line of the parcel conveyed to George Klemm, et al, by deed recorded in Volume 1789 Official Records at Page 521, Stanislaus County Records; thence North $89^{\circ} 21' 30''$ East a distance of 155.00 feet; thence South $0^{\circ} 18'$ East parallel to the aforementioned centerline of Conant Avenue a distance of 154.10 feet; thence South $89^{\circ} 22' 15''$ West parallel to the aforementioned south line of Walter Heights Subdivision a distance of 155.00 feet to the centerline of Conant Avenue and the point of beginning.

Containing 0.55 of an acre

SECTION 3. ZONING MAP. Section 13-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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.

adjourned

The foregoing ordinance was introduced at a/regular meeting of the Council of the City of Modesto held on the 19th day of October, 1972, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmen:	Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies
NOES:	Councilmen:	None
ABSENT:	Councilmen:	Dixon

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 1232 C.S.
Exhibit A – Map

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

Ord. No. 1232-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 6th day of November, 1972, Councilman Dixon moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, 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: December 6, 1972

AN ORDINANCE AMENDING SECTION MAP 24-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BLUE GUM AND CARPENTER)

WHEREAS, the Planning Commission on July 18, 1972, initiated proceedings to amend Section 24-3-8 of the Zoning Map to reclassify from Planned-Development Zone, P-D(42), and Planned-Development Zone, P-D(43), to One-Family Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on September 19, 1972, it was found and determined by the Planning Commission that rezoning as initiated is required by public necessity, convenience, and general welfare, and

WHEREAS, by Resolution No. 72-135, adopted on September 19, 1972, the Planning Commission recommended to the Council that Section 24-3-8 of the Zoning Map be amended to reclassify the hereinafter described property from Planned-Development Zone, P-D(42), and Planned-Development Zone, P-D(43), to One-Family Residential Zone, R-1,

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 24-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Planned-Development Zone, P-D(42), and Planned-Development Zone, P-D(43), to One-Family Residential Zone, R-1:

P-D(42) to R-1:

All that portion of Lots 4, 5, 8 and 9 of the Carmichael Colony, as shown on the map filed in Volume 7 of Maps at Page 20, Stanislaus County Records, located in the southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian described as follows:

Commencing at the centerline intersection of Blue Gum Avenue and Carpenter Road; thence South 89° 00' 50" West along the centerline of said Blue Gum Avenue a distance of 995.00 feet to the true point of beginning of this description; thence at right angles South 0° 59' 10" East a distance of 195.00 feet; thence North 89° 00' 59" East parallel to the aforementioned centerline of Blue Gum Avenue a distance of 225.00 feet; thence South 0° 59' 10" East a distance of 630.00 feet; thence South 89° 27' 30" West a distance of 1090.00 feet; thence North 0° 59' 10" West a distance of 580.00 feet; thence North 89° 00' 50" East parallel to the aforementioned centerline of Blue Gum Avenue a distance of 800.00 feet; thence North 0° 59' 10" West a distance of 245.00 feet to said centerline of Blue Gum Avenue; thence North 89° 00' 59" East along said centerline of Blue Gum Avenue a distance of 60.00 feet to the point of beginning.

Containing: Approximately 15.1 acres gross.

P-D(43) to R-1:

All that portion of Lots 3, 4, 9 and 10 of the Carmichael Colony, as shown on the map filed in Volume 7 of Maps at Page 20, Stanislaus County Records, located in the southeast quarter of Section 24, Township 3 South, Range 8 East, Mount Diablo Base and Meridian described as follows:

Beginning at the centerline intersection of Blue Gum Avenue and Carpenter Road; thence South 89° 00' 50" West along the centerline of said Blue Gum Avenue a distance of 995.00 feet; thence at right angles South 0° 59' 10" East a distance of 195.00 feet; thence North 89° 00' 50" East parallel to the aforementioned centerline of Blue Gum Avenue a distance of 225.00 feet; thence South 0° 59' 10" East a distance of 630.00 feet; thence North 89° 27' 30" East a distance of 770.00 feet to the centerline of the aforementioned Carpenter Road; thence North 0° 32' 30" West along said centerline of Carpenter Road a distance of 830.00 feet to the point of beginning.

Containing: Approximately 15.7 acres gross.

SECTION 3. ZONING MAP. Section 24-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. 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 ^{adjourned} regular meeting of the Council of the City of Modesto held on the 19th day of October, 1972, 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: Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Dixon

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 William Nichols
Planning Department

Ordinance 1233 C.S.
Exhibit A – Map

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

Ord. No. 1233-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 6th day of November, 1972, Councilman Dixon moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: December 6, 1972

AN ORDINANCE AMENDING SECTION MAP 26-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (ALLEN GRANT-
NORTH RIVERSIDE DRIVE)

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

SECTION 1. ZONING CHANGE. Section 26-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Planned-Development Zone, P-D(82),
to Planned-Development Zone, P-D (106):

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:

The West 900.00 feet of the following described
parcel: Beginning at a point located North
0° 33' 30" West 700.00 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, North 0° 33' 30" West 590.33
feet; thence South 89° 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° 59' 50" and having a
chord bearing of South 13° 27' 05" West, with a
chord length of 182.21 feet; thence South 27° 27'
West 452.54 feet; thence North 89° 53' 24" West
1342.57 feet more or less, to the point of beginning,
containing 20.23 acres.

Section 26-3-9 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(106):

All of the East 20 feet of North Riverside Drive,
being immediately adjacent to the above described
property.

SECTION 2. USES. The following uses shall be permitted in said P-D (106) 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. One single-family attached dwelling unit per each individual lot as finally recorded on a subdivision map as required herein.
2. Two off-street parking spaces per dwelling unit.

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 ^{adjourned} regular meeting of the Council of the City of Modesto held on the 19th day of October, 1972, by Councilman Newton, 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: Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon

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 1234 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 6th day of November, 1972, Councilman Dixon moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dixon, Dunlap, Elliott, 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: December 6, 1972

ORDINANCE NO. 1235 -c.s.

AN ORDINANCE AMENDING SECTION MAP 22-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON. (EDWARD G. WYLIE - S/W CORNER ORANGEBURG AND OLD OAKDALE)

WHEREAS, a verified application for an amendment to Section 22-3-9 of the Zoning Map was filed by Edward G. Wylie on August 15, 1972, to prezone to Two-Family Residential Zone, R-2, and Multiple-Family Residential Zone, R-3, property located on the west side of Old Oakdale Road and on the south side of East Orangeburg Avenue, extended, described as follows:

All that certain real property situate in portion of Lot 9 of the Broughton Colony, according to the Official Map thereof filed in Volume 1 of Maps at Page 78, Stanislaus County Records, in the County of Stanislaus, State of California, described as follows:

To be Zoned R-2
Parcel 1

Commencing at the Northeast corner of said Lot 9 at the intersections of the centerlines of E. Orangeburg Avenue and Oakdale Road; thence South 89° 54' 25" West along the North line of said Lot 9 a distance of 300.02 feet to the point of beginning of this description; thence South 0° 45' West 130.01 feet; thence South 89° 54' 25" West parallel with and 130.00 feet from said North line of Lot 9 a distance of 888.07 feet; thence North 0° 42' 30" West 30.43 feet; thence South 89° 17' 30" West 125.00 feet to the west line of said Lot 9; thence along said West line North 0° 42' 30" West 100.92 feet to the Northwest corner of said Lot 9; thence North 89° 54' 25" East along said North line of Lot 9 a distance of 1012.98 feet to the point of beginning.

To be Zoned R-2
Parcel 2

Commencing at the Northeast corner of said Lot 9 at the intersections of the centerlines of East Orangeburg Avenue and Oakdale Road; thence South 0° 45' East along said centerline of Oakdale 534.70 feet to the intersection with the centerline of Nystrom Avenue, being the point of beginning of this description; thence continuing along said centerline South 0° 45' East 118.19 feet to the Southeast corner of said Lot 9; thence South 89° 54' 30" West along the South line of said Lot 9 a distance of 336.00 feet; thence North 2° 50' 57" East 135.00 feet; thence South 87° 09' 03" East 328.15 feet to the point of beginning.

Excepting therefrom all of Oakdale Road immediately adjacent to the above described Parcel 2.

To be Zoned R-3
Parcel 3

All that certain real property situate in portion of Lot 9 of the Broughton Colony, according to the Official Map thereof filed in Volume 1 of Maps at Page 78, Stanislaus County Records, in the County of Stanislaus, State of California, described as follows:

Beginning at the Northeast corner of said Lot 9 at the intersections of the centerlines of East Orangeburg Avenue and Oakdale Road; thence South $89^{\circ} 54' 25''$ West along the North line of said Lot 9 a distance of 300.02 feet; thence South $0^{\circ} 45'$ East parallel with and 300.00 feet from said centerline of Oakdale Road 519.27 feet; thence South $87^{\circ} 09' 93''$ East 300.59 feet to said centerline of Oakdale Road; thence North $0^{\circ} 45'$ West along said centerline 534.70 feet to the point of beginning.

Excepting therefrom all of Oakdale Road immediately adjacent to the above described Parcel No. 3; and

WHEREAS, after a public hearing held on September 19, 1972, the Planning Commission found and determined as follows:

1. That rezoning of Parcel No. 1 above to R-2, being that portion of the subject property fronting on the extension of East Orangeburg Avenue, is not required by public necessity, convenience, and general welfare because it does not conform to the Planning Commission's Development Policy for the Rose Park Neighborhood adopted January 18, 1972.
2. That rezoning of Parcel No. 3 above, to R-3, being the area at the immediate southwest corner of Orangeburg Avenue extended and Oakdale Road is not required by public necessity, convenience, and general welfare in that R-3 zoning does not conform to the Zoning and Development Policy for the Rose Park Neighborhood referred to above, because it is not located at the intersection of two major streets as required by that policy.
3. That rezoning to R-2 of Parcel No. 3 described above (being the area requested for R-3 rezoning) and Parcel No. 2 described above (being the area immediately to the south which fronts on Old Oakdale Road and which is proposed for R-2 rezoning) is required by public necessity, convenience, and general welfare because it is in conformity with the Rose Park Neighborhood Zoning and Development Policy adopted January 18, 1972, and

WHEREAS, by Resolution No. 72-137, adopted on September 19, 1972, the Planning Commission recommended to the Council that the proposed rezoning to R-2 of Parcel 1 described above be denied, and

WHEREAS, the Planning Commission further recommended to the City Council that Parcel 3 (being the area requested for R-3 rezoning) and Parcel 2 be rezoned to Two-Family Residential Zone, R-2, and

WHEREAS, by letter dated September 22, 1972, the applicant, Edward G. Wylie, appealed the denial by the Planning Commission of the proposed rezoning to R-2 of Parcel 1 described above, to the City Council in accordance with the provisions of Section 10-2.2110 of the Modesto, Municipal Code, and

WHEREAS, the rezoning as recommended by the Planning Commission and as requested by the applicant in his appeal was set for public hearing before the Council at its regular meeting place located in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, at 7:40 o'clock P.M. on October 24, 1972 and at said time and place evidence, both oral and documentary was taken and introduced,

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

SECTION 1. COUNCIL FINDINGS: This Council finds and determines:

(a) That the requested rezoning of Parcel 1, Parcel 2 and Parcel 3 described above to Two-Family Residential Zone, R-2, 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.

(b) That the requested rezoning of Parcel 3 described above to Multiple-Family Residential Zone, R-3, would not serve the public health, safety and general welfare for the reasons set forth in Planning Commission Resolution No. 72-137.

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

All that certain real property situate in portion of Lot 9 of the Broughton Colony, according to the Official Map thereof filed in Volume 1 of Maps at Page 78, Stanislaus County Records, in the County of Stanislaus, State of California, described as follows:

Parcel 1

Commencing at the Northeast corner of said Lot 9 at the intersections of the centerlines of E. Orangeburg Avenue and Oakdale Road; thence South $89^{\circ} 54' 25''$ West along the North line of said Lot 9 a distance of 300.02 feet to the point of beginning of this description; thence South $0^{\circ} 45'$ West 130.01 feet; thence South $89^{\circ} 54' 25''$ West parallel with and 130.00 feet from said North line of Lot 9 a distance of 888.07 feet; thence North $0^{\circ} 42' 30''$ West 30.43 feet; thence South $89^{\circ} 17' 30''$ West 125.00 feet to the west line of said Lot 9; thence along said West line North $0^{\circ} 42' 30''$ West 100.92 feet to the Northwest corner of said Lot 9; thence North $89^{\circ} 54' 25''$ East along said North line of Lot 9 a distance of 1012.98 feet to the point of beginning.

Parcel 2

Commencing at the Northeast corner of said Lot 9 at the intersections of the centerlines of East Orangeburg Avenue and Oakdale Road; thence South $0^{\circ} 45'$ East along said centerline of Oakdale Road 534.70 feet to the intersection with the centerline of Nystrom Avenue, being the point of beginning of this description; thence continuing along said centerline South $0^{\circ} 45'$ East 118.19 feet to the Southeast corner of said Lot 9; thence South $89^{\circ} 56' 30''$ West along the South line of said Lot 9 a distance of 336.00 feet; thence North $2^{\circ} 50' 57''$ East 135.00 feet; thence South $87^{\circ} 09' 03''$ East 328.15 feet to the point of beginning.

Excepting therefrom all of Oakdale Road immediately adjacent to the above described Parcel 2.

Parcel 3

All that certain real property situate in portion of Lot 9 of the Broughton Colony, according to the Official Map thereof filed in Volume 1 of Maps at Page 78, Stanislaus County Records, in the County of Stanislaus, State of California, described as follows:

Beginning at the Northeast corner of said Lot 9 at the intersections of the centerlines of East Orangeburg Avenue and Oakdale Road; thence South 89° 54' 25" West along the North line of said Lot 9 a distance of 300.02 feet; thence South 0° 45' East parallel with and 300.00 feet from said centerline of Oakdale Road 519.27 feet; thence South 87° 09' 03" East 300.59 feet to said centerline of Oakdale Road; thence North 0° 45' West along said centerline 534.70 feet to the point of beginning.

Excepting therefrom all of Oakdale Road immediately adjacent to the above described Parcel No. 3.

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 24th day of October, 1972, by Councilman Dixon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Elliott, Simon, Mayor Davies

NOES: Councilmen: Dunlap, Smith, Newton

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 Elwin L. Johnson
ELWIN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION: William Mitchell

Ordinance 1235 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 6th day of November, 1972, Councilman Dixon moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, 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: December 6, 1972

AN ORDINANCE ADDING CHAPTER 9 ENTITLED
"ENVIRONMENTAL IMPACT" TO TITLE IV OF THE
MODESTO MUNICIPAL CODE.

WHEREAS, the Legislature of the State of California adopted the Environmental Quality Act of 1970 which is set forth in Sections 21000 and following of the California Public Resources Code, and

WHEREAS, Section 21151 of said Public Resources Code provides in part that all local governmental agencies not having a conservation element as part of their general plan "shall make an Environmental Impact Report on any project they intend to carry out which may have a significant effect on the environment", and

WHEREAS, said section as construed by the Supreme Court of the State of California in the case of Friends of Mammoth, et al. v. Board of Supervisors of Mono County, 8 C. 3d 1, decided on September 21, 1972, applies not only to projects undertaken directly by a city but also to private activities for which a permit, license or other similar entitlement is required, and

WHEREAS, doubt exists as to whether Section 21151 is a matter of statewide concern applicable to charter cities, and this doubt can be resolved only by the courts at a later time, and

WHEREAS, the Council of the City of Modesto desires to adopt legislation to insure compliance with the Environmental Quality Act of 1970,

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

SECTION 1. AMENDMENT OF CODE. Chapter 9 entitled "Environmental Impact" is hereby added to Title IV of the Modesto Municipal Code to read as follows:

CHAPTER 9

ENVIRONMENTAL IMPACT

SEC. 4-9.01. COMPLIANCE WITH ENVIRONMENTAL IMPACT REGULATIONS. No permit, license or other similar entitlement shall be issued or approved by the City if the proposed project may have a significant effect on the environment until an environmental impact report has been prepared and has been approved by the City. The Council may by resolution adopt guidelines and procedures for determining what projects may have a significant effect on the environment and for the preparation and approval of environmental impact reports, and consideration of the issuance or approval of any permit, license or other similar entitlement may be deferred until the applicant shall have fully complied with such guidelines and procedures. In the event the City makes a determination, based on an Environmental Impact Report, that the project may have a significant adverse effect on the environment, the City may defer, deny, in whole or in part, or impose reasonable conditions on, the issuance of such permit, license or other similar entitlement based upon such adverse effect on the environment.

SEC. 4-9.02. APPEAL. Any person aggrieved by any action taken by any city official pursuant to this chapter, or any guidelines or procedures issued hereunder, may appeal said action to the City Council pursuant to the provisions of Chapter 4 of Title I of the Modesto Municipal Code. The decision by the City Council on such appeal shall be final.

SEC. 4-9.03. LIMITATION OF ACTIONS. Any action or proceeding to attack, review, set aside, void or annul any decision made pursuant to this chapter or any guidelines or procedures issued hereunder, or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any condition attached thereto, shall not be maintained by any person unless such action or proceeding is commenced within thirty (30) days after the date of such decision. Thereafter all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of such decision or of such proceedings, acts or determinations.

SEC. 4-9.04. OTHER ACTIONS NOT PRECLUDED. Nothing in this chapter nor in any guidelines or procedures issued hereunder shall preclude the City of Modesto from taking such other action in respect to the approval, conditional approval, denial or revocation of any permit, license or other similar entitlement as is determined necessary by the City in order to obtain full compliance with the requirements of the Environmental Quality Act of 1970.

SECTION 2. EMERGENCY PROVISIONS. DECLARATION OF URGENCY.

The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety because the provisions of the California Environmental Quality Act of 1970, as recently interpreted in the decision of the California Supreme Court in Friends of Mammoth, et al. v. Board of Supervisors of Mono County, 8 C.3d 1, apply to private as well as public projects, and, therefore, it is necessary to immediately establish procedures for processing applications for permits, licenses and other similar entitlements for private projects in accordance with the California Environmental Quality Act of 1970.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall go into effect and be in full force and operation as of the date of its adoption.

SECTION 4. PUBLICATION. 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 24th day of October, 1972, by Councilman Dixon, who moved its adoption and passage to print.

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

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, 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

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (HARLEY D. BRANNAN)

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 reclassify the following-described property from One-Family Residential Zone, R-1, to Planned-Development Zone, P-D(104):

R-1 to P-D

Commencing at the Southeast corner of Parcel A of Book 10 of Parcel Maps, at Page 82, Stanislaus County Records, said corner being a point on the West line of Oakdale Road; thence South $0^{\circ} 01' 26''$ West along the West line of said Oakdale Road a distance of 180.00 feet; thence North $89^{\circ} 58' 34''$ West a distance of 188.46 feet; thence Westerly 237.55 feet along a curve concave to the Southeast having a radius of 500.00 feet and a central angle of $27^{\circ} 13' 15''$; thence South $62^{\circ} 48' 11''$ West along a tangent line a distance of 187.26 feet to a point, said point being the point of beginning of this description; thence continuing South $62^{\circ} 48' 11''$ West a distance of 9.60 feet to the tangent point of a curve concave to the Northwest having a radius 1400.00 feet and a central angle of $3^{\circ} 28' 11''$; thence Southwesterly along said curve a distance of 84.78 feet to a point of cusp having a radial line bearing North $23^{\circ} 43' 38''$ West; thence Easterly 99.80 feet along a non-tangent curve concave to the South having a radial line bearing South $9^{\circ} 34' 34''$ East, a radius of 2000.00 feet and a central angle of $2^{\circ} 51' 33''$; thence North $0^{\circ} 01' 26''$ East a distance of 56.23 feet to the point of beginning;

Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Two-Family Residential Zone, R-2 to Planned-Development Zone, P-D(104):

R-2 to P-D

Commencing at the Southeast corner of Parcel A of Book 10 of Parcel Maps, at Page 82, Stanislaus County Records, said corner being a point on the West line of Oakdale Road; thence South $0^{\circ} 01' 26''$ West along the West line of said Oakdale Road a distance of 588.89 feet; thence South $62^{\circ} 48' 11''$ West a distance of 337.34 feet to the point of beginning of this description; thence continuing South $62^{\circ} 48' 11''$ West a distance of 202.66 feet; thence North $27^{\circ} 11' 49''$ West a distance of 511.60 feet to a point on a non-tangent curve concave to the Northwest and having a radius of 1400.00 feet and a central angle of $2^{\circ} 01' 03''$; thence Northeasterly 49.30 feet along said curve to the point of intersection of a curve concave to the South having a radial line which bears South $9^{\circ} 34' 34''$ East, a radius of 2000.00 feet and a central angle of $2^{\circ} 51' 33''$;

thence Easterly along said curve a distance of 99.80 feet to a point on a non-tangent line; thence North 0° 01' 26" East a distance of 56.23 feet; thence North 62° 48' 11" East a distance of 187.26 feet; thence Easterly a distance of 125.08 feet along a curve concave to the South having a radius of 500.00 feet and a central angle of 14° 19' 59"; thence South 0° 01' 26" West along a non-tangent line 550.60 feet to the point of beginning.

Section 15-3-9 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(104):

R-3 to P-D

Commencing at the Southeast corner of Parcel A of Book 10 of Parcel Maps, at Page 82, Stanislaus County Records, said corner being a point on the West line of Oakdale Road; thence South 0° 01' 26" West along the West line of said Oakdale Road a distance of 180.00 feet; thence South 89° 58' 34" East a distance of 50.00 feet to a point on the East section line of Section 15, said point being the point of beginning of this description; thence South 0° 01' 26" West along said East section line a distance of 383.17 feet; thence South 62° 48' 11" West a distance of 393.57 feet; thence North 0° 01' 26" East a distance of 550.60 feet to a point on a non-tangent curve to which a radial line bears South 12° 51' 50" East; thence Easterly 112.47 feet along said non-tangent curve concave to the Southeast, having a radius of 500.00 feet and a central angle of 12° 53' 16"; thence South 89° 58' 34" East along a tangent line a distance of 238.46 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(104) 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 neighborhood shopping center containing a maximum of 55,000 square feet of retail sales space. Uses shall be limited to those uses permitted in the C-1 Zone except that indoor motion picture theaters are permitted.

2. A minimum of 261 off-street parking spaces.

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.

Ordinance 1237 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 13th day of November, 1972, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, 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: December 13, 1972

AN ORDINANCE AMENDING SUBSECTION (k) OF SECTION 2 OF ORDINANCE NO. 1205 - C. S. ENTITLED "AN ORDINANCE GRANTING TO AIRPORT GARBAGE SERVICE, a co-partnership composed of EUGENE GILTON AND LEROY GILTON A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. Subsection (k) of Section 2 of Ordinance No. 1205 - C. S. entitled "An Ordinance Granting to Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton

A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually, within sixty (60) days of the end of the preceding fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1972, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried

and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

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 6th day of November, 1972, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, 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 William Nichols
Planning Department

AN ORDINANCE AMENDING SUBSECTION (k) OF SECTION 2 OF ORDINANCE NO. 1206 - C. S. ENTITLED "AN ORDINANCE GRANTING TO MODESTO GARBAGE COMPANY, INC., A CALIFORNIA CORPORATION, dba MODESTO DISPOSAL SERVICE A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. Subsection (k) of Section 2 of Ordinance No. 1206 - C. S.

entitled "An Ordinance Granting to Modesto Garbage Company, Inc., A California Corporation, dba Modesto Disposal Service

A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually, within sixty (60) days of the end of the preceding fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1972, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried

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 27th day of November, 1972, Councilman Elliott 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, Elliott, Newton, Simon, Smith,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Dunlap

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

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

EFFECTIVE DATE: December 27, 1972

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1972, by Councilman Simon, 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, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

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

AN ORDINANCE AMENDING SUBSECTION (k) OF SECTION 2 OF ORDINANCE NO. 1207 - C. S. ENTITLED "AN ORDINANCE GRANTING TO RONALD T. DRISCOLL AND DIANE M. DRISCOLL, dba ORANGE LINE SANITATION COMPANY A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. Subsection (k) of Section 2 of Ordinance No. 1207 - C. S.

entitled "An Ordinance Granting to Ronald T. Driscoll and Diane M. Driscoll, dba Orange Line Sanitation Company

A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually, within sixty (60) days of the end of the preceding fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1972, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried

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 27th day of November, 1972, Councilman Elliott 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, Elliott, Newton, Simon, Smith,
Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Dunlap

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

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

EFFECTIVE DATE: December 27, 1972

and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

~~AN ORDINANCE AMENDING SUBSECTION (k) OF SECTION 2 OF
ORDINANCE NO. 1208 - C. S. ENTITLED "AN ORDINANCE
GRANTING TO SANDERS BROTHERS, INC., A CALIFORNIA
CORPORATION, dba SANDERS GARBAGE COMPANY
A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY
OF MODESTO."~~

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

SECTION 1. Subsection (k) of Section 2 of Ordinance No. 1208 - C. S.

entitled "An Ordinance Granting to Sanders Brothers, Inc., A California

corporation, dba Sanders Garbage Company

A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually, within sixty (60) days of the end of the preceding fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1972, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried

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 27th day of November, 1972, Councilman Elliott 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, Elliott, Newton, Simon, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Dunlap

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

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

EFFECTIVE DATE: December 27, 1972

and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

AN ORDINANCE AMENDING SECTION MAP 10-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO PREZONING
CERTAIN PROPERTY LOCATED THEREON. (HORN CONSTRUCTION
COMPANY)

WHEREAS, a verified application for an amendment to
Section 10-3-9 of the Zoning Map was filed by Horn Construction
Company on September 15,
19 72, to prezone to Two-Family Residential Zone,
R-2, the hereinafter described property, and

WHEREAS, after public hearing held on October 25,
19 72, 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. 72-149, adopted on
October 25, 19 72, the Planning Commission recommended to
the Council that the application of Horn Costruction Company
to amend Section 10-3-9 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 10-3-9 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 Southwest Quarter of Section 10, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Commencing at the Southwest corner of said Section 10; thence North 0° 47' 20" West along the West line of said Section 10 a distance of 411.05 feet to the point of beginning of this description; thence North 89° 35' 10" East along the North line of Coffee Terrace No. 1, according to the Official Map thereof filed for record in Volume 22 of Maps, at Page 47, Stanislaus County Records, a distance of 425.01 feet; thence North 0° 47' 20" West 280.25 feet; thence North 89° 33' 30" East 30.75 feet; thence North 0° 26' 30" West 131.00 feet to a point on the South line of Coffee Village, according to the Official Map thereof filed for record in Volume 19 of Maps, at Page 34, Stanislaus County Records; thence South 89° 33' 30" West along said South line of Coffee Village 456.55 feet to the West line of said Section 10; thence South 0° 47' 20" East along said West line of Section 10 a distance of 411.05 feet to the point of beginning; and

SECTION 3. ZONING MAP. Section 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.

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 27th day of November, 1972, Councilman Elliott 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, Elliott, Newton, Simon, Smith,
Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Dunlap

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

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

EFFECTIVE DATE: December 27, 1972

and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

Ordinance 1242 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 4th day of December, 1972, 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: Dunlap, Elliott, Simon, Smith, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Dixon, Newton

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 3, 1973

AN ORDINANCE GRANTING TO RUDY BONZI, INC. LICENSES FOR THE COLLECTION OF INDUSTRIAL GARBAGE AND SALVAGEABLE WASTE IN THE CITY OF MODESTO.

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

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

SECTION 2. Limited licenses to collect industrial garbage and salvageable waste in the City of Modesto are hereby granted to Rudy Bonzi, Inc. subject to the following terms and conditions:

(a) Said licenses shall be for terms commencing on January 11, 1973, and ending December 31, 1982, unless terminated at an earlier date under the provisions of these licenses.

(b) Said licenses shall be non-exclusive licenses to collect industrial garbage and salvageable waste.

(c) In accepting these licenses, Licensee thereby agrees that the services provided during the terms herein specified shall be in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code as amended by Ordinance No. 1196-C. S.

(d) The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S., from time to time, as required in order to protect the public health, safety and welfare of the City.

(e) The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of these licenses.

(f) The Director of Public Works of the City of Modesto shall administer and supervise the Licensee's operations under the terms of these licenses and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code, as amended by Ordinance No. 1196-C. S.

(g) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license for collection of industrial garbage by said Licensee including, but not limited to, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all such business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents or employees and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official. The Licensee shall provide the City annually within sixty (60) days of the end of the preceding fiscal year ending June 30 with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

(h) The Licensee shall not litter any premises or public property in making collections of industrial garbage or salvageable waste nor shall industrial garbage or salvageable waste be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. Licensee's personnel shall make all

collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances. Vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Director of Public Works, and the outside of each vehicle shall be cleaned and washed at least once a week.

(i) All equipment and containers used for the collection and hauling of industrial garbage or salvageable waste shall be approved by the Director of Public Works and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code. All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed thereto. Collection trucks shall be painted a color approved by the Director of Public Works, and shall be equipped with such safety devices and warning lights as are required by the State of California Motor Vehicle Code.

All vehicles and equipment used in the collection of industrial garbage or salvageable waste, if kept within the boundaries of the City, shall at all times when not in use be kept on private property in the appropriate zone and not on streets or other public ways.

(j) All collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition.

(k) Industrial garbage collected by the Licensee may be disposed of at such locations as are approved by the Health Officer.

(l) Salvaging or scavenging by the Licensee, or any of his employees, is prohibited during collection.

(m) Licensee agrees, in connection with the performance of all operations under or pursuant to these licenses, to be an equal opportunity employer and not to discriminate against any employee or applicant for employment because of race, creed, color or national origin.

SECTION 3. This ordinance shall become effective thirty (30) days from and after its final passage and adoption; provided, however, that the licenses hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

SECTION 4. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 4th day of December 1972, by

Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: **Elliott, Dunlap, Smith, Mayor Davies**

NOES: Councilmen: **Dixon, Hewton, Sison**

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 11th day of December, 1972, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, 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 10, 1972

AN ORDINANCE GRANTING TO RUDY BONZI, INC. LICENSES FOR THE COLLECTION OF INDUSTRIAL GARBAGE AND SALVAGEABLE WASTE IN THE CITY OF MODESTO.

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

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

SECTION 2. Limited licenses to collect industrial garbage and salvageable waste in the City of Modesto are hereby granted to Rudy Bonzi, Inc. subject to the following terms and conditions:

(a) Said licenses shall be for terms of ten (10) days commencing on January 1, 1973, and ending January 10, 1973, unless terminated at an earlier date under the provisions of these licenses.

(b) Said industrial garbage license shall be a non-exclusive license to collect industrial garbage as said term is defined in subsection (1) of Section 5-5.02 of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S., except that said license shall not include the right to collect garbage produced by any person, firm or corporation engaged in the business of building construction and/or building demolition.

(c) Said salvageable waste license shall be a non-exclusive license to collect salvageable waste.

(d) In accepting these licenses, Licensee thereby agrees that the services provided during the terms herein specified shall be in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code as amended by Ordinance No. 1196-C. S.

(e) The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S., from time to time, as required in order to protect the public health, safety and welfare of the City.

(f) The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of these licenses.

(g) The Director of Public Works of the City of Modesto shall administer and supervise the Licensee's operations under the terms of these licenses and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code, as amended by Ordinance No. 1196-C. S.

(h) For purposes of determining and paying licenses fees, maintaining books of account and other records, audits and inspections of books and accounts by the City, and providing the City with financial statements, said licenses shall be considered supplementary to and a part of the licenses to collect industrial garbage and salvageable waste to be granted by Ordinance No. 1243- C. S., introduced on December 4, 1972.

(i) The Licensee shall not litter any premises or public property in making collections of industrial garbage and salvageable waste nor shall industrial garbage or salvageable waste be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. Licensee's personnel shall make all

collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances. Vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Director of Public Works, and the outside of each vehicle shall be cleaned and washed at least once a week.

(j) All equipment and containers used for the collection and handling of industrial garbage or salvageable waste shall be approved by the Director of Public Works and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code. All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed thereto. Collection trucks shall be painted a color approved by the Director of Public Works, and shall be equipped with such safety devices and warning lights as are required by the State of California Motor Vehicle Code.

All vehicles and equipment used in the collection of industrial garbage or salvageable waste, if kept within the boundaries of the City, shall at all times when not in use be kept on private property in the appropriate zone and not on streets or other public ways.

(k) All collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition.

(l) Industrial garbage collected by the Licensee may be disposed of at such locations as are approved by the Health Officer.

(m) Salvaging or scavenging by the Licensee, or any of his employees, is prohibited during collection.

(n) Licensee agrees, in connection with the performance of all operations under or pursuant to these licenses, to be an equal opportunity employer and not to discriminate against any employee or applicant for employment because of race, creed, color or national origin.

SECTION 3. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety because the existing licenses of Rudy Bonzi, Inc. to collect industrial garbage and salvageable waste in the City of Modesto expire on December 31, 1972, and the terms of new licenses to collect industrial garbage and salvageable waste in the City of Modesto to be granted by Ordinance No. 1243-C. S., introduced on December 4, 1972, will not commence until January 11, 1973, and therefore, unless the foregoing ordinance is adopted without delay, Rudy Bonzi, Inc. will be unable to continue providing industrial garbage and salvageable waste collection services to producers thereof in the City of Modesto for the period of January 1, 1973, to January 10, 1973.

SECTION 4. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall go into effect and be in full force and operation as of the date of its adoption; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code, as amended by Ordinance No. 1196-C. S.

SECTION 5. 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 4th day of December, 1972, by Councilman Dunlap, who moved its adoption 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: Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies

NOES: Councilmen: Dixon

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

AN ORDINANCE AMENDING SECTION 3-1. 226 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTIONS 3-1. 230 AND 3-1. 231 THEREOF RELATING TO THE FIRE PREVENTION CODE.

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 OUTDOOR RUBBISH FIRES. That Section 28.1 of Article 28 of said Fire Prevention Code be deleted.

SECTION 2. REPEALS. Sections 3-1. 230 and 3-1.231 of Article 2 of Chapter 1 of Title III 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. 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 4th day of December, 1972, 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: Dunlap, Elliott, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dixon, Newton

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. 1245-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of December, 1972, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, 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 10, 1972

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

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

on September 14, 19 72, to reclassify from One-Family Residential Zone, R-1, to Professional Office Zone, P-O, the hereinafter described property, and

WHEREAS, after public hearing held on October 25, 19 72, 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. 72-150, adopted on October 25, 19 72, the Planning Commission recommended to the Council that the application of Ernest Pappas

to amend Section 16-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, to Professional Office Zone, P-O, 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 One-Family Residential Zone,

R-1, to Professional Office Zone,

P-O:

Parcel #1

All that portion of the Southeast quarter of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the South Quarter Section corner of said Section 16; thence South $88^{\circ} 38' 30''$ East along the South line of said Section 16, a distance of 350.50 feet to the true point of beginning of this description; thence North $0^{\circ} 07'$ East and Parallel to the quarter Section line through said Section 16, a distance of 100.54 feet to the beginning of a curve to the right, having a radius of 100.00 feet and a central angle of $20^{\circ} 18'$; thence along said curve, 35.43 feet; thence North $20^{\circ} 25'$ East, a distance of 106.29 feet to a point on the South right of way line of Modesto Irrigation District Lateral No. 3; thence South $69^{\circ} 35'$ East along the South right of way line of said Lateral No. 3, a distance of 722.51 feet to a point on the South line of said Section 16, thence North $88^{\circ} 38' 30''$ West, a distance of 720.92 feet to the true point of beginning.

Excepting therefrom all of that portion of Briggsmore Avenue easterly of the northerly extension of centerline of Brannon Avenue.

Parcel #2

All that portion of the Southeast quarter of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the South Quarter Section corner of said Section 16; thence South $88^{\circ} 38' 30''$ East along the South line of said section, a distance of 30 feet to a point on the East line of Sunrise Avenue which bears south $0^{\circ} 07'$ West, a distance of 133.59 feet from the Southwest corner of the property conveyed to Paul T. Fleming, a married man, as his sole and separate property by Deed recorded September 25, 1961 in Volume 1710 of Official Records, at page 158, as Instrument No. 30464, said point being the true point of beginning of this description; thence continuing South $88^{\circ} 38' 30''$ East along the South line of said section, a distance of 295.50 feet to a point on the West line of Ford Avenue; thence North $0^{\circ} 17'$ East along the West line of Ford Avenue, a distance of 100 feet to the beginning of a curve concave to the East having a radius of 125 feet and a central angle of $19^{\circ} 07' 10''$; thence along said curve, a distance of 41.71 feet to the Southeast corner of the above mentioned Fleming property; thence North $89^{\circ} 53'$ West along the South line of said Fleming property, a distance of 302.02 feet to the Southwest corner thereof and being a point on the East line of Sunrise Avenue; thence South $0^{\circ} 07'$ West along the East line of said Sunrise Avenue, a distance of 133.59 feet to the point of beginning;

Including also the Westerly 25 feet of Ford Avenue and the Easterly 30 feet of Sunrise Avenue, all being immediately adjacent to Parcel #2.

Parcel #3

All that portion of the Southeast quarter of Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Quarter Section corner between Sections 16 and 21, Township 3 South, Range 9 East; thence along the South line of said Section 16, South $88^{\circ} 38' 30''$ East 30.00 feet to the East line of Sunrise Avenue; thence along the East line of said Sunrise Avenue, North $0^{\circ} 07'$ East 275.95 feet to the true point of beginning of this description, said point of beginning being the beginning of a curve to the right, having a radius of 15.00 feet and a central angle of $110^{\circ} 18'$; thence along said curve a distance of 28.88 feet to a point, said point being on the Southerly line of Northern Boulevard; thence along Southerly line of said Northern Boulevard South $89^{\circ} 35'$ East 303.90 feet to the beginning of a curve to the right, said curve having a radius of 15.00 feet and a central angle of $90^{\circ} 00'$; thence along said curve a distance of 23.56 feet to a point on the Westerly line of Ford Avenue; thence South $20^{\circ} 25'$ West 30.87 feet to the beginning of a curve to the left, said curve having a radius of 125.00 feet and a central angle of $1^{\circ} 52' 50''$; thence along said curve a distance of 4.10 feet; thence leaving West line of said Ford Avenue and run North $89^{\circ} 53'$ West 302.02 feet to a point on the East line of Sunrise Avenue; thence along East line of said Sunrise Avenue North $0^{\circ} 07'$ East 143.46 feet to the true point of beginning of this description;

Including the Westerly 25 feet of Ford Avenue, the Easterly 30 feet of Sunrise Avenue, and the Southerly 60 feet of Briggsmore Avenue, all being 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 See, 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 December, 1972, by Councilman Elliott, 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, Elliott, Newton, Simon,
Vice Mayor Smith

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Mayor Davies

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 1246 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 18th day of December, 1972, Councilman Dixon 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, Elliott, Newton, Vice Mayor Smith

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Simon, Mayor Davies

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

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

EFFECTIVE DATE: January 17, 1973

AN ORDINANCE AMENDING SECTION 10-2. 215, 2 AND SECTION 10-2. 2709 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. Sections 10-2. 215, 2 and 10-2. 2709 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2. 215. 2. CONSTRUCTION, START OF. Construction shall be deemed to have been started at such time as all of the following have been completed by the developer:

(a) Filing of full sets of building plans with the Building Inspection Division as required by the Chief Building Official and issuance of a building permit including electrical, plumbing, and mechanical permits.

(b) Performance of all conditions of approval specifying "prior to the issuance of a building permit" as found in any applicable resolutions adopted by the City Council, Planning Commission, or Board of Zoning Adjustment.

(c) Payment of all required fees, including building permit fees, and the posting and acceptance of all public improvement securities, if applicable.

(d) Compliance with any environmental impact procedures of the City.

SEC. 10-2. 2709. DEVELOPMENT SCHEDULE. (a) An application for a P-D zone shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date when construction of the project can be expected to begin, the anticipated rate of development, and the completion date. The development schedule for an application to prezone a P-D zone shall indicate the approximate time period, after the property is annexed to the City and the P-D zone becomes effective, when construction of the project can be expected to begin, the anticipated rate of development, and the anticipated time to completion. The development schedule if approved by the Council, shall become part of the development plan and shall be adhered to by the owner of property in the P-D zone and his successors in interest. The City shall require posting of cash, a savings and loan certificate, or a performance bond issued by a corporate surety company in an amount to be determined by the City Engineer to cover the cost of public improvements adjacent to the proposed development prior to the issuance of the building permit for first phase of construction.

(b) From time to time the Planning Commission shall compare the actual development accomplished in the various P-D zones with the approved development schedules.

(c) If the owner or owners of property in P-D zones have failed to meet the approved development schedule, the Commission shall initiate proceedings under Article 21 of this chapter to repeal the P-D zone and rezone the property to the zone classification it held immediately prior to being zoned P-D.

(d) Commencement of construction for the purpose of this article shall be as defined in Section 10-2. 215. 2 of this Code.

(e) Upon request by the property owner and for good cause shown, the Planning Commission may extend the time limits of the development schedule provided that any request for an extension of these limits shall be on file in the office of the Planning Director no later than the date of expiration. Filing the time extension request shall suspend actual expiration of the P-D zone until acted upon by the Planning Commission except that no building permit shall be issued pursuant to the P-D zone during the period of such suspension. Any person dissatisfied with the decision of the Planning Commission may appeal to the Council in accordance with the procedures set forth in Section 10-2, 2110 of this Code for appeals.

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 18th day of December, 1972, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, 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:

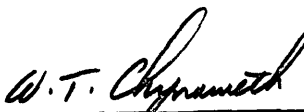
By Elwyn L. Johnson
ELWYN L. JOHNSON, City Attorney

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 26th day of December, 19 72, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Dixon

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 25, 1973

AN ORDINANCE AMENDING SECTION 10-2.1515 OF ARTICLE 15 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO LANDSCAPING STANDARDS.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.1515 of Article 15 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1515. LANDSCAPING STANDARDS. (a) Purpose of the Standards. The landscaping of all areas of the community is intended to provide visual relief and delight, to compliment building and other structures, to provide a transitional area between potential competing land uses, to aid in reducing air pollution, and to provide an attractive environment for the enjoyment of the public. Landscaping which is integrated with building design is an acceptable and desirable objective of contemporary community development.

Whenever landscaping or a landscape plan is required by this Code or as a condition of a zoning district, a variance, a use permit, or any other conditional agreement, the following standards of landscape design and landscape plan specifications shall apply.

(b) Standards of Landscape Design.

(1) Plan preparation. It is recommended but not required that a landscape architect or a landscape contractor be employed in preparing the landscape plan. In addition to plants, the use of structural elements such as pools, fountains, raised planters, benches and sunshades is encouraged but not required in the landscape plan.

Prior to plan preparation, the Director of Parks and Recreation should be contacted for street tree information to insure that landscaping will not interfere with the City's tree planting plan.

(2) Plant Materials. The selection of plant materials should include both evergreen and deciduous trees and shrubs, and attractive erosion preventing ground cover. Attention shall be given to appearance, height, spread, growth rate, potential root damage, disease and pest susceptibility, soil drainage and climatic adaptability, and the degree of maintenance required.

(3) Plant Coverage. Plants shall be so spaced and sized that, when mature, they will fill the planter area. Although a reasonable number of growing seasons will be allowed for full plant coverage to develop, interim ground cover shall be provided during this period. Interim cover of surfacing materials shall consist of rocks, gravel, mulch, chips, or any other acceptable material.

(4) Plant Maintenance. Underground irrigation systems shall be provided to assure maximum plant maintenance with minimum manpower, except where the location and size of the planter area justifies something less. Automatic underground irrigation systems shall be provided where the location and size of the planter area justifies the additional cost involved.

(5) Planter Construction. All planter areas shall have a peripheral concrete or other permanent type border to prevent cars and pedestrians from damaging plant materials. The minimum width of a planter bed should be forty (40") inches.

(c) Landscape Plan Specifications.

(1) Four (4) copies of the landscape plan shall be submitted for review and approval by the Planning Director and the Director of Parks and Recreation, in accordance with the above standards of landscape design.

(2) One copy of all building elevations or one copy of all building plans and a representative elevation shall be submitted together with the landscape plan. The building plans and elevations shall be in sufficient detail to permit determination of the location, width, and height of all doors and windows on all proposed buildings within or adjacent to lands included in the landscape plan.

(3) The landscape plans shall be legible and drawn to a scale no smaller than one inch equals twenty (20') feet.

(4) The landscape plans shall show property lines, important dimension lines, setback lines, walls and fences, driveways, and the outline of all structures.

(5) The landscape plans shall show a satisfactory irrigation system.

(6) The landscape plans shall include a plant list giving the common and botanical names of plants to be used. This plant list shall be arranged in legend form with a key number assigned to each plant. On the plan, each plant shall be identified by the key number. The size of the plant, its spacing and the quantity to be used shall follow in the legend, as the following example illustrates.

No.	Botanical Name	Common Name	Size	Spac.	Quan.
1.	Campanula Isophylla	Italian Bellflower	Flat	6" o. c.	6
2.	Eucalyptus Poly-anthemos	Silver Dollar Gum	5 gal.	20' o. c.	10
3.	Pinus Mugo Mughus	Mugho Pine	1 gal.	10' o. c.	14
4.	Ajuga Reptans	Carpet Bugle	Flat	6" o. c.	5
5.	Callistemon Red Chico	Fireball Bush	1 gal.	10' o. c.	6
6.	Hedera Canariensis	Algerian Ivy	Flat	10' o. c.	3

(d) Installation and Maintenance of Landscaping. Whenever landscaping or a landscaping plan is required by this Code or as a condition of a zoning district, a variance, a use permit, or any other conditional agreement, the landscaping shall be installed and maintained in accordance with the landscape plan approved pursuant to subparagraph (c) 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 18th day of December, 1972, by Councilman Elliott, 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, Eunlap, Elliott, Newton, 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 26th day of December, 1972, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Dixon

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

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

EFFECTIVE DATE: January 25, 1973

AN ORDINANCE AMENDING 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. Chapter 3 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

CHAPTER 3 - BICYCLES

SEC. 3-3.01. BICYCLE DEFINITION. A bicycle is a device upon which any person may ride, propelled by human power through a belt, chain or gears, and having either two (2) or three (3) wheels in a tandem or triangular arrangement.

SEC. 3-3.02. LICENSE REQUIRED. (a) It shall be unlawful for any person to operate a bicycle upon any streets, alleys or public ways of the City unless the bicycle is licensed pursuant to the provisions of this chapter and Chapter 16.7 of the California Vehicle Code, except that a person who is not a resident of the City may operate in the City a bicycle that is currently registered in another jurisdiction without obtaining a license for such bicycle hereunder.

(b) It shall be unlawful for a person engaged in the business of selling new or used bicycles at retail to sell a new or used bicycle within the City unless prior to the completion of such sale the bicycle is licensed pursuant to the provisions of this chapter in the name of the purchaser or prospective user of such bicycle. Said prohibition of unlicensed sales shall not apply to the following:

(1) Sales to nonresidents or for outside the City use provided the purchaser executes a declaration on a form furnished or approved by the Chief of Police stating the residence address outside the City of the purchaser or prospective user.

(2) Sales to persons engaged in the business of buying and selling bicycles.

SEC. 3-3.03. SALE OF BICYCLE LICENSES BY RETAILER. All persons engaged in the business of selling new or used bicycles at retail in the City who are licensed by the City to engage in such business are hereby authorized to issue bicycle licenses on behalf of the City pursuant to rules and regulations issued by the Chief of Police.

SEC. 3-3.04. REPORTING PURCHASE OF USED BICYCLES. All persons engaged in the business of buying used bicycles in the City 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 such bicycle, the frame number thereof, and the number of the bicycle license thereon, if any. The purchaser shall verify the name and address of the seller to be shown on such report by requiring the seller to display to him a driver's license or other written evidence of identity. It shall be unlawful for any such seller to display to any such purchaser any driver's license or other written evidence of identity that is false as to the name or address of such seller.

SEC. 3-3.05. INFORMATION TO BE FURNISHED BY RETAILER. Each person engaged in the business of selling new or used bicycles at retail in the City shall supply to each purchaser of a bicycle a record of the following information: name of retailer, address of retailer, year and make of bicycle, serial number of bicycle, general description of bicycle, name of purchaser, and address of purchaser. A copy of each such record shall be promptly forwarded by the retailer to the Police Department.

SEC. 3-3.06. LICENSES. Bicycle licenses, and their corresponding registration cards shall be in a form approved by the Police Department and by the California Department of Justice. The licenses shall be suitable for attachment on the frames of bicycles. A license shall be attached to the frame of each bicycle and a corresponding registration card shall be issued to the licensee upon payment of the license fee herein provided for. The license shall remain attached to the bicycle. The Police Department shall keep a record of the date of issue of each license, license number, name of licensee, address of licensee, serial number of bicycle, make of bicycle, type of bicycle, and model of bicycle.

SEC. 3-3.07. PERIOD FOR WHICH LICENSE IS EFFECTIVE. A bicycle license issued hereunder is effective until revoked or until the bicycle is transferred, except that a license which is so mutilated that the license number is illegible shall be deemed expired.

SEC. 3-3.08. PERMISSIBLE AREA OF OPERATION OF BICYCLES. A bicycle which is licensed pursuant to this chapter may be operated upon all the streets, alleys and public ways of the City, except that no bicycle shall be operated on the sidewalk area in any business district as defined in the California Vehicle Code.

SEC. 3-3.09. UNLAWFUL TO MUTILATE. It shall be unlawful for any person to wilfully 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 or registration card during the time when such license or registration card is operative. Provided, however, that nothing in this chapter shall prohibit the 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.

SEC. 3-3.10. LICENSE FEE. The license fee for each license issued hereunder shall be One and no/100ths (\$1.00) Dollar and shall be paid in advance when said license is issued. Such license may be transferred when the ownership of said bicycle is transferred and a fee of fifty (50¢) cents shall be paid for the registration of such transfer. All license fees collected under this chapter shall be paid into the General Fund of the City of Modesto, except that monies required to be set aside and expended for designated purposes pursuant to Section 39003 of the Vehicle Code shall be set aside and expended only for such purposes.

SEC. 3-3.11. ADDITIONAL PENALTIES. (a) In addition to any other penalty provided by this Code, the Police Department or any of the members thereof, may impound and retain possession of any bicycle operated in violation of any of the provisions of this chapter, and retain possession of the same until the license provided for herein is obtained by the owner of said bicycle.

(b) In addition to the penalty hereinabove set forth, the Chief of Police is hereby granted authority to suspend for a period of not to exceed thirty (30) days the registration card and license for any bicycle which is operated by the owner or rider thereof in violation of or contrary to, any law of the State of California or any ordinance of the City of Modesto, during which time the Chief of Police may take possession of and impound said bicycle. At the expiration of the period of suspension, the registration card and license shall be re-instated and the bicycle delivered to its owner at the Modesto Police Department.

(c) In addition of the penalties set forth above, the said Chief of Police is hereby authorized to require any minor less than sixteen (16) years of age who operates a bicycle in violation of any of the provisions of this Code, or of the California Vehicle Code, to attend a bicycle operator's school to be conducted under the supervision of the Chief of Police. Such school shall be for the purpose of educating the violator regarding proper operation of a bicycle and the provisions of law applicable to bicycles.

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 2nd day of January, 1973, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Newton, 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 8th day of January, 1973, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Newton, Simon, Smith,
Mayor Davies

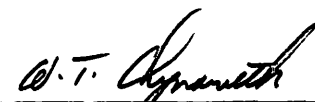
NOES: Councilmen: None

ABSENT: Councilmen: Dixon

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 7, 1973

AN ORDINANCE AMENDING SECTION MAP 9-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(STONE BROTHERS ASSOCIATES)

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

SECTION 1. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone, R-1, to Planned-Development Zone, P-D(107):

R-1 to P-D

All that certain real property situate in portion of the Southeast Quarter of the Northeast Quarter of Section 9, 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 East Quarter corner of said Section 9; thence North $0^{\circ} 48'$ West along the East line of said Section 9 a distance of 1317.60 feet to the Northeast corner of said Southeast Quarter of the Northeast Quarter of Section 9; thence North $89^{\circ} 16'$ West along the North line of said Southeast Quarter 220.08 feet to the point of beginning of this description, said point being the Northwest corner of City of Modesto P-P-D(52); thence continuing along said North line of the Southeast Quarter North $89^{\circ} 16'$ West 1099.47 feet to the Northwest corner of said Southeast Quarter; thence South $0^{\circ} 49'$ East along the West line of said Southeast Quarter 770.28 feet; thence South $89^{\circ} 16'$ East 831.31 feet; thence North $10^{\circ} 43' 16''$ East 40.59 feet; thence Westerly 23.36 feet along a curve, normal to the preceding line, concave to the North, having a radius of 1000.00 feet and a central angle of $1^{\circ} 20' 18''$; thence North $12^{\circ} 03' 34''$ East along a radial line 171.25 feet; thence South $81^{\circ} 48'$ East 45.00 feet; thence North $89^{\circ} 12'$ East 200.00 feet; thence North $0^{\circ} 48'$ West 558.49 feet to the point of beginning.

Containing 18.165 Acres.

Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Planned-Development Zone P-D(48) to Planned-Development Zone P-D(107):

P-D(48) to P-D

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

Commencing at the East Quarter corner of said Section 9; thence North $0^{\circ} 48'$ West along the East line of said Section 9 a distance of 580.00 feet; thence South $89^{\circ} 12'$ West 220.00 feet to the point of beginning of this description; thence South $89^{\circ} 21'$ West 60.00 feet; thence Westerly 80.44 feet along a tangent curve concave to the North having a radius of 1000.00 feet and a central angle of $4^{\circ} 36' 33''$; thence South $0^{\circ} 39'$ West along a non-tangent line 26.26 feet; thence South $89^{\circ} 16'$ East 141.07 feet; thence North $0^{\circ} 48'$ West 26.79 feet to the point of beginning.

Containing 0.083 Acres.

Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Planned-Development Zone P-D(50) to Planned-Development Zone P-D(107):

P-D(50) to P-D

All that certain real property situate in portion of the Southeast Quarter of the Northeast Quarter of Section 9, 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 East Quarter corner of said Section 9; thence North $0^{\circ} 48'$ West along the East line of said Section 9 a distance of 580.00 feet; thence South $89^{\circ} 12'$ West 280.00 feet; thence Westerly 80.44 feet along a tangent curve concave to the North, having a radius of 1000.00 feet and a central angle of $4^{\circ} 36' 33''$ to the point of beginning of this description; thence continuing West 120.64 feet along said tangent curve concave to the North, having a radius of 1000.00 feet and a central angle of $6^{\circ} 54' 43''$; thence South $10^{\circ} 43' 16''$ West along the extensions of a radial line 40.59 feet; thence South $89^{\circ} 16'$ East 126.86 feet; thence North $0^{\circ} 39'$ East 26.26 feet to the point of beginning.

Containing 0.091 Acres.

Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Planned-Development Zone P-D(51) to Planned-Development Zone P-D(107):

P-D(51) to P-D

All that certain real property situate in portion of the Southeast Quarter of the Northeast Quarter of Section 9, 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 East Quarter section corner of said Section 9; thence North $0^{\circ} 48'$ West along the east line of said Section 9 a distance of 580.00 feet; thence South $89^{\circ} 12'$ West a distance of 220.00 feet to the true point of beginning of this description; thence North $0^{\circ} 48'$ West a distance of 185.00 feet; thence South $89^{\circ} 12'$ West a distance of 200.00 feet; thence North $81^{\circ} 48'$ West a distance of 45.00 feet; thence South $12^{\circ} 03' 34''$ West a distance of 171.25 feet; thence in an easterly direction along a curve concave to the north; through a central angle of $12^{\circ} 51' 34''$, having a radius of 1000.00 feet, a curve distance of 224.44 feet; thence north $89^{\circ} 12'$ East a distance of 60.00 feet to the point of beginning.

Containing 1.094 Acres Gross.

SECTION 2. USES. The following uses shall be permitted in said P-D(107) 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. One Hundred Eighty-Seven (187) cluster dwelling units.
2. A recreation area and swimming pool.
3. A boat and recreational vehicle storage area.

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

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

SECTION 5. PUBLICATION. 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 February, 1973, by Councilman Dunlap, 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, Dunlap, Elliott, ^{Newton} 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 Smith
Planning Department

**Ordinance 1250 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 20th day of February, 1973, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dixon, Dunlap, Elliott, Simon, Smith,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

ATTEST: *Pauline P. Stanley*
~~XXXXXXXXXXXXXXXXXXXX~~ City Clerk
PAULINE P. STANLEY, Acting

EFFECTIVE DATE: March 22, 1973