

AN ORDINANCE ADDING CHAPTER 8 ENTITLED "SMOKING POLLUTION CONTROL," TO TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SMOKING POLLUTION.

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

SECTION 1. AMENDMENT OF CODE. Chapter 8 entitled "Smoking Pollution Control," is hereby added to Title V of the Modesto Municipal Code to read as follows:

CHAPTER 8 - SMOKING POLLUTION CONTROL

ARTICLE 1. PURPOSES AND DEFINITIONS.

SEC. 5-8.101. LEGISLATIVE PURPOSE. The Council of the City of Modesto hereby finds and declares that tobacco smoking is a hazard to the health of the general public. Studies clearly demonstrate that smoking is a hazard to the health of those who smoke. In addition, recent studies indicate that involuntary inhalation of smoke is unhealthful as well as an annoyance, inconvenience, and discomfort to nonsmokers. Furthermore, studies have shown higher costs associated with smoking in the work place due to increases in absenteeism, accidents, costs of medical care, loss of productivity, extra cleaning, extra maintenance, and damage to property from burns. Because smoking of tobacco or any other weed or plant is such a positive danger to health and is a material annoyance, inconvenience, discomfort, and a health hazard to those who are present in confined spaces, as well as resulting in higher costs of employment, and constitutes a public nuisance in public places and work places, in order to serve the public health, safety, and welfare this chapter is enacted pursuant to the provisions of California Health and Safety Code Section 25946. It is for the purpose of restricting and regulating smoking in City-owned, leased, or City-controlled work places where City employees are situated in order to reduce the hazards and nuisance which smoking causes to those involuntarily exposed thereto, and restrict and otherwise regulate smoking within such work places for the protection of City employees and the public doing business with the City who are involuntarily exposed thereto. The City Council further declares that the protection of the health, safety, and welfare of the

public, both smokers and nonsmokers, requires the regulation and control of smoking in public areas of the City and in private work places.

SEC. 5-8.102. DEFINITIONS. The following words and phrases whenever used in this chapter, unless the content indicates otherwise, shall be construed as defined in this section.

- (a) "Smoking" means lighting, inhaling, exhaling, or burning any pipe, cigar, cigarette, weed, or plant, or carrying any lighted pipe, lighted cigar, lighted cigarette, lighted weed, lighted plant, or other ignited combustible substance in any manner or in any form.
- (b) "City of Modesto" includes all entities of which the Council of the City of Modesto is the governing body.
- (c) "Person" means any natural person, partnership, corporation, unincorporated association, joint venture, business trust, joint stock company, club, or other organization of any kind except the City of Modesto or any other public agency.
- (d) "Employee" means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.
- (e) "Employer" means any person who employs the services of an individual person.
- (f) "Place of Employment" means any enclosed area under the control of an employer which employees normally frequent during the course of employment, including, but not limited to:
  - (1) Work areas;
  - (2) Conference rooms and classrooms;
  - (3) Employee cafeterias;
  - (4) Employee lounges and rest rooms; and
  - (5) Hallways.
- (g) "Work Area" or "Work Place" means any area of a place of employment enclosed by floor to ceiling walls in which two or more employees are assigned to perform work for an employer.

- (h) "Business" means any sole proprietorship, partnership, joint venture, corporation, or other business entity formed for profit making purposes, including retail establishments where goods or services are sold as well as professional corporations and other entities under which legal, medical, dental, engineering, architectural, or other professional services are delivered.
- (i) "Nonprofit Entity" means any corporation, unincorporated association, or other entity created for charitable, philanthropic, educational, character building, political, social, or other similar purposes, the net proceeds from the operations of which are committed to the promotion of the objects or purposes of the organization and not to private financial gain. A public agency is not a nonprofit entity within the meaning of this section.
- (j) "Public Place" means any enclosed area, not a private residence, to which the public is invited or in which the public is permitted, including, but not limited to:
- (1) Banks;
  - (2) Child care facilities;
  - (3) Educational facilities;
  - (4) Health care facilities;
  - (5) Public transportation facilities;
  - (6) Recreation areas;
  - (7) Restaurants;
  - (8) Retail stores;
  - (9) Retail service establishments;
  - (10) Retail food production, and marketing establishments; and
  - (11) Waiting rooms.
- (k) "Restaurant" means any restaurant, cafeteria, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, private school cafeteria, public school cafeteria when used for non-school functions, dining area, service line, or eating establishment and any other eating establishment, organization, club, including veterans club, boarding house, or guest house, which gives or offers for sale food to the public, guests, patrons, or employees, as well as kitchens in which food is prepared on the premises for serving elsewhere including catering functions except that the term "restaurant" shall not include a cocktail lounge or tavern if said cocktail lounge or tavern is a bar as defined in this section.

- (l) "Dining Area" means any enclosed area containing a counter or tables upon which meals are served.
- (m) "Service Line" means any indoor line at which one or more persons are waiting for or receiving service of any kind whether or not such service involves the exchange of money.
- (n) "Tobacco Store" means any retail store utilized primarily for the sale of tobacco products and accessories and in which the sale of other products is merely incidental.
- (o) "Bar" means any area which is devoted to the serving of alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Although a restaurant may contain a bar, the term "bar" shall not include the restaurant dining area.

## ARTICLE 2. REGULATION OF SMOKING IN CITY FACILITIES.

SEC. 5-8.201. SMOKING PROHIBITED. Smoking is hereby prohibited in buildings or portions of buildings owned or leased and occupied by the City of Modesto except in lounges or other areas specifically designated for that purpose by the City Manager. When there is inadequate space to provide for both a nonsmoking and a smoking lounge, the City Manager may delegate certain times for nonsmoking and smoking in a single lounge.

SEC. 5-8.202. SIGNS. Signs designating smoking or no smoking areas shall be clearly, sufficiently, and conspicuously posted in every room, building, or other place covered by this article. The manner of such posting, including the wording, size, color, design, and place of posting, whether on the walls, doors, tables, counter-stands, or elsewhere shall be determined by the City Manager in consultation with the Health Officer of the City of Modesto and the affected department head.

SEC. 5-8.203. DISCIPLINARY ACTIONS. A violation of this article by any City employee or officer by smoking in a posted no smoking area, or by failing to post or cause to be posted a no smoking sign required by this article, or by otherwise violating any provision of this article shall, in addition to the penalties prescribed in Article 5 hereof, also be a cause for disciplining of such employee.

SEC. 5-8.204. CITY FACILITIES SMOKING POLLUTION CONTROL COMPLIANCE COMMITTEE. There is established a City Facilities Smoking Pollution Control Compliance Committee which shall be composed of the Health Officer of the City of Modesto as chairperson, the City Manager, and the City Attorney or their designees. Staff support shall be provided by the City Manager. Any department head may apply to the committee for an exemption or modification to any provision of this article due to unusual circumstances or conditions. The committee may, after consideration of the circumstances concerning such application, make such exemptions or modifications of this article as appear necessary and proper to resolve the situation brought to its attention as fairly as possible.

ARTICLE 3. PROHIBITION OF SMOKING IN CERTAIN PLACES OPEN TO THE PUBLIC.

SEC. 5-8.301. SMOKING PROHIBITED. Smoking is prohibited in the following public areas within the incorporated area of the City of Modesto or which are otherwise subject to the jurisdiction or control of the City of Modesto.

- (a) Elevators open to and in use by the public.
- (b) Public rest rooms.
- (c) Waiting rooms, public hallways, and patients' rooms of every private or public health care facility including, but not limited to, hospitals except rooms limited to a single patient and not open to the general public.
- (d) Within every room, chamber, place of meeting, or public assembly during such time as a meeting required by law to be open to the general public is in progress.
- (e) Within any building or room not open to the sky when that building or room is open to the public for the purpose of exhibiting any motion picture, stage drama, lecture, musical recital, or other similar performance except for members of the cast when smoking is a part of the stage production.
- (f) In any restaurant as that term is defined in Section 5-8.102 where food is being served to the general public; provided, however, that this prohibition against smoking shall not apply within an establishment wherein a "no smoking" area of not less

than 50 percent (50%) of the floor space and of the seating capacity in which customers are served is maintained. The owner, manager, or operator of a restaurant shall post "no smoking" signs in the designated no smoking sections.

- (g) Within any retail food sales establishments including grocery stores and supermarkets, except those areas of such establishments set aside for the serving of food and drink which shall be regulated as in paragraph "(f)" above and areas thereof not open to the public.
- (h) In public areas such as reading rooms, museums and libraries, when open to the public, provided, however, this prohibition does not prevent the designation of a separate room for smoking purposes only.
- (i) Within retail stores doing business with the general public in areas posted by the management as no smoking areas. This provision does not affect the right of the management to designate the entire establishment area as a no smoking area.
- (j) In service lines in which more than one person is waiting for or receiving service of any kind.
- (k) Notwithstanding any other provisions of this article, any facility or area may be designated in its entirety as a no smoking area by the owner or manager thereof.

SEC. 5-8.302. SIGNS. Whenever smoking is prohibited, pursuant to this article, conspicuous signs shall be placed or posted so stating. A sufficient number of such signs shall be placed in every nonsmoking public area as may be necessary to adequately inform persons entering and/or within said area that it is a nonsmoking area. Where possible, ashtrays, receptacles, or other devices used for extinguishing or discarding smoking materials shall be removed from all nonsmoking areas.

#### ARTICLE 4. REGULATION OF SMOKING IN PRIVATE PLACES OF EMPLOYMENT IN THE INCORPORATED AREA OF THE CITY.

SEC. 5-8.401. SMOKE FREE AREAS. It shall be the responsibility of employers in the incorporated area of the City of Modesto to provide smoke free areas for nonsmokers within existing facilities to the maximum extent possible. Such employers are not required to incur any expense to make structural or other physical modifications in providing these areas.

SEC. 5-8.402. WRITTEN POLICIES. Each such employer shall adopt, implement, and maintain a written no smoking policy which shall contain at a minimum the following:

- (a) Prohibition of smoking in employer conference and meeting rooms, classrooms, auditoriums, rest rooms, medical facilities, hallways, and elevators.
- (b) Provision and maintenance of a contiguous no smoking area of not less than fifty percent (50%) of the seating capacity and floor space in cafeterias, lunchrooms, and employee lounges.
- (c) Any employee in the office work place should be given the right to designate his or her immediate assigned work area as a no smoking area and to post it with the appropriate signs or sign.
- (d) In any dispute arising under the no smoking policy, the right to not involuntarily smoke shall be given precedence.
- (e) Whenever smoking is prohibited, conspicuous signs shall be posted by the employer so stating.
- (f) The smoking policy shall be communicated to all employees by the employer within one (1) month of its adoption and thereafter upon employment.

SEC. 5-8.403. NONSMOKING AREAS. Every employer shall have the right to designate any work place as a nonsmoking area.

SEC. 5-8.404. COMPLIANCE. An employer who makes reasonable efforts to develop and promulgate a policy regarding smoking and nonsmoking in the work place shall be deemed to be in compliance with this article provided that a policy which knowingly omits the minimum requirements of Section 5-8.402 shall not be deemed in compliance.

SEC. 5-8.405. RETALIATION. No person or employer shall discharge or in any manner retaliate against any employee because such employee exercises any rights afforded by this article.

SEC. 5-8.406. ENFORCEMENT POLICY. Compliance with this article concerning adoption, implementation, and maintenance of a no smoking policy is mandatory. However, enforcement emphasis will be placed on voluntary employer compliance. Willful failure to comply shall be unlawful.

The Health Officer of the City of Modesto shall have primary authority to enforce this article and is directed to make reasonable efforts to inform and seek cooperation with private employers in the implementation of this article.

SEC. 5-8.407. SIGNS. Signs which designate smoking or no smoking areas established by this article shall be clearly, sufficiently, and conspicuously posted in rooms, buildings, or other places so covered by this article as reasonably deemed necessary by the department head, operator, manager, or other person having control of such room, building, or other place. Where possible, ashtrays, receptacles, or other devices used for extinguishing or discarding smoking materials shall be removed from all nonsmoking areas.

#### ARTICLE 5. GENERAL PROVISIONS.

SEC. 5-8.501. EXEMPTED AREAS. Notwithstanding any provision of this chapter to the contrary, no regulation or prohibition of smoking is required in the following areas:

- (a) Bars;
- (b) Private residences, except when used as a business in which more than two people are employed or when used as a child care or health care facility;
- (c) Hotel and motel rooms rented to guests;
- (d) Retail tobacco stores;
- (e) Eating establishments, hotel and motel conference or meeting rooms, and public and private assembly rooms while these places are being used for private functions unless the owner, operator, or other person having control of such place prohibits smoking or smoking in such places is otherwise prohibited by law;
- (f) A private completely enclosed work place occupied exclusively by smokers even though such work place may be visited by nonsmokers; and

- (g) Semi-private rooms of health care facilities occupied by one or more patients all of whom are smokers who have requested in writing on the health care facility's admission forms to be placed in a room where smoking is permitted provided such health care facility allows smoking at said facility.

SEC. 5-8.502. EXEMPTIONS. Any owner or manager of a business, or other establishments subject to this chapter may make written application to the Health Officer of the City of Modesto for an exemption or modification to any provision of this chapter due to unusual circumstances or conditions such as a showing of financial impracticability.

SEC. 5-8.503. PRIVATE EMPLOYER SMOKING POLLUTION CONTROL COMPLIANCE COMMITTEE. There is established a Private Employer Smoking Pollution Control Compliance Committee composed of the Health Officer of the City of Modesto as chairperson and two other persons appointed by the City Council. If any owner or manager of a business or other establishment subject to this chapter is not satisfied by the decision of the Health Officer of the City of Modesto under Section 5-8.503 then said owner or manager may make written application to the committee for an exemption or modification to any provision of this chapter affecting such business due to unusual circumstances or conditions. The committee shall consider such application and make any exemptions or modifications to the requirements of this chapter as are in keeping with the purposes of this chapter and as are necessary and proper considering the unusual conditions or circumstances presented.

SEC. 5-8.504. CERTIFICATIONS. The Fire Department of the City of Modesto, the Health Officer of the City of Modesto, and all other public officers of the City of Modesto shall require, while an establishment which is subject to the provisions of this chapter is undergoing otherwise mandated inspections, a self-certification from the owner, manager, operator, or other person having control of such establishment that all requirements of this chapter have been complied with.

SEC. 5-8.505. COMPLAINTS. Any person who desires to register a complaint under this chapter may do so by filing it with the Health Officer of the City of Modesto. Any person may bring legal action to enforce any provision of this chapter after written notification to the Health Officer of the City of Modesto.

SEC. 5-8.506. ENFORCEMENT OFFICER. Enforcement of this chapter shall be by the Health Officer of the City of Modesto.

SEC. 5-8.507. VIOLATIONS. Any person who violates any provision of this chapter by smoking in a posted no smoking area or otherwise violates any provision of this chapter is guilty of an infraction, and, upon conviction thereof, shall be punished by a fine of not less than \$10.00 nor more than \$100.00.

SEC. 5-8.508. SEVERABILITY. If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provisions or applications, and to this end the provisions of this chapter are severable.

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. OPERATIVE DATES. Article 2 of Chapter 8 of Title V of the Modesto Municipal Code, as enacted by this ordinance, shall become operative on May 1, 1987. Article 3 of Chapter 8 of Title V of the Modesto Municipal Code, as enacted by this ordinance, shall become operative on July 1, 1987. Article 4 of Chapter 8 of Title V of the Modesto Municipal Code, as enacted by this ordinance, shall become operative on August 1, 1987.

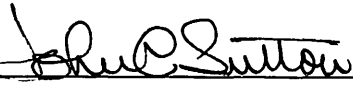
SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of March, 1987, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:


AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Whiteside, Acting Mayor Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED:   
JOHN SUTTON, ACTING MAYOR

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
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 17th day of March, 19 87, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 16, 1987

ORDINANCE NO. 2481 -C.S.

AN ORDINANCE ADDING ARTICLE 13 TO CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE PROHIBITING ENCLOSED OR PARTIALLY ENCLOSED VIEWING BOOTHS AND REQUIRING MINIMUM LIGHTING REQUIREMENTS IN PICTURE ARCADES.

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

SECTION 1. AMENDMENT OF CODE. Article 13 is hereby added to Chapter 1 of Title IV of the Modesto Municipal Code to read as follows:

ARTICLE 13. PICTURE ARCADES.

SEC. 4-1.1301. PURPOSES.

Enclosed or concealed booths and unlit or dimly lit areas within picture arcades greatly increase the potential for misuse of the premises, including unlawful conduct of a type which facilitates transmission of disease.

The provisions of this Article are necessary in order to reduce the opportunity for, and therefore the incidence of illegal conduct within picture arcades, and to facilitate the inspection of the interior of the premises thereof by law enforcement personnel.

SEC. 4-1.1302. PICTURE ARCADE DEFINED.

As used in this article, "picture arcade" shall mean any room to which the public can gain admittance wherein one or more coin or slug-operated, or electrically, electronically, or mechanically controlled still or motion picture machines or projectors or video monitors are designed, operated or maintained to show still or motion pictures or videos to five or fewer persons per machine, projector or monitor at any one time.

SEC. 4-1.1303. VISIBILITY OF INTERIOR.

It shall be unlawful for any person, partnership, corporation or other entity to own, operate, maintain or manage a picture arcade, unless the complete interior of the portion of the premises where the pictures can be viewed is continuously open and fully visible to any person entering the premises containing such picture arcade. Booths within picture arcades wherein still or motion pictures are viewed are hereby prohibited.

SEC. 4-1.1304. MINIMUM LIGHTING REQUIREMENTS.

A level of illumination established by the Chief of Police, based upon generally accepted lighting standards, and published in a list of Rules and Regulations Governing Picture Arcades shall be maintained during hours of operation in all parts of any picture arcade which are open to the public. Said list of Rules and Regulations shall be available upon request to the Police Department.

SEC. 4-1.1305. APPLICATION.

Any picture arcade lawfully in existence on April 16, 1987 and made illegal by the provisions of this Article shall conform to the provisions thereof by August 1, 1987.

SEC. 4-1.1306. PENALTIES.

Any person, partnership, corporation or other entity violating any of the provisions of this article shall be deemed guilty of a misdemeanor. Each person, partnership, corporation or other entity shall be deemed guilty of a separate offense for every day or any portion thereof during which any violation of any provisions of this article is committed, continued or permitted by such person, firm or corporation, or other entity.

SEC. 4-1.1307. SEVERABILITY.

If any section, subsection, sentence, clause, phrase or portion of this article is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decisions shall not affect the validity of the remaining portions of this article. The City Council of this city hereby declares that it would have adopted this article and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portion should be declared invalid or unconstitutional.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.


The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of March, 1987, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson,  
Whiteside, Acting Mayor Sutton

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED:

  
JOHN SUTTON, ACTING MAYOR.

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
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 17th day of March, 19 87, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 16, 1987

ORDINANCE NO. 2482 -C.S.

AN ORDINANCE ADDING CHAPTER 9 ENTITLED "ELECTIONS" TO TITLE II OF THE MODESTO MUNICIPAL CODE.

WHEREAS, the Council is proposing to call a Special Municipal Election on June 2, 1987, and

WHEREAS, holding said election by mail ballot will cost approximately \$40,000.00 less than holding it in accordance with normal election procedures, and

WHEREAS, holding said election by mail ballot will secure greater voter participation in said Special Municipal Election,

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

SECTION 1. AMENDMENT OF CODE. Chapter 9 entitled "Elections" is hereby added to Title II of the Modesto Municipal Code to read as follows:

## CHAPTER 9 -- ELECTIONS

## SEC. 2-9.01. MAIL BALLOT ELECTIONS.

The Council may call special municipal elections to be conducted wholly by mail ballots. Such elections shall be conducted in accordance with the provisions of Section 1350 et seq. of the Elections Code of the State of California. This section is enacted under the authority granted by Section 302 of the Charter of the City of Modesto.

SECTION 2. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption because it relates to an election.

AN ORDINANCE ADDING CHAPTER 8 ENTITLED "ELECTIONS" TO TITLE II OF THE MODESTO MUNICIPAL CODE.

WHEREAS, the Council is proposing to call a Special Municipal Election on June 2, 1987, and

WHEREAS, holding said election by mail ballot will cost approximately \$40,000.00 less than holding it in accordance with normal election procedures, and

WHEREAS, holding said election by mail ballot will secure greater voter participation in said Special Municipal Election,

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

SECTION 1. AMENDMENT OF CODE. Chapter 8 entitled "Elections" is hereby added to Title II of the Modesto Municipal Code to read as follows:

CHAPTER 8 -- ELECTIONS

SEC. 2-8.01. MAIL BALLOT ELECTIONS.

The Council may call special municipal elections to be conducted wholly by mail ballots. Such elections shall be conducted in accordance with the provisions of Section 1350 et seq. of the Elections Code of the State of California. This section is enacted under the authority granted by Section 302 of the Charter of the City of Modesto.

SECTION 2. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption because it relates to an election.

SECTION 3. PUBLICATION. Copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its adoption and the places where this ordinance is posted.

The foregoing ordinance was introduced at a special meeting of the Council of the City of Modesto held on the 13th day of March, 1987, by Councilmember McGrath, who moved its introduction and adoption which motion being duly seconded by Councilmember Whiteside, was upon roll call carried by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside,  
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

ORDINANCE NO. 2483 -C.S.

AN ORDINANCE ADDING CHAPTER 7 ENTITLED "ENTERPRISE DESIGNATION INCENTIVES" TO TITLE VIII OF THE MODESTO MUNICIPAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 7 entitled "Enterprise Designation Incentives" is hereby added to Title VIII of the Modesto Municipal Code to read as follows:

CHAPTER 7 - ENTERPRISE DESIGNATION INCENTIVES

SEC. 8-7.01. INCENTIVES.

Each new business and each expanding business within the Enterprise Designation area established by resolutions adopted from time to time by the City Council, shall qualify for the rebates and fee exemptions provided for herein, to the extent and for the period specified herein.

SEC. 8-7.02. PURPOSE.

The incentives set forth in this chapter are established for the purposes authorized by Chapter 45 of the Statutes of 1984, and are established for the purposes authorized by Chapter 12.8 of the Government Code of the State of California, being Government Code Sections 7070 through 7077, inclusive.

SEC. 8-7.03. DEFINITIONS.

- (a) "Business" as used in this chapter shall apply only to the categories of businesses qualified for Enterprise Designation Benefits specified by resolutions adopted from time to time by the City Council.
- (b) "New business" as used in this chapter is any business which is start-up in nature or an existing business which has been relocated to Modesto from areas outside the County of Stanislaus. A business which has been sold, resulting in a change of ownership, will not be considered a new business.
- (c) "Expanding business" as used in this chapter is any business which meets the criterion set forth below:

- (1) A physical move of an existing business into a new location within the Enterprise Designation area that results in an increase of at least 7.5 permanent, on-site full-time employees per acre.
- (2) A physical expansion of existing facilities in the Enterprise Designation area which results in an increase of at least 7.5 permanent, on-site full-time employees per acre.

#### SEC. 8-7.04. ENTERPRISE DESIGNATION BUSINESS.

For any qualifying new or expanding business located within the Enterprise Designation area, City shall apply the following Enterprise Designation benefits to qualifying new or expanding businesses which apply within a month of obtaining their building permit:

- (a) A rebate for the water main connection charges paid by such business under Title XI of the Modesto Municipal Code.
- (b) A rebate for the building inspection fees and plan checking fees paid by such business.
- (c) The project is eligible for accelerated inspection and plan check if the building and capital equipment of the new or expanding business exceeds \$500,000.

#### SEC. 8-7.05. QUALIFICATIONS FOR REBATE.

A new or expanding business will qualify for a partial or total rebate in the percentages set forth below, if at the anniversary date determined as of one year from the start of operation the business can establish an increase in the numbers of full-time employees per acre as specified below:

- (a) A new business may have a 50 percent rebate if there is an increase of at least 7.5 employees per acre.
- (b) A new business may have a 100 percent rebate if there is an increase of at least 15 employees per acre.
- (c) An existing business may have a 100 percent rebate if there is an increase of at least 15 employees on-site.

#### SEC. 8-7.06. BENEFIT ENTITLEMENT.

The Enterprise Designation rebate shall be a transferable interest and is payable to the entity which paid the water and building fees described above or its assigns on the anniversary date of one year

from the start of operation of a qualifying business. In order to receive a rebate the entity or its assign must establish to the satisfaction of the City that the business qualifies for a rebate.

SECTION 2. REVIEW PERIOD. It is the intent of the City Council to have a review and analysis of the impact of the tax rebates on development in the Enterprise Designation area. The review and analysis should occur no later than four years from the effective date of this ordinance, at which time the City Council may take steps as may be necessary to enhance the needed overall development strategy of the Enterprise Designation area.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of March, 1987, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, 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 24th day of March, 19 87, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Sutton, Whiteside,  
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 23, 1987

AN ORDINANCE AMENDING SECTION 2-8.02 OF CHAPTER 8 OF TITLE II OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 2-8.04, 2-8.05, 2-8.06, 2-8.07, 2-8.08 AND 2-8.09 THERETO RELATING TO CAMPAIGN REFORM.

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

SECTION 1. AMENDMENT OF CODE. Section 2-8.02 of Chapter 8 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-8.02. DISCLOSURE.

- (a) In addition to any statements of campaign contributions and expenditures required by state law to be filed with the City Clerk, all candidates for the Council of the City of Modesto shall file with the City Clerk by 4 p.m. on the fifth day preceding the election of members of the Council a summary of contributions received and expenditures made for election in the current year up to 5 p.m. of the seventh day preceding election day. Said summary shall be filed on the form required by state law for reporting contributions and expenditures and shall include the names of all contributors from whom contributions in excess of Ninety-nine and no/100ths (\$99.00) Dollars were received at or before 5 p.m. of the seventh day preceding election day. For purposes of the summary, contributions shall include the items listed in subsection (c) of Section 2-8.01 of this code. In addition to listing such contributions, said summary shall also include a list of all unpaid financial obligations incurred by the candidate in the course of the campaign for election to the Council in that calendar year. Unpaid financial obligations shall include material and work ordered by the candidate for the campaign for election, or by his/her committee but not yet paid for and loans taken out by the candidate or his/her committee for purpose of funding the campaign for election.
- (b) By 4 p.m. of the fourth day preceding the election of members of the Council, the Clerk shall prepare an alphabetical list by donor and recipient of all campaign contributions exceeding Ninety-nine and no/100ths (\$99.00) Dollars. Said list shall be made available by the City Clerk to the media and members of the public.

SECTION 2. AMENDMENT OF CODE. Sections 2-8.04, 2-8.05, 2-8.06, 2-8.07, 2-8.08 and 2-8.09 are hereby added to Chapter 8 of Title II of the Modesto Municipal Code to read as follows:

SEC. 2-8.04. ADMINISTRATION AND ENFORCEMENT.

The City Clerk shall be responsible for the administration and enforcement of the provisions of this Chapter.

SEC. 2-8.05. ADMINISTRATIVE PENALTIES.

The City Clerk shall impose administrative penalties against any candidate for the Council of the City of Modesto, or his or her campaign committee, for any violation of the provisions of this Chapter as follows:

- (a) For failure to file with the City Clerk any summary of contributions received and expenditures made, as required by Section 2-8.02 above, a penalty of Five Hundred and no/100ths Dollars (\$500.00) per calendar day or any portion of a calendar day beyond the day and time set forth in said Section 2-8.02 for the filing of said summary.
- (b) For accepting any contribution which exceeds the limits set forth in Section 2-8.03 above, a penalty in the amount of one hundred fifty percent (150%) of the amount of the contribution which exceeds the limits set forth in said Section 2-8.03.
- (c) All penalties assessed shall be paid by the candidate or his or her campaign committee within fifteen (15) days of the date that written notice of the penalty is deposited in the United States mail.

SEC. 2-8.06. CIVIL REMEDIES.

- (a) The City Clerk shall seek civil action, in a court of appropriate jurisdiction, against any candidate for the Council of the City of Modesto, or his or her campaign committee, for the failure by such candidate or campaign committee to pay any administrative penalty imposed pursuant to the provisions of Section 2-8.05 above, within forty-five (45) days after the date that written notice of the penalty is deposited in the United States mail by the City Clerk.
- (b) The City Clerk may also seek other appropriate civil remedies against any person for any violation of the provisions of this Chapter.

SEC. 2-8.07. DISPOSITION OF PENALTIES.

All penalties collected pursuant to the provisions of this chapter shall be deposited in the General Fund of the City of Modesto.

SEC. 2-8.08. VIOLATIONS.

In addition to the administrative penalties and civil actions and remedies authorized by Section 2-8.05 above, the City Clerk may also seek criminal action against any person for any violation of the provisions of this Chapter. The violation of any provision of this Chapter shall be deemed a misdemeanor, punishable as provided for in the Charter of the City of Modesto and Title I of this Code.

SEC. 2-8.09. REMEDIES ARE CUMULATIVE.

The civil and criminal remedies prescribed by this Chapter shall be cumulative and the use of one remedy shall not bar the use of any other remedies provided for herein.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of March, 1987, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Murtore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, 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 24th day of March, 19 87, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Sutton, Whiteside,  
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 23, 1987

ORDINANCE NO. 2485 -C.S.

AN ORDINANCE AMENDING SECTION MAP 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (HALLMARK CAPITAL INVESTMENT III, LTD.)

WHEREAS, the City Council, by Ordinance No. 2260-C.S., effective on July 12, 1984, rezoned from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(354), property located on the south side of Coralwood Road, east of McHenry Avenue, for a 363-unit residential condominium project, and

WHEREAS, City Council Resolution No. 84-322, which approved the development plans and contains the conditions of approval and the development schedule for P-D(354) specifies construction to be in three phases, and

WHEREAS, Planning Commission Resolution No. 86-98, granted a request by Mid-Valley Engineering, on behalf of Price Development, for a time extension for P-D(354), and

WHEREAS, City Council Resolution No. 86-871, granted the appeal of Mid-Valley Engineering, on behalf of Jim Price, to a Planning Commission Decision relating to a time extension conditioned upon a traffic signal participation requirement for P-D(354), and

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Hallmark Capital Investment III, Ltd., on December 29, 1986, to rezone from P-D(354) to Low Density Residential Zone, R-1, property located on the south side of Coralwood Road, east of McHenry Avenue, the hereinafter described property, and

WHEREAS, a public hearing was held by the Planning Commission on February 2, 1987, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, at said hearing, after hearing evidence both oral and documentary, the Planning Commission, by its Resolution No. 87-18, found and determined that the rezoning of P-D(354) to R-1, property located on the south side of Coralwood Road, East of McHenry Avenue, is required by public necessity, convenience and general welfare, for the following reasons:

1. P-D(354) was granted specifically to allow a condominium development and the current owner proposes to instead develop a conventional R-1 zone subdivision concurrently with this application.
2. Development of the property under R-1 zoning will be compatible with adjacent and surrounding uses.

and

WHEREAS, said matter was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on March 10, 1987,

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 proposed amendment to Section 9-3-9 of the Zoning Map to rezone Planned Development Zone, P-D(354), to Low Density Residential Zone, R-1, property located on the south side of Coralwood Road, East of McHenry Avenue, in the City of Modesto, should be approved,

SECTION 2. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(354), to Low Density Residential Zone, R-1:

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

COMMENCING at the centerline centerline intersection of McHenry Avenue and Sylvan Avenue as shown on the Official Map filed in Book 12 of Surveys at Page 112, Stanislaus County records; thence North  $0^{\circ}53'$  West, along the centerline of said McHenry Avenue, a distance of 1655.53 feet; thence South  $89^{\circ}18'20''$  East, 1000.00 feet to the point of beginning of description; thence North  $0^{\circ}53'$  West, 660.00 feet; thence South  $89^{\circ}18'20''$  East, 1639.48 feet thence South  $51^{\circ}20'$  East 660.43 feet; thence North  $89^{\circ}18'20''$  West, 1639.16 feet to the point of beginning of this description.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of March, 1987, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Arnold  
Department of Planning and  
Community Development

Ordinance 2485 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 24th day of March, 19 87, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Sutton, Whiteside,  
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

APPROVED

  
MAYOR PEGGY MENSINGER

ATTEST:

  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 23, 1987

AN ORDINANCE ADDING SECTION 7-3.217 TO ARTICLE 2 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO AIRCRAFT AT THE MODESTO CITY-COUNTY AIRPORT/HARRY SHAM FIELD.

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

SECTION 1. AMENDMENT OF CODE. Section 7-3.217 is hereby added to Article 2 of Chapter 3 of Title VII of the Modesto Municipal Code to read as follows:

SEC. 7-3.217. SECURING OF AIRCRAFT.

All light aircraft parked at the airport should be tied-down or hangared whenever the owner/operator is not on the airport premises.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of March, 1987, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: ± None

APPROVED: *Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, 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 24th day of March, 19 87, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Sutton, Whiteside,  
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Muratore, Patterson

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 23, 1987

ORDINANCE NO. 2487 -C.S.

AN ORDINANCE AMENDING SECTIONS 2-1.08 AND 2-1.11 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO COUNCIL MEETINGS.

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

SECTION 1. AMENDMENT OF CODE. Sections 2-1.08 and 2-1.11 of Chapter 1 of Title II of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 2-1.08. ORDER OF BUSINESS.

Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Clerk, City Attorney and City Manager shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in the following order except that with the unanimous consent of the Council, matters may be taken up out of order:

1. Roll Call.
2. Pledge of allegiance to the Flag.
3. Invocation.
4. Consent items.
5. Acknowledgements.
6. Presentations.
7. Minutes.
8. Oral Communications.
9. Unfinished business.
10. Hearings.
11. Bids.
12. New Business.
13. Written communications.
14. Miscellaneous:
  - a. Legislation.
  - b. Appointments.
  - c. Other.
15. Matters too late for the agenda.
16. Adjournment.

SEC. 2-1.11. ADDRESSING THE COUNCIL.

Any person desiring to address the Council at a meeting shall first secure the permission of the Presiding Officer so to do; provided, however, that under the following headings of business, any qualified and interested person shall have the right to address the Council upon obtaining recognition by the Presiding Officer:

- (a) **Written Communications.** Interested persons or their authorized representatives may address the Council by written communications on any matters concerning the City's business, or any matters over which the Council has control. Such written communications shall be delivered to the City Clerk no later than 5:00 p.m. of the Wednesday immediately preceding the regular Council meeting the agenda for which such written communications are intended.
- (b) **Oral Communications.** Interested persons in the audience or their authorized representatives may address the Council by oral communications on any matters concerning the City's business or any matters over which the Council has control; provided, however, that preference shall be given to those persons who shall have notified the City Clerk in advance of their desire to speak in order that the same may appear on the agenda of the Council.

The Council, by resolutions adopted from time to time, may adopt procedures limiting the total amount of time allocated for public testimony on particular issues and for individual speakers.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of March, 1987, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, 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 24th day of March, 1987, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: McGrath

ABSENT: Councilmembers: Muratore, Patterson

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: April 23, 1987

ORDINANCE NO. 2488 -C.S.

AN ORDINANCE ADDING ARTICLE 16 TO CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE TO ADD A BUSINESS PARK ZONE, AND AMENDING SECTION 10-2.2110 OF ARTICLE 21 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO SIGN REGULATIONS FOR A BUSINESS PARK ZONE.

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

SECTION 1. AMENDMENT OF CODE. Article 16 is hereby added to Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

ARTICLE 16. BUSINESS PARK ZONE (B-P)

SEC. 10-2.1601. PURPOSE AND INTENT.

The purposes of the Business Park zone are as follows:

- (a) To implement General Plan policy by providing areas conducive to light industrial and employment-intensive uses.
- (b) To provide a setting for large-scale industries and employers by requiring larger minimum site sizes.
- (c) To provide for a high standard of design and produce an environment conducive to industries and employers seeking an aesthetically attractive "campus-like" setting.
- (d) To impose procedures and conditions on development within the zone to protect adjacent property and provide compatibility.

SEC. 10-2.1602. PERMITTED USES.

The following are permitted uses:

- (a) Employment-intensive offices: Office buildings designed for 100 or more employees. This use shall include, but not be limited to, offices devoted to word processing and information processing, regional insurance offices, corporate headquarters, and records processing centers.
- (b) Light industrial uses involving the manufacture, fabrication, processing, packaging, or treatment of:

- (1) Apparel and other finished products made from fabrics and similar materials.
  - (2) Furniture, fixtures and cabinetry.
  - (3) Leather products, excluding leather trimming and finishing.
  - (4) Products made from purchased glass.
  - (5) Pottery and related products.
  - (6) Cut stone products.
  - (7) Electrical and electronic machinery, equipment and supplies, excluding manufacture and fabrication of primary or storage batteries.
  - (8) Precision goods: measuring, analytical, and controlling instruments; photographic, medical and optical goods, watches and clocks.
  - (9) Fabricated rubber products.
  - (10) Fabricated plastic products.
  - (11) Jewelry, silverware and plated ware.
  - (12) Musical instruments.
  - (13) Toys and amusement, sporting, and athletic goods.
  - (14) Pens, pencils, and other office and artists materials.
  - (15) Costume jewelry, buttons, and notions.
- (c) Printing and publishing.
- (d) Wholesale and retail sales of goods produced on the premises, as an adjunct to manufacture subject to the following conditions:
- (1) Not more than twenty-five (25) percent of the gross building area may be used for these purposes.
  - (2) Wholesale and retail sales shall be limited to goods produced on the premises.

- (e) One dish-type, satellite antenna per use not to exceed thirteen (13) feet in diameter and which is either:
- (1) Ground-mounted so as not to exceed fifteen (15) feet at the highest point of the antenna, and located to the rear of the building excepting the ten (10) feet of any rear setback area that may exist adjacent to the rear property line, or
  - (2) Mounted so that it is more than fifteen (15) feet, but not more than thirty-five (35) feet at its highest point, located so as to have a rear-of-building orientation as approved by the director.

SEC. 10-2.1603. PLOT PLAN USES.

Subject to plot plan approval by the Board, the following is allowed: a dish-type satellite antenna not meeting the provisions of Section 10-2.1602(d) and not larger than thirteen (13) feet in diameter and not exceeding a height of thirty-five (35) feet at the highest point of the antenna.

SEC. 10-2.1604. CONDITIONAL USES.

The following uses are allowed in any development for which a conditional use permit has been granted by the Board:

- (a) A dish-type satellite antenna not meeting the provisions of Section 10-2.1602(d) or 10-2.1603.
- (b) Office buildings or complexes designed for less than one hundred (100) employees but meeting the purpose and intent of this zone.
- (c) Business services, personal services, retail trade, and restaurants incidental to and serving the needs of already established industries and employment-intensive offices within the zone.

SEC. 10-2.1605. HEIGHT.

There are no limitations on the height of structures except as contained in the Airport Zone.

SEC. 10-2.1606. FRONT YARD.

Every building and parking area shall have a minimum landscaped front yard of fifteen (15) feet.

SEC. 10-2.1607. SIDE AND REAR YARDS.

No building or structure need have a side or rear yard except as follows:

- (a) When the side or rear of a lot is adjacent to property zoned for or developed with residential uses, the following regulations apply:
  - (1) Every building shall have yards a minimum of ten (10) feet or ten (10) percent of lot width (for sideyard) or lot depth (for rear yard), whichever is greater, up to a maximum of forty (40) feet. Uncovered parking spaces shall be set back ten (10) feet.
  - (2) An eight (8) foot high masonry wall shall be constructed along the property line. Along a side street boundary, the masonry wall shall be set back a minimum of ten (10) feet. On the B-P side of the wall a minimum ten-foot planting strip with screen landscaping shall be required.
- (b) On a side street, a landscaped yard not less than fifteen (15) feet for buildings or parking shall be provided.

SEC. 10.2-1608. OUTDOOR DISPLAY, SALES, AND PROMOTIONS.

- (a) Outdoor display, sales, and promotions are as permitted in the C-1 zone.
- (b) Outside storage of materials and equipment incidental to the primary activity is permitted provided the outside storage area is screened by a view-obscuring wall or fence.

SEC. 10-2.1609. LOT AREA.

- (a) Every lot shall have a minimum area of five (5) acres, except as provided in subsections (b) and (c) of this section.
- (b) To provide flexibility in site availability within the Business Park Zone, up to twenty percent (20) of the area of any parcel initially zoned B-P may be divided into parcels of two (2) to five (5) acres.

- (c) Lots with area less than two (2) acres may be approved with the following findings:
  - (1) Creation of the lot is necessary to enable use of the resulting parcel consistent with the purposes of this zone.
  - (2) A plot plan for development of the lot has been approved by the Commission.

SEC. 10-2.1610. LANDSCAPING.

A minimum of eight percent (8) of every developed lot shall be devoted to landscaping.

SECTION 2. AMENDMENT OF CODE. Section 10-2.2110 of Article 21 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.2110. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS IN THE C-1, C-2, C-3, C-M, M-1, M-2, B-P AND P-D ZONES.

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) In the C-1, C-2, C-M, M-1 and M-2 zones, the following signs are permitted except as otherwise stated:
  - (1) Only one (1) of the following signs for each use or occupancy:
    - (aa) Freestanding identification sign not exceeding seventy-two (72) square feet in area and twenty (20) feet in height; or
    - (ab) Projecting identification sign not exceeding seventy-two (72) square feet in area and thirty-five (35) feet in height; if any portion projects into or overhangs a public street or alley right-of-way, said sign shall not exceed forty-eight (48) square feet in area; or

- (ac) Marquee identification sign at right angles to a street, not exceeding forty-eight (48) square feet in area and thirty-five (35) feet in height. A second such marquee identification sign is permitted if the two (2) signs are single-faced, are parallel, and are on opposite ends of a marquee.
  - (ad) Exception: Any sign existing on March 1, 1977, in the C or M zones on a pylon which extends above a ridgeline shall be allowed to remain in addition to one (1) of the above signs as a nonconforming sign subject to abatement according to the schedule set forth in Section 10-2.2107.
- (2) One (1) freestanding identification sign for a shopping center, as herein defined, for each street upon which the shopping center fronts, subject to the following provisions:
- (aa) Each shopping center sign shall not exceed seventy-two (72) square feet in area and twenty (20) feet in height.
  - (ab) The identification on each shopping center sign shall be limited to the shopping center name with either a reader board or a listing of uses within the center optional. The lettering for the reader board or the listing of such uses shall be of a size not greater than one-half (0.5) the size of the lettering of the shopping center name on such sign.
  - (ac) Any freestanding or projecting 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 erection of a shopping center sign at a shopping center, even in those cases where the shopping center sign installation preceded this Code provision, no additional freestanding or projecting identification sign shall be erected at such shopping center for any use or occupancy therein.

- (ae) A shopping center, eligible for a freestanding identification sign, is usually characterized by a cluster of retail uses:
  - (i) At one (1) location held out to the public as a distinct shopping area and having a minimum of five (5) retail uses on the same or adjacent sites.
  - (ii) On one (1) or more parcels not normally traversed by any public streets.
  - (iii) With membership in a merchants association comprising the cluster.
  - (iv) That employ a common advertising program for such a center.
- (3) For a freestanding tourist-oriented hotel, motel, restaurant or service station located on property within two hundred (200) feet of the Freeway 99 right-of-way, one (1) freestanding identification sign, not exceeding one hundred fifty (150) square feet in area and thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code.
- (aa) Said use permit shall be dependent upon the following two (2) findings being shown:
  - (i) That the use or occupancy is a freestanding use. For the 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.
  - (ii) That the use or occupancy cannot be adequately identified by other signs permitted in the C-1 zone.

(ab) The Board may grant permission for said sign to be higher than thirty-five (35) feet if the applicant can show that a bridge over Freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of Freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.

(4) Canopy, marquee, and wall identification signs, provided:

(aa) That said signs shall be limited to the portion of a building wherein the use or occupancy is conducted.

(ab) That the maximum total area for all said signs shall be limited as follows:

(i) For the principal frontage of the building as designated by the applicant:

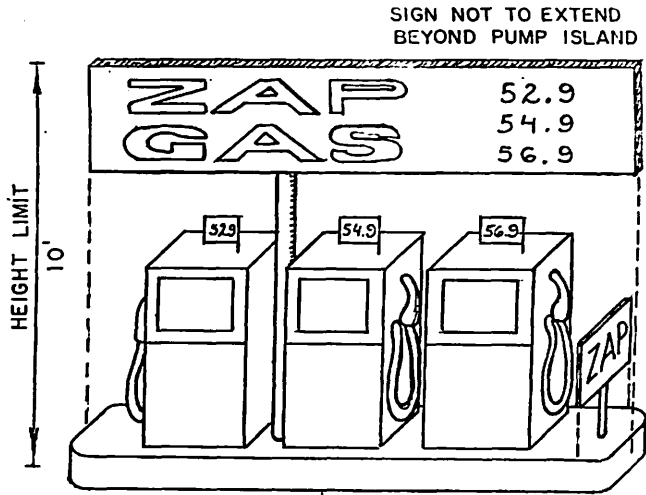
| <u>Building Frontage</u> | <u>Maximum Total Area for All Canopy, Marquee, and Wall Identification Signs</u> |
|--------------------------|--|
| First 50 feet            | 4 square feet per lineal foot of building frontage plus                          |
| Next 50 feet             | 2 square feet per lineal foot of building frontage plus                          |
| Over 100 feet            | 1 square foot per lineal foot of building frontage                               |

(ii) For each other frontage of the building:

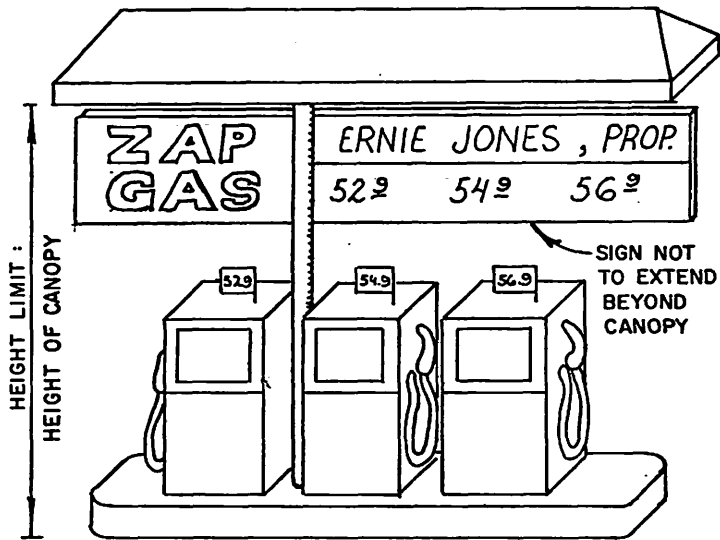
| <u>Building Frontage</u> | <u>Maximum Total Area for All Canopy, Marquee, and Wall Identification Signs</u> |
|--------------------------|--|
| First 50 feet            | 4 square feet per lineal foot of building frontage plus                          |
| Next 50 feet             | 2 square feet per lineal foot of building frontage plus                          |
| Over 100 feet            | 0.5 square foot per lineal foot of building frontage                             |

- (ac) That said signs shall not exceed thirty-five (35) feet in height nor project above a ridgeline.
  - (ad) That signs hung from a canopy shall be not less than eight (8) feet above a private sidewalk or fourteen and one-half (14.5) feet above ground level in areas open to vehicular traffic.
- (5) Directional signs located wholly on private property on the premises to which they pertain as follows:
- (aa) One (1) exterior directional sign per use per street frontage of the site, not exceeding twelve (12) square feet in area and six (6) feet in height, and provided business identification shall not exceed one-half (0.5) of the area on a given sign face.
  - (ab) Any number of interior directional signs, each not exceeding six (6) square feet in area and six (6) feet in height.
  - (ac) Two (2) maximum interior directional signs for a drive-in restaurant or other eating place with drive-through facilities, each sign not to exceed thirty (30) square feet in area and eight (8) feet in height.
- (6) One (1) for sale or rent sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height.
- (7) One (1) construction sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height, provided such sign is removed not later than thirty (30) days after construction is completed.
- (8) One (1) sign hung from a marquee per street frontage for a given use, not exceeding six (6) square feet in area on any one side or twelve (12) square feet maximum total area. Said sign shall be not less than eight (8) feet above a public sidewalk and may be mounted at an angle to the leading edge of a marquee.
- (9) Political signs may be erected, maintained, and displayed as follows:
- (aa) Each such sign shall not exceed sixty-four (64) square feet in area.
  - (ab) The overall height of each such sign shall not exceed ten (10) feet.

- (ac) The combined area of all such signs shall not exceed one hundred fifty (150) square feet.
- (ad) Such signs shall be erected no more than sixty (60) days prior to the date of the election, and shall be removed within ten (10) days after the election.
- (10) Temporary signs are not permitted.
- (11) Outdoor advertising signs are not permitted except as otherwise provided in this article.
- (12) Window signs are permitted.
- (13) One (1) freestanding identification sign, not exceeding seventy-two (72) square feet in area and twenty (20) feet in height, which shall be permitted to identify a use without any structures, such as a parking lot. For pumpkin and Christmas tree sale lots, one (1) freestanding identification sign shall be permitted, not exceeding thirty-two (32) square feet in area and twelve (12) feet in height.
- (14) Signs on service station pump islands, canopy uprights, and nonmovable structures on the pump islands, which shall be permitted if the combined area of said signs and all other wall and canopy signs do not exceed the total sign area permitted in subsection (4) above for the building on the site and do not project beyond the canopy roof or raised pump island. Said signs shall not exceed ten (10) feet in height if there is no canopy. For self-service service stations with small attendant booths less than ten (10) feet on any side, a maximum total wall and canopy sign area of one hundred sixty (160) square feet is permitted.



**SERVICE STATION WITHOUT A CANOPY**



**SERVICE STATION WITH A CANOPY**

(15) From March 1, 1981, to March 1, 1985, only, freestanding motor fuel price signs are permitted, as hereinafter

specified, for businesses dispensing motor fuel to the public. The message on said signs shall be limited to specifying the prices and grades of motor fuel, self-service or full-service, and brand name of the motor fuel, as required by Section 13530 et seq. of the California Business and Professions Code effective January 1, 1981, and as hereafter amended. Motor fuel price signs shall be permitted as follows:

- (aa) One (1) motor fuel price sign per street frontage of the site.
  - (ab) Maximum area shall be twenty-five (25) square feet for the self-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; twenty-five (25) square feet for the full-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; all can be combined as one (1) sign.
  - (ac) Maximum height of sign shall be fourteen (14) feet.
- (16) One (1) corporate flag per use or occupancy, not exceeding twenty-four (24) square feet in area; dimensions relative to each other shall not exceed a ratio of 2:1. Such flags shall be flown only from a flagstaff or flagpole.
- (b) In the C-3 zone, the following signs are permitted:
- (1) Any signs allowed in the C-1 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1205 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.2110(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.2110(a)(2) are not permitted in the C-3 zone.
  - (2) Any signs allowed in the R-3 zone are permitted in the C-3 zone for uses permitted in Section 10-2.1204.
  - (3) For a freestanding tourist-oriented hotel, motel, restaurant, or service station located on property within two hundred (200) feet of the Freeway 99 right-of-way, one (1) freestanding identification sign not exceeding one hundred fifty (150) square feet in area and thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code.

- (aa) Said use permit shall be dependent upon the following two (2) findings being shown.
  - (i) That the use or occupancy is a freestanding use. For the 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.
  - (ii) That the use or occupancy cannot be adequately identified by other signs permitted in the C-3 zone.
- (ab) The Board may grant permission for said sign to be higher than thirty-five (35) feet if the applicant can show that an overcrossing of Freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of Freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.
- (4) For any other freestanding use or occupancy, one (1) freestanding identification sign not to exceed seventy-two (72) square feet in area and twenty (20) feet in height may be approved subject to the securing of a conditional use permit from the Board in accordance with Article 25 of Chapter 2 of Title X of this Code. Said use permit will be dependent upon the following two (2) findings being shown:
  - (aa) That the use or occupancy is a freestanding use. For the 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.
  - (ab) That the use or occupancy cannot be adequately identified by other signs permitted in the C-3 zone.
- (c) In the B-P zone, the following signs are permitted:
  - (1) Any signs allowed in the C-1 zone are permitted in the B-P zone for uses permitted in Section 10-2.1602 excepting

that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.2110(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.2110(a)(2) are not permitted in the B-P zone.

- (2) For each parcel, one freestanding identification sign not exceeding seventy-two (72) square feet in area and six (6) feet in height.
- (3) One freestanding identification sign for a business park, as herein defined, for each street on which the business park fronts may be approved subject to the approval of a plot plan by the Board of Zoning Adjustment and subject to the following provisions:
  - (aa) Each business park sign shall not exceed seventy-two (72) square feet in area and six (6) feet in height.
  - (ab) The identification on each business park sign shall be limited to the business park name, and logo.
  - (ac) A business park, eligible for a freestanding identification sign, is characterized by a cluster of business park uses:
    - (i) In a contiguous area that can be traversed by public streets, of at least fifty (50) acres held out to the public as a single development.
    - (ii) Represented by a single association or organization.

- (d) For P-D zones the following signs are permitted:

Sign limitations shall be made a condition of each P-D zone and approval shall be based on the provisions of the zoning classification most closely approximating the uses proposed in the P-D zone.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3)

prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of April, 1987, by Councilmember McGrath, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Mayor pro tem Muratore, Patterson, Whiteside

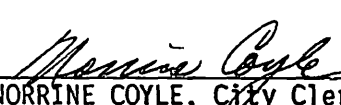
NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

APPROVED: 

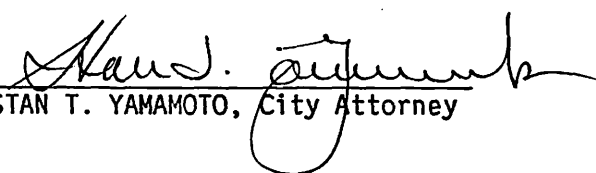
FRANK T. MURATORE, Mayor pro tem

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

FINAL ADOPTION CLAUSE

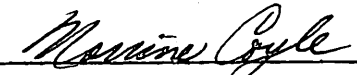
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of April, 1987, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Whiteside,  
Mayor pro tem Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

APPROVED   
MAYOR PRO TEM FRANK T. MURATORE

ATTEST:   
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 14, 1987

AN ORDINANCE ADDING ARTICLE 17 TO CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE TO PROVIDE FOR POLICE TO CHARGE FEES FOR SECOND RESPONSE TO NOISE COMPLAINTS.

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

SECTION 1. AMENDMENT OF CODE. Article 17 is hereby added to Chapter 7 of Title IV of the Modesto Municipal Code to read as follows:

ARTICLE 17. SECOND RESPONSE.

SEC. 4-7.1701. LOUD AND UNREASONABLE NOISE - SECOND RESPONSE.

Any person who intentionally or negligently causes or is otherwise responsible for the Modesto Police Department having to make a second or subsequent response to a complaint regarding loud and unreasonable noises shall be liable for payment of a service fee, as adopted from time to time by resolution of the City Council. A second or subsequent response means a response to a loud or unreasonable noise complaint occurring within seven days of an initial response at the same location.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of April, 1987, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Mayor pro tem Muratore, Patterson, Whiteside

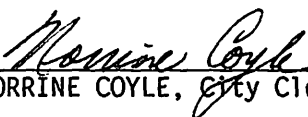
NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

APPROVED: 

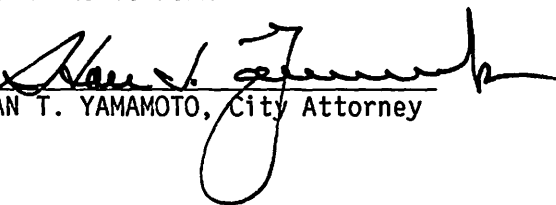
FRANK T. MURATORE, Mayor pro tem

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

FINAL ADOPTION CLAUSE

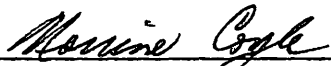
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of April, 1987, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Whiteside,  
Mayor pro tem Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

APPROVED   
MAYOR PRO TEM FRANK T. MURATORE

ATTEST:   
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 14, 1987

ORDINANCE NO. 2490 -C.S.

AN ORDINANCE ADDING SECTION 3-2.1205 TO ARTICLE 12 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO VISION OBSTRUCTION PARKING PROHIBITED.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1205 is hereby added to Article 12 of Chapter 2 of Title III of the Modesto Code to read as follows:

SEC. 3-2.1205. VISION OBSTRUCTION PARKING PROHIBITED.

When authorized signs are in place giving notice thereof, no person shall park a vehicle which is six (6) feet or more in height (including any load thereon) on any street in the City within one hundred (100) feet of an intersection as that term is defined by the California Vehicle Code.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of April, 1987, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Mayor pro tem Muratore, Patterson, Whiteside

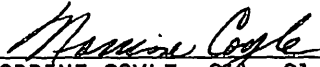
NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

APPROVED: 


FRANK T. MURATORE, Mayor pro tem

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, 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 April, 19 87, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Whiteside,  
Mayor pro tem Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

APPROVED   
MAYOR PRO TEM FRANK T. MURATORE

ATTEST:   
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 14, 1987

AN ORDINANCE AMENDING SECTIONS 3-2.1401 AND 3-2.1401.1 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. Sections 3-2.1401 and 3-2.1401.1 of Article 14 of Chapter 2 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-2.1401. CHANGE IN SPEED LIMITS SET BY STATE LAW.

Pursuant to authority contained in the California Vehicle Code Sections 22357 and 22358, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to law.

| <u>NAME OF STREET OR PORTION AFFECTED</u>                     | <u>DECLARED PRIMA FACIE SPEED LIMIT</u> |
|---|---|
| ALICE STREET, between Sycamore Avenue and McHenry Avenue      | 25 miles per hour                       |
| BLUE GUM AVENUE, between Carpenter Road and Culpepper Avenue  | 25 miles per hour                       |
| CARPENTER ROAD, between the Tuolumne River and Robertson Road | 35 miles per hour                       |
| CENTER STREET, between Rosedale Avenue and Calaveras Avenue   | 25 miles per hour                       |
| CONANT AVENUE, between Sisk Road and Rumble Road              | 25 miles per hour                       |

|  |                   |
|--|-------------------|
| CORALWOOD ROAD, between McHenry Avenue and Dragoo Park Drive                             | 35 miles per hour |
| CROWS LANDING, between 7th Street and Blankenburg Avenue; those portions within the City | 35 miles per hour |
| CROWS LANDING, between School Avenue and Imperial Avenue; those portions within the City | 35 miles per hour |
| CROWS LANDING, between Imperial Avenue and Whitmore; those portions within the City      | 45 miles per hour |
| DEL VALE AVENUE, between Del Vista Avenue and Glenwood Drive                             | 25 miles per hour |
| EMERALD AVENUE, between Maze Boulevard and Kansas Avenue within the City limits          | 25 miles per hour |
| ENSLER AVENUE, between Granger Avenue and Orangeburg Avenue                              | 25 miles per hour |
| FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue                              | 25 miles per hour |
| FLOYD AVENUE, between Oakdale Road and Roselle Avenue within the City limits             | 35 miles per hour |
| FRANKLIN STREET, between Maze Boulevard and Laurel Avenue                                | 25 miles per hour |
| GRAPE AVENUE, between Pearl Street and Evergreen Avenue                                  | 25 miles per hour |
| GRISWOLD AVENUE, between Virginia Avenue and McHenry Avenue                              | 25 miles per hour |
| HADDON AVENUE, between La Loma Avenue and Conejo Avenue                                  | 25 miles per hour |
| HASHEM DRIVE, between Sylvan Avenue and Oakdale Road                                     | 30 miles per hour |
| HATCH ROAD, within the City limits   | 35 miles per hour |

|   |                   |
|---|-------------------|
| JEFFERSON STREET, between Paradise Road and 8th Street  | 25 miles per hour |
| K STREET, between Washington Street and 9th Street  | 25 miles per hour |
| LA LOMA AVENUE, between Burney Street and Buena Vista   | 25 miles per hour |
| LAUREL AVENUE, between Emerald Avenue and Franklin Street, within the City limits                             | 35 miles per hour |
| LEGION PARK ROAD, between Santa Cruz Avenue and Tioga Drive   | 25 miles per hour |
| LEVELAND LANE, between College Avenue and TSRR tracks   | 25 miles per hour |
| LINCOLN OAK DRIVE, between Merle Avenue and Floyd Avenue  | 25 miles per hour |
| LUCERN AVENUE, between Johnson Street and Coffee Road   | 25 miles per hour |
| MADISON STREET, between Paradise Avenue and Laurel Avenue   | 25 miles per hour |
| MORTON BOULEVARD, between 9th Street and Downey Avenue  | 25 miles per hour |
| NEECE DRIVE, between Rouse Avenue and Sunset Avenue   | 25 miles per hour |
| PARKER ROAD, between Claus Road and the Atchinson, Topeka and Santa Fe Railroad Tracks within the City Limits | 50 miles per hour |
| PEARL STREET, between Carver Road and Dougfir Drive   | 25 miles per hour |
| RIVER ROAD, between Herndon Avenue and 1,200 feet west of Herndon Avenue                                      | 35 miles per hour |
| ROBLE AVENUE, between Santa Ana Avenue and Rosina Avenue  | 25 miles per hour |

|   |                   |
|---|-------------------|
| SHERHOOD AVENUE, between Orangeburg Avenue and Briggsmore Avenue        | 25 miles per hour |
| SNYDER AVENUE, between Blue Bird Drive and Dale Road                    | 25 miles per hour |
| STODDARD AVENUE, between McHenry Avenue and Virginia Avenue             | 25 miles per hour |
| TIOGA DRIVE, between Conejo Avenue and Legion Park Drive                | 25 miles per hour |
| WESTERN WAY, between Sutter Avenue and Roselawn Avenue                  | 25 miles per hour |
| WRIGHT STREET, between Sycamore Avenue and McHenry Avenue               | 25 miles per hour |
| 7TH STREET, between Sierra Drive and the Tuolumne River                 | 25 miles per hour |
| 9TH STREET, between 400' north of Tully Road and P Street               | 35 miles per hour |
| 9TH STREET, between D Street and north end of the Tuolumne River Bridge | 30 miles per hour |
| 9TH STREET, on the Tuolumne River Bridge                                | 40 miles per hour |

SEC. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW:  
FOR PURPOSE OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE.

By authority of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation, it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

| <u>NAME OF STREET OR PORTION AFFECTED</u>           | <u>DECLARED PRIMA FACIE SPEED LIMIT</u> | <u>DATE SURVEYED</u> |
|---|---|----------------------|
| BLUE GUM AVENUE, between Poust and Carpenter Roads  | 40 miles per hour                       | December 5, 1984     |
| BOWEN AVENUE, between Tully Road and McHenry Avenue | 35 miles per hour                       | November 15, 1982    |

|   |                   |                   |
|---|-------------------|-------------------|
| BRIGGSMORE AVENUE, between<br>Prescott Road and Tully Road  | 45 miles per hour | January 27, 1984  |
| BRIGGSMORE AVENUE, (east<br>and westbound) between<br>Tully Road and McHenry<br>Avenue                    | 45 miles per hour | January 27, 1984  |
| BRIGGSMORE AVENUE, (westbound)<br>between Coffee Road and<br>McHenry Avenue                               | 45 miles per hour | January 27, 1984  |
| BRIGGSMORE AVENUE, (east-<br>bound) between McHenry<br>Avenue and 1,000 feet<br>west of Coffee Road       | 40 miles per hour | November 13, 1982 |
| BRIGGSMORE AVENUE, (eastbound),<br>between a point 1,000 feet<br>west of Coffee Road and<br>Coffee Road   | 40 miles per hour | January 26, 1984  |
| BRIGGSMORE AVENUE, between<br>Coffee Road and Rose Avenue   | 45 miles per hour | January 26, 1984  |
| BRIGGSMORE AVENUE, between Rose<br>Avenue and Oakdale Road  | 45 miles per hour | January 26, 1984  |
| BRIGGSMORE AVENUE, between<br>Oakdale Road and Claus Road   | 50 miles per hour | January 26, 1984  |
| BRIGHTON AVENUE, between<br>Coffee Road and Locke Road  | 30 miles per hour | June 15, 1983     |
| CALIFORNIA AVENUE, between<br>Carpenter Road and<br>N. Martin Luther King Drive<br>within the City limits | 35 miles per hour | February 24, 1987 |
| CARPENTER ROAD, between<br>Blue Gum Avenue and<br>Woodland Avenue<br>within the City limits               | 45 miles per hour | February 8, 1984  |
| CARPENTER ROAD, between<br>Woodland Avenue and Maze<br>Boulevard within the City<br>limits                | 45 miles per hour | June 14, 1984     |

|  |                   |                   |
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| CARPENTER ROAD, between<br>Maze Boulevard and<br>Paradise Road<br>within the City limits | 45 miles per hour | January 26, 1984  |
| CARVER ROAD, between M.I.D.<br>Lateral No. 6 and Brixton<br>Lane within the City limits  | 40 miles per hour | March 27, 1986    |
| CARVER ROAD, between Brixton<br>Lane and Roseburg Avenue                                 | 35 miles per hour | November 15, 1982 |
| CARVER ROAD, between Roseburg<br>Avenue and 9th Street                                   | 35 miles per hour | November 13, 1982 |
| CELESTE DRIVE, between Coffee<br>Road and Oakdale Road                                   | 30 miles per hour | June 14, 1983     |
| CLAUS ROAD, between M.I.D.<br>Lateral No. 3 and 200'<br>south of Scenic Drive            | 45 miles per hour | February 3, 1984  |
| COFFEE ROAD, between Mable<br>Avenue and Sylvan Avenue<br>within the City limits         | 45 miles per hour | April 17, 1986    |
| COFFEE ROAD, between Sylvan<br>Avenue and Floyd Avenue<br>within the City limits         | 35 miles per hour | January 26, 1984  |
| COFFEE ROAD, between Floyd<br>Avenue and Briggsmore Avenue                               | 35 miles per hour | January 26, 1984  |
| COFFEE ROAD, between Briggsmore<br>Avenue and Scenic Drive                               | 35 miles per hour | January 26, 1984  |
| COLLEGE AVENUE, between<br>Rumble Road and Bowen<br>Avenue                               | 30 miles per hour | March 8, 1984     |
| COLLEGE AVENUE, between<br>Bowen Avenue and<br>Princeton Avenue                          | 35 miles per hour | November 20, 1982 |
| CROWS LANDING ROAD, Blankenburg<br>Avenue to School Avenue,<br>within the City limits    | 35 miles per hour | June 22, 1983     |
| DALE ROAD, between Pelandale<br>Avenue and Snyder Avenue                                 | 50 miles per hour | May 29, 1984      |

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| DALE ROAD, between Snyder Avenue and Veneman Avenue                                 | 45 miles per hour | May 29, 1984       |
| DALE ROAD, between Veneman Avenue and Standiford Avenue                             | 35 miles per hour | January 26, 1984   |
| EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive                         | 30 miles per hour | May 25, 1983       |
| EICHER AVENUE, between Conant Avenue and Goldie Avenue                              | 30 miles per hour | September 19, 1985 |
| EL VISTA AVENUE, between Scenic Drive and Yosemite Boulevard                        | 35 miles per hour | April 20, 1984     |
| EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits | 35 miles per hour | June 14, 1983      |
| ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue                       | 30 miles per hour | June 22, 1983      |
| EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road                         | 35 miles per hour | September 18, 1985 |
| FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road                             | 30 miles per hour | June 15, 1983      |
| FLOYD AVENUE, between McHenry Avenue and Coffee Road                                | 35 miles per hour | November 15, 1982  |
| FLOYD AVENUE, between Coffee Road and Oakdale Road                                  | 30 miles per hour | June 14, 1983      |
| FRANKLIN STREET, between Maze Boulevard and California Avenue                       | 35 miles per hour | November 20, 1982  |
| GRANGER AVENUE, between Tully Road and McHenry Avenue                               | 30 miles per hour | June 14, 1983      |
| GRANGER AVENUE, between McHenry Avenue and Sunrise Avenue                           | 30 miles per hour | June 14, 1983      |

|  |                   |                    |
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| KANSAS AVENUE, between<br>Carpenter Road and Emerald<br>Avenue within the City<br>limits | 40 miles per hour | March 19, 1986     |
| KANSAS AVENUE, between Emerald<br>Avenue and Eighth Street                               | 35 miles per hour | January 26, 1984   |
| KEARNEY AVENUE, between<br>Glenwood Drive and<br>Coldwell Avenue                         | 30 miles per hour | September 18, 1985 |
| KELLER STREET, between Sylvan<br>Avenue and Rumble Road<br>within the City limits        | 30 miles per hour | January 26, 1984   |
| LA LOMA AVENUE, between H<br>Street and Santa Ana<br>Avenue                              | 35 miles per hour | August 27, 1986    |
| LA LOMA AVENUE, between Santa<br>Ana Avenue and Yosemite<br>Boulevard                    | 35 miles per hour | August 27, 1986    |
| LAKEWOOD AVENUE, between<br>Orangeburg Avenue and<br>Scenic Drive                        | 30 miles per hour | September 15, 1983 |
| LINCOLN AVENUE, between 650'<br>north of M.I.D. Lateral<br>No. 2 and Yosemite Boulevard  | 35 miles per hour | December 8, 1984   |
| MABLE AVENUE, between<br>Coffee Road and Oakdale<br>Road                                 | 35 miles per hour | September 19, 1985 |
| MERLE AVENUE, between<br>Oakdale Road and Claus Road<br>within the City limits           | 40 miles per hour | March 24, 1987     |
| MILLER AVENUE, between La Loma<br>Avenue and El Vista Avenue                             | 35 miles per hour | November 16, 1982  |
| MITCHELL ROAD, between Finch<br>Road and the southerly<br>City limits                    | 50 miles per hour | November 20, 1982  |
| MORRIS AVENUE, between McHenry<br>Avenue and Coffee Road                                 | 35 miles per hour | November 16, 1982  |

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| MT. VERNON DRIVE, between<br>Prescott Road and Carver<br>Road        | 30 miles per hour | June 14, 1983     |
| MT. VERNON DRIVE, between Carver<br>Road and College Avenue          | 30 miles per hour | June 23, 1983     |
| NEECE DRIVE, between Tuolumne<br>Boulevard and Rouse Avenue          | 35 miles per hour | June 14, 1983     |
| NEEDHAM STREET, between 9th and<br>and L Streets                     | 35 miles per hour | June 22, 1983     |
| NORWEGIAN AVENUE, between McHenry<br>Avenue and Coffee Road          | 35 miles per hour | June 14, 1983     |
| OAKDALE ROAD, between Mable<br>Avenue and Sylvan Avenue              | 50 miles per hour | May 29, 1984      |
| OAKDALE ROAD, between Sylvan<br>Avenue and Floyd Avenue              | 50 miles per hour | June 15, 1984     |
| OAKDALE ROAD, between Floyd<br>Avenue and Briggsmore Avenue          | 45 miles per hour | December 8, 1984  |
| OAKDALE ROAD, between Briggsmore<br>Avenue and Scenic Drive          | 35 miles per hour | January 26, 1984  |
| ORANGEBURG AVENUE, between<br>Briggsmore Avenue and<br>Martin Avenue | 30 miles per hour | April 11, 1985    |
| ORANGEBURG AVENUE, between<br>Martin Avenue and McHenry<br>Avenue    | 40 miles per hour | April 3, 1985     |
| ORANGEBURG AVENUE, between<br>McHenry Avenue and Coffee<br>Road      | 40 miles per hour | April 2, 1985     |
| ORANGEBURG AVENUE, between<br>Coffee Road and Oakdale Road           | 35 miles per hour | March 17, 1986    |
| ORANGEBURG AVENUE, between<br>Oakdale Road and Lakewood<br>Avenue    | 35 miles per hour | November 19, 1984 |
| ORANGEBURG AVENUE, between<br>Lakewood Avenue and Claus<br>Road      | 35 miles per hour | December 6, 1984  |

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| PARADISE ROAD, between Vernon Avenue and Franklin Street within the City limits   | 35 miles per hour | September 24, 1984 |
| PARADISE ROAD, between Franklin Street and Washington Street                      | 30 miles per hour | May 29, 1984       |
| PRESCOTT ROAD, between Rumble Road and Briggsmore Avenue                          | 35 miles per hour | January 26, 1984   |
| PRINCETON AVENUE, between Tully Road and College Avenue                           | 25 miles per hour | December 8, 1984   |
| RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard                   | 35 miles per hour | September 19, 1985 |
| ROSE AVENUE, between Floyd Avenue and Briggsmore Avenue                           | 35 miles per hour | November 16, 1982  |
| ROSE AVENUE, between Briggsmore Avenue and Scenic Drive                           | 35 miles per hour | November 3, 1982   |
| ROSEBURG AVENUE, between Carver Road and Tully Road                               | 30 miles per hour | June 14, 1983      |
| ROSEBURG AVENUE, between Tully Road and McHenry Avenue                            | 30 miles per hour | June 14, 1983      |
| ROSEBURG AVENUE, between McHenry Avenue and Sunrise Avenue                        | 35 miles per hour | June 14, 1983      |
| ROSEMORE AVENUE, between Blue Gum Avenue and Kansas Avenue within the City limits | 35 miles per hour | October 31, 1985   |
| ROUSE AVENUE, between Neece Drive and Colorado Avenue within the City limits      | 35 miles per hour | September 16, 1982 |
| RUMBLE ROAD, between Sisk Road and Conant Avenue                                  | 40 miles per hour | March 27-28, 1986  |
| RUMBLE ROAD, between Conant Avenue and Tully Road                                 | 30 miles per hour | June 14, 1983      |
| RUMBLE ROAD, between Tully Road and McHenry Avenue                                | 35 miles per hour | September 18, 1985 |

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| RUMBLE ROAD, between McHenry Avenue and Coffee Road  | 35 miles per hour | June 14, 1983    |
| SANTA CRUZ AVENUE, between Yosemite Boulevard and Legion Park Drive within the City limits | 35 miles per hour | October 9, 1985  |
| SCENIC DRIVE, between Burney Street and Coffee Road  | 30 miles per hour | June 22, 1983    |
| SCENIC DRIVE, between Coffee Road and Oakdale Road   | 40 miles per hour | March 17, 1986   |
| SCENIC DRIVE, between Oakdale Road and Lakewood Avenue                                     | 45 miles per hour | July 22, 1985    |
| SCENIC DRIVE, between Lakewood Avenue and Lillian Drive                                    | 30 miles per hour | October 11, 1983 |
| SCENIC DRIVE, Lillian Drive to Claus Road  | 40 miles per hour | November 3, 1982 |
| SHARON WAY, between Budd Street and Prescott Road  | 30 miles per hour | June 7, 1983     |
| SIERRA DRIVE, between G and South 7th Streets  | 30 miles per hour | June 14, 1983    |
| SISK ROAD, between 600' north of Vintage Drive and Standiford Avenue                       | 40 miles per hour | December 9, 1985 |
| SISK ROAD, between Standiford Avenue and Briggsmore Avenue                                 | 40 miles per hour | March 28, 1986   |
| SNYDER AVENUE, between Dale Road and Carver Road   | 50 miles per hour | August 29, 1985  |
| STANDIFORD AVENUE, between Dale Road and Prescott Road within the City limits              | 40 miles per hour | December 8, 1984 |
| STANDIFORD AVENUE, between Prescott Road and Carver Road                                   | 40 miles per hour | December 8, 1984 |
| STANDIFORD AVENUE, between Carver Road and Tully Road                                      | 40 miles per hour | January 26, 1984 |

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|---|-------------------|-------------------|
| STANDIFORD AVENUE, between<br>Tully Road and McHenry<br>Avenue                                    | 30 miles per hour | May 18, 1984      |
| SUNRISE AVENUE, between<br>Floyd Avenue and Briggsmore<br>Avenue                                  | 35 miles per hour | June 14, 1983     |
| SUNRISE AVENUE, between<br>Briggsmore Avenue and<br>Lucern Avenue                                 | 30 miles per hour | December 8, 1984  |
| SURREY AVENUE, between<br>Oakdale Road and Eastridge<br>Drive                                     | 30 miles per hour | December 6, 1984  |
| SUTTER AVENUE, between Paradise<br>Road and Robertson Road  | 30 miles per hour | November 1, 1982  |
| SYCAMORE AVENUE, between<br>Orangeburg Avenue and<br>Griswold Avenue                              | 30 miles per hour | March 9, 1984     |
| SYLVAN AVENUE, between<br>McHenry Avenue and Coffee<br>Road                                       | 40 miles per hour | December 8, 1984  |
| SYLVAN AVENUE, between<br>Coffee Road and Oakdale<br>Road within the City limits                  | 40 miles per hour | December 8, 1984  |
| TENAYA DRIVE, between<br>Santa Rita Avenue and<br>South Riverside Drive<br>within the City limits | 35 miles per hour | October 9, 1985   |
| TULLY ROAD, between M.I.D.<br>Lateral No. 6 and Standiford<br>Avenue                              | 40 miles per hour | June 14, 1983     |
| TULLY ROAD, between Standiford<br>Avenue and Coldwell Avenue                                      | 35 miles per hour | November 20, 1982 |
| TUOLUMNE BOULEVARD, between<br>Paradise Road and 7th<br>Street                                    | 35 miles per hour | November 1, 1982  |
| VENEMAN AVENUE, between Dale<br>Road and Regency Park<br>Drive                                    | 35 miles per hour | November 13, 1982 |

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| VIRGINIA AVENUE, between<br>Roseburg Avenue and Needham<br>Street                               | 30 miles per hour | June 14, 1983    |
| WHITMORE AVENUE, between Crows<br>Landing Road and Morgan Road<br>within the City limits        | 45 miles per hour | March 27, 1986   |
| WOODLAND AVENUE, between Morse<br>Road and Shasta Avenue,<br>within the City limits             | 45 miles per hour | January 26, 1984 |
| WOODLAND AVENUE, between Shasta<br>Avenue and Carpenter Road,<br>within the City limits         | 40 miles per hour | December 5, 1984 |
| WOODLAND AVENUE, between<br>Carpenter Road and 9th<br>Street, within the City<br>limits         | 35 miles per hour | August 28, 1986  |
| WOODROW AVENUE, between Tully<br>Road and McHenry Avenue  | 30 miles per hour | June 14, 1983    |
| WYLIE DRIVE, between Rose<br>Avenue and Oakdale Road  | 35 miles per hour | February 7, 1984 |
| 9TH STREET, between Carpenter<br>Road and 400' north of<br>Tully Road within the<br>City limits | 45 miles per hour | December 2, 1986 |
| 9TH STREET, between P Street<br>and L Street  | 35 miles per hour | March 19, 1986   |

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of April, 1987, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Mayor pro tem Muratore, Patterson, Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger


APPROVED:   
FRANK T. MURATORE, Mayor pro tem

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, 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 April, 19 87, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

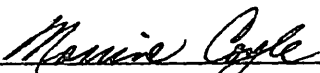
AYES: Councilmembers: Lang, McGrath, Patterson, Whiteside,  
Mayor pro tem Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

APPROVED 

MAYOR PRO TEM FRANK T. MURATORE

ATTEST:   
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 14, 1987

ORDINANCE NO. 2492 -C.S.

AN ORDINANCE AMENDING SECTIONS 4-7.602, 4-7.604 AND 4-7.606 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO REMOVAL OF WEEDS, RUBBISH AND DEBRIS.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-7.602, 4-7.604 and 4-7.606 of Chapter 7 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-7.602. KEEPING REAL PROPERTY CLEAR.

Every owner of real property in the City shall keep said real property free and clear of all rubbish or other obstructions or materials which from any cause whatever shall have accumulated upon said property.

SEC. 4-7.604. NOTICE TO REMOVE RUBBISH.

Upon the failure of any owner to destroy or remove such weeds, rubbish and debris as are described in Section 4-7.601 and Section 4-7.602, in the manner described therein, the owner of the real property involved shall be notified by the City of Modesto to remove the same within a period of seven (7) days. Such notice shall be in writing or printed and shall be posted in a conspicuous place upon said property for a period of seven (7) days. If at the end of such period mentioned in said notice, such owner has failed to comply with said notice, then the City of Modesto shall cause such weeds, rubbish and debris to be removed from said property and shall charge the expense of such work of removing the same to the owner of the property.

Upon completion of the work of removal of said weeds, rubbish and debris, the City of Modesto shall notify the owner of such real property in writing of the expense of such work. If said owner fails or refuses to pay the amount of such expense within a period of thirty (30) days from the date of such notice, payment to be made to the City, the said amount shall be certified to the Director of Finance of the City, who shall record in a book to be kept for that purpose the name of the owner of the property so cleared, a description of the property sufficient for identification, and the amount charged against the said property for doing the work of clearing and removing said weeds, rubbish and debris from the same. From and after the date that said entry is so made, the amount charged against said owner of said property shall be a lien thereon

and shall be collected by an action brought on behalf of the City to foreclose said lien against said property upon which said lien has been so imposed.

SEC. 4-7.606. AGREEMENTS BETWEEN CITY AND PROPERTY OWNER.

Nothing contained in this article shall prevent owners of property in the City from making agreements or contracts with the City of Modesto, for the elimination or eradication of said grass, weeds, rubbish, obstructions or materials, should said property owner so desire. The City, in said Contract, may provide for a reasonable amount to be paid by the owners of said property for the eradication or removal of said grass, weeds, rubbish, obstruction or materials. In the event that said property owners, after entering into said agreements and after performance of the terms thereof by the City, refuse to pay for said work as provided for in said contract, then the work performed by the City and materials used for the removal or eradication of grass, weeds, rubbish, obstructions or materials, shall become a lien upon said property in the same manner as heretofore provided for in cases where the owner of said property fails or refuses to remove said grass, weeds, rubbish, obstructions or materials.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of April, 1987, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Mayor pro tem Muratore, Patterson, Whiteside

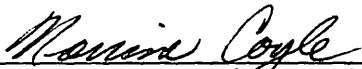
NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

APPROVED: 

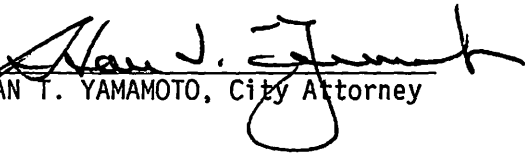
FRANK T. MURATORE, Mayor pro tem

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

FINAL ADOPTION CLAUSE

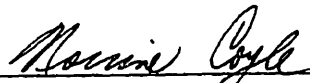
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14th day of April, 1987, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Whiteside,  
Mayor pro tem Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

APPROVED   
MAYOR PRO TEM FRANK T. MURATORE

ATTEST:   
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 14, 1987

ORDINANCE NO. 2493 -C.S.

AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF THE ZONING MAP TO REZONE FROM NEIGHBORHOOD COMMERCIAL ZONE, C-1, TO PLANNED DEVELOPMENT ZONE, P-D(415), PROPERTY LOCATED ON THE NORTH SIDE OF EVERGREEN AVENUE, EAST OF WEST ORANGEBURG AVENUE (BOB ERICKSON)

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 Neighborhood Commercial Zone, C-1, to Planned Development Zone, P-D(415):

All that certain real property situate in a portion of Parcel "B" as shown on map recorded in Book 28 of Parcel Maps at Page 48, Stanislaus County Records, lying in the Southwest Quarter of Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California more particularly described as follows:

BEGINNING at the southwest corner of said Parcel "B"; thence North 0 degrees 40'00" East, along the west line of said Parcel "B", a distance of 275.97 feet to the northwesterly corner of said Parcel "B"; thence North 45 degrees 40'00" East, along the northwesterly line of said Parcel "B", a distance of 156.00 feet; thence South 69 degrees 09'50" East 43.35 feet; thence South 0 degrees 40'00" West 371.38 feet, to a point on a non-tangent curve from which a radial line bears South 1 degree 10'24" West to the center, said non-tangent curve being the south line of said Parcel "B" and the north line of Evergreen Avenue; thence westerly 11.17 feet, along said non-tangent curve, concave to the south, having a radius of 1263.38 feet and a central angle of 0 degrees 30'24"; thence North 89 degrees 20'00" West, along a tangent line being also the south line of said Parcel "B" and the north line of said Evergreen Avenue, a distance of 139.83 feet to the point of beginning. Including also all of the northerly 30.00 feet of Evergreen Avenue immediately adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(415) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning

Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. A Floor Covering Establishment.
2. Uses as permitted in the C-1 Zone.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14 day of April, 1987, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Mayor pro tem Muratore, Patterson, Whiteside

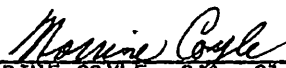
NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

APPROVED: 

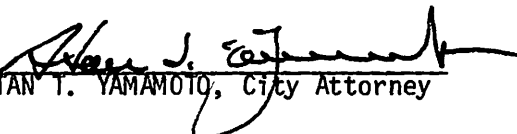
FRANK T. MURATORE, Mayor pro tem

ATTEST:

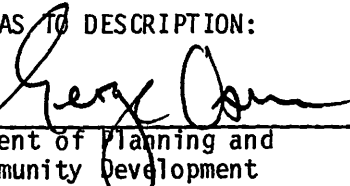
By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Department of Planning and  
Community Development

Ordinance 2493 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 21st day of April, 19 87, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 21, 1987

ORDINANCE NO. 2494 -C.S.

AN ORDINANCE AMENDING SECTION MAP 11-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (RULE DEVELOPMENT)

WHEREAS, a verified application for an amendment to Section 11-3-8 of the Zoning Map was filed by Rule Development on January 26, 1987, to reclassify from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1, the hereinafter described property, and

WHEREAS, after public hearing held on March 2, 1987, 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. 87-29, adopted on March 2, 1987, the Planning Commission recommended to the Council that the application of Rule Development to amend Section 11-3-8 of the Zoning Map to reclassify the hereinafter described property from Medium Density Residential Zone, R-2, to Low Density 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 held on April 14, \_\_\_\_\_, 1987, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, 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 for the following reasons:

1. The rezoning would be consistent with the Modesto Urban Area General Plan.
2. R-1 development of the property would be compatible with existing and potential adjacent uses.

SECTION 2. ZONING CHANGE. Section 11-3-8 of the Zoning Map is hereby amended to reclassify the following described property from Medium Density Residential Zone, R-2, to Low Density Residential Zone, R-1:

All that portion of Section 11, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

BEGINNING at the centerline of Ekins Drive on the west line of Woodglen Park No. 3 as shown on the official map thereof filed for record in Volume 29 of Maps, Page 33, Stanislaus County Records; thence South  $0^{\circ}7'33''$  West along the west lines of said Woodglen Park No. 3 and Woodglen Park No. 2 according to the official map thereof filed for record in Volume 26 of Maps, Page 48, Stanislaus County Records, a distance of 959.77 feet to the southwest corner of said Woodglen Park No. 2; thence North  $89^{\circ}37'13''$  East along the south line of said Woodglen Park No. 2 a distance of 130.00 feet to the centerline of Blue Bird Drive; thence South  $0^{\circ}07'33''$  West along the centerline of proposed Blue Bird Drive a distance of 175.05 feet to the centerline of proposed Vintage Drive; thence North  $89^{\circ}34'27''$  West along said centerline of proposed Vintage Drive a distance of 126.21 feet to a point on the northerly extension of the east line of Lot "A", Block 13650, of The Orchards Unit One according to the official map thereof filed for record in Volume 29 of Maps, Page 79, Stanislaus County Records, said point being the centerline of said Vintage Drive; thence North  $0^{\circ}00'27''$  East along said northerly extension of the east line of Lot "A" a distance of 10.00 feet; thence North  $89^{\circ}34'27''$  West parallel with and 10.00 feet north of said centerline of Vintage Drive a distance of 401.36 feet to the centerline of proposed Gagos Drive; thence northerly along said centerline of proposed Gagos Drive the following 3 courses:

North  $10^{\circ}04'31''$  West 226.84, feet Northerly 531.38 feet along a tangent curve concave to the southwest, having a radius of 700.00 feet and a central angle of  $43^{\circ}29'39''$  to a point of reverse curve, and Northerly 533.98 feet along said reverse curve concave to the northeast, having a radius of 700.00 feet and a central angle of  $43^{\circ}42'23''$  to a point on the centerline of proposed Ekins Drive, said point being on a curve from which a radial line bears South  $7^{\circ}55'27''$  East to the Center; thence Easterly 120.25 feet along said curve, concave to the south, having a radius of 900.00 feet and a central

angle of 7°39'20"; thence North 89°43'53" East along a tangent line, being also said centerline of Ekins Drive a distance of 867.36 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 11-3-8 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14 day of April, 1987, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Mayor pro tem Muratore, Patterson, Whiteside

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Messenger

APPROVED: 

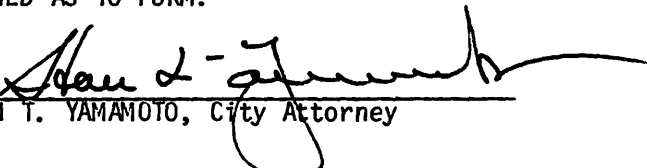
FRANK T. MURATORE, Mayor pro tem

ATTEST:

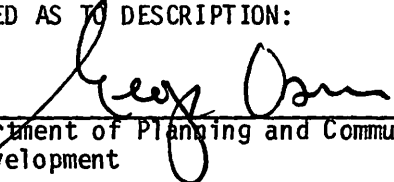
By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Department of Planning and Community Development

**Ordinance 2494 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 21st day of April, 19 87, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: , Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 21, 1987

ORDINANCE NO. 2495 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 748-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAPS 7-3-9 AND 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PACIFIC INVESTMENT COMPANY)" AS AMENDED BY ORDINANCE NO. 1964-C.S. AND ORDINANCE NO. 2045-C.S.

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 748-C.S., AS AMENDED BY ORDINANCE NO. 1964-C.S. AND ORDINANCE NO. 2045-C.S. Section 2 of Ordinance No. 748-C.S., as amended by Ordinance No. 1964-C.S. and Ordinance No. 2045-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(21) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

(a) FOOD SERVICES.

Supermarket, bakery, delicatessen, meat, poultry and fish, frozen foods, dairy drive-in, candy and confections.

(b) RETAIL COMMERCIAL USES.

Variety store, family clothiers (men's, women's, infants', and children's), shoes, shoe repair-other apparel accessories, custom tailoring (dress making, millinery shop), ladies specialty - hosiery, handbags, bridal shop, maternity, sporting goods, jewelry, florist, flower shops, cigar stand, news dealer, music and records, cameras and photo supplies, gifts, novelties, card shop, travel agency, hobby shop, luggage, imports, interiors, toys, trading stamp redemption center, post office, service station, auto accessories, laundromat, dry cleaners, laundry, antiques, optometrist, office supplies, stationery, hardware, bank, bank savings and loan, personal finance company, utilities collection agency, drug store, liquors - package store, books and stationery,

tobacco shop, sewing machines, fabrics, lock and key shop, radio and television - including repairs, interior decorating, coin collector, health foods, art shop, lending library, drapery and curtain shop, nursery and baby supplies, stock brokerage, music studio and dance, nut shop, paint and wallpaper (related business offices), title company, lawn mower and bicycle shop.

(c) EATING ESTABLISHMENTS.

Restaurants, cafeteria, sandwich shop, coffee shop, carry-out foods, donut shop, ice cream shop.

(d) PERSONAL SERVICES.

Barber shop, beauty shop, slenderizing salon, pet clipping services.

(e) FAMILY AMUSEMENT MACHINE CENTER.

(f) MEDICAL AND PROFESSIONAL OFFICES.

(g) CONVALESCENT HOSPITAL OR REST HOME.

(h) GENERAL OFFICES.

(i) MULTIPLE-FAMILY APARTMENTS AND RESIDENTIAL CONDOMINIUMS - with maximum density of thirty (30) dwelling units per acre.

(j) CHURCH.

(k) PARKING as indicated on the approved plans.

(l) FLOOR COVERING BUSINESS."

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto,

setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.


The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14 day of April, 1987, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Mayor pro tem Muratore, Patterson, Whiteside

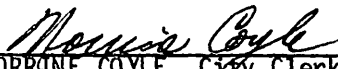
NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

APPROVED

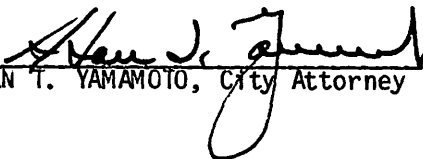
  
FRANK T. MURATORE, Mayor pro tem

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, 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 21st day of April, 1987, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 21, 1987

ORDINANCE NO. 2496-C.S.

AN ORDINANCE AMENDING ORDINANCE NO. 2293-C.S. ENTITLED "AN ORDINANCE GRANTING TO CAPITAL CITIES CABLE, INC., A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE COMMUNICATION SYSTEM WITHIN THE CITY OF MODESTO" TO CHANGE THE NAME OF CAPITAL CITIES CABLE, INC. TO POST-NEWSWEEK CABLE, INC.

WHEREAS, Ordinance No. 2293-C.S. which became effective on December 1, 1984, granted a nonexclusive franchise to Capital Cities Cable, Inc. to construct, operate and maintain a cable communication system within the City of Modesto, and

WHEREAS, Capital Cities Cable, Inc., has changed its corporate name, effective January 6, 1986, to Post-Newsweek Cable, Inc., and

WHEREAS, there has been a change in name only and not of ownership nor has there been a transfer of assets, therefore, the City of Modesto and Post-Newsweek Cable, Inc., desire the City's records to reflect the name change,

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2293-C.S. The title of Ordinance No. 2293-C.S. is hereby amended to read as follows:

AN ORDINANCE GRANTING TO POST-NEWSWEEK CABLE, INC., A NONEXCLUSIVE FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A CABLE COMMUNICATION SYSTEM WITHIN THE CITY OF MODESTO.

SECTION 2. AMENDMENT OF ORDINANCE NO. 2293-C.S. Section 1 of Ordinance No. 2293-C.S. is hereby amended to read as follows:

SECTION 1. DEFINITIONS.

Unless it shall be apparent from the context that they have a different meaning, the following words and phrases shall have the following meanings:

- A. "GRANTEE" shall mean Post-Newsweek Cable, Inc.
- B. "FRANCHISE DOCUMENTS" shall mean and include all of the following:
  - (1) Article XIV of the Charter of the City of Modesto.
  - (2) Chapter 4 of Title XI of the Modesto Municipal Code, as amended by Ordinance No. 2292-C.S. or as it may hereafter be amended.
  - (3) This ordinance.
  - (4) The Acceptance of Franchise form signed by Grantee.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of April, 1987, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Patterson, Whiteside,  
Mayor pro tem Muratore

NOES: Councilmembers: None

ABSENT: Councilmembers: Sutton, Mayor Mensinger

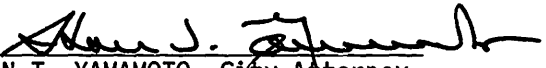
APPROVED:   
FRANK T. MURATORE, Mayor pro tem

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
STAN T. YAMAMOTO, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of April, 19 87, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: , Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 28, 1987

ORDINANCE NO. 2497 -C.S.

AN ORDINANCE AMENDING SECTION MAP 27-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM-HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(414), PROPERTY LOCATED ON THE SOUTHEAST CORNER OF LA LOMA AVENUE AND SANTA BARBARA AVENUE (WILLOW TREE DEVELOPERS)

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

SECTION 1. ZONING CHANGE. Section 27-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Medium-High Density Residential Zone, R-3, to Planned Development Zone, P-D(414):

Parcels "A", "B", "C", "D" of map filed in Volume 26 of Parcel Maps, page 20, Stanislaus County Records.

Also including the east 30.00 feet of Santa Barbara Avenue, south 30.00 feet of La Loma Avenue and north 10:00 feet of the public alley and all adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-D(414) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

1. Two- and three-story apartment for the elderly and handicapped.
2. Off-street parking as shown on the approved development plan.

SECTION 3. ZONING MAP. Section Map 27-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of April, 1987, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto  
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Gage J. Osun  
Department of Planning and  
Community Development

Ordinance 2497 C.S.  
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of April, 1987, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: , Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle  
NORRINE COYLE City Clerk

EFFECTIVE DATE: May 28, 1987

ORDINANCE NO. 2498 -C.S.

AN ORDINANCE AMENDING SECTION MAP 24-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (THOMPSON-HYSELL ENGINEERS)

WHEREAS, a verified application for an amendment to Section 24-3-9 of the Zoning Map was filed by Thompson-Hysell Engineers on January 26, 1987, to reclassify from Low Density Residential Zone, R-1, to Medium-High Density Residential Zone, R-3, the hereinafter described property, and

WHEREAS, after public hearing held on March 9, 1987, 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. 87-35, adopted on March 9, 1987, the Planning Commission recommended to the Council that the application of Thompson-Hysell Engineers to amend Section 24-3-9 of the Zoning Map to reclassify the hereinafter described property from Low Density Residential Zone, R-1, to Medium-High Density Residential Zone, R-3, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on April 21, \_\_\_\_\_, 1987, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, 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 for the following reasons:

1. The requested R-3 zoning pattern is close to that called for generally in the Neighborhood Zoning and Development Plan Prototype and more specifically in the Zoning and Development Policy for the East Half Lakewood Neighborhood.
2. The density projected under the proposed R-3 Zoning is very close to that calculated under a precise zoning pattern of R-3 and R-2 as specifically called for and mentioned above.
3. Area compatibility and optimum traffic flow can be assured by development plan approval by the Planning Commission prior to construction.

SECTION 2. ZONING CHANGE. Section 24-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium-High Density Residential Zone, R-3:

All that portion of Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, City of Modesto, California, described as follows:

BEGINNING at the northeast corner of Parcel "B" as shown on the map filed in Book 30 of Parcel Maps, at Page 11, Stanislaus County Records, said point being on the west line of present 100 foot wide Claus Road; thence South  $89^{\circ}51'03''$  East, 50.00 feet to the centerline of said Claus Road; thence South on said centerline 1408.61 feet to the intersection of said Claus Road centerline with the centerline of Scenic Drive; thence West on said Scenic Drive centerline, 20.33 feet to the beginning of a curve concave to the south having a radius of 145.10 feet and a central angle of  $18^{\circ}22'31''$ ; thence westerly on the arc of said curve 46.53 feet; thence South  $71^{\circ}37'29''$  West on said centerline 245.90 feet to the beginning of a curve concave to the north, having a radius of 350 feet and a central angle of  $17^{\circ}57'30''$ ; thence westerly on the arc of said curve, 109.70 feet, thence continuing on said centerline, South  $89^{\circ}34'59''$  West, 132.78 feet to the intersection of said centerline with the southerly prolongation of the west line of Parcel "C" as shown on said Book 30 of Parcel Maps, Page 11; thence North on said west parcel line 1007.32 feet to the intersection of the northerly prolongation of said west line with the centerline of Cedar Creek Court; thence East on said centerline 150.00 feet to the intersection of said centerline with the southerly prolongation of the west line of the aforementioned Parcel "B"; thence North on said west line 506.02 feet to the northwest corner of said Parcel "B"; thence South  $89^{\circ}51'03''$  East on the north line of Parcel "B", 340.00 feet to the point of beginning of this description.

SECTION 3. ZONING MAP. Section 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of April, 1987, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: McGrath, Muratore, Patterson,  
Mayor Mensinger

NOES: Councilmembers: Lang, Sutton, Whiteside

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto  
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By William Richards  
Department of Planning and Community  
Development

Ordinance 2498 C.S.  
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of April, 19 87, Councilmember McGrath moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: McGrath, Muratore, Patterson, Mayor Mensinger

NOES: Councilmembers: Lang, Sutton, Whiteside

ABSENT: Councilmembers: None

APPROVED Reggie Mensinger  
MAYOR ~~REGGIE~~ MENSINGER

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 28, 1987

AN ORDINANCE AMENDING SECTION MAP 34-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CHARLES MOODY)

WHEREAS, a verified application for an amendment to Section 34-3-9 of the Zoning Map was filed by Charles W. Moody on January 21, 1987, to reclassify from General Commercial Zone, C-2, to Light Industrial Zone, M-1, the hereinafter described property, and

WHEREAS, after public hearing held on March 9, 1987, 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. 87-36, adopted on March 9, 1987, the Planning Commission recommended to the Council that the application of Charles W. Moody to amend Section 34-3-9 of the Zoning Map to reclassify the hereinafter described property from General Commercial Zone, C-2, to Light Industrial Zone, M-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on April 21,, 1987, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, 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 for the following reasons:

1. The properties proposed for M-1 zoning are located to the rear of Yosemite Boulevard commercial lands and are adjacent to the M. & E.T. Railroad tracks and County heavy industrial land.

2. The proposed M-1 zoning closely conforms to the zoning pattern called for in the Urban Area General Plan.
3. The proposed M-1 zoning will allow land uses and development compatible with surrounding properties.

SECTION 2. ZONING CHANGE. Section 34-3-9 of the Zoning Map is hereby amended to reclassify the following described property from General Commercial Zone, C-2, to Light Industrial Zone, M-1:

That certain real property situate in the City of Modesto, County of Stanislaus, State of California, described as follows:

Lots 1, 2, 3, 4, & 5 in Block 2084 of FOX TRACT, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on October 21, 1940 in Volume 14 of Maps, at page 6.

Also including the western 30.00 feet of Kerr Avenue and the southern 25.00 feet of DeHarro Street and all immediately adjacent to the above described property.

SECTION 3. ZONING MAP. Section 34-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of April, 1987, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto  
STAN T. YAMAMOTO, City Attorney

APPROVED AS TO DESCRIPTION:

By Altman (Bridges)  
Department of Planning and Community  
Development

Ordinance 2499 C.S.  
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of April, 1987, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside; was upon roll call carried and the ordinance adopted by the following vote:

AYES: , Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 28, 1987

ORDINANCE NO. 2500 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 2462-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 7-3-9 OF THE ZONING MAP TO REZONE FROM MEDIUM HIGH DENSITY RESIDENTIAL ZONE, R-3, TO PLANNED DEVELOPMENT ZONE, P-D(410), PROPERTY LOCATED AT THE SOUTHWEST CORNER OF STANDIFORD AVENUE AND SHAWNEE DRIVE (STANDIFORD PROPERTIES II)."

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 2462-C.S. Section 2 of Ordinance No. 2462-C.S. is hereby amended to read as follows:

"SECTION 2. USES. The following uses shall be permitted in said P-D(410) Zone if the plan for construction conforms in principle to the approved plan, or if changes are approved by the Secretary of the Planning Commission as required by Section 10-2.1709(c) of the Modesto Municipal Code, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.1709(a) or (b) of the Modesto Municipal Code:

Office Portion: All business and professional offices as noted in the P-0 Zone Uses.

Apartment Portion: An approved 53-unit apartment complex to be developed as condominiums."

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of April, 1987, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember McGrath, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Stan T. Yamamoto  
STAN T. YAMAMOTO, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of April, 19 87, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

AYES: , Councilmembers: Lang, McGrath, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: May 28, 1987