

SPECIAL
NOT IN CODE

ORDINANCE NO. 601 N. S.

AN ORDINANCE APPROPRIATING MONEY FOR THE CONSTRUCTION OF A FIRE STATION IN THE CITY OF MODESTO.

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

SECTION 1. The sum of Fifty Thousand (\$50,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated from the General Fund of the City of Modesto for the construction of a fire station upon Lots 21, 22, and 23 in Block 81 of the City of Modesto, County of Stanislaus, State of California.

SECTION 2. This Ordinance shall go into effect from and after fifteen days after its final passage and adoption. It shall be published in full at least once, at least three days prior to its final adoption in the The Modesto Bee, the official newspaper of the City of Modesto.

SECTION 3. The foregoing Ordinance was introduced at a special meeting of the Council of the City of Modesto held on the 18th day of January, 1939, by Councilman Stanley, who moved its adoption and passage to print, which motion being duly seconded, was carried and the Ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Barnell, Neece, Oliver, Stanley and Mayor King
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED: J. E. King
J. E. KING, MAYOR

ATTEST: H. E. Gragg
H. E. GRAGG, CITY CLERK.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 18th day of January, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of January 25, 1939, it was upon roll call adopted by the following vote:

Ayes: Councilmen: Barnell, Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: _____

J. H. King
MAYOR

ATTEST: _____

H. E. Gagg
CITY CLERK

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Amended by Ord. 112, 113

~~639 A.S. - repealed~~
~~687 A.S. - repealed~~
~~766 A.S. - repealed~~ Ord 1007

ORDINANCE NO. 602-N.S.

AN ORDINANCE CREATING A CIVIL SERVICE SYSTEM FOR THE EMPLOYEES OF CITY OF MODESTO, CREATING A DEPARTMENT OF PERSONNEL, PRESCRIBING ITS DUTIES, SETTLING THE STATUS OF PRESENT EMPLOYEES, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

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Ord 491 A.S.
810-N.S.
411 A.S.
905 A.S.
964 A.S.
repealed by Ord 1007

THE CITY COUNCIL OF THE CITY OF MODESTO DO ORDAIN AS FOLLOWS:

Ord. 972 A.S.

SECTION 1. Adoption of Personnel System. Pursuant to the authority granted to the legislative body of any city within the State of California under the provisions of Chapter 48, Statutes of 1935, and in order to establish an equitable and uniform procedure for dealing with personnel matters through a department of personnel, and to place municipal employment on a merit basis so that the best qualified persons available shall be brought into the service of the City, the following Civil Service System is hereby adopted.

Although by the provisions of the Charter of City of Modesto, the City Council of said City is empowered to adopt a Civil Service System for City employees, said City Council hereby declares that this ordinance is hereby adopted under and by virtue of the power vested in it by Chapter 48, Statutes of 1935, entitled: "AN ACT AUTHORIZING THE CREATION OF A PERSONNEL SYSTEM, MERIT SYSTEM OR CIVIL SERVICE SYSTEM IN CITIES, THE CREATION OF THE OFFICE OF PERSONNEL DIRECTOR; THE APPOINTMENT OF A CIVIL SERVICE COMMISSION; THE DELEGATION OF CERTAIN AUTHORITY TO SAID PERSONNEL OFFICER OR COMMISSION IN MUNICIPALITIES WITHIN THIS STATE; AND PROHIBITING CERTAIN POLITICAL ACTIVITIES AND PROVIDING PENALTIES FOR THE VIOLATION OF SAID PROVISIONS."

SECTION 2. Department of Personnel. There is hereby created a Department of Personnel which shall consist of a Per-

REPEALED BY MUNICIPAL CODE

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1 sonnel Board and a Personnel Clerk. The Personnel Board shall
2 consist of three members to be appointed by the City Council.

3 The Board to be appointed, shall, at its first meeting,
4 so classify its members by lot that one shall serve for a term
5 which shall expire January 15, 1941, one shall serve for a term
6 which shall expire January 15, 1943, and one shall serve for a
7 term which shall expire January 15, 1945. At the expiration of
8 each of the terms so provided for a successor shall be appointed
9 by the City Council for a term of six (6) years.

10 Vacancies on the Personnel Board, from whatever cause,
11 shall be filled by appointment by the City Council for the unex-
12 pired term. Each member of the Board shall serve until his suc-
13 cessor is appointed and qualified. A four-fifths vote of all the
14 members of the City Council shall be required to appoint a member
15 to said Board or to fill any vacancy thereon or to remove any
16 member of said Board from office prior to the expiration of his
17 term of office. Any and all vacancies upon the Personnel Board
18 must be filled by the City Council within thirty (30) days after
19 said vacancy or vacancies occur.

20 No person shall be appointed to said Board who holds
21 any salaried public office or employment, nor shall any member,
22 while a member of the Board or for a period of one year after he
23 has ceased for any reason to be a member, be eligible for appoint-
24 ment to any salaried office or employment in the service of the
25 city or any city elective office.

26 SECTION 3. Duties of the Personnel Board. The Personnel
27 Board shall determine the order of business for the conduct of
28 its meetings, and shall meet regularly if so required by the
29 rules, or on call of the chairman or two members of the Board.
30 Two members of the Board shall constitute a quorum for the
31 transaction of business. The functions of the Board shall be
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1 (a) To consider and recommend to the City Council a
2 set of rules to supplement this ordinance, and revisions and
3 amendments thereof.

4 (b) To act in an advisory capacity to the City Council
5 on problems concerning personnel administration.

6 (c) As provided by this ordinance and by rule, to hear
7 appeals submitted by any person in the competitive service rela-
8 tive to any situation connected with his employment status or
9 condition of employment.

10 (d) In any investigation or hearing conducted by the
11 Board, it shall have the power to examine witnesses under oath
12 and compel their attendance or the production of evidence before
13 it by subpoenas issued in the name of the city and attested by
14 the City Clerk. It shall be the duty of the Chief of Police to
15 cause all such subpoenas to be served and refusal of a person to
16 attend or to testify in answer to such a subpoena shall subject
17 said person to prosecution in the same manner set forth by law
18 for failure to appear before the City Council in response to a
19 subpoena issued by the City Council. Each member of the Person-
20 nel Board shall have the power to administer oaths to witnesses.

21 (e) To hold hearings and make recommendations to the
22 City Council on the adoption or revision of the position classi-
23 fication plan. The City Council shall adopt a position classi-
24 fication plan and class specifications and revisions thereof,
25 allocate and re-allocate positions in the competitive service to
26 classes.

27 SECTION 4. Personnel Clerk. The City Council shall
28 appoint a Personnel Clerk whose Duty it shall be to act in the
29 capacity of clerk for the Personnel System. The duties of the
30 office of Personnel Clerk may be combined with those of any other
31 office in the event the work involved does not warrant, in the
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1 discretion of the City Council, the creation of a special position.

2 The Personnel Clerk shall:

3 (a) Attend all meetings of the Personnel Board.

4 (b) Administer all provisions of this ordinance and the
5 rules established hereunder, not specifically reserved to the
6 City Council or the Personnel Board.

7 (c) Under the direction of the Personnel Board to
8 prepare rules, and revisions and amendments thereof, for the con-
9 sideration of said Personnel Board.

10 (d) Under the direction of the Personnel Board, to
11 prepare a position classification plan and class specifications and
12 revisions thereof, for the consideration of said Personnel Board.

13 (e) It shall be the further duty of the Personnel
14 Clerk to keep minutes and records of the proceedings of said
15 Personnel Board.

16 SECTION 5. Competitive Service. The provisions of this
17 ordinance shall not apply to persons occupying the following offices,
18 positions and employments in the service of the City,

19 (a) Elective Offices.

20 (b) Positions on appointive boards, commissions, and
21 committees.

22 (c) Judge of the Police Court and clerk thereof.

23 (d) Chief officials of City and Sanitary Inspector.

24 (e) Unclassified laborers.

25 Within the meaning of this ordinance, an unclassified
26 laborer is hereby declared to be an unskilled workman, unqualified
27 to proceed independently to lay out and perform work, and who
28 prosecutes his duties under the immediate direction of a more
29 highly qualified workman or foreman. Janitors are hereby declared
30 to be unclassified laborers.

31 The following offices , positions, and employments in
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1 the City of Modesto shall constitute the competitive service of
2 said city and said Positions and employments are subject to the
3 provisions hereof:

4 DEPARTMENT OF PUBLIC WORKS AND PARKS

5 Assistant City Engineer
6 Secretary
7 Stenographer
8 Engineer of Surveys
9 Assistant Engineer of Surveys
10 Engineering Aids
11 Chief Draftsman
12 Assistant Superintendent of Streets
13 Equipment Operators Grades (1) and (2)
14 Street Repair foreman
15 Assistant Superintendent of Electricity
16 Electrician
17 Lineman
18 Fire Alarm Technician
19 Assistant Building Inspector
20 Water Service Foreman
21 Assistant Water Service Foreman
22 Pipe Fitters
23 Pump Operators (Grades 1 and 2)
24 Superintendent of Construction
25 Assistant Superintendent of Construction
26 Sewage Disposal Plant Operator
27 Assistant Sewage Disposal Plant Operator
28 Assistant Superintendent of Parks
29 Horticulturist
30 Nurseryman
31 Tree Climbers
32 Park Supervisors
33 Golf Professional
34 Greenskeeper
35 Assistant Greenskeepers
36 Assistant Superintendent Corporation Yard
37 Machinist
38 Auto Mechanic
39 Service Man and Store Keeper
40 Traffic Line Painter
41 Construction Laborers

42 CITY CLERK'S OFFICE.

43 Assistant Clerk
44 Assistant Auditor
45 Assistant Assessor
46 Assistant License Collector
47 Assistant Tax Collector
48 Assistant Treasurer
49 Deputy License Collector
50 Deputy Auditor
51 Secretary
52 Chief Clerk and Cashier Water Dept.
53 Asst. Clerk and Cashier Water Dept.
54 Clerks Tax and License Departments.

1 POLICE DEPARTMENT

2 Captain
3 Sergeants
4 Secretary
5 Clerk
6 Traffic Officers
7 Patrolmen

8 FIRE DEPARTMENT

9 Assistant Chiefs
10 Operators
11 Drivers
12 Relief Driver

13 DEPARTMENT OF PUBLIC HEALTH

14 Food and Drink Inspector

15 SECTION 6. Adoption of Rules. In addition to such
16 other matters as may be necessary and proper to carry out the
17 intent and purposes of this ordinance, rules shall be formulated,
18 and shall be adopted by the City Council establishing specific
19 procedures to govern the following phases of the personnel program:

20 (a) The preparation, installation, revision and main-
21 tenance of a position classification plan covering all positions
22 in the competitive service.

23 (b) The formulation of minimum standards and qualifica-
24 tions for each class of position.

25 (c) The public announcement of vacancies and examina-
26 tions and the acceptance of applications for employment.

27 (d) The preparation and conduct of examinations and the
28 establishment and use of employment lists containing names of
29 persons eligible for appointment.

30 (e) The certification and appointment of persons from
31 employment lists to fill vacancies and the making of temporary and
32 emergency appointments.

(f) The evaluation of employees during the probationary
period.

(g) The transfer, promotion, demotion and reinstatement of employees in the competitive service.

1 (h) The separation from the service of employees
2 through lay-off, suspension, dismissal and for incapacity to per-
3 form required duties.

4 (i) The standardization of hours of work, attendance
5 and leave regulations, working conditions and the development of
6 employee morale, welfare and training.

7 (j) The maintenance and use of necessary records and
8 forms.

9 SECTION 7. Appointments. Appointments to vacant posi-
10 tions in the competitive service shall be made in accordance with
11 the rules established hereunder and from employment lists result-
12 ing from competitive examination, or by promotion, transfer, de-
13 motion or reinstatement. Appointments shall be made by the City
14 Council, or by the officer in whom the power to make appointments
15 is vested by law.

16 If appointment is to be made from employment or promo-
17 tional lists, the names of persons willing to accept appointment
18 shall be certified by the Personnel Clerk in the order in which
19 they appear on the lists.

20 In the absence of appropriate employment lists, a tem-
21 porary appointment may be made by the appointing power of a person
22 meeting the minimum qualifications for the position, provided, how-
23 ever that an employment list shall be established for such position
24 within ninety (90) days. No person shall be employed by the City
25 under temporary appointment for a total of more than ninety (90)
26 days in any fiscal year, except where the Personnel Board in its
27 discretion extends said temporary appointment for a period longer
28 than ninety (90) days. In the event of emergency, the appointing
29 power may appoint such persons as are required to meet the situa-
30 tion, but such appointments shall not exceed thirty (30) working
31 days, except in cases where the Personnel Board may in its dis-
32 cretion allow emergency appointments for longer periods.

1 No credit shall be allowed in the giving of any examina-
2 tion or the establishment of any employment or promotional lists,
3 for service rendered under a temporary appointment.

4 During the period of suspension of any employee, or
5 pending final action on proceedings to review the suspension,
6 demotion or dismissal of an employee, the vacancy created may be
7 filled by the appointing power only by temporary appointment.

8 SECTION 9. Probationary Period. All original and pro-
9 motional appointments shall be for a probationary period of six
10 (6) months during which the employee may be rejected at any time
11 without right of appeal or hearing in any manner.

12 An employee rejected during the probationary period from
13 a position to which he has been promoted shall be reinstated to
14 the position from which he was promoted, unless charges are filed
15 and he is discharged as provided in the rules and this ordinance.

16 Any employee in the competitive service promoted or
17 transferred to a position not included in the competitive service
18 shall be reinstated to the position from which he was promoted
19 or transferred if within six (6) months after such promotion or
20 transfer action is taken to dismiss him, unless charges are
21 filed and he is discharged in the manner provided in this ordinance
22 and the rules established hereunder for positions in the competi-
23 tive service.

24 SECTION 10. Status of Present Employees. Any person
25 holding a position or employment included in the competitive ser-
26 vice who, on the effective date of this ordinance, shall have
27 served continuously in such position, or in some other position
28 included in the competitive service, for a period of at least six
29 (6) months immediately prior to such effective date, shall assume
30 regular status in the competitive service in the position held on
31 such effective date without preliminary examination or working
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1 tests and shall thereafter be subject in all respects to the pro-
2 visions of this ordinance.

3 Any other persons holding positions or employments in
4 the competitive service shall be regarded as holding their posi-
5 tions or employments as probationers who are serving out the bal-
6 ance of their probationary periods before obtaining regular status.

7 SECTION 11. Powers of the City Council. The City
8 Council and any other officer in whom is vested by law the power
9 to make transfers, promotions, demotions, reinstatements, lay-offs,
10 and to suspend or dismiss employees, shall retain such power, sub-
11 ject to the provisions of this ordinance and the rules established
12 hereunder, it being the intent and spirit of this ordinance to
13 provide a fair and just approach to municipal employment in order
14 that city employees may be selected and promoted on a merit basis,
15 but in no sense to impair the efficiency of the public service.

16 Any person holding a position or employment in the
17 competitive service shall be subject to suspension without pay by
18 the appointing power and without right of appeal, but such suspen-
19 sions shall not exceed a total of thirty (30) days in any fiscal
20 year.

21 SECTION 12. Filing of Charges. The head of any depart-
22 ment having in his employ city employees in the competitive service,
23 demoting, dismissing or reducing the pay of said employee shall
24 file his written reasons therefor within three (3) days with the
25 Personnel Clerk. Said employee so demoted, dismissed or reduced in
26 pay shall be entitled to receive a written statement of said rea-
27 sons for such action within three (3) days after the same is filed
28 with said Personnel Clerk, and he shall have three (3) days' time
29 thereafter within which to answer in writing thereto. Said answer
30 shall be filed with the Personnel Clerk; in the event the employee
31 files an answer, a copy of such written reasons and/or charges and
32 of such answer shall be transmitted by the Personnel Clerk to

1 the Personnel Board. Within ten (10) days from the date of filing
2 his answer to the written charges, or in the event such written
3 charges have not been made available to him within the time pre-
4 scribed, then within ten (10) days after the action taken to demote,
5 dismiss or reduce the pay of the employee he may file a written
6 demand with the Personnel Clerk requesting a hearing before the
7 Personnel Board. The Board shall then investigate the case and
8 conduct a hearing as provided by section 12 of this ordinance and
9 by the rules.

10 The provisions of this section and of section 13 shall
11 not apply to reductions in pay which are part of a general plan
12 to reduce salaries and wages as an economy measure or as part of
13 a general curtailment program.

14 SECTION 13. Right of Appeal. Any employee in the com-
15 petitive service shall have the right to appeal to the Personnel
16 Board relative to any situation effecting his employment status or
17 conditions of employment, except in instances where the right of
18 appeal is prohibited by this ordinance. Thereupon the Board shall
19 make such investigation as it may deem necessary and within twenty
20 (20) days after the request for hearing is filed by the employee,
21 the Board shall hold a hearing, at which time it shall hear evidence
22 for and against such employee. Hearings may be informally conduc-
23 ted, and the rules of evidence need not apply.

24 Within ten (10) days after concluding the hearing, the
25 Personnel Board shall certify its findings and recommendations to
26 the City Council or other official from whose action the appeal
27 was taken. Said official may then affirm, revoke or modify the
28 action taken, as in his judgment shall seem warranted. The find-
29 ings and recommendation of the Personnel Board and any action taken
30 by the City Council or other appointing power shall be final and
31 conclusive and shall not be reviewable in any court.
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1 SECTION 14. Abolition of Position. Whenever in the
2 judgment of the City Council it becomes necessary in the interest
3 of economy or because the necessity for the position involved no
4 longer exists, the City Council may abolish any position or em-
5 ployment in the competitive service and lay off the employees
6 holding such position or employment without filing written charges,
7 and without the right of appeal. The name of such an employee so
8 laid off shall be placed at the top of the appropriate employment
9 list or lists, as provided by the rules.

10 SECTION 15. Improper Political Activity. No person
11 holding a position in the competitive service shall seek or accept
12 election, nomination or appointment as an officer of a county or
13 municipal political club or organization, or take an active part
14 in, or make any contribution or donation to, any county or municip-
15 al political campaign, or serve as a member of a committee of
16 such club or organization or circle, or seek signatures to any
17 petition provided for by any law, or act as a worker at the polls,
18 or distribute badges or pamphlets, dodgers, or handbills of any
19 kind favoring or opposing any candidate for election, or for nomi-
20 nation to a public office, whether county or municipal: provided,
21 however, that nothing in this ordinance shall be construed to pre-
22 vent any such officer or employee from becoming or continuing to
23 be a member of a political club or organization, or from attendance
24 at a political meeting, or from enjoying entire freedom from all
25 interference in casting his vote or from seeking or accepting elec-
26 tion or appointment to a public office.

27 Any wilful violation thereof or violation through culp-
28 able negligence, shall be sufficient grounds to authorize the dis-
29 charge of any officer or employee.

30 No person in the competitive service, or seeking admis-
31 sion thereto, shall be employed, promoted, demoted or discharged,
32 or in any way favored or discriminated against because of political

1 opinions or affiliations or because of race or religious belief.

2 SECTION 16. Solicitation of Contributions. No officer,
3 agent, clerk or employee, under the government of the city and no
4 candidate for any city office shall, directly or indirectly, solicit
5 or receive, or be in any manner concerned in soliciting or recei-
6 ving any assessment, subscription or contributon, whether volun-
7 tary or involuntary, for any political purpose whatever, from any
8 one on the employment lists or holding any position under the pre-
9 visions of this ordinance.

10 SECTION 17. Right to contract for Special Service. The
11 City Council may contract with any competent agency for the perfor-
12 mance by such agency of such technical service in connection with
13 the establishment of the personnel system or with its operation,
14 as may be desired.

15 SECTION 18. Appropriation of Funds. The City Council
16 shall appropriate such funds as are necessary to carry out the pro-
17 visions of this ordinance.

18 SECTION 19. Penalty for Violation. Any person, firm,
19 or corporation violating any of the provisions of this ordinance
20 shall be deemed guilty of a misdemeanor and upon a conviction there-
21 of shall be punishable by a fine of not more than \$300.00 or by
22 imprisonment in the city jail for a period of not more than three
23 (3) months, or by both such fine and imprisonment.

24 SECTION 20. If any section, subsection, subdivision,
25 sentence, clause or phrase of this ordinance is for any reason
26 held to be unconstitutional, such decision shall not affect the
27 validity of the remaining portions of this ordinance. The City
28 Council hereby declares that it would have passed this ordinance,
29 and each section, subsection, subdivision, sentence, clause and
30 phrase thereof, irrespective of the fact that any one or more
31 sections, subsections, subdivisions, sentences, clauses or phrases
32 be declared unconstitutional.

1 SECTION 21. This ordinance shall go into effect from
2 and after fifteen (15) days after its final passage and adoption.
3 It shall be published in full at least once at least three days
4 prior to its final adoption in the The Modesto Bee, the official
5 newspaper of the City of Modesto.

6 The foregoing ordinance was introduced at a regular
7 meeting of the Council of the City of Modesto held on the 25th day
8 of January, 1939 by Councilman Neece, who moved its adoption and
9 passage to print, which motion being duly seconded, was carried
10 and the ordinance ordered printed and published by the following
11 vote:

12 Ayes: Councilmen: Barnell, Neece, Oliver, Stanley and Mayor King
13 Noes: Councilmen: None
14 Absent: Councilmen: None

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16 APPROVED: 
17 J. H. KING, MAYOR

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19 ATTEST: 
20 H. E. GRAGG, CITY CLERK

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 25th day of January, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of February 8, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Neece, Oliver, Stanley and Mayor King

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED J. A. King
MAYOR

ATTEST N. E. Gray
CITY CLERK

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AN ORDINANCE REGULATING THE USE OF DEVICES, APPLIANCES, EQUIPMENT,
OR APPARATUS WHICH INTERFERES WITH RADIO BROADCASTING RECEPTION,
AND PROVIDING PENALTIES FOR VIOLATION THEREOF

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

SECTION 1. It shall be unlawful for any person, firm or corporation to operate within the limits of the City of Modesto, any electrical apparatus, device, machine or equipment which needlessly and unnecessarily causes high frequency oscillations which create interference with radio reception from stations of at least one (1) kilowatt capacity when such interference can be reasonably prevented by means of repairs, adjustments, the installation of corrective appliances, or other practicable alterations.

SECTION 2. It shall be the duty of the City Electrician or his authorized Inspector to enforce the provisions of this ordinance. He shall investigate complaints of such radio interference, to locate the sources of such interference, and to advise and make recommendations as to its elimination. He is hereby authorized to issue orders for such repairs, adjustments or alterations such orders to be complied with within a reasonable length of time as shall be practicable and reasonably necessary to prevent the continuance of such interference. The Inspector shall, upon presentation of his badge or other evidence of his authority, have the right of access to any premises at any reasonable hour for the purpose of inspecting the installation and operation of any device or equipment coming within the provisions of this ordinance, and it shall be unlawful for any person to interfere with such Inspector or to hinder him in the discharge of his duties.

SECTION 3. Every person, firm or corporation engaged in the demonstrating, offering for sale, selling, repairing, testing or installing radio receiving or transmitting instruments, fixed

1 or mobile; aerials, either fixed or mobile; tubes, parts, accessories
2 public address systems or equipment, shall pay a license as provid-
3 ed in Ordinance 487-N.S.

4 SECTION 4. It shall be unlawful for any person, store, firm
5 or corporation to sell or offer for sale any device or electrical
6 appliance which will interfere with radio reception, as stated in
7 Section 1 of this Ordinance.

8 SECTION 5. Medical appliances and violet rays which cannot,
9 by reason of design, eliminate radio interference shall apply pro-
10 per filtering and shielding means at location being used.

11 The provisions in Section 5 to be effective 90 days after
12 adoption thereof.

13 Installation of radio receiving, transmitting, public
14 address and special radio equipment shall comply with the provi-
15 sions of Electrical Ordinance No. 506-NS

16 Aerials found to be in an unsafe condition, or if, in break-
17 ing, should be within striking distance of a high voltage power
18 line, shall be condemned as improperly installed and unsafe.

19 SECTION 6. It is expressly understood that this ordinance
20 shall not apply to radio stations, either radio telephone broad-
21 cast or wireless stations commercial or amateur, licensed by the
22 federal government and/or which are engaged in interstate communi-
23 cation or to public utilities operating under the supervision of
24 the State Railroad Commission or Modesto Irrigation District; and
25 provided further that this ordinance shall not apply to research
26 institutions of recognized standing carrying on laboratory experi-
27 ments.

28 SECTION 7. Any person violating any of the provisions of
29 this ordinance shall be deemed guilty of a misdemeanor and upon
30 conviction thereof shall be punishable by a fine not to exceed
31 Five Hundred Dollars (\$500.00) or by imprisonment in the City Jail
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1 for a period of not to exceed six (6) months, or by both such fine
2 and imprisonment.

3 SECTION 8. If any section, sub-section, sentence, clause or
4 phrase of this Ordinance shall for any reason be held to be uncon-
5 stitutional or otherwise invalid, such decision shall not affect
6 the validity of the remaining portions of this Ordinance.

7 The Council of the City of Modesto hereby declares that it
8 would have passed this Ordinance and each section, sub-section,
9 clause and phrase thereof irrespective of the fact that any one
10 or more sections, sub-sections, sentences, clauses or phrases be
11 declared unconstitutional or otherwise invalid.

12 SECTION 9. This Ordinance shall take effect and be in full
13 force and operation from and after fifteen days after its final
14 passage and adoption.

15 SECTION 10. This Ordinance shall be published in full at
16 least once at least three days prior to its final adoption in the
17 Modesto Bee, the official newspaper of the City of Modesto.

18 The foregoing Ordinance was introduced at a regular meeting of
19 the Council of the City of Modesto held on the 22nd day of March,
20 1939, by Commissioner Neece, who moved its adoption and passage
21 to print, which motion being duly seconded, was carried and the
22 Ordinance ordered printed and published by the following vote:

23 Ayes: Councilmen: Barnell, Neece, Oliver, Stanley and Mayor King

24 Noes: Councilmen: None

25 Absent: Councilmen: None

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27 APPROVED


J. H. KING, MAYOR

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29 ATTEST


H. E. GRAGG, CITY CLERK

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3 FINAL ADOPTION CLAUSE

4 The foregoing ordinance, having been introduced and
5 ordered printed and published at a regular meeting of the Council
6 of the City of Modesto held on the 22nd day of March, 1939, and
7 subsequently printed and published as required by the Charter of
8 the City of Modesto, and coming on for final adoption at the regular
9 meeting of April 12, 1939, it was upon roll call so finally
10 adopted by the following vote:

11 Ayes: Councilmen: Barnell, Neece, Oliver, Stanley and Mayor King
12 Noes: Councilmen: None
13 Absent: Councilmen: None

14 APPROVED: _____

15 *J. A. King*
MAYOR

16 ATTEST _____

17 *W. C. King*
CITY CLERK
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REPEALED BY
MUNICIPAL CODE

ORDINANCE NO. 604 N. S.

1 AN ORDINANCE AMENDING ORDINANCE NO. 2 N. S. OF THE CITY OF MODESTO.
2 ENTITLED: "AN ORDINANCE FIXING THE TIME AND PLACE OF HOLDING THE
3 REGULAR MEETINGS OF THE COUNCIL OF THE CITY OF MODESTO, AND PRE-
4 SCRIBING THE MANNER IN WHICH ITS SPECIAL MEETINGS MAY BE CALLED."

5 ----ooOoo---

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

7 SECTION 1. Ordinance No. 2 N. S. of the City of Modesto
8 entitled: "AN ORDINANCE FIXING THE TIME AND PLACE OF HOLDING THE
9 REGULAR MEETINGS OF THE COUNCIL OF THE CITY OF MODESTO, AND PRE-
10 SCRIBING THE MANNER IN WHICH ITS SPECIAL MEETINGS MAY BE CALLED,"
11 is hereby amended by adding thereto a new section to be numbered
12 Section 2 $\frac{1}{2}$, which said Section 2 $\frac{1}{2}$ shall read as follows:

13 "Section 2 $\frac{1}{2}$. The provisions of Section 2 may be waived
14 by the Mayor of the City of Modesto or by any member of the City
15 Council of said City, if said Mayor or member of said City Council
16 shall sign a statement that said notice is waived, either before
17 said special meeting or at or during said special meeting, or
18 immediately following the conclusion thereof. No member of said
19 City Council nor the Mayor of said City of Modesto shall have the
20 power to waive the provisions of said section as to any other
21 member of said Council."

22 SECTION 2. All ordinances or parts of ordinances in
23 conflict herewith are hereby expressly repealed.

24 SECTION 3. This ordinance shall go into effect and be in
25 full force and operation from and after fifteen days after its
26 final passage and adoption.

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

30 The foregoing ordinance was introduced at a regular meet-
31 ing of the Council of the City of Modesto held on the 30 day of
32

1 May, 1939, by Councilman BATES, who moved its
2 adoption and passage to print, which motion being duly seconded
3 was upon roll call carried and the ordinance ordered printed and
4 published as above by the following vote:

5 Ayes: Councilmen: Bates, Barnell, Neece, ~~Mayor Pro tem Stanley~~

6 Noes: Councilmen: None

7 Absent: Councilmen: ~~Mayer~~ Shannon

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APPROVED: *Care W. Shannon*

ATTEST: *H. E. Graco*
H. E. GRACO, CITY CLERK.

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of May 24, 1939, it was upon roll call so finally adopted by the following vote;

Ayes: Councilmen: Barnell, Bates, Neece, Stanley and Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:

Carl V. Shannon
MAYOR

ATTEST

W. E. Gray
CITY CLERK

*Declassified
unconstitutionality
of decision
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ORDINANCE NO. 605 N. S.

AN ORDINANCE PROHIBITING THE SELLING OF MERCHANDISE FROM PUSH CARTS UPON THE STREETS AND SIDEWALKS OF THE CITY OF MODESTO, AND PROHIBITING THE SALE OF CONFECTIONS, FROZEN FOODS AND SOFT DRINKS FROM ANY PUSH CART, MOTOR DRIVEN VEHICLE, WAGON, TRAY, BASKET OR OTHER CONTAINER WITHIN THREE HUNDRED FEET OF CITY SCHOOLS, PLAY GROUNDS AND PARKS IN SAID CITY.

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CODE SEC.
NO. 4-2.24
4-2.26^B

WHEREAS, it appears to the Council of the City of Modesto, sitting in special session, and said Council finds after an investigation that the operators of push carts are selling from said push carts upon the streets and sidewalks of said City of Modesto ice cream, ice cream cones, ice cream cornucopias, frozen ice cream bars, and other frozen products, together with soda water, soft drinks and other confections; and,

WHEREAS, it appears that said push carts are propelled through and upon the streets of said City and upon the sidewalks of said City by human motive power; and,

WHEREAS, the push carts as the same are operated upon the streets and sidewalks of said City impede the normal flow of vehicular and foot traffic on said streets and sidewalks; and,

WHEREAS, said push carts and the vendors operating the same as aforesaid constitute and create a traffic hazard, detrimental to the health and safety and general welfare of the citizens of said City of Modesto in and upon the streets and sidewalks of said City; and,

WHEREAS, the vendors of said products selling said products from said push carts and other vendors transporting their wares by other methods station themselves at or near schools, parks and play grounds located in the City of Modesto, as the result of which students at said schools and children in said play grounds and parks congregate about said vendors upon the sidewalks and in the streets adjacent to said schools, play grounds and parks; and,

1 WHEREAS, said vendors, whether selling their products from
2 push cart, wagon, truck, basket, tray, or other container, selling
3 as aforesaid to said students and children, create and constitute
4 a traffic hazard to persons and traffic in the vicinity of said
5 schools, play grounds and/or parks, and create a dangerous condi-
6 tion as to the safety, health and general welfare of said students
7 and said children, for the reasons stated:

8 NOW, THEREFORE, THE COUNCIL OF THE CITY OF MODESTO DO OR-
9 DAIN AS FOLLOWS:

10 SECTION 1. It shall be unlawful for any person, firm,
11 association or corporation to stop, stand, park or propel any push
12 cart through, along or upon any street or sidewalk in the City of
13 Modesto.

14 SECTION 2. It shall be unlawful for any person, firm, as-
15 sociation or corporation to stop, stand, park or cause or permit to
16 be stopped, stood or parked any wagon, push cart, or other vehicle
17 from which any of the products hereinabove set forth and/or any
18 confections are sold or peddled within three hundred (300) feet of
19 and from the exterior boundary of property used or occupied by any
20 public school, play ground, and/or park within the City of Modesto.

21 SECTION 3. It shall be unlawful for any person, firm, as-
22 sociation or corporation to sell any of the above named products
23 and/or any confections from any bucket, basket, tray, or other
24 container within three hundred (300) feet of and from the exterior
25 boundary of property used or occupied by any public school, play
26 ground and/or park within the City of Modesto.

27 SECTION 4. Violation of this ordinance shall constitute a
28 misdemeanor, punishable by imprisonment in the County Jail for a
29 period of not more than thirty (30) days, or by a fine of Sixty
30 Dollars (\$ 60⁰⁰) Dollars, or by both such fine
31 and imprisonment.

1 SECTION 5. The City Council of the City of Modesto hereby
2 finds and declares that this ordinance is necessary for the im-
3 mediate preservation of the public peace, health and safety of
4 the citizens of the City of Modesto and persons therein, by rea-
5 son of the facts hereinabove set forth. This ordinance shall,
6 therefore, take effect immediately upon its final passage and
7 adoption.

8 SECTION 6. This ordinance shall be published in full at
9 least once at least three days prior to its final adoption in the
10 The Modesto Bee, the official newspaper of the City of Modesto.

11 The foregoing ordinance was introduced at a special meeting
12 of the Council of the City of Modesto held on the 12th day of May,
13 1939, by Councilman NEECE, who moved its adoption
14 and passage to print, which motion being duly seconded, was upon
15 roll call carried and the ordinance ordered printed and published
16 as above by the following vote:

17
18 Ayes: Councilmen: Barnell, Bates, Neece and Mayor pro tem Stanley

19 Noes: Councilmen: None

20 Absent: Councilmen: Mayor Shannon
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24 APPROVED: *Carl J. Stanley*

25 CARL J. STANLEY, MAYOR
26 PRO TEMPORE.
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 12th day of May, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at this regular meeting of May 24, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley and Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Carl W. Shannon
MAYOR

ATTEST W. C. Pragg
CITY CLERK

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ORDINANCE NO. 606 N. S.

AN ORDINANCE REGULATING THE STORAGE AND/OR INSTALLATION OF PLANTS AND AUTOMOBILE FILLING STATIONS HANDLING AND/OR DEALING IN BUTANE AND OTHER LIQUIFIED PETROLEUM GASES, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

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THE COUNCIL OF THE CITY OF MODESTO DO ORDAIN AS FOLLOWS:

SECTION 1. No person, firm, or corporation shall establish, conduct, maintain, or use any building, structure, parcel of land or premises as a storage plant or automobile filling station for the handling and/or dealing in butane and/or any liquified petroleum gas, or any mixture thereof, without obtaining a written permit therefor from the Fire Marshall of the City of Modesto.

The application for said permit shall be filed with the City Clerk of said City and shall contain sufficient data to inform the Fire Marshall of the location, nature, character and extent of the proposed installation or storage of said gases.

Said application shall be by said Clerk referred to the Fire Marshall, who shall attach thereto a report stating whether the proposed installation is in the proper zone and such other facts as may be relevant and material to the application.

SECTION 2. No license shall be issued under the provisions of this ordinance until evidence has been submitted to the City Council of the City of Modesto that the person, firm, or corporation applying for a license hereunder has the ability to respond in damages resulting from the ownership or operation of said plant and/or filling station used by said person, firm or corporation and arising by reason of personal injury to, or death of any one person, of at least \$5,000.00, and/or at least \$20,000.00 for such injury to, or death of, two or more persons in

1 any one accident, and for damages to property of at least \$1,000.00
2 resulting from any one accident.

3 Such proof of ability to respond in damages may be given
4 as follows: The written certificate or certificates of any in-
5 surance carrier duly authorized to do business within this State,
6 that it issued to or for the benefit of the said person, firm or
7 corporation named therein, a public liability policy in lawful
8 form in the limits above named covering damages arising out of the
9 use and operation of said plant and/or filling station owned or
10 used by said person, firm or corporation, and that said policy is,
11 and will be, during the period of such license, in full force and
12 effect.

13 SECTION 3. No butane or other liquified petroleum gases
14 shall be stored, kept, sold, or delivered in Fire Zone No. 1 of
15 the City of Modesto, as said Fire Zone is designated and outlined
16 in Ordinance No. 386, N. S. of the City of Modesto, or as the same
17 may be hereafter designated by any amendment to Ordinance No. 386
18 N. S. of the City of Modesto.

19 SECTION 4. All installation of automobile filling stations
20 and plants for the storage of butane and/or any liquified petrol-
21 eum gases must comply with the rules and regulations as may now
22 or hereafter be prescribed and issued by the Industrial Accident
23 Commission of the State of California, under the title of Liquified
24 Petroleum Gases Safety Orders, for such installations. All of
25 said installations shall be above the ground.

26 SECTION 5. All dispensing apparatus and equipment used
27 for dispensing, transferring or the delivery of butane and all
28 liquified petroleum gases shall at all times be maintained in
29 good working condition and repair, and be adequately protected
30 from injury. Every power driven meter-type dispensing apparatus
31 shall be equipped, maintained and used with automatic power control
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1 when used for dispensing butane or other liquified petroleum gases.

2 The Fire Marshall of the City of Modesto and his depu-
3 ties shall have access to all premises where butane and/or other
4 liquified petroleum gases are stored and/or dispensed, for the
5 purpose of inspecting any apparatus used thereon. In the event
6 said Fire Marshall determines that said apparatus used in storing,
7 keeping, maintaining, dispensing or delivering said butane or
8 other liquified petroleum gases is defective or dangerous to the
9 general welfare and health of the citizens of the City of Modesto,
10 said Fire Marshall may give written notice to the person in
11 charge of said premises whereon or wherein said defective equip-
12 ment is situated, requiring said person to attend, within five
13 days from the date of said notice, before the City Council of the
14 City of Modesto to show cause why the license to keep, store or
15 dispense said gases on said premises should not be revoked.

16 The person, firm or corporation cited to appear before
17 said Council to show cause why said license should not be revoked,
18 may appear either in person or by Counsel. If at the conclusion
19 of said hearing, said City Council determines that the apparatus
20 and/or equipment for the storage or dispensing of butane and
21 other liquified petroleum gases on said premises is defective and
22 dangerous, said license to keep, store, maintain or dispense said
23 butane and/or other liquified petroleum gases shall be by said
24 City Council revoked.

25 SECTION 6. No structural portion of any part of any
26 building, or structures which may be permitted under this ordinance,
27 shall be covered or concealed in any manner whatsoever, without
28 first obtaining the written approval of the Building Inspector
29 and the Chief of the Fire Department.

30 For such installations, said officials shall, upon noti-
31 fication from the permit holder or his agent, make the following
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1 inspections and shall either approve that portion of the instal-
2 lation as completed, or shall notify the permit holder or his
3 agent wherein the same fails to comply with the law.

4 Foundation Inspection: To be made after trenches are
5 excavated and the necessary forms erected, and when all necessary
6 materials for the foundations are delivered on the job.

7 Pipe Inspection: To be made after all pipes are in place.
8 Said inspection may include an air pressure test upon the piping.

9 Final Inspection: To be made after the installation is
10 completed and is ready for occupancy.

11 SECTION 7. Wherever butane or other liquified petroleum
12 gas is used for domestic purposes in the City of Modesto, proper
13 notice shall be given to the Fire Marshall by the person installing
14 butane and equipment for maintaining and using the same, and
15 installation thereof shall not commence until an inspection is
16 made of said equipment and apparatus and approval thereof given
17 by said Fire Marshall.

18 SECTION 8. Nothing herein contained shall be construed
19 to require any insurance or other proof of ability to respond
20 in damages to be furnished by any person storing, keeping or main-
21 taining butane or other liquified petroleum gases, where said
22 person stores less than 400 gallons thereof and/or where there is
23 no transferring of said gases from one container to another.

24 SECTION 9. No person, firm or corporation within the city
25 of Modesto where butane or other liquified petroleum gas is al-
26 lowed to be stored, shall keep or maintain more than 1500 gallons
27 thereof in any one tank, each of which tanks must be at least
28 50 feet from any building or property line, and each of which
29 tanks must be at least 5 feet apart.

30 SECTION 10. All containers, however small, used for the
31 purpose of holding and storing butane and other liquified
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1 petroleum gases, shall be properly marked or designated in such
2 a manner that it will be evident to any person seeing the same
3 that said container or containers are used for keeping and stor-
4 ing said butane and/or other liquified petroleum gases.

5 SECTION 11. Any person violating any of the provisions
6 or failing to comply with any of the regulatory requirements of
7 this ordinance shall be guilty of a misdemeanor. Any person con-
8 victed of a misdemeanor under the provisions of this ordinance
9 shall be punishable by a fine of not more than \$500.00 or by im-
10 prisonment in the city jail for a period of not more than six
11 months, or by both such fine and imprisonment. Each such person
12 shall be guilty of a separate offense for each and every day
13 during any portion of which any violation of any provision of this
14 ordinance is committed, continued or permitted by such person and
15 shall be punishable accordingly. In addition to the penalties
16 hereinabove provided, any condition caused or permitted to exist
17 in violation of any of the provisions of this ordinance shall be
18 deemed a public nuisance and may be, by the city of Modesto,
19 summarily abated as such.

20 SECTION 12. This ordinance shall be published in full
21 at least once at least three days prior to its final adoption in
22 the the Modesto Bee, the official newspaper of the City of Modesto.

23 SECTION 13. This ordinance shall go into effect and be
24 in full force and operation from and after 15 days after its
25 final passage and adoption.

26 The foregoing ordinance was introduced at a regular
27 meeting of the Council of the City of Modesto held on the 24th
28 day of May, 1939, by Councilman Stanley, who
29 moved its adoption and passage to print as aforesaid, which
30 motion being duly seconded was upon roll call carried, and the
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1 ordinance ordered published as above by the following vote:

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4 Ayes: Councilmen: Barnell, Bates, Neece, Stanley and Mayor Shannon

5 Noes: Councilmen: None

6 Absent: Councilmen: None

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10 APPROVED: Carle N. Shannon
11 MAYOR OF THE CITY OF
12 MODESTO.

13 ATTEST: McGuffey
14 CITY CLERK OF THE CITY OF
15 MODESTO.
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2 The foregoing ordinance, having been introduced and
3 ordered printed and published at a regular meeting of the
4 Council of the City of Modesto held on the 24th day of May, 1939,
5 and subsequently printed and published as required by the Charter
6 of the City of Modesto and coming on for final adoption at the
7 regular meeting of July 12, 1939, it was upon roll call so finally
8 defeated by the following vote:

9 Ayes: Councilmen: None

10 Noes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

11 Absent: Councilmen: None

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13 APPROVED: Carl W. Shannon
MAYOR

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15 ATTEST NE Gray
CITY CLERK

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SPECIAL
NOT IN CODE

ORDINANCE NO. 607-N.S.

AN ORDINANCE APPROPRIATING MONEY AND PROVIDING FOR THE PURCHASE OF REAL PROPERTY

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

SECTION 1. The sum of Three Thousand Eight Hundred Twenty Two Dollars and Thirty Cents (\$3822.30), or so much thereof as may be necessary is hereby appropriated from the Beard Park Improvement Fund of the City of Modesto as partial payment for the purchase of the following described real property:

All of Lot 4 of the La Rio Park Tract recorded in Official Records Vol. 5, Page 9 of Maps as recorded in the office of the County Recorder, Stanislaus County, California, containing 25.482 acres, more or less;

SECTION 2. This Ordinance shall go into effect from and after fifteen days after its final passage and adoption. It shall be published in full at least once, at least three days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

SECTION 3. The foregoing Ordinance was introduced at a special meeting of the Council of the City of Modesto held on the 18th day of July, 1939 by Councilman Neece, who moved its adoption and passage to print, which motion being duly seconded, was carried and the Ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED: Carl W. Shannon
CARL W. SHANNON, MAYOR

ATTEST: H. E. Gragg
H. E. GRAGG, CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 18th day of July, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of July 26, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: *Paul H. Shannon*
MAYOR

ATTEST: *H. E. Gray*
CITY CLERK

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Amended by
Ord 823 N.S.
Repealed by
Ord 1651 N.S.

ORDINANCE NO. 608 N. S.

AN ORDINANCE REGULATING THE STORAGE AND/OR INSTALLATION OF PLANTS AND AUTOMOBILE FILLING STATIONS HANDLING AND/OR DEALING IN BUTANE AND OTHER LIQUIFIED PETROLEUM GASES, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

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

SECTION 1. No person, firm, or corporation shall establish, conduct, maintain, or use any building, structure, parcel of land or premises as a storage plant or automobile filling station for the handling and/or dealing in butane and/or any liquified petroleum gas, or any mixture thereof, without obtaining a written permit therefor from the Fire Marshall of the City of Modesto.

The application for said permit shall be filed with the City Clerk of said City and shall contain sufficient data to inform the Fire Marshall of the location, nature, character and extent of the proposed installation or storage of said gases.

Said application shall be by said Clerk referred to the Fire Marshall, who shall attach thereto a report stating whether the proposed installation is in the proper zone and such other facts as may be relevant and material to the application.

SECTION 2. No license shall be issued under the provisions of this ordinance until evidence has been submitted to the City Council of the City of Modesto that the person, firm, or corporation applying for a license hereunder has the ability to respond in damages resulting from the ownership or operation of said plant and or filling station used by said person, firm or corporation and arising by reason of personal injury to, or death of any one person, of at least \$5,000.00, and/or at least \$20,000.00 for such injury to, or death of, two or more persons

REPEALED BY
MUNICIPAL CODE

REPEALED BY
MUNICIPAL CODE

1 in any one accident, and for damages to property of at least
2 \$1,000.00 resulting from any one accident.

3 Such proof of ability to respond in damages may be given
4 as follows: The written certificate or certificates of any in-
5 surance carrier duly authorized to do business within this State
6 that it issued to or for the benefit of the said person, firm or
7 corporation named therein, a public liability policy in lawful
8 form in the limits above named covering damages arising out of the
9 use and operation of said plant and/or filling station owned or
10 used by said person, firm or corporation, and that said policy is,
11 and will be, during the period of such license, in full force and
12 effect.

13 SECTION 3. No butane or other liquified petroleum gases
14 shall be stored, kept, sold or delivered in Fire Zone No. 1 of
15 the City of Modesto, as said Fire Zone is designated and outlined
16 in Ordinance No. 386, N. S. of the City of Modesto, or as the same
17 may be hereafter designated by any amendment to Ordinance No. 386
18 N. S. of the City of Modesto. The prohibition against storing,
19 keeping, selling or dealing in said gases in Fire Zone No. 1
20 includes storage of or keeping the same for domestic use.

21 SECTION 3.1. Any person, firm or corporation keeping,
22 storing or maintaining butane or other liquified petroleum gases
23 in quantities greater than 400 gallons (water capacity) is hereby
24 prohibited from keeping the same in any portion of the city
25 limits of the City of Modesto, save and except within the boundar-
26 ies of the hereinafter described property:

27 Beginning at a point at the intersection
28 of the center lines of 9th Street and B Street;
29 thence Northeasterly along the said center line
30 of B Street, and the said center line of B Street,
31 extended and produced to its intersection with the
32 Westerly Property Line of Morton Boulevard, ex-
tended and produced; thence Southerly along the
said Westerly Property Line of Morton Boulevard,
extended and produced, and the said Westerly
Property Line of Morton Boulevard, to its inter-
section with the Southerly Property Line of the said

1 Morton Boulevard, extended and produced; thence
2 Easterly along the said Southerly Property Line
3 of Morton Boulevard, extended and produced to its
4 intersection with the center line of Beard Brook;
5 thence Southeasterly along the said center line of
6 Beard Brook, to its intersection with a line which
7 is extended and produced from a line which is 500
8 feet Southerly from, and parallel with the said
9 Southerly Property Line of Morton Boulevard; thence
10 Westerly along the said line which is extended and
11 produced from the line which is 500 feet Southerly
12 from and parallel with the said Southerly Property
13 Line of Morton Boulevard, and continuing along the
14 said line which is 500 feet Southerly from and
15 parallel with the said Southerly Property Line of
16 Morton Boulevard, to the center line of the Southern
17 Pacific Railroad main line track, which is located
18 Northeasterly from the Northeasterly Property Line
19 of 7th Street; thence Northwesterly along the said
20 center line of the Southern Pacific Railroad main line
21 track, to its intersection with the Southeasterly
22 Property Line of E Street, extended and produced;
23 thence Northeasterly along the said Southeasterly
24 Property Line of E Street, extended and produced,
25 to a point which is 175 feet Southwesterly from
26 the Southwesterly Property Line of 9th Street;
27 thence Southeasterly along a line which is 175 feet
28 Southwesterly from and parallel with the said
29 Southwesterly Property Line of 9th Street, to its
30 intersection with the said center line of B Street;
31 thence Northeasterly along the said center line of
32 B Street, to the point of beginning.

18 SECTION 4. All installation of automobile filling sta-
19 tions and plants for the storage of butane and/or any liquified
20 petroleum gases must comply with the rules and regulations as may
21 now or hereafter be prescribed and issued by the Industrial Acci-
22 dent Commission of the State of California, under the title of
23 Liquified Petroleum Gases Safety Orders, for such installations.
24 All of said installations shall be above the ground.

25 SECTION 5. All dispensing apparatus and equipment used
26 for dispensing, transferring or the delivery of butane and all
27 liquified petroleum gases shall at all times be maintained in
28 good working condition and repair, and be adequately protected
29 from injury. Every power driven meter-type dispensing apparatus
30 shall be equipped, maintained and used with automatic power control
31 when used for dispensing butane or other liquified petroleum
32 gases.

1 The Fire Marshall of the City of Modesto and his depu-
2 ties shall have access to all premises where butane and/or other
3 liquified petroleum gases are stored and/or dispensed, for the
4 purpose of inspecting any apparatus used thereon. In the event
5 said Fire Marshall determines that said apparatus used in storing,
6 keeping, maintaining, dispensing or delivering said butane or
7 other liquified petroleum gases is defective or dangerous to the
8 general welfare and health of the citizens of the City of Modesto,
9 said Fire Marshall may give written notice to the person in
10 charge of said premises whereon or wherein said defective equip-
11 ment is situated, requiring said person to attend, within five
12 days from the date of said notice, before the City Council of the
13 City of Modesto to show cause why the license to keep, store or
14 dispense said gases on said premises should not be revoked.

15 The person, firm or corporation cited to appear before
16 said Council to show cause why said license should not be revoked
17 may appear either in person or by counsel. If at the conclusion
18 of said hearing, said City Council determines that the apparatus
19 and/or equipment for the storage or dispensing of butane and
20 other liquified petroleum gases on said premises is defective and
21 dangerous, said license to keep, store, maintain or dispense said
22 butane and/or other liquified petroleum gases shall be by said
23 City Council revoked.

24 SECTION 6. No structural portion of any part of any
25 building, or structures which may be permitted under this ordin-
26 ance, shall be covered or concealed in any manner whatsoever,
27 without first obtaining the written approval of the Building
28 Inspector and the Chief of the Fire Department. All parts or
29 portions of buildings and/or structures shall be of masonry or
30 reinforced concrete or steel frame and metal covering, or a
31 combination of either type of construction. All such structures
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1 shall likewise conform to the structural requirements of the
2 Building Ordinance of the City of Modesto, No. 387, N. S.

3 For such installations, said officials shall, upon noti-
4 fication from the permit-holder or his agent, make the following
5 inspections and shall either approve that portion of the instal-
6 lation as completed, or shall notify the permit-holder or his
7 agent wherein the same fails to comply with the law.

8 Foundation inspection: To be made after trenches are
9 excavated and the necessary forms erected, and when all necessary
10 materials for the foundations are delivered on the job.

11 Pipe inspection: To be made after all pipes are in place.
12 Said inspection may include an air pressure test upon the piping.

13 Final inspection: To be made after the installation is
14 completed and is ready for occupancy.

15 SECTION 7. Wherever butane or other liquified petroleum
16 gas is used for domestic purposes in the City of Modesto, proper
17 notice shall be given to the Fire Marshall by the person installing
18 butane and equipment for maintaining and using the same, and
19 installation thereof shall not commence until an inspection is
20 made of said equipment and apparatus and approval thereof given
21 by said Fire Marshall.

22 SECTION 8. Nothing herein contained shall be construed
23 to require any insurance or other proof of ability to respond
24 in damages to be furnished by any person storing, keeping or
25 maintaining butane or other liquified petroleum gases, where said
26 person stores less than 400 gallons (water capacity) thereof and
27 where there is no transferring of said gases from one container
28 to another, and where said gases remain in the original containers.

29 SECTION 9. No person, firm, or corporation, association
30 or partnership shall within the area hereinabove specifically
31 described, keep, maintain or store more than 15,000 gallons
32

1 (water capacity) of butane or other liquified petroleum gases in
2 any one tank. Each of said tanks must be at least 75 feet from
3 any equipment having an open flame, building, property line or
4 leased area boundary line. Clearance between each of said tanks
5 shall be not less than 10 feet.

6 SECTION 9.1. Wherever butane or other liquified
7 petroleum gases are stored or used in quantities greater than
8 400 gallons (water capacity) in the City of Modesto, said area
9 shall be completely fenced, said fence to be not less than 5 feet
10 in height and constructed of galvanized iron fencing not less than
11 14 guage, with openings not greater than 6 inches in any dimension.
12 The posts of said fence shall be constructed of masonry, rein-
13 forced concrete or metal.

14 SECTION 10. All containers, however small, used for the
15 purpose of holding and storing butane and other liquified
16 petroleum gases, shall be properly marked or designated in such
17 a manner that it will be evident to any person seeing the same
18 that said container or containers is or are used for keeping and
19 storing said butane and/or other liquified petroleum gases.

20 SECTION 11. Any person violating any of the provisions
21 or failing to comply with any of the regulatory requirements of
22 this ordinance shall be guilty of a misdemeanor. Any person con-
23 victed of a misdemeanor under the provisions of this ordinance
24 shall be punishable by a fine of not more than \$500.00 or by im-
25 prisonment in the City Jail for a period of not more than six
26 months, or by both such fine and imprisonment. Each such person
27 shall be guilty of a separate offense for each and every day
28 during any portion of which any violation of any provision of this
29 ordinance is committed, continued or permitted by such person and
30 shall be punishable accordingly. In addition to the penalties
31 hereinabove provided, any condition caused or permitted to exist
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1 in violation of any of the provisions of this ordinance shall be
2 deemed a public nuisance and may be, by the City of Modesto,
3 summarily abated as such.

4 SECTION 12. This ordinance shall be published in full
5 at least once at least three days prior to its final adoption in
6 the The Modesto Bee, the official newspaper of the City of Modesto.

7 SECTION 13. This ordinance shall go into effect and be
8 in full force and operation from and after 15 days after its
9 final passage and adoption.

10 The foregoing ordinance was introduced at a regular
11 meeting of the Council of the City of Modesto held on the 18th
12 day of July, 1939, by Councilman Stanley, who
13 moved its adoption and passage to print as aforesaid, which
14 motion being duly seconded was upon roll call carried, and the
15 ordinance ordered published as above by the following vote:

16
17 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
18 Noes: Councilmen: None
19 Absent: Councilmen: None
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22 APPROVED:

Carl N. Shannon
MAYOR OF THE CITY OF MODESTO

23
24 ATTEST:

H. C. Gage
CITY CLERK
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 18th day of July, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of July 26, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED

Carl H. Shannon
MAYOR

ATTEST

W. E. [unclear]
CITY CLERK

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SPECIAL
NOT IN CODE

ORDINANCE NO. 609 N. S.

AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE OF REAL PROPERTY BY THE CITY OF MODESTO.

---ooOoo---

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

SECTION 1. The sum of One Thousand Three Hundred Sixty-Six Dollars and Eighty Cents (\$1,366.80), or so much thereof as may be necessary, is hereby appropriated from the General Fund of the City of Modesto for the purchase by said City of Lots 1 and 2 of SIERRA SUBDIVISION, more specifically described in Volume 11 of Maps at page 31, dated July 14, 1936, Stanislaus County Records.

SECTION 2. This ordinance shall go into effect from and after fifteen days after its final passage and adoption. It shall be published in full at least once, at least three days prior to its final adoption in the *The Modesto Bee*, the official newspaper of the City of Modesto.

SECTION 3. The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1939, by Councilman Bates, who moved its adoption and passage to print, which motion being duly seconded, was carried and the ordinance ordered printed and published by the following vote:

- Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
- Noes: Councilmen: None
- Absent: Councilmen: None

APPROVED:

Paul H. Shannon
MAYOR.

ATTEST:

H. C. Gray
CITY CLERK.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 26th day of July, 1939 and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of August 9, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: C. W. Shannon
MAYOR

ATTEST: *W. G. Gray*
CITY CLERK

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ORDINANCE NO. 610-N.S.

SPECIAL
NOT IN CODE

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3 AN ORDINANCE APPROPRIATING MONEY AND PROVIDING FOR THE PURCHASE OF
4 MATERIALS FOR THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF MODESTO
5 AND APPROPRIATING MONEY AND PROVIDING FOR THE CONSTRUCTION OF A WELL

6 ---000---

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

8 Section I. The sum of Three Thousand Five Hundred
9 (\$3500.00), or so much thereof as may be necessary, is hereby
10 appropriated from the Water Fund of the City of Modesto for the
11 purchase of water pipe and fittings.

12 Section II. The sum of Two Thousand Five Hundred
13 Dollars (\$2500.00), or as much thereof as may be necessary, is
14 hereby appropriated from the Water Fund of the City of Modesto for
15 drilling and furnishing casing for a well.

16 Section III. The City Engineer shall, upon the
17 adoption of this ordinance, from time to time, as required by the
18 Council of the City of Modesto, file with the Council plans and
19 specifications, where necessary, for the materials and construction
20 work outlined above; and the City Clerk shall, from time to time
21 as directed by the Council, advertise for bids for said materials
22 and construction work, when necessary, and bids shall be received
23 and accepted and contracts awarded therefor as the Council may
24 hereafter by resolution determine and prescribe.

25 Section IV. This Ordinance shall go into effect from
26 and after fifteen days after its final passage and adoption, It
27 shall be published in full at least once, at least three days prior
28 to its final adoption in the Modesto Bee, the official Newspaper
29 of the City of Modesto.

30 Section V. The foregoing Ordinance was introduced at
31 a regular meeting of the Council of the City of Modesto held on
32 August 9, 1939, by Councilman Barnell, who moved its adoption



1 and passage to print, which motion was duly seconded, was carried
2 and the Ordinance ordered printed and published by the following
3 vote;

4 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

5 Noes: Councilmen: None

6 Absent: Councilmen: None

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APPROVED *Paul H. Shannon* Mayor

ATTEST *[Signature]* City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 9th day of August, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of August 23, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: *Paul H. Shannon*
MAYOR

ATTEST: *W. C. Gray*
CITY CLERK

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NOT SPECIAL
IN CODE

ORDINANCE NO. 611-N.S.

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF
MODESTO FOR THE FISCAL YEAR 1939-1940

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

SECTION 1

There is hereby levied upon the assessed valuation
of the property in the City of Modesto, County of Stanislaus, State
of California, for the fiscal year beginning July 1, 1939 and
ending June 30, 1940, the rates of taxation, hereinafter speci-
fied, said rates being upon each One Hundred Dollars (\$100.00) of
the valuation according to the equalized assessment roll, to-wit:

FOR THE GENERAL FUND-----\$.84
on each One Hundred Dollars taxable valuation

FOR THE BOND REDEMPTION AND INTEREST FUND:

- (a) Municipal Improvement Bonds of 1910 \$.019
- (b) Municipal Improvement Bonds of 1911 .004
- (c) Municipal Improvement Bonds of 1912 .015
- (d) Municipal Improvement Bonds of 1919 .016
- (e) Municipal Improvement Bonds of 1920 (Jan.) .077
- (f) Municipal Improvement Bonds of 1920 (June) .012
- (g) Municipal Improvement Bonds of 1923 .017

BEING A TOTAL OF----- .16
of each One Hundred Dollars in valuation of property taxable for
the redemption of bonds and the payments of interest thereon that
shall accrue during said fiscal year:

FOR THE LIBRARY FUND----- .10
on each One Hundred Dollars of taxable valuation

THE AGGREGATE OF SAID SUMS TO-WIT-----\$1.10
on each One Hundred Dollars valuation as determined by the
equalized assessment roll for the year 1939-40 on all
property taxable in the City of Modesto for said purpose is
hereby levied and apportioned to and shall be paid into
the above funds respectively of said City. The rates above
specified shall be in addition to those required to be
levied under the general laws of the State of California

1 for the purpose of paying principal and interest on street im-
2 provement and interest on street improvement bonds in local im-
3 provement districts.

4 SECTION 2

5 Be it further provided that anything to the contrary hereto-
6 fore set forth, there shall be and there is hereby declared to be
7 a different rate of taxation levied upon certain property situate
8 in the City of Modesto, to-wit, Southern Campus Tract, Hawkins
9 Tract and that portion of the Leslie-Hugh Tract recently annexed
10 to the City of Modesto. Said tax rate for said Southern Campus
11 Tract, Hawkins Tract and that portion of the Leslie-Hugh Tract
12 annexed as aforesaid shall be and is hereby declared to be as
13 follows:

14 FOR THE GENERAL FUND.....\$.84
15 on each One Hundred Dollars taxable valuation

16 FOR THE LIBRARY FUND..... .10
17 on each One Hundred Dollars of taxable valuation

18 The aggregate of said sums, to-wit: \$.94
19 on each One Hundred Dollars valuation as determined
20 by the equalized assessment roll for the year 1939-40

21 The tax rate upon said Southern Campus Tract, Hawkins Tract,
22 and that portion of the Leslie-Hugh Tract now a portion of the
23 City of Modesto is different from the tax rate herein set for the
24 balance of the property within the City of Modesto by reason of
25 the fact that said territory has recently been annexed to and made
26 a part of the City of Modesto under a provision of the State Law
27 which does not permit the said City to levy taxes upon said an-
28 nexed property for any past bonded indebtedness owed by said City,
29 and incurred before said territory became a part of said City.

30 SECTION 3

31 This ordinance shall take effect immediately upon its final
32 passage and adoption.

SECTION 4

This ordinance shall be published in full at least once at

1 least three days prior to its final adoption in the The Modesto
2 Bee, the official newspaper of the City of Modesto.

3 The foregoing ordinance was introduced at a regular meeting
4 of the council of the City of Modesto held on the 23rd day of
5 August, 1939, by Commissioner Neece who moved its adoption
6 and passage to print, which motion being duly seconded, the
7 ordinance was upon roll call ordered printed and published as
8 required by the Charter of the City of Modesto by the following
9 vote:

10 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
11 Noes: Councilmen: None
12 Absent: Councilmen: None

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16 APPROVED: Carl W. Shannon
17 CARL W. SHANNON, MAYOR.

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19 ATTEST: H. E. Gragg
H. E. GRAGG, CITY CLERK.

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of September 13, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Carroll W. Shannon Mayor

ATTEST H. E. Gragg City Clerk

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NOT SPECIAL IN CODE

AN ORDINANCE APPROPRIATING MONEY AND PROVIDING FOR THE PURCHASE OF MATERIALS FOR THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF MODESTO.

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

Section I. The sum of Three Thousand Five Hundred Dollars (\$3,500.00), or so much thereof as may be necessary, is hereby appropriated from the general fund of the City of Modesto for the purchase of Vitrified Sewer Pipe.

Section II. The City Engineer shall, upon the adoption of this Ordinance, from time to time, as required by the Council of the City of Modesto, file with the Council plans and specifications, where necessary, for the materials and construction work outlined above; and the City Clerk shall, from time to time as directed by the Council, advertise for bids for said materials and construction work, when necessary, and bids shall be received and accepted and contracts awarded therefor as the Council may hereafter by resolution determine and prescribe.

Section III. This Ordinance shall go into effect from and after fifteen days after its final passage and adoption. It shall be published in full at least once, at least three days prior to its final adoption in the Modesto Bee, the official Newspaper of the City of Modesto.

Section IV. The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on August 23, 1939, by Councilman Barnell, who moved its adoption and passage to print, which motion we duly seconded, was carried and the Ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
Nees: Councilmen: None
Absent: Councilmen: None

Approved Carroll Hanna Mayor

Attest H. E. Gregg City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of September 13, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Carl H. Shannon Mayor

ATTEST H. E. Gray City Clerk

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AN ORDINANCE APPROPRIATING MONEY AND PROVIDING FOR THE PURCHASE OF MATERIALS FOR THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF MODESTO.

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

Section I. The sum of Six Thousand Five Hundred Dollars (\$6500.00), or so much thereof as may be necessary, is hereby appropriated from the Water Fund of the City of Modesto for the purchase of Water Pipe and Fittings.

Section II. The sum of Three Thousand Dollars, (\$3000.00), or so much thereof as may be necessary, is hereby appropriated from the General Fund of the City of Modesto for the purchase of Concrete Materials.

Section III. The sum of One Thousand Ninety Dollars, (\$1090.00), or so much thereof as may be necessary, is hereby appropriated from the General Fund of the City of Modesto for the purchase of Vitrified Pipe and Sanitary Sewer Appurtenances.

Section IV. The City Engineer shall, upon the adoption of this Ordinance, from time to time, as required by the Council of the City of Modesto, file with the Council plans and specifications, where necessary, for the materials and construction work outlined above; and the City Clerk shall, from time to time as directed by the Council, advertise for bids for said materials and construction work, when necessary, and bids shall be received and accepted and contracts awarded therefor as the Council may hereafter by resolution determine and prescribe.

Section V. This Ordinance shall go into effect from and after fifteen days after its final passage and adoption. It shall be published in full at least once, at least three days prior to its final adoption in the Modesto Bee, the official Newspaper of the City of Modesto.

1 Section VI. The foregoing Ordinance was introduced at a
2 regular meeting of the Council of the City of Modesto held on
3 September 13, 1939, by Councilman Bates, who moved its
4 adoption and passage to print, which motion we duly seconded, was
5 carried and the Ordinance ordered printed and published by the
6 following vote:

7 Ayes Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

8 Nays Councilmen: None

9 Absent Councilmen: None

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12 Approved Luc W Shannon Mayor

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14 Attest St. Gray City Clerk

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of September 27, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece and Mayor pro tem Stanley

Noes: Councilmen: None

Absent: Councilmen: Mayor Shannon

APPROVED: C. J. Stanley
MAYOR PRO TEM

ATTEST: H. E. Gray
CITY CLERK

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SPECIAL
NOT IN CODE

ORDINANCE NO. 614 N. S.

2 AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE
3 CITY OF MODESTO.

4 ---ooOoo---

5 WHEREAS, on the 23rd day of March, 1939, under
6 and by virtue of the terms of Section 1083D of the Political Code
7 of the State of California, there was printed and/or caused to be
8 printed in the The Modesto Tribune, a newspaper of general circu-
9 lation published in the City of Modesto, County of Stanislaus,
10 State of California, by Reese R. Esgar, Zola M. Esgar, M. L.
11 Alcorn, William T. Alcorn, Lawrence Alcorn, Boyd G. Looney,
12 Nannie D. Looney and Anna L. Peebler, a notice of intention to
13 circulate petition for annexation of the territory hereinafter
14 described, said notice containing a statement not exceeding five
15 hundred words, setting forth the reason for the proposed petition; and,

16 WHEREAS, thereafter, to-wit, on the 24th day of May,
17 1939, there was received by the City Council of the City of
18 Modesto, a municipal corporation, which said City Council is the
19 legislative body of said municipal corporation, a written petition
20 signed by not less than one-fourth in number of all the qualified
21 electors residing within the territory therein and hereinafter
22 described, as shown by the registration of voters in the County
23 in which such territory is situated, asking that such territory
24 be annexed to the City of Modesto, and asking that the question
25 to be submitted to the electors residing in the territory pro-
26 posed by said petition to be annexed to said City of Modesto
27 shall be whether such new territory shall be annexed to, incor-
28 porated in, and made a part of said municipal corporation, and
29 the property therein be not, after such annexation, subject to
30 taxation equally with the property within such municipal corpora-
31 tion to pay the bonded indebtedness of said City of Modesto out-

1 standing at the date of the filing of such petition theretofore
2 authorized; and,

3 WHEREAS, the petition for annexation of said territory
4 as filed with the City Council of the City of Modesto was so
5 filed more than twenty-one days after the publication in said
6 The Modesto Tribune of said notice of intention to circulate said
7 petition; and,

8 WHEREAS, thereafter and pursuant to said petition, an
9 election was called to submit to the qualified electors in the
10 territory proposed by said petition and notice to be annexed to
11 the said City of Modesto the said question as hereinbefore stated,
12 which said election was thereafter, to-wit, on the 5th day of
13 September, 1939, held in accordance with the said order and
14 resolution herein referred to, and in accordance with the statutes
15 in such case made and provided; and,

16 WHEREAS, the proper officers of said election did there-
17 upon and thereafter deliver the ballots, tally sheets and returns
18 of said election to and deposit the same with the Clerk of the
19 legislative body of said municipal corporation, to-wit, the Clerk
20 of the City Council of the City of Modesto, and the said City
21 Council did thereafter and at the time provided by law meet and
22 proceed to canvass said returns and did find therefrom that
23 within the said election precinct, which constituted the whole
24 of said territory proposed to be annexed, the total number of
25 votes cast was 11 votes, that the total number of votes
26 cast in favor of said proposition was 11 votes, and that
27 the number of votes cast against said proposition was 0,
28 and that said proposition carried. The said City Council did
29 thereupon immediately upon the completion of said canvass cause a
30 record thereof to be made and entered upon its minutes, stating
31 the proposition submitted, and showing the whole number of votes
32

1 cast thereon in the territory proposed to be annexed, the number
2 of votes cast therein in favor of annexation and the number of
3 votes cast therein against annexation, and that all of the mat-
4 ters and things required by law to be done in the premises have
5 been done and complied with, and that a majority of all the votes
6 cast in such outside territory on the question of annexation, as
7 hereinabove stated, were cast in favor of such annexation:

8 NOW, THEREFORE, the Council of the City of Modesto do
9 ordain as follows:

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

14 Beginning on the section line between
15 Sections 21 and 28, T. 3 S., R. 9 E., M. D.
16 B. & M., at the Northeasterly City Limits corner
17 in the intersection of Lucern Avenue, so called,
18 and El Vecino Avenue, so called; thence N 89° -
19 57' W, 659.26 feet, along the said section line
20 between Sections 21 and 28, and the Northerly
21 City Limits, in said Lucern Avenue; thence
22 N 0° - 48' - 30" W, 267.24 feet; thence S 89° -
23 47' E, 659.41 feet, to the center line of Orange
24 Avenue, so called; thence Northerly along the
25 said center line of Orange Avenue, a distance of
26 64.18 feet, to its intersection with the Northerly
27 line of the Southerly one half of Lot 3 of the
28 Rice Colony; thence Easterly along the said
29 Northerly line of the Southerly one half of Lot 3
30 of the Rice Colony, a distance of 359.74 feet;
31 thence Southerly to a point on the said section
32 line between Sections 21 and 28, in said Lucern
Avenue, the said point being at a distance of
359.74 feet Easterly from the beginning; thence
Easterly along the said section line between
Sections 21 and 28, in said Lucern Avenue, a
distance of 474.70 feet; thence Southerly to a
point on the Southerly property line of Morris
Avenue, extended and produced, the said point
being at a distance of 834.44 feet Easterly from
the Easterly City Limits; thence Westerly along the
said Southerly property line of Morris Avenue, ex-
tended and produced a distance of 834.44 feet,
to the said Easterly City Limits; thence Northerly
along the said Easterly City Limits, in the said
El Vecino Avenue, to the beginning.

The above description is contained within

1 Sections 21 and 28, T. 3 S., R. 9 E., M. D. B.
2 & M.; and Lot 3 of the Rice Colony, is as
3 designated according to the Map recorded in
4 Maps, Volume 1, Page 54, Stanislaus County
5 Records; and the names of the Avenues, are as
6 known, and so called, and the City Limits are
7 as shown on the Official Map of the City of
8 Modesto, Stanislaus County, California, dated
9 March 23, 1938,

10 be approved.

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

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

25 SECTION 4. That the said territory hereinabove described
26 shall not, after such annexation, be subject to taxation equally
27 with the property within such municipal corporation to pay the
28 bonded indebtedness of said municipal corporation outstanding at
29 the date of said annexation or indebtedness theretofore authorized.

30 SECTION 5. This ordinance shall take effect and be in
31 full force and operation upon the filing of a certified copy there-
32 of, together with a copy of the record of said canvass as specified
in Section 2 hereof, with the Secretary of State of California,
but in any event not less than fifteen days after its final passage
and adoption.

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SECTION 6. It is further ordered that this ordinance be published in full at least once at least three days prior to its final passage and adoption in the The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced by Councilman Bates, who moved its adoption and passage to print, which motion being duly seconded, was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED: Carl W. Shannon
CARL W. SHANNON, MAYOR.

ATTEST: H. E. Gragg
H. E. GRAGG, CITY CLERK.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of September 27, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece and Mayor pro tem Stanley

Noes: Councilmen: None

Absent: Councilmen: Mayor Shannon

APPROVED: C. J. Stanley
MAYOR PRO TEM

ATTEST: St. Gray
CITY CLERK



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SPECIAL
NOT IN CODE

ORDINANCE NO. 615-N.S.

AN ORDINANCE APPROPRIATING MONEY FOR PURPOSES OF PROMOTING THE
GENERAL WELFARE OF THE CITIZENS OF MODESTO

---oOo---

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

SECTION 1. The sum of Two Thousand Four Hundred Dollars(\$2,400.00), or so much thereof as may be necessary, is hereby appropriated out of that particular part of the General Fund of the City of Modesto supplied and created by the payment of the \$5.00 registration fee required of all persons doing business in the City of Modesto under and by virtue of the provisions of Section 101 of Ordinance No. 487-N.S., entitled "AN ORDINANCE PROVIDING FOR LICENSING AND REGULATING THE CARRYING ON OF CERTAIN PROFESSIONS, TRADES, CALLINGS AND OCCUPATIONS IN THE CITY OF MODESTO, PROVIDING THE METHOD OF COLLECTING SUCH LICENSES, AND REPEALING CERTAIN ORDINANCES." Said sum is hereby appropriated for the purpose of promotion and/or for the general welfare of the citizens of the City of Modesto under and by virtue of the power conferred on said City Council by Section 67, Article 5, Charter of the City of Modesto.

SECTION 2. This Ordinance shall go into effect from and after 15 days after its final passage and adoption.

SECTION 3. This Ordinance shall be published in full at least once, at least 3 days prior to its final adoption, in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1939, by Councilman Bates who moved its adoption and passage to print, which motion being duly seconded,

1 was carried and the Ordinance ordered printed and published as
2 above by the following vote:

3 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

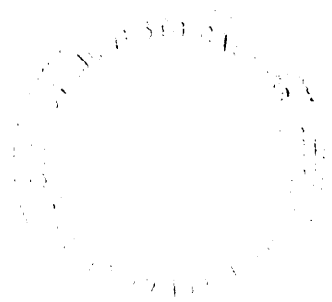
4 Noes: Councilmen: None

5 Absent: Councilmen: None

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APPROVED Carl W Shannon
CARL W. SHANNON, MAYOR

ATTEST H. E. Graeg
H. E. GRAEG, CITY CLERK



FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of September 27, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece and Mayor pro tem Stanley

Noes: Councilmen: None

Absent: Councilmen: Mayor Shannon

APPROVED: C. J. Stanley
MAYOR PRO TEM

ATTEST: H. E. Gray
CITY CLERK

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REPEALED BY
MUNICIPAL CODE

ORDINANCE NO. 616-N.S.

AN ORDINANCE AMENDING SECTION 19 OF ORDINANCE NO. 345-N.S. (TRAFFIC ORDINANCE) AND RESCINDING ORDINANCE NO. 359-N.S. ENTITLED "AN ORDINANCE AMENDING SECTION 19 OF ORDINANCE NO. 345-N.S."

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

Section 1

Section 19 of Ordinance No. 345-N.S. entitled, "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO" is hereby amended so as to read as follows:

"Section 19. WHEN TURNING AROUND AT INTERSECTIONS PROHIBITED---The operator of a vehicle shall not within the following intersections, between the hours of nine (9) A.M., and Nine (9) P.M. turn such vehicle in a complete circle, or so as to proceed in the opposite direction, to-wit: The intersections of Tenth Street with G, H, I, J, K and L. Streets, respectively; the intersections of Eleventh Street, H, I, and J Streets, respectively."

Section 2

Ordinance No. 359-N.S. entitled "AN ORDINANCE AMENDING SECTION 19 OF ORDINANCE NO. 345-N.S. (TRAFFIC ORDINANCE) is hereby rescinded.

Section 3

This ordinance shall go into full force and effect from and after fifteen days after its final passage and adoption.

Section 4

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1939 by Councilman Stanley, who moved its adoption and passage to print, which motion being duly seconded,

REPEALED BY
MUNICIPAL CODE

1 it was carried and the Ordinance ordered printed and published as
2 above by the following vote:
3 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
4 Noes: Councilmen: None
5 Absent: Councilmen: None

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7 APPROVED Carl W. Shannon
CARL W. SHANNON, MAYOR

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9 ATTEST H. E. Gragg
H. E. GRAGG, CITY CLERK

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of September 27, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece and Mayor pro tem Stanley

Noes: Councilmen: None

Absent: Councilmen: Mayor Shannon

APPROVED: C. J. Stanley
MAYOR PRO TEM

ATTEST: H. E. Guss
CITY CLERK

SPECIAL
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ORDINANCE NO. 617 N. S.

AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE OF A TRACTOR
BY THE CITY OF MODESTO.

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

SECTION 1. The sum of One Thousand (\$1,000.00) Dollars
or so much thereof as may be necessary, is hereby appropriated
from the General Fund of the City of Modesto for the purchase
by said City of a tractor to be used and employed by the Depart-
ment of Public Works of said City in the performance of duties
imposed upon said Department of Public Works.

SECTION 2. This ordinance shall go into effect from and
after fifteen days after its final passage and adoption. It
shall be published in full at least once, at least three days
prior to its final adoption in the The Modesto Bee, the official
newspaper of the City of Modesto.

SECTION 3. The foregoing ordinance was introduced at a
special meeting of the Council of the City of Modesto held on the
28th day of September, 1939, by Councilman Barnell, who
moved its adoption and passage to print, which motion being duly
seconded, was upon roll call carried and the ordinance ordered
printed and published by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Mayor pro tem Stanley

Noes: Councilmen: None

Absent: Councilmen: Mayor Shannon

APPROVED:

C. J. Stanley
MAYOR. PRO TEM

ATTEST:

H. E. Gragg
H. E. GRAGG, CITY CLERK.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of October 11, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Mayor pro tem Stanley

Noes: Councilmen: None

Absent: Mayor Shannon

Approved


MAYOR PRO TEM

Attest


CITY CLERK

*Rescinded
By Ordinance 723-N.S.*

ORDINANCE NO. 618 N. S.

AN ORDINANCE AMENDING ORDINANCE NO. 432, N. S. ENTITLED: "AN ORDINANCE TO PROVIDE FOR THE ADMINISTRATION OF THE WATER DEPARTMENT OF THE CITY OF MODESTO, ESTABLISHING RULES AND REGULATIONS AND FIXING THE RATES TO BE CHARGED FOR WATER SERVICE," BY CONSOLIDATING SUBSECTIONS C AND D OF SECTION 4 (INSTALLATION COSTS), AND BY RENUMBERING CERTAIN SECTIONS.

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REPEALED BY
MUNICIPAL CODE

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

SECTION 1. Subsections C and D of Section 4 (Installation Costs) of Ordinance No. 432, N. S., entitled: "AN ORDINANCE TO PROVIDE FOR THE ADMINISTRATION OF THE WATER DEPARTMENT OF THE CITY OF MODESTO, ESTABLISHING RULES AND REGULATIONS AND FIXING THE RATES TO BE CHARGED FOR WATER SERVICE," are hereby amended by consolidating the same under the subheading "Subsection C of Section 4 (Installation Costs)". Said subsection C as amended shall read as follows:

C. Anything to the contrary herein stated, the City Council of the City of Modesto shall and does hereby have the power to enter into contracts with governmental agencies, including school districts, to supply water, water service and all things pertaining to the furnishing of water to said agencies, at rates different than those heretofore set forth and on a basis that is fair and equitable to all the parties concerned in said contracts.

Subsection E shall hereafter be relettered D.

SECTION 2. The following sections are hereby renumbered by reason of the fact that there occurs in said ordinance as now written two sections bearing the number 4 and two sections bearing the number 5:

Section 4 (Rules and Regulations) is hereby renumbered Section 6; that certain section now numbered 5 empowering the Superintendent of Water Works to make interpretations of this ordinance, is hereby renumbered Section 7; Section 6 is hereby

1 ~~Section 7~~ renumbered Section 8; Section 7 is hereby renumbered
2 Section 9; Section 8 is hereby renumbered Section 10; Section
3 9 is hereby renumbered Section 11; and Section 10 is hereby re-
4 numbered Section 12.

5 SECTION 3. This ordinance shall go into effect from
6 and after fifteen days after its final passage and adoption.

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

10 The foregoing ordinance was introduced at a special
11 meeting of the Council of the City of Modesto, held on the 30th
12 day of September, 1939, by Councilman Barnell, who moved
13 its adoption and passage to print, which motion being duly seconded
14 was upon roll call carried and the ordinance ordered printed and
15 published as above by the following vote:

16 Ayes: Councilmen: Barnell, Bates, Neece and Mayor pro tem Stanley

17 Noes: Councilmen: None

18 Absent: Councilmen: Mayor Shannon

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APPROVED:

C. J. Stanley
MAYOR PRO TEM

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ATTEST:

N. E. Gray
CITY CLERK

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FINAL ADOPTION CLAUSE

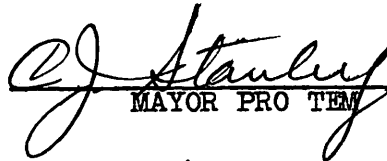
The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 27th day of September, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of October 11, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Mayor pro tem Stanley

Noes: Councilmen: None

Absent: Mayor Shannon

Approved


MAYOR PRO TEM

Attest


CITY CLERK

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NOT SPECIAL
IN CODE

ORDINANCE NO. 619 N. S.

AN ORDINANCE ACCEPTING CERTAIN BEQUESTS FROM THE ESTATE OF MARGHERITA MONOTTI, DECEASED, AND CREATING SPECIAL FUNDS THEREFOR.

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The Council of the city of Modesto do ordain as follows:

Section 1. WHEREAS, in the will of the late Margherita Monotti, also known as M. Monotti, Deceased, which said will bears date December 12, 1930, after making certain specific bequests to persons specified in said will, the following bequests were made:

"Fourth. I hereby direct my said-executor to sell all household goods, furnishings, silverware, jewelry, clothing and other personal effects owned by me at the time of my death as soon after my demise as can lawfully and conveniently be done, and I hereby give and bequeath the net proceeds arising from the sale thereof to the City of Modesto, in the County of Stanislaus, State of California, to be expended by said City of Modesto in such amounts as said city shall deem advisable in its absolute discretion for the use and benefit of worthy deserving and needy people of said City of Modesto as soon as such expenditures can be conveniently made by said City of Modesto."

"Sixth: Out of the rest, residue and remainder of my estate, whether the same may be real, personal or mixed, of whatever kind or character and wheresoever the same may be situated, of which I may die seized or possessed, or in which I may have any interest or right of testamentary disposition or power of appointment at the time of my death, I hereby give, devise and bequeath to the City of Modesto, situated in Stanislaus County, State of California, to be expended by said City for the improvement of the children's section of Graceada Park, Modesto, California." and,

Section 2. WHEREAS, the will of the said Margherita Monotti, also known as M. Monotti, has been admitted to probate in the Superior Court of the State of California, in and for the County of Stanislaus, proceedings had thereon in accordance with the laws of said State; and,

Section 3. WHEREAS, said estate is now ready for distri-

1 bution, and the City of Modesto is desirous of accepting the
2 bequests contained in said will and is further desirous of
3 complying with the terms of said bequests:

4 Section 4. NOW, THEREFORE, the Council of the City of
5 Modesto, on behalf of said City, does hereby accept said gifts
6 of the said Marghuerita Monotti, also known as M. Monotti,
7 deceased, as contained in her last will and testament.

8 Section 5. There is therefore created by said City
9 Council two separate funds to be hereafter known as "Monotti
10 Bequest Fund No. 1," and "Monotti Bequest Fund No. 2," The
11 City Auditor of the City of Modesto is by this ordinance directed
12 to deposit in said Monotti Bequest Fund No. 1 all moneys paid
13 to said City of Modesto under the provisions of the fourth
14 paragraph of the will of the said deceased, which moneys amount
15 to the sum of Sixty (\$60.00) Dollars.

16 The City Auditor of said City of Modesto is hereby fur-
17 ther ordered to deposit in Monotti Bequest Fund No. 2 all moneys
18 due to said City of Modesto under and by virtue of the terms
19 contained in the sixth paragraph of the will of said deceased,
20 which sum is in the amount of Ten Thousand Four Hundred Twenty-
21 Five Dollars and One Cent (\$10,425.01.)

22 Section 6. Said funds shall be separate from and shall
23 not commingle with any other funds belonging to or under the
24 control of the City of Modesto; they shall be under the direction
25 and control of the Council of the City of Modesto; no withdrawals
26 shall be made therefrom, except upon ordinance or resolution of
27 said City Council, and then only for the purpose of carrying out
28 the will and desire of the said Marghuerita Monotti, also known
29 as M. Monotti, deceased, as set forth in said paragraphs Fourth
30 and Sixth of the last will and testament of said deceased.

31 Section 7. This ordinance shall go into effect and be
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1 in full force and operation from and after fifteen days after
2 its final passage and adoption.

3 Section 8. This ordinance shall be published in full
4 at least once at least three days prior to its final passage and
5 adoption in the The Modesto Bee, the official newspaper of the
6 City of Modesto.

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8 The foregoing ordinance was introduced at a regular
9 meeting of the Council of the City of Modesto held on the 25th
10 day of October, 1939, by Councilman Neece, who
11 moved its adoption, which motion being duly seconded was upon
12 roll call carried and the ordinance ordered printed and published
13 as above by the following vote:

14
15 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
16 Noes: Councilmen: None
17 Absent: Councilmen: None
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21 APPROVED: Carl H. Shannon,
22 MAYOR, CITY OF MODESTO.

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24 ATTEST: McGuire
25 CITY CLERK.
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 25th day of October, 1939, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of November 8, 1939, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Carroll Shannon
MAYOR

ATTEST: W. E. Gray
CITY CLERK

SPECIAL
NOT IN CODE

ORDINANCE NO. 620 N.S.

AN ORDINANCE PROVIDING FOR THE SALE OF USELESS PERSONAL PROPERTY

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

SECTION I

The City Engineer is hereby authorized and directed to sell the following described personal property of the City of Modesto which said personal property has been found to be unfit or unnecessary for the use of the City, to-wit:

Approximately 250 Westinghouse-Holophane street light refractors.

SECTION II

Said sale shall be made at public auction at the office of the City Engineer after advertising for bids for the sale thereof for five days in the Modesto Bee, the official newspaper of the City of Modesto.

The sale shall be conducted by the City Engineer at his office. It may be by written or oral bids. Any property remaining unsold after the date specified in the Notice of Sale shall be offered for sale from day to day, commencing at ten o'clock in the morning at the office of said City Engineer until the whole thereof is sold.

SECTION III

The foregoing Ordinance shall go into effect and be in full force and operation from and after fifteen days after its final passage and adoption.

SECTION IV

The foregoing Ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing Ordinance was introduced at a Special Meeting of the Council of the City of Modesto, held on the 20th day of December, 1939 by Councilman Barnell, who moved its adoption and passage to print, as aforesaid, which motion being duly seconded was upon roll call carried and the Ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen None

Absent: Councilmen None

Attest

W.C. Gays
City Clerk

1 FINAL ADOPTION CLAUSE

2 The foregoing ordinance having been introduced and
3 ordered printed and published at a special meeting of the Council
4 of the City of Modesto held on the 20th day of December, 1939 and
5 subsequently printed and published as required by the Charter of
6 the City of Modesto, and coming on for final adoption at the
7 regular meeting of January 10, 1940, it was upon roll call so
8 finally adopted by the following vote:

9 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

10 Noes: Councilmen: None

11 Absent: Councilmen: None

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13 APPROVED: Paul H. Shannon
MAYOR

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15 ATTEST W. E. Gray
16 CITY CLERK

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ORDINANCE NO. 621 N. S.

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AN ORDINANCE REGULATING THE CONDUCT OF CAMP CARS AND/OR TRAILERS IN THE CITY OF MODESTO, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

---oo0oo---

THE CITY COUNCIL OF THE CITY OF MODESTO DO ORDAIN AS FOLLOWS:

SECTION 1. For the purpose of this ordinance certain words and phrases are defined as follows, and certain provisions shall be construed as herein set forth, unless it shall be apparent from their context that they have a different meaning.

Words used in the singular include the plural, and the plural the singular. Words used in the present tense include the future.

CAMP CAR AND/OR TRAILER.

"CAMP CAR AND/OR TRAILER" is any unit used for living or sleeping purposes and which is equipped with wheels or similar devices used for the purpose of transporting said unit from place to place, whether by motive power or other means.

"TRAILER CAMP" shall mean any lot, piece or parcel of ground where one or more trailer coaches used as living or sleeping quarters are or may be located, said camp being operated for or without compensation.

HEALTH DEPARTMENT.

"HEALTH DEPARTMENT" is the Health Department or the Health Officer of the City of Modesto.

SECTION 2. It shall be the duty of the Health Department to enforce all of the provisions of this ordinance and for the purpose of securing enforcement thereof, the Health Officer, or any of his duly authorized representatives, shall have the right and are hereby empowered to enter upon the premises of any camp ground now operating or which may hereafter be operated

1 within the City of Modesto to inspect the same and all accommoda-
2 tions connected therewith.

3 PERMIT REQUIRED.

4 SECTION 3. It shall be unlawful for any person, firm or
5 corporation to operate or maintain, or to offer for public use,
6 within the confines of the City of Modesto, as hereinafter set
7 forth, any Trailer Camp without first applying for and receiving
8 from the Health Department a permit so to do, in the manner here-
9 inafter provided, or without complying with regulations herein-
10 after set forth, and the laws of the State of California.

11 SECTION 4. Every applicant for a permit to maintain a
12 trailer camp shall file with the Health Department a written
13 application stating the name and address of the applicant and the
14 location of said trailer camp, the name of the owner, proprietor
15 or manager of said camp, the dimensions and the number of units
16 in said camp, and the toilet and sanitary facilities in said camp,
17 the size of the lot or parcel of ground for said trailer camp and
18 the maximum number of trailer coaches that the trailer camp will
19 accommodate. Said application shall be filed by the owner, mana-
20 ger or proprietor of said trailer camp and shall be accompanied
21 by a license fee as hereinafter set forth. The person or persons
22 filing said application shall be the person or persons in charge
23 of said trailer camp and responsible for the upkeep, maintenance
24 and sanitary conditions of said tourist camp.

25 (a) All moneys received by the Health Department for
26 inspection fees and/or permit fees under the provisions of this
27 ordinance, shall be paid into the City Treasury and placed in the
28 General Fund.

29 SECTION 5. It shall be unlawful for any person to place
30 keep or maintain, or to permit to be placed, kept or maintained,
31 any trailer coach used for human habitation upon any lot, piece
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1 or parcel of land within the City of Modesto except in Trailer
2 Camps, provided, however, that not to exceed one (1) such trailer
3 coach may be placed, kept or maintained in the rear of any private
4 residential building other than an apartment house or hotel (as
5 such are defined in the State Housing Act) providing that such
6 trailer coach is not placed closer than three (3) feet to any
7 building or closer than two (2) feet to any property line other
8 than a public street or alley line. Such trailer coach shall be
9 used only for sleeping quarters, and none of the sanitary and
10 cooking facilities in or part of such trailer coach shall be used.

11 SECTION 6. Upon the filing of such application, accom-
12 panied by the license fee as set forth hereinafter, the Health
13 Department or any of its duly authorized representatives shall
14 determine if the application contains the requirements provided
15 in this ordinance, and shall investigate the premises and
16 determine whether said proposed trailer camp or the site
17 selected therefor conforms with the requirements of this
18 ordinance and all other ordinances of the City of Modesto and the
19 laws of the State of California.

20 SECTION 7. Any permit granted hereunder shall be sub-
21 ject to revocation or suspension by the City Council for violation
22 of any of the provisions of this ordinance, fraud in obtaining the
23 permit, or for conducting the trailer camp in any unlawful manner
24 or in such a manner as to constitute a breach of the peace, or to
25 be a menace to the health, safety or general welfare of the people
26 of the City of Modesto, in the following manner, to-wit: A notice
27 shall be served upon the person holding said permit specifying
28 wherein he has failed to comply with this ordinance and requiring
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1 him to appear before the City Council at a day and hour therein
2 specified, not less than five (5) days after the personal service
3 of said notice, requiring him to show cause at said time and
4 place why said permit should not be revoked or suspended. At the
5 time and place mentioned in said notice, the person holding said
6 permit shall have the right to appear in person, or be represented
7 by counsel, and to introduce such evidence as he may desire. After
8 said hearing, the City Council may, at its discretion, revoke or
9 suspend the permit. Said notice may be posted on the premises
10 of the person violating the provisions hereof if personal service
11 cannot be affected.

12 SECTION 8. Permits issued under this ordinance may be
13 issued at any time during the year and unless previously revoked
14 shall expire June 30th of each year following the date of their
15 issuance. The permit shall not be transferable and no refunds
16 will be made of any license fee paid in accordance with the pro-
17 visions of this ordinance.

18 SECTION 9. Renewal permits shall be issued by the Health
19 Department only after inspection of the trailer camp indicates
20 that such camp conforms with all of the requirements of this ordi-
21 nance.

22 PERMIT MUST BE POSTED IN CONSPICUOUS PLACE.

23 SECTION 10. It shall be unlawful for any person, firm,
24 or corporation to establish, maintain, conduct or carry on any
25 trailer camp unless there shall be at all times posted in a con-
26 spicuous place at said camp ground the permit obtained from the
27 Health Department in accordance with the provisions of this
28 ordinance.

29 SECTION 11. Driveways of not less than twenty (20) feet
30 in width and giving easy access to all units, shall be provided
31 in each trailer camp, and such driveways shall be maintained in
32 proper condition for traffic and shall not be obstructed in any

1 way. In the event one or more units can be reached directly by
2 public streets at least thirty (30) feet in width, then such
3 driveways shall not be required for access to such units. All
4 trailer camps shall be directly connected to a public street at
5 least thirty (30) feet in width. No trailer coach or any ap-
6 pendage thereto, such as awnings, shall be located within five
7 (5) feet of the next unit or property line, nor shall it be lo-
8 cated within twenty (20) feet of any public street, or within
9 ten (10) feet of any building or structure.

10 SECTION 12. An adequate supply of pure water for drink-
11 ing and domestic purposes shall be supplied to meet the require-
12 ments of the trailer camp. Said water supply shall be obtained
13 from faucets only, conveniently located in said camp ground, and
14 no dipping vessels or common cups shall be permitted.

15 SECTION 13. Every trailer camp shall be located on a
16 well drained area, and the premises shall be properly graded so as
17 to prevent the accumulation of storm or casual waters.

18 SECTION 14. For a camp of ten (10) units or less, there
19 shall be provided one flush toilet and one shower for each sex,
20 and one urinal. A like number of toilets, showers and urinals
21 shall be provided for each additional ten units or fraction
22 thereof. Toilets and urinals shall be located not more than one
23 hundred and forty (140) feet from any unit. All such sanitary
24 facilities shall be installed in an approved manner and located
25 in approved compartments shall be surfaced with impervious
26 materials.

27 SECTION 15. Every trailer camp shall have a two-compart-
28 ment laundry tub, and a slop sink, for every ten units or fraction
29 thereof. All plumbing fixtures shall be supplied with an adequate
30 water supply, and shall be installed and maintained as provided
31 in the Plumbing Code, of the City of Modesto.

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1 SECTION 16. A two (2) gallon galvanized iron garbage
2 can, provided with a tightly fitted galvanized iron cover, shall
3 be provided for and at each occupied unit, and such garbage shall
4 be emptied daily at approved centrally located garbage receptacles.

5 SECTION 17. Any trailer camp and any toilets, baths, or
6 other permanent equipment connected therewith, must be kept in a
7 clean and sanitary condition at all times and it shall be unlaw-
8 ful for the holder of the permit for any trailer camp to permit
9 or allow the accumulation of any trash, junk or garbage in said
10 camps.

11 SECTION 18. All toilet fixtures in or a part of a
12 trailer coach shall not be used unless connected to a sewer and
13 approved by the Health Inspector. If no provision for connecting
14 to the sewer is available, the toilet fixture must be sealed by
15 the manager or proprietor of the trailer camp wherein they are
16 located, and it shall be unlawful for any person to remove or
17 break, or to permit the removal or breakage of any such seal
18 while in the City of Modesto.

19 All sinks and trays in or a part of such trailer coach
20 shall be indirectly connected to the city sewer system by means
21 of approved hoppers, or such sinks or trays shall not be used
22 while in the City of Modesto.

23 All cooking and heating facilities in or a part of a
24 trailer coach, and those used in the camp, shall be of a type
25 approved by the chief of the fire department, and any non-conform-
26 ing devices shall not be used while in the City of Modesto. The
27 owner, manager, or proprietor shall be held responsible for all
28 such violation, and may store such non-conforming devices in an
29 approved store-room, or may effectively seal them.

30 It shall be unlawful to deposit, or permit to be deposi-
31 ted, any waste water, sewage, or materials in any manner other
32 than as provided in the Health, Building and Plumbing laws of the

1 City of Modesto.

2 SECTION 19. It shall be unlawful for any person owning
3 or operating a trailer coach located in the City of Modesto to
4 remove, or cause to be removed, the wheels or any similar trans-
5 porting devices from said trailer coach for any purpose other
6 than repair. Said wheels shall not be removed from said trailer
7 for a period longer than thirty-six (36) hours.

8 SECTION 20. Every tourist camp and all public toilets
9 and baths therein shall be provided with an approved means of
10 lighting same, and such camp and all such facilities shall be
11 kept well lighted in a safe and adequate manner.

12 SECTION 21. It shall be unlawful for the owner or person
13 having control of any animal to allow the same to run at large in
14 any trailer camp.

15 SECTION 22. The holder of a trailer camp permit shall
16 provide a register book or index card to be signed by all persons
17 living insaid camp. The register or index card shall contain the
18 name, address and car and trailer license number of each occupant
19 of said camp and shall be open at all times for the inspection of
20 law enforcement officers of the City of Modesto.

21 SECTION 23. It shall be unlawful for the owner of a
22 trailer coach located in a trailer camp to rent or lease the same
23 to any one for the purpose of sleeping or living therein. The
24 provisions of this section shall not prohibit the owner of trailers
25 or agents selling such trailer coach from leasing or renting
26 such trailer coaches, provided, however, they are not used within
27 the camp in violation of the provisions of this ordinance.

28 SECTION 24. The holder of a trailer camp permit may
29 allow the accessory vehicles not located in a unit to be parked
30 in said trailer camp in an area provided for that purpose.

31 SECTION 25. It shall be unlawful to operate a trailer
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1 camp in the City of Modesto without first having the location ap-
2 proved by the City Council and a written permit granted therefor.
3 Nothing herein is to be construed as a modification or change in
4 the purpose and intent expressed in Ordinance No. 364 N. S. of
5 the City of Modesto, entitled: "AN ORDINANCE CREATING RESIDENCE
6 AND NON-RESIDENCE DISTRICTS IN THE CITY OF MODESTO AND PROVIDING
7 FOR THE USE OF PROPERTY IN THE CITY LIMITS AND ESTABLISHING SET-
8 BACK LINES AND PRESCRIBING A PENALTY FOR THE VIOLATION OF THE
9 PROVISIONS HEREIN CONTAINED."

10 SECTION 26. The license fee to be paid by a person,
11 firm, corporation or association seeking a permit for the opera-
12 tion of a trailer camp in the City of Modesto shall be as follows:
13 Five (\$5.00) Dollars per year for each space upon the property
14 sought to be licensed that will accommodate one trailer at a time;
15 that is to say, if the applicant for a license has sufficient room
16 to accommodate five (5) trailers at one time, as allowed by Section
17 11 hereof, applicant's license fee for the year shall be in the
18 sum of Twenty-Five (\$25.00) Dollars.

19 SECTION 27. Every person violating or contributing in any
20 way to the violation of any of the provisions of this ordinance shall
21 be deemed guilty of a misdemeanor, and shall be punished by a fine
22 not exceeding \$500.00, or by imprisonment not exceeding six (6)
23 months, or by both such fine and imprisonment. Every violator of the
24 provisions of this ordinance shall be deemed guilty of a separate
25 offense for every day such violation shall continue, and shall be
26 subject to the penalty imposed by this section for each and every
27 such separate offense.

28 SECTION 28. If any section, subsection, sentence,
29 clause or phrase of this ordinance is for any reason held to be
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1 invalid or unconstitutional, such decision shall not affect the
2 validity of the remaining portions of the ordinance. The Council
3 of the City of Modesto hereby declares that it would have passed
4 this ordinance and each section, subsection, sentence, clause or
5 phrase hereof, irrespective of the fact that any one or more
6 sections, subsections, sentences, clauses or phrases be declared
7 invalid or unconstitutional.

8 SECTION 29. All ordinances or parts of ordinances in
9 conflict herewith are hereby repealed.

10 SECTION 30. This ordinance shall take effect and be in
11 full force from and after fifteen (15) days after its final
12 adoption.

13 SECTION 31. This ordinance shall be printed and pub-
14 lished in full at least once at least three days prior to its
15 final adoption, in the The Modesto Bee, the official newspaper
16 of the City of Modesto.

17
18 The foregoing ordinance was introduced by Councilman
19 Stanley at a regular meeting of the Council of the
20 City of Modesto, held on the 27th day of December, 1939,
21 and was adopted and passed to print by the following vote:

22
23 Ayes: Councilmen: Barnell, Bates, Stanley, Mayor Shannon

24 Noes: Councilmen: Nesce

25 Absent: Councilmen: None

26
27 APPROVED:

Earl N. Shannon
MAYOR.

28
29 ATTEST:

Stacy
CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 27th day of December, 1939 and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of January 10, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, ~~Nessey~~ Stanley, Mayor Shannon

Noes: Councilmen: Neece

Absent: Councilmen: None

APPROVED: Carl W. Shannon.
MAYOR

ATTEST W. G. Gray
CITY CLERK

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SPECIAL
NOT IN CODE

ORDINANCE NO. 622 N. S.

2 AN ORDINANCE APPROPRIATING MONEY FOR THE IMPROVEMENT AND RECON-
3 STRUCTION OF FIRE DEPARTMENT EQUIPMENT AND FOR THE PURCHASE OF
4 AN AUTOMOBILE FOR THE POLICE DEPARTMENT.

5 ---oo0oo---

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

7 SECTION 1. The sum of Two Thousand (\$2,000.00) Dollars,
8 or so much thereof as may be necessary, is hereby appropriated
9 from the General Fund of the City of Modesto for the improvement
10 and reconstruction of equipment for the Fire Department of the
11 City of Modesto.

12 SECTION 2. The sum of One Thousand (\$1,000.00) Dollars,
13 or so much thereof as may be necessary, is hereby appropriated
14 from the General Fund of the City of Modesto for the purchase of
15 ~~an~~ automobile for the Police Department of said City of Modesto.

16 SECTION 3. The City Council of the City of Modesto hereby
17 finds and declares that this ordinance is necessary for the im-
18 mediate preservation of the public peace, health and safety of the
19 citizens of the City of Modesto and persons therein, by reason of
20 the following fact: That certain alarm equipment used by the
21 citizens of the City of Modesto to communicate alarms of fire to
22 the Fire Department of said City of Modesto are in need of adjust-
23 ment and reconstruction, and that an adequate alarm system is
24 necessary to preserve the public peace, health and safety; that
25 one of the automobiles now used by the Police Department of said
26 City of Modesto is in a state of disrepair and that a ^{rather} ~~new~~ Police
27 car is immediately necessary for the proper enforcement of local
28 ordinances and State laws heretofore passed and adopted for the
29 protection of the citizens of the City of Modesto, and the public
30 peace, health and safety of said citizens. This ordinance shall,
31 therefore, take effect immediately upon its final passage and
32 adoption.

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

The foregoing ordinance was introduced at a special meeting of the Council of the City of Modesto held on the 22nd day of January, 1940, by Councilman Stanley, who moved its adoption and passage to print, which motion being duly seconded, was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED: Carl W. Shannon
CARL W. SHANNON, MAYOR.

ATTEST: H. E. Gragg
H. E. GRAGG, CITY CLERK.

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 22nd day of January, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of February 14, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Paul W. Shannon
MAYOR

ATTEST H. E. Gray
CITY CLERK

ORDINANCE NO. 623 N. S.

AN ORDINANCE DECLARING THE EXISTENCE OF FACTS IN THE CITY OF MODESTO; DECLARING THE BEST INTERESTS OF THE PUBLIC WELFARE OF THE CITY OF MODESTO; DEFINING "TO PICKET", "PLACE OF BUSINESS", "BANNER", "PUBLIC PLACE", "LABOR DISPUTE"; PROHIBITING PICKETING IN THE CITY OF MODESTO; REGULATING THE CARRYING OF BANNERS WHEN PICKETING AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF.

---ooOoo---

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

Section 1.

DECLARATION OF TRUE FACTS:

That the trade area surrounding Modesto within a radius of twenty miles, is primarily devoted to the growing of agricultural crops, most of which are perishable by nature, and must be picked, harvested and delivered for processing within a very limited time, within twenty-four hours in many instances. That most of such crops are delivered within the City of Modesto, and there canned, or packed, or processed, for market. That the living and financial existence of the greater portion of the population of Modesto is dependent largely upon the due and orderly canning, packing, processing, selling and marketing of such crops. That the public welfare of the City of Modesto depends upon the due and orderly manner of harvesting, picking, preparing for market, selling and marketing such crops, and stoppage of work, strikes, deliberate slowing down of work by employees, and sit down strikes within the City of Modesto are injurious and detrimental to, and against the general welfare of said City. That heretofore, organizers of labor groups have attempted to call, and have called strikes in the City of Modesto, at a time when preparation for market and marketing of perishable agricultural products, and poultry, was immediately necessary, or the local producers and growers would lose the benefit of their year's labor. Hence the general public of the City of Modesto has become incensed with any

1 threat, express or implied, of the stoppage of work, and picketing
2 of any employer, or his place of business, or of the employees of
3 the employer, and such is in the minds of the persons making up
4 the citizenry of the City of Modesto, a threat of coercion, and
5 an intimidation, and an incitor of a breach of the peace, and a
6 threat to the peace and safety of the City of Modesto, and the
7 inhabitants thereof, and against the public welfare.

8 Section 2.

9 IT IS DECLARED TO BE IN THE BEST INTERESTS OF THE PUBLIC
10 WELFARE OF THE CITY OF MODESTO THAT IN THE CITY OF MODESTO:

11 a. Those who desire to work and labor may do so without
12 coercion, threats or intimidation, directly or indirectly, or by
13 inference, by any individual or groups of individuals.

14 b. Negotiations for employment, terms and conditions of
15 such employment, and working conditions should and must result
16 from voluntary agreement between employer and employees.

17 c. The individual workman has full freedom of associa-
18 tion, self-organization and designation of representatives of his
19 own choosing, to negotiate the terms and conditions of his employ-
20 ment, and he shall be free from interference, restraint, or coer-
21 cion of employers of labor, or their agents, in the designation
22 of such representatives or in self-organization, or any other con-
23 certed acts for the purpose of collective bargaining or other
24 mutual aid or protection.

25 d. Threats or advertisements, oral or written, false in
26 fact, tending to injure an employer's business, or to induce an
27 employer to discharge an employee, are unlawful.

28 e. Arousing a state of fear in the minds of employers,
29 or those seeking employment, or prospective customers or the em-
30 ployees or an employer, is intimidation.

31 f. Picketing tends to arouse a breach of the peace, and
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1 does arouse a state of fear in the minds of employers and employees,
2 the customers of any employer, and those seeking employment from
3 such employer.

4 g. Picketing of a non-striking organization or its
5 employer, by union representatives who are not employees of such
6 employer, breeds resentment, is conducive of disorder and a breach
7 of the peace in the municipality.

8 h. Social welfare does not demand that non-related
9 persons or organizations shall have the right even by peaceful
10 picketing to attempt to break down and destroy a satisfactory
11 relationship between an employer and his employees in order to
12 supplant it by one whose terms are satisfactory only to the
13 dictator of it.

14 i. No employee or groups of employees or association of
15 employees or agents or officer thereof, or any other person,
16 should induce by coercion, threat, false statement or intimidation,
17 express or implied, any employer to employ any particular employee,
18 group of employees or agent or officer thereof.

19 j. Any endeavor on the part of any group of persons
20 whether associated together in an unincorporated or incorporated
21 organization, to establish a monopoly of employment in any trade
22 or avocation and to deprive other men of an equal right to the
23 opportunity of similar employment is unlawful.

24 k. That picketing of any kind in the City of Modesto
25 incites the minds of the citizens of Modesto, and causes them to
26 be resentful, and tends to and will result in the breach of peace,
27 and the minimizing of public safety, and is against the general
28 welfare.

29 Section 3.

30 The declaration of true facts stated in Section 1 of this
31 ordinance, and the declaration of Public Policy declared in Section
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1 2 of this ordinance are to be used as such in the interpretation
2 and application of this ordinance.

3 Section 4.

4 DEFINITIONS: For the purpose of this Ordinance:

5 a. The term "to picket" shall mean and include to walk,
6 march, patrol or ride to and fro, back and forth, or in any
7 other repeated or successive or continuous manner, or to stand,
8 sit or remain, in front of, in the vicinity of, or about any
9 place of business, any place of residence or any of the approaches
10 leading thereto or therefrom.

11 b. The term "place of business" shall mean and include,
12 but not be limited to, any works, factory, plant, warehouse, store,
13 shop, office, hotel, theater, eating place, construction job,
14 service station, garage, parking lot, building, or place where
15 business, or service of any sort is being, or is usually, carried
16 on or rendered or where any labor is being, or is usually, employed.

17 c. The term "banner" shall mean and include, but not be
18 limited to, any banner, transparency, paper, sign, insignia,
19 badge, emblem, symbol, ribbon, card, picture, arm banner, band
20 or sign, hat band or sign, sash, waist band, banner or sign.

21 d. The term "public place" shall mean and include, but
22 not be limited to, any public street, parkway, sidewalk, alley,
23 way, lane, walk or park.

24 e. The term "labor dispute" shall mean a bona fide dis-
25 pute concerning wages, hours of labor and working conditions only
26 between the employer on the one hand, and at least fifty-one
27 per cent of the number of employees of the employer in his place
28 of business in the City of Modesto, on the other hand, and then
29 only when at least fifty-one per cent of the employees of such
30 employer in his place of business in the City of Modesto, in a
31 written instrument, signed by each employee, without coercion,
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1 intimidation or compulsion of any kind, have set forth the
2 grievance or grievances of such employees and their demand or de-
3 mands, and such written instrument has been addressed and delivered
4 to the employer.

5
6 Section 5.

7 It shall be unlawful for any person to picket in or upon
8 any public place, or in or upon any private place within the view
9 of any person or persons who are in or upon any public place, in a
10 manner calculated or with the intent to threaten, intimidate,
11 coerce, or put in fear any person who is entering, occupying or
12 leaving any place of business or who is performing any services or
13 labor therein; or who is purchasing, selling, or using, delivering,
14 transporting or receiving any goods, wares, merchandise, services,
15 entertainment, accommodations or articles, or who is attempting or
16 seeking to do any of the foregoing, therein.

17 Section 6.

18 It shall be unlawful for any person to picket in or upon
19 any public place or in or upon any private place within the view
20 of any person or persons who are in or upon any public place, for
21 the purpose or with the intent to coerce or compel or induce an
22 employer to employ any particular employee, or employees, or to
23 discharge any particular employee or employees, or to compel or
24 coerce or induce such employer to agree to require his employee
25 or employees to join or refrain from joining any particular
26 organization or union.

27 Section 7.

28 It shall be unlawful for any employer to coerce, induce
29 or require any employee, as a condition of such employee remain-
30 ing in the employ of such employer, to join any society, union or
31 organization.
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1 Section 8.

2 It shall be unlawful for any employer to discharge any
3 employee merely because he belongs to any society, union or or-
4 ganization, or because such employee resigns from or ceases to be
5 a member of any society, union or organization.

6 Section 9.

7 It shall be unlawful for any person to picket in or
8 upon any public place, in front of, in the vicinity of, or about,
9 any place of business, in which place of business there is no
10 labor dispute, with the intent to, or calculated to, injure the
11 property, trade or custom of the employer, or with the intent,
12 or calculated, to prevent any person from entering, occupying or
13 leaving such place of business or from performing any services
14 therein or from purchasing, selling, or using, delivering or
15 transporting any goods, wares, merchandise or services therein
16 or seeking or receiving services, entertainment, accommodations,
17 or articles therein.

18 Section 10.

19 It shall be unlawful for any person to carry, show or
20 display any banner in or upon any public place, or in or upon
21 any private place within the view of any person who is in or upon
22 any public place, in front of, in the vicinity of, or about any
23 place of business, or any of the approaches leading thereto or
24 therefrom (1) in a manner calculated or with the intent to threa-
25 ten, intimidate, coerce or put in fear any person who is entering,
26 occupying, or leaving any place of business, or who is performing
27 any service or labor, or who is seeking or obtaining employment,
28 or who is purchasing, selling, using, delivering, transporting
29 or receiving any goods, wares, merchandise, services, entertain-
30 ment, accommodations or articles, or who is attempting or seeking
31 to do any of the foregoing therein, or (2) in a manner calculated
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1 or with the intent to coerce, or compel or induce or influence
2 any person to refrain from entering, occupying or leaving any
3 place of business, or to refrain from performing services or labor
4 therein; or to refrain from purchasing, selling, using, delivering,
5 transporting, or receiving any goods, wares, merchandise, ser-
6 vices, entertainment, accommodations or articles therein, or to
7 refrain from attempting to do any of the foregoing, therein.

8 And if, at the time such banner is so carried, shown
9 or displayed in front of, or in the vicinity of, or about such
10 place or place of business, there is no labor dispute between
11 the employer within said place of business and his employees
12 therein, said carrying, showing, or displaying said banner shall
13 be prima facie evidence of the intent on the part of the person
14 carrying, showing or displaying said banner and his principals,
15 and those for whom he is acting, to coerce, threaten, intimidate
16 and put in fear any such person who is entering, occupying or
17 leaving any such place of business or who is performing employ-
18 ment therein, or who is purchasing, selling, using, delivering,
19 transporting or receiving any goods, wares, merchandise, ser-
20 vices, entertainment, accommodations or articles therein, or who
21 is attempting to or seeking to do any of the foregoing, therein,
22 and also prima facie evidence of such intention to coerce,
23 threaten, intimidate and put in fear, and thereby induce any such
24 person to refrain from entering, occupying or leaving said place
25 of business or to refrain from performing services or labor there-
26 in, or to refrain from purchasing, selling, using, delivering,
27 transporting, or receiving any goods, wares, merchandise, services,
28 entertainment, accommodations or articles, therein, or to refrain
29 from attempting to do any of the foregoing, therein.

30 Section 11.

31 If there is no labor dispute between the employer and
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1 his employees, it shall be unlawful for any person to picket the
2 place of business of such employer or picket in or upon a public
3 place adjacent to the place of business of such employer, or to
4 carry a banner in such public place adjacent to such place of
5 business of such employer for the purpose of inducing, by means
6 of compulsion, coercion, intimidation, threats, acts of violence
7 or acts producing fear, his employees to quit his employment, or
8 of inducing those seeking employment from freely entering into
9 employment, or inducing persons to refrain from entering such
10 premises or to refrain from patronizing, negotiating with or
11 transacting business with the owner or occupant of such premises.
12 And for the purpose of this section, the absence of such labor
13 dispute between the employer and his employees shall be prima
14 facie evidence that such picketing and/or carrying such banner
15 is done and carried on by means of compulsion, coercion, intimi-
16 dation, threats of violence and acts producing fear.

17 Section 12.

18 It shall be unlawful for any person to walk to and fro,
19 back and forth, or to patrol, or ride to and fro, or in any other
20 repeated or successive or continuous manner, or to stand, sit or
21 remain in front of, in the vicinity of, or about any place of
22 business, any place of residence, or any approaches leading there-
23 to or therefrom, and to carry or procure to be carried or trans-
24 ported, or to hold or possess any banner having thereon any un-
25 true statement, which may be seen or read.

26 Section 13.

27 Any person violating any of the provisions of this
28 Ordinance shall be deemed guilty of a misdemeanor and upon con-
29 viction thereof shall be punished by a fine not to exceed \$500.00,
30 or by imprisonment in the City Jail of the City of Modesto for a
31 period of not exceeding six months, or by both such fine and im-
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1 imprisonment; and each such person shall be deemed guilty of a
2 separate offense for each day during any portion of which the
3 violation of or failure, neglect or refusal to comply with any
4 of the provisions of this Ordinance is committed, continued, or
5 permitted by such person.

6 Section 14.

7 If any section, subsection, paragraph, sentence, clause,
8 phrase, word, provision or portion of this Ordinance, or the ap-
9 plication thereof to any person or circumstance, shall be held to
10 be invalid or unconstitutional, such section, subsection, para-
11 graph, sentence, clause, phrase, word, provision or portion of
12 this Ordinance, or such application thereof, shall not affect the
13 validity or constitutionality of the remaining portions of this
14 Ordinance or the application of its provisions to other persons
15 or circumstances, and it is hereby declared that the parts and
16 provisions of this Ordinance are severable and that this Ordinance,
17 and each and every section, subsection, paragraph, sentence,
18 clause, phrase, word, provision or portion of this Ordinance would
19 have been adopted regardless of the invalidity or unconstitution-
20 ality of any other section, subsection, paragraph, sentence,
21 clause, phrase, word, provision or portion thereof or of any
22 application thereof.

23 Section 15.

24 This ordinance shall go into effect and be in full force
25 and operation from and after 15 days after its final passage and
26 adoption.

27 Section 16.

28 This Ordinance shall be published in full at least once
29 at least three days prior to its final adoption in the The Modesto
30 Bee, the official newspaper of the City of Modesto.
31

Section 17

All ordinances in conflict herewith are hereby expressly repealed.

The foregoing ordinance was introduced at a special meeting of the Council of the City of Modesto held on the 18th day of March, 1940, by Councilman Stanley, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried, and the ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED

Carl W. Shannon
CARL W. SHANNON, MAYOR

ATTEST

H. E. Gragg
H. E. GRAGG, CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 18th day of March, 1940 and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of March 27, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, and Mayor pro tem Stanley

Noes: Councilmen: None

Absent: Mayor Shannon

APPROVED

C. J. Stanley
MAYOR PRO TEM

ATTEST:

H. E. Quinn
CITY CLERK

Effective 4-26-40

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Repealed by Ord. 1070-18-8

ORDINANCE NO. 624 N. S.

AN ORDINANCE PROVIDING FOR CERTAIN FEES TO BE PAID BY PERSONS IN TERRITORIES HEREAFTER ANNEXED TO THE CITY OF MODESTO FOR CONNECTIONS TO CITY SEWER SYSTEM.

---ooOoo---

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

SECTION 1. Hereafter in all cases where territory is annexed to the City of Modesto, other than property belonging to said City, the residents of said territory so annexed shall pay unto the City of Modesto the following sums for the privilege of connecting their properties to the sewage system of said City:

The minimum sum of Fifty (\$50.00) Dollars for each sewer connection to service an area containing not more than 7000 square feet, and an additional one cent for each square foot in excess of 7000 square feet so serviced, together with the sum of One (\$1.00) Dollar for inspection fees, as now provided for in Ordinance No. 569 N. S. (plumbing ordinance) of the City of Modesto.

In addition to the above fees and costs, the person desiring said sewer service shall pay all expenses incurred by reason of running pipes and fittings from the property served to the City sewer main or lateral.

SECTION 2. Upon the payment of the fees hereinabove set forth, sewer service will be furnished to residents of territory hereafter annexed to said City of Modesto, within three years from the date of such annexation. During said three year period, the City of Modesto shall have the option to install septic tanks in said annexed territories to serve the property for which the fees mentioned in section 1 hereof are paid. In no event shall said septic tanks remain in service for longer than three years from the date of such annexation. Each septic tank placed in said territories shall be placed and located at a spot designated by the City Engineer of the City of Modesto.

SECTION 3. Notwithstanding anything to the contrary herein

1 stated, this ordinance shall not be applicable to persons now
2 paying sewer rental to the City of Modesto, or to persons whose
3 property is now connected with said sewer, nor shall it apply to
4 persons having written agreements governing sewer rental and/or
5 connections.

6 SECTION 4. Persons now living in territories that may
7 hereafter be annexed to the City of Modesto and who have at the
8 date of said annexation septic tanks installed, may retain and
9 use said tanks for a period not to exceed three (3) years from
10 the date of such annexation, at which time the owners of said
11 septic tanks shall be required to connect to the sewer system
12 of the City of Modesto and to pay the fees hereinabove set forth.

13 SECTION 5. All moneys collected by the said City of
14 Modesto for sewer rental and connections as herein set forth,
15 shall be placed in a special "Sewer Fund," and shall thereafter
16 be expended for the construction of a sewer system in the tract
17 from which said fees are collected. If after the construction of
18 said sewer system there remains any money in said fund at a time
19 five (5) years from the date of said collection, said moneys so
20 remaining in said Sewer Fund and thereafter collected shall be
21 placed in the General Fund of the City of Modesto.

22 SECTION 6. This ordinance shall take effect and be in
23 full force from and after fifteen days after its final adoption.

24 SECTION 7. This ordinance shall be printed and published
25 in full at least once at least three days prior to its final
26 adoption in the The Modesto Bee, the official newspaper of the
27 city of Modesto.

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29
30 The foregoing ordinance was introduced by Councilman

31 Barnell at a special meeting of the
32

1 Council of the City of Modesto held on the 26th day of April,
2 1940, and was adopted and passed to print by the following vote:
3

4 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

5 Noes: Councilmen: None

6 Absent: Councilmen: None
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10 APPROVED:

11 Carl W. Shannon
12 CARL W. SHANNON, MAYOR.

13
14 ATTEST: H.E. Gregg
15 By: H.E. Gregg, CITY CLERK
16 W. Assistant City Clerk
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FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 26th day of April, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of May 8, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED

Carl W. Shannon
MAYOR

ATTEST

H. E. Gragg
CITY CLERK

By

Elmer J. Blum
Assistant City Clerk

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SPECIAL
NOT IN CODE

1 AN ORDINANCE APPROPRIATING MONEY AND PROVIDING FOR THE
2 PURCHASE OF MATERIALS AND INSTALLATION OF SAME FOR THE DEPARTMENT
3 OF PUBLIC WORKS OF THE CITY OF MODESTO.

4 ---oOo---

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

6 Section I. The sum of Four Thousand Dollars (\$4000.00), or
7 so much thereof as may be necessary, is hereby appropriated from
8 the Water Fund of the City of Modesto for the purchase of a water
9 pump, motor, control panel, transformers, materials for pump
10 station, and appurtenances, and providing for their installation.

11 Section II. The City Engineer shall, upon the adoption of
12 this Ordinance, from time to time as required by the Council of
13 the City of Modesto, file with the Council plans and specifications,
14 where necessary, for the materials and construction work outlined
15 above; and the City Clerk shall, from time to time as directed by
16 the Council, advertise for bids for said materials and construction
17 work, when necessary, and bids shall be received and accepted and
18 contracts awarded therefor as the Council may hereafter by
19 Resolution determine and prescribe.

20 Section III. This Ordinance shall go into effect from and
21 after fifteen days after its final passage and adoption. It shall
22 be published in full at least once, at least three days prior to
23 its final adoption in the Modesto Bee, the Official Newspaper of
24 the City of Modesto.

25 Section IV. The foregoing Ordinance was introduced at a
26 regular meeting of the Council of the City of Modesto held on
27 May 8, 1940, by Councilman Barnell, who moved its
28 adoption and passage to print, which motion was duly seconded, was
29 carried and the Ordinance ordered printed and published by the
30 following vote:

1 **Ayes: Councilmen:** Barnell, Bates, Neece, Stanley, Mayor Shannon
2 **Noes: Councilmen:** None
3 **Absent: Councilmen:** None

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Approved Paul W. Shannon Mayor
Attest By A. E. Grogg City Clerk
Chas. J. Blum ASST City Clerk

FINAL ADOPTION CLAUSE

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The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 8th day of May, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of May 22, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED Carl W. Shannon
Mayor.

ATTEST H. E. GRAGG, CITY CLERK

By Elmer J. Blum
Elmer J. Blum, Assistant City Clerk

NO SPECIAL
IN CODE

ORDINANCE NO. 626-N.S.

AN ORDINANCE APPROPRIATING MONEY AND PROVIDING FOR THE PURCHASE OF REAL PROPERTY

---oOo---

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

SECTION 1. The sum of Four thousand Two Hundred ^{Dollars} and no/100 (\$4200.00) principal and interest, or so much thereof as may be necessary is hereby appropriated from the General Fund of the City of Modesto as final payment for the purchase of the following described real property:

All of lot 4 of the La Rio Park Tract recorded in Official Records Vol. 5 Page 9 of Maps as recorded in the office of the County Recorder, Stanislaus County, California, containing 25.482 acres, more or less.

SECTION 2. This ordinance shall go into effect from and after fifteen days after its final passage and adoption. It shall be published in full at least once at least three days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

SECTION 3. The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1940 by Councilman Bates, who moved its adoption and passage to print, which motion being duly seconded, was carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED Carl W. Shannon
CARL W. SHANNON, MAYOR

ATTEST H. E. GRAGG, CITY CLERK

By Elmer J. Blum
Elmer J. Blum, Assistant City Clerk

NOT SPECIAL
IN CODE

1 FINAL ADOPTION CLAUSE

2
3 The foregoing ordinance having been introduced and ordered
4 printed and published at a regular meeting of the Council of the
5 City of Modesto held on the 22nd day of May, 1940, and subsequent-
6 ly printed and published as required by the Charter of the City
7 of Modesto, and coming on for final adoption at the regular meeting
8 of June 12, 1940, it was upon roll call so finally adopted by the
9 following vote:

10 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

11 Noes: Councilmen: None

12 Absent: Councilmen: None

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14 APPROVED: W. H. Shannon
MAYOR

15
16 ATTEST: H. E. GRAGG, CITY CLERK

17
18 By Elmer J. Blum
Assistant City Clerk

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CODE SEC.
NO. 4-2.10
4-2.11

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ORDINANCE NO. 627 N. S.

AN ORDINANCE REQUIRING JUNK DEALERS AND AUTO WRECKERS TO FENCE YARDS.

---oooOeoo---

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

SECTION 1. All persons, firms, corporations or associations within the City of Modesto, dealing in, buying, selling, or dispensing junk, or wrecking, selling and/or storing old automobiles and automobile parts, and storing their products in lots or open spaces, shall, upon the final adoption of this ordinance, erect, keep and maintain solid board fences entirely surrounding said junk and/or wrecked cars and/or wrecked auto parts. Said fence shall be composed of material that shall not create a glare. Said fence shall be not less than six (6) feet in height.

SECTION 2. No person, firm, corporation or association maintaining and operating a junk yard or a wrecked car lot, shall pile, stack or store said junk or wrecked cars or wrecked auto parts in such a manner as to permit said junk, wrecked cars or wrecked auto parts to extend above the top of said fence.

SECTION 3. A violation of this ordinance shall constitute a misdemeanor, punishable by a fine not to exceed Fifty (\$50.00) Dollars, or twenty-five (25) days in jail, or by both such fine and imprisonment.

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

SECTION 5. This ordinance shall be published in full at least once at least three days prior to its final adoption in the The Modesto Bee, the official newspaper of the City of Modesto.

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

1 1940, by Councilman Barnell, who moved its adoption
2 and passage to print, which motion being duly seconded was upon
3 roll call carried, and the ordinance ordered printed and published
4 as above by the following vote:

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6 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
7 Noes: Councilmen: None
8 Absent: Councilmen: None
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APPROVED: Carl W. Shannon
CARL W. SHANNON, MAYOR

ATTEST:
H. E. GRAGG
H. E. GRAGG, CITY CLERK

By Charles J. Blum
Assistant City Clerk

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FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of June 12, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Carl H. Shannon
MAYOR

ATTEST: H. E. GRAGG, CITY CLERK

By Edmer J. Blum
Assistant City Clerk

Ordinance was not published as required on final adoption

ORDINANCE NO. 628 N. S.

AN ORDINANCE PROHIBITING THE SALE OR GIVING AWAY OF CREAM PIES, CREAM PUFFS, CHOCOLATE ECLAIRS, OR ANY MIXTURE CONTAINING CUSTARD OR CREAM FILLING, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

---oo0oo---

THE COUNCIL OF THE CITY OF MODESTO DO ORDAIN AS FOLLOWS:

SECTION 1. It shall be unlawful within the City of Modesto for any person, firm, corporation or association, between June 1st and September 30th, inclusive, of any year, to sell, deliver, or give away any cream pies, cream puffs, chocolate eclairs, or any mixture containing custard or cream filling, whether made from eggs, milk and corn starch, or the so-called chiffon mixtures.

SECTION 2. A violation of this ordinance shall constitute a misdemeanor punishable upon conviction by a fine of not less than \$25.00 or by imprisonment in the County Jail of Stanislaus County for a period not exceeding 10 days, or by both such fine and imprisonment.

SECTION 3. The City Council of the City of Modesto hereby finds and declares that this ordinance is necessary for the immediate preservation of the public health and safety of the citizens of the City of Modesto, by reason of the following facts:

That since June 1, 1940 in said City of Modesto numerous persons have suffered illness by reason of food poisoning incurred by said persons by reason of eating products of the type and kind hereinabove set forth. That it is a well-known fact that in the warm months of the year cream pies, cream puffs, chocolate eclairs, and mixtures containing custard or cream filling, whether made from eggs, milk and corn starch, or the so-called chiffon mixtures easily become contaminated, thus causing illness to persons eating the same.

This ordinance shall therefore take effect immediately

1 upon its final passage and adoption.

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

5 The foregoing ordinance was introduced at a Regular
6 meeting of the Council of the City of Modesto held on the 12th
7 day of June, 1940, by Councilman Stanley, who moved
8 its adoption and passage to print, which motion being duly
9 seconded, was upon roll call carried and the ordinance ordered
10 printed and published as above by the following vote:

11
12 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

13 Noes: Councilmen: None

14 Absent: Councilmen: None

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18 APPROVED:

Carl W. Shannon
19 CARL W. SHANNON, MAYOR

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21 ATTEST:

H. E. Gragg
22 H. E. GRAGG, CITY CLERK.

23 By Charles J. Blum
Assistant City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1940, and coming on for final adoption at the regular meeting of June 26, 1940, failed of adoption by the following vote:

Ayes: Councilmen: None

Noes: Councilmen: Parnell, Bates, Neece, Stanley, Mayor Shannon.

Absent: Councilmen: None

APPROVED: Carroll Shannon
MAYOR

H. E. CRAGG, CITY CLERK

ATTEST: Elmer J. Blum
Assistant City Clerk



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SPECIAL
NOT IN CODE

AN ORDINANCE APPROPRIATING MONEY AND PROVIDING FOR THE PURCHASE OF MATERIALS FOR THE DEPARTMENT OF PUBLIC WORKS OF THE CITY OF MODESTO.

---oOo---

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

Section I. The Sum of Three Thousand Five Hundred Dollars (\$3500.00), or so much thereof as may be necessary, is hereby appropriated from the General Fund of the City of Modesto for the purchase of Road Oil.

Section II. The City Engineer shall, upon the adoption of this Ordinance, from time to time as required by the Council of the City of Modesto, file with the Council specifications, where necessary, for the materials outlined above; and the City Clerk shall, from time to time as directed by the Council, advertise for bids for said materials when necessary, and bids shall be received and accepted and contracts awarded therefor as the Council may hereafter by Resolution determine and prescribe.

Section III. This Ordinance shall go into effect from and after fifteen days after its final passage and adoption. It shall be published in full at least once, at least three days prior to its final adoption in the Modesto Bee, the Official Newspaper of the City of Modesto.

Section IV. The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto, held on June 12, 1940, by Councilman Bates, who moved its adoption and passage to print, which motion was duly seconded, was carried and the Ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
Noes: Councilmen: None
Absent: Councilmen: None

Approved Chas Shannon Mayor

Attest H. E. GRAGG City Clerk

By Charles J. Blum Assistant City Clerk

SPECIAL
NOT IN CODE

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 12th day of ~~July~~^{June}, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of June 26, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Carl W. Shannon
MAYOR

H. E. GRAFF, CITY CLERK
ATTEST: Charles J. Blum
Assistant City Clerk

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ORDINANCE NO. 630 N. S.

AN ORDINANCE PROHIBITING THE SALE OR GIVING AWAY OF CREAM PIES, CREAM PUFFS, CHOCOLATE ECLAIRS, OR ANY PASTRY MIXTURE CONTAINING CUSTARD OR CREAM FILLING, AND PROVIDING A PENALTY FOR THE VIOLATION OF THIS ORDINANCE.

---oooOooo---

THE COUNCIL OF THE CITY OF MODESTO DO ORDAIN AS FOLLOWS:

SECTION 1. It shall be unlawful within the City of Modesto for any person, firm, corporation or association, between June 1st and September 30th, inclusive, of any year, to sell, deliver, or give away any cream pies, cream puffs, chocolate eclairs, or any pastry mixture containing custard or cream filling, whether made from eggs, milk and corn starch, or the so-called chiffon mixtures.

SECTION 2. A violation of this ordinance shall constitute a misdemeanor punishable upon conviction by a fine of not less than \$25.00 or by imprisonment in the County Jail of Stanislaus County for a period not exceeding 10 days, or by both such fine and imprisonment.

SECTION 3. The City Council of the City of Modesto hereby finds and declares that this ordinance is necessary for the immediate preservation of the public health and safety of the citizens of the City of Modesto, by reason of the following facts:

That since June 1, 1940 in said City of Modesto numerous persons have suffered illness by reason of food poisoning incurred by said persons by reason of eating products of the type and kind hereinabove set forth. That it is a well-known fact that in the warm months of the year cream pies, cream puffs, chocolate eclairs, and pastry mixtures containing custard or cream filling, whether made from eggs, milk and corn starch, or the so-called chiffon mixtures, easily become contaminated, thus causing illness to persons eating the same.

1 This ordinance shall therefore take effect immediately
2 upon its final passage and adoption.

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

6 The foregoing ordinance was introduced at a regular
7 meeting of the Council of the City of Modesto held on the 26th
8 day of June, 1940, by Councilman Stanley, who moved
9 its adoption and passage to print, which motion being duly
10 seconded, was upon roll call carried and the ordinance ordered
11 printed and published as above by the following vote:

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14 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

15 Noes: Councilmen: None

16 Absent: Councilmen: None

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20 APPROVED:

Carl W. Shannon
21 CARL W. SHANNON, MAYOR

22
23
24 ATTEST:

H. E. GRAGG, CITY CLERK
25 H. E. GRAGG, CITY CLERK.

26 By

Elmer J. Blum
27 ASSISTANT CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of July 10, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: Neece

APPROVED Carl W. Shannon
MAYOR OF THE CITY OF MODESTO

H. E. GRAGG, CITY CLERK

ATTEST Elmer J. Blum
Elmer J. Blum, Assistant City
Clerk

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SPECIAL
NOT IN CODE

ORDINANCE NO. 631-N.S.

2 AN ORDINANCE APPROPRIATING MONEY AND PROVIDING FOR THE PURCHASE OF
3 AN AUTOMOBILE FOR THE SANITARY INSPECTOR OF THE CITY OF MODESTO

4 ---oOo---

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

6 SECTION 1. The sum of Nine Hundred (\$900.00) Dollars,
7 or so much thereof as may be necessary, is hereby appropriated from
8 the General Fund of the City of Modesto for the purchase of an auto-
9 mobile for the Sanitary Inspector of said City.

10 SECTION 2. This Ordinance shall go into effect from
11 and after fifteen (15) days after its final passage and adoption.
12 It shall be published in full at least once at least three days
13 prior to its final adoption in the Modesto Bee, the official news-
14 paper of the City of Modesto.

15 SECTION 3. The foregoing ordinance was introduced at
16 a special meeting of the Council of the City of Modesto, held on
17 the 2nd day of July, 1940 by Councilman Bates, who moved
18 its adoption and passage to print, which motion being duly seconded
19 was carried and the ordinance ordered printed and published by the
20 following vote:

21 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
22 Noes: Councilmen: None
23 Absent: Councilmen: None

24 APPROVED Carl W. Shannon
25 CARL W. SHANNON, MAYOR

26 H. E. GRACE, CITY CLERK
27 ATTEST Elmer J. Blum
28 ELMER J. BLUM, Assistant City
29 Clerk
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FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 2nd day of July, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of July 10, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: Neece

APPROVED

Carl W. Shannon
CARL W. SHANNON, MAYOR

H. E. GRAGG, CITY CLERK

ATTEST

Elmer J. Blum
ELMER J. BLUM, Assistant City Clerk

REPEALED BY
MUNICIPAL CODE

ORDINANCE NO. 632-N.S.

AN ORDINANCE FIXING THE COMPENSATION OF THE CITY OFFICIALS OF THE CITY OF MODESTO.

---o0o---

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

SECTION 1. The compensation to be paid by the City of Modesto to the Chief Officials of said City shall be as follows:

City Clerk, who likewise occupies the offices of Auditor, Assessor, Treasurer and Tax Collector,	5720.00	
the sum of - - - - -	\$3600.00	per annum
<i>City Treasurer + Collector</i>	3120.00	
City Attorney - - - - -	3000.00	per annum
Chief of Police - - - - -	3600.00	per annum
Fire Chief - - - - -	3180.00	per annum
Health Officer - - - - -	1.00	per annum
<i>Police Judge</i>	2820.00	" "
City Engineer, who likewise occupies the offices of Street Superintendent, Building Inspector and Sewer Inspector - - - - -	4920.00	per annum
	4700.00	per annum

SECTION 2. The compensation of the various officials hereinabove set forth shall be in full for the proper performance of the duties assigned to them in the various offices occupied by said officials.

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

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. This Ordinance shall be published in full at least once at least three days prior to its final adoption in the official newspaper of the City of Modesto, to-wit, the The Modesto Bee.

The foregoing ordinance was introduced at a special meeting of the Council of the City of Modesto held on the 2nd day of

REPEALED BY
MUNICIPAL CODE

1 July, 1940, by Councilman Neece, who moved its adoption and passage
2 to print as aforesaid, which motion being duly seconded, was upon
3 roll call carried, and the Ordinance ordered published as above by
4 the following vote:

5 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

6 Noes: Councilmen: None

7 Absent: Councilmen: None

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APPROVED: Carl W. Shannon
CARL W. SHANNON, MAYOR

ATTEST H. E. GRAGG, CITY CLERK
BY Edmer J. Blum
Assistant City Clerk

1 FINAL ADOPTION CLAUSE

2 The foregoing ordinance having been introduced and order-
3 ed printed and published at a special meeting of the Council of
4 the City of Modesto held on the 2nd day of July, 1940, and subse-
5 quently printed and published as required by the Charter of the
6 City of Modesto, and coming on for final adoption at the regular
7 meeting of July 10, 1940, it was upon roll call so finally adopted
8 by the following vote:

9 Ayes: Councilmen: Barnell, Bates, Stanley, Mayor Shannon

10 Noes: Councilmen: None

11 Absent: Councilmen: Neece

12
13 APPROVED Carl W. Shannon
14 CARL W. SHANNON, MAYOR

H. E. GRAGG, CITY CLERK

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16 ATTEST Elmer J. Blum
17 ELMER J. BLUM, Assistant City
18 Clerk

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SPECIAL
NOT IN CODE

AN ORDINANCE APPROPRIATING MONEY AND PROVIDING FOR THE PURCHASE OF MATERIALS AND EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS AND FOR THE DEPARTMENT OF PARKS OF THE CITY OF MODESTO.

---oO---

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

Section I. The sum of Six Hundred and Seventy-Five Dollars (\$675.00), or so much thereof as may be necessary, is hereby appropriated from the general fund of the City of Modesto for the purchase of a Power Mower.

Section II. The sum of Three Thousand Five Hundred Dollars (\$3,500.00), or as much thereof as may be necessary, is hereby appropriated from the general fund of the City of Modesto for the purchase of two (2) Dump Trucks.

Section III. The sum of One Thousand Nine Hundred and Thirty Dollars (\$1,930.00), or as much thereof as may be necessary, is hereby appropriated from the general fund of the City of Modesto for the purchase of a Portable Air Compressor.

Section IV. The sum of Seven Hundred and Seventy-Five Dollars (\$775.00), or as much thereof as may be necessary, is hereby appropriated from the general fund of the City of Modesto for the purchase of a Road Oil Mixer.

Section V. The sum of Two Thousand Dollars (\$2,000.00), or as much thereof as may be necessary, is hereby appropriated from the general fund of the City of Modesto for the purchase of Concrete Materials.

Section VI. The sum of Two Thousand Dollars (\$2,000.00), or as much thereof as may be necessary, is hereby appropriated from the general fund of the City of Modesto for the purchase of materials for Storm Sewers.

Section VII. The sum of Five Thousand Nine Hundred Dollars (\$5,900.00), or as much thereof as may be necessary, is hereby appropriated from the general fund of the City of Modesto for the

1 purchase of materials for Sanitary Sewers.

2 Section VIII. The sum of Ten Thousand Six Hundred and Fifty
3 Dollars (\$10,650.00), or as much thereof as may be necessary,
4 is hereby appropriated from the water fund of the City of Modesto
5 for the purchase of Water Pipe and Fittings.

6 Section IX. The City Engineer shall, upon the adoption of
7 this ordinance, from time to time, as required by the Council of
8 the City of Modesto, file with the Council plans and specifications,
9 where necessary, for the materials and construction work outlined
10 above; and the City Clerk shall, from time to time as directed
11 by the Council, advertise for bids for said materials and
12 construction work, when necessary, and bids shall be received
13 and accepted and contracts awarded therefor as the Council may
14 hereafter by resolution determine and prescribe.

15 Section X. This Ordinance shall go into effect from and
16 after fifteen days after its final passage and adoption. It shall
17 be published in full at least once, at least three days prior to
18 its final adoption in the Modesto Bee, the official Newspaper of
19 the City of Modesto.

20 Section XI. The foregoing Ordinance was introduced at a
21 regular meeting of the Council of the City of Modesto held on
22 July 10, 1940, by Councilman Barnell, who moved
23 its adoption and passage to print, which motion was duly seconded,
24 was carried and the Ordinance ordered printed and published by
25 the following vote:

26 Ayes Councilmen: Barnell, Bates, Stanley, Mayor Shannon

27 Noes Councilmen: None

28 Absent Councilmen: Neece

29
30 Approved Carl W. Shannon Mayor

H. E. GRAGG, CITY CLERK

31 Attest Elmer J. Blum Asst. City Clerk
32

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of July 24, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED Paul W. Shannon
MAYOR

H. E. GRAGG, CITY CLERK

ATTEST Elmer J. Blum
Assistant City Clerk

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1 SPECIAL
2 NOT IN CODE

ORDINANCE NO. 634 N.S.

3 AN ORDINANCE APPROPRIATING MONEY FOR PURPOSES OF PROMOTING THE
4 GENERAL WELFARE OF THE CITIZENS OF MODESTO

5 ---o0o---

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

8 SECTION 1. The sum of Two Thousand Four Hundred
9 Dollars (\$2400.00), or so much thereof as may be necessary, is
10 hereby appropriated out of that particular part of the General
11 Fund of the City of Modesto supplied and created by the payment
12 of the \$5.00 registration fee required of all persons doing
13 business in the City of Modesto under and by virtue of the pro-
14 visions of Section 101 of Ordinance No. 487-N.S., entitled "AN
15 ORDINANCE PROVIDING FOR LICENSING AND REGULATING THE CARRYING ON
16 OF CERTAIN PROFESSIONS, TRADES, CALLINGS AND OCCUPATIONS IN THE
17 CITY OF MODESTO, PROVIDING THE METHOD OF COLLECTING SUCH LICENSES,
18 AND REPEALING CERTAIN ORDINANCES." Said sum is hereby appropriat-
19 ed for the purpose of promotion and/or for the general welfare of
20 the citizens of the City of Modesto, under and by virtue of the
21 power conferred on said City Council by Section 67, Article 5,
22 Charter of the City of Modesto.

SPECIAL
NOT IN CODE

23 SECTION 2. The sum of Eight Hundred Dollars (\$800.00),
24 or so much thereof as may be necessary, is hereby appropriated out
25 of the General Fund for the maintenance of the Stanislaus County
26 Boys' Band.

27 SECTION 3. This Ordinance shall go into effect from
28 and after 15 days after its final passage and adoption.

29 SECTION 4. This Ordinance shall be published in full
30 at least once, at least 3 days prior to its final adoption, in the
31 Modesto Bee, the official newspaper of the City of Modesto.

32 The foregoing Ordinance was introduced at a regular
meeting of the Council of the City of Modesto held on the 10th day
of July, 1940 by Councilman Stanley, who moved its adoption

1 and passage to print, which motion being duly seconded, was carried
2 and the Ordinance ordered printed and published as above by the
3 following vote:

4 Ayes: Councilmen: Barnell, Bates, Stanley, Mayor Shannon

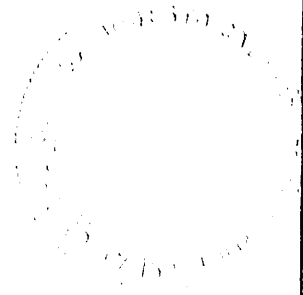
5 Noes: Councilmen: None

6 Absent: Councilmen: Neece

7 APPROVED Carl W. Shannon
CARL W. SHANNON, MAYOR

8 H. E. GRAGG, CITY CLERK

9 ATTEST Elmer J. Blum
ELMER J. BLUM, ASST. CITY CLERK



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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of July 24, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED

Paul W. Shannon
MAYOR

H. E. GRAGG, CITY CLERK

ATTEST

Elmer J. Blum
Assistant City Clerk

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SPECIAL
NOT IN CODE

ORDINANCE NO. 635 N. S.

AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE OF REAL PROPERTY ON BEHALF OF THE CITY OF MODESTO.

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

SECTION 1. The sum of \$13,775.00, or so much thereof as may be necessary, is hereby appropriated from the General Fund of the City of Modesto for the purchase of the following real property:

1. Lots 29, 30, 31 and 32 in Block 121, City of Modesto;
2. Lots 25 and 26 and the northwesterly 12 feet of Lot 24 in Block 121, City of Modesto;
3. Lots 27 and 28 in Block 121, City of Modesto.

All of said property is situate in the County of Stanislaus, State of California, and is according to the official Map of the City of Modesto filed in the office of the County Recorder of Stanislaus County, California on July 15, 1938 in Vol. 13 of Maps.

SECTION 2. This Ordinance shall go into effect from and after fifteen days after its final passage and adoption. It shall be published in full at least once, at least three days prior to its final adoption in the The Modesto Bee, the official newspaper of the City of Modesto.

SECTION 3. The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1940, by Councilman Barnell, who moved its adoption and passage to print, which motion being duly seconded, was carried and the Ordinance ordered printed and published by the following vote:

AYES: COUNCILMEN: Barnell, Bates, Stanley, Mayor Shannon

NOES: COUNCILMEN: None

ABSENT: COUNCILMEN: Neece

H.E. GRAGG, CITY CLERK

APPROVED: Carl W. Shannon
CARL W. SHANNON, MAYOR.

ATTEST: Emerald Blum
ASSISTANT, CITY CLERK.

635

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 10th day of July, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of July 24, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED Carl W. Shannon
MAYOR

H. E. GRAGO, CITY CLERK

ATTEST Elmer J. Blum
Assistant City Clerk

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SPECIAL
NOT IN CODE

ORDINANCE NO. 636 N. S.

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF MODESTO.

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WHEREAS, on the 1st day of May, 1940, under and by virtue of the terms of Section 1083D of the Political Code of the State of California, there was printed and/or caused to be printed in the The Modesto Bee, a newspaper of general circulation published in the City of Modesto, County of Stanislaus, State of California, a notice of intention to circulate a petition for annexation of the territory hereinafter described, said notice containing a statement not exceeding five hundred words setting forth the reason for the proposed petition; and,

WHEREAS, thereafter, to-wit, on the 27th day of May, 1940, there was received by the City Council of the City of Modesto, a municipal corporation, which said City Council is the legislative body of said municipal corporation, a written petition signed by not less than one fourth in number of all the qualified electors residing within the territory therein and hereinafter described, as shown by the registration of voters in the County in which such territory is situated, asking that such territory be annexed to the City of Modesto, and asking that the question to be submitted to the electors residing in the territory proposed by said petition to be annexed to said City of Modesto shall be whether such new territory shall be annexed to, incorporated in, and made a part of said municipal corporation, and the property therein be not, after such annexation, subject to taxation equally with the property within such municipal corporation to pay the bonded indebtedness of said City of Modesto outstanding at the date of the filing of such petition theretofore authorized; and,

1 WHEREAS, the petition for annexation of said territory
2 as filed with the City Council of the said City of Modesto was so
3 filed more than twenty-one days after the publication in said
4 The Modesto Bee of said notice of intention to circulate said
5 petition; and,

6 WHEREAS, thereafter and pursuant to said petition, an
7 election was called to submit to the qualified electors in the
8 territory proposed by said petition and notice to be annexed to
9 the said City of Modesto the said question as hereinbefore
10 stated, which said election was thereafter, to-wit, on the 19th
11 day of July, 1940, held in accordance with the said order and
12 resolution herein referred to, and in accordance with the statutes
13 in such case made and provided; and,

14 WHEREAS, the proper officers of said election did there-
15 upon and thereafter deliver the ballots, tally sheets and returns
16 of said election to and deposit the same with the Clerk of the
17 legislative body of said municipal corporation, to-wit, the Clerk
18 of the City Council of the City of Modesto, and the said City
19 Council did thereafter and at the time provided by law meet and
20 proceed to canvass said returns and did find therefrom that
21 within the said election precinct, which constituted the whole
22 of said territory proposed to be annexed, the total number of
23 votes cast was five votes, that the total number of votes cast
24 in favor of said proposition was five votes, and that the number
25 of votes cast against said proposition was none, and that said
26 proposition carried. The said City Council did thereupon immedi-
27 ately upon the completion of said canvass cause a record thereof
28 to be made and entered upon its minutes, stating the proposition
29 submitted, and showing the whole number of votes cast thereon in
30 the territory proposed to be annexed, the number of votes cast
31 therein in favor of annexation and the number of votes cast therein
32

1 against annexation, and that all of the matters and things re-
2 quired by law to be done in the premises have been done and
3 complied with, and that a majority of all the votes cast in
4 such outside territory on the question of annexation, as herein-
5 above stated, were cast in favor of such annexation:

6 NOW, THEREFORE, the Council of the City of Modesto DO
7 ORDAIN AS FOLLOWS:

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

12 All that certain real property and territory
13 located in the southwest quarter of Section 21,
14 Township 3 South, Range 9 East, M. D. B. & M.,
15 in the County of Stanislaus, State of California,
and particularly bounded and described as follows,
to-wit:

16 Commencing at the $\frac{1}{4}$ corner on the Section line
17 between Sections 21 and 28, Township 3 South, Range
18 9 East, M. D. B. & M.; thence Westerly along the
19 said Section Line, a distance of 20.00 feet to the
20 point of beginning; thence Northerly along a line
21 20.00 feet Westerly from, and parallel to the $\frac{1}{4}$
22 Section Line in the said Section 21, to the
23 Southeasterly property line of the Modesto Irrigation
24 District Lateral No. 4 Right of Way; thence Northwesterly
25 at an angle of 90° 00' with the said line 20.00 feet
26 Westerly from, and parallel to the said $\frac{1}{4}$ Section Line,
27 to the Northwesterly property line of the said Modesto
28 Irrigation District Lateral No. 4 Right of Way; thence
29 Southwesterly along the said Northwesterly property line
30 of the said Modesto Irrigation District Lateral No. 4
31 Right of Way, to a line 10.00 feet Northerly from and
32 parallel to the Northerly boundary line of the Lesliehugh
Tract; thence Westerly along the said line 10.00 feet
Northerly from and parallel to the said Northerly boundary
line of the said Lesliehugh Tract, to the center line of
Kimble Street, extended and produced; thence Southerly
along the said Center line of the said Kimble Street,
extended and produced, and the said center line of the
said Kimble Street, to the center line of Hintze Avenue;
thence Easterly along the said center line of the said
Hintze Avenue, to the center line of Patricia Lane; thence
Northeasterly along the said center line of the said
Patricia Lane, to the said Northerly boundary line
of the said Lesliehugh Tract; thence Easterly along the
said Northerly boundary line of the said Lesliehugh
Tract, to the said Northwesterly property line of the
said Modesto Irrigation District Lateral No. 4

1 Right of Way; thence Southwesterly along the said
2 Northwesterly property line of the said Modesto
3 Irrigation District Lateral No. 4 Right of Way, and
4 the said Northwesterly property line of the said
5 Modesto Irrigation District Lateral No. 4 Right of
6 Way, extended and produced, to the said Section
7 Line between Sections 21 and 28; thence Easterly
8 along the said Section Line between Sections 21 and
9 28, to the point of beginning.

6 The said Section Line between Sections 21 and 28
7 being common with the Northerly City Limits, as shown
8 on the Official Map of the City of Modesto as officially
9 adopted March 23, 1938, and other data as mentioned in
10 this description is as shown on the Map of the High
11 Homes Tract, as recorded in Maps, Volume 9, Page 24,
12 on the Amended Map of Lesliehugh Tract, as recorded
13 in Volume 11, Page 20, and on the Map of the Bussinger
14 Tract, as recorded in Maps, Volume 9, Page 48, in the
15 Stanislaus County Records, Stanislaus County, California,

12 be approved.

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

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

27 SECTION 4. That the said territory hereinabove described
28 shall not, after such annexation, be subject to taxation equally
29 with the property within such municipal corporation to pay the
30 bonded indebtedness of said municipal corporation outstanding
31 at the date of said annexation or indebtedness theretofore
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1 authorized.

2 SECTION 5. This Ordinance shall take effect and be in
3 full force and operation upon the filing of a certified copy
4 thereof, together with a copy of the record of said canvass as
5 specified in Section 2 hereof, with the Secretary of State of
6 California, but in any event not less than fifteen days after
7 its final passage and adoption.

8 SECTION 6. It is further ordered that this Ordinance be
9 published in full at least once at least three days prior to its
10 final passage and adoption in the The Modesto Bee, the official
11 newspaper of the City of Modesto.

12
13 The foregoing Ordinance was introduced by Councilman
14 Barnell, who moved its adoption and passage to print,
15 which motion being duly seconded, was upon roll call carried and
16 the Ordinance ordered printed and published as above by the fol-
17 lowing vote:

18 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
19 Noes: Councilmen: None
20 Absent: Councilmen: None

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24 APPROVED:


CARL W. SHANNON, MAYOR

25
26 ATTEST:

H. E. Gragg
H. E. GRAGG, CITY CLERK

27
28 By Charles J. Blum
ASSISTANT CITY CLERK

1 FINAL ADOPTION CLAUSE

2 The foregoing ordinance having been introduced and
3 ordered printed and published at a regular meeting of the Council
4 of the City of Modesto held on the 24th day of July, 1940, and
5 subsequently printed and published as required by the Charter
6 of the City of Modesto, and coming on for final adoption at the
7 regular meeting of August 14, 1940, it was upon roll call so
8 finally adopted by the following vote:

9 Ayes: Councilmen: Barnell, Bates, Neece, Mayor pro tem Stanley

10 Noes: Councilmen: None

11 Absent: Mayor Shannon

12
13 APPROVED: Carl J. Stanley
14 CARL J. STANLEY, MAYOR
15 PRO TEM

16 ATTEST H. E. GRAGG, CITY CLERK

17 By Elmer J. Blum
18 Elmer J. Blum, Assistant City Clerk
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ORDINANCE NO. 637 N. S.

AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 424 N. S. OF THE CITY OF MODESTO, WHICH IS AN ORDINANCE REGULATING THE COLLECTION AND DISPOSAL OF GARBAGE, ETC.

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

SECTION 1. Section 3 of Ordinance No. 424 N. S. of the City of Modesto entitled: "AN ORDINANCE REGULATING THE COLLECTION AND DISPOSAL OF GARBAGE, REFUSE, WASTE MATTER AND SWILL IN THE CITY OF MODESTO, PROVIDING FOR LICENSES FOR GARBAGE COLLECTORS, PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE AND REPEALING CONFLICTING ORDINANCES," is hereby amended by adding another provision thereto so that the same shall read as follows:

Section 3. All garbage, unless otherwise disposed of, as in this ordinance permitted, and all swill, unless fed upon the premises, as hereinabove provided, shall be placed by the person, firm or corporation, upon whose premises the same shall have been produced, in a water-tight galvanized metal container of not less than ten nor not more than thirty gallons net capacity of a design to be approved by the Sanitary Inspector, which container shall be kept clean and continuously closed, except when garbage or swill is being dumped into or removed therefrom, and shall at all times be closed against the access of flies and rodents to the contents thereof. The contents of such container shall be delivered not less than once a week, or oftener if deemed necessary by the Health Officer, to the collector, or otherwise disposed of, as in this ordinance specified. If the producer thereof shall elect to segregate non-putrefactive material from the other garbage, the said non-putrefactive material may be placed in a box or barrel located near the said galvanized container, but the material so segregated shall be kept in a dry condition, in accordance with the regulations of the Health Officer. The receptacle

1 shall be placed at such point on the premises as to be easily
2 accessible to the collector and not more than thirty feet from the
3 real property line where alleys are used for collection. The
4 receptacle shall not be placed or allowed to remain on any alley,
5 sidewalk or public street.

6 In the event that in the opinion of the Health Officer
7 or Sanitary Inspector of the City of Modesto the receptacles
8 used by the producers of garbage, swill and refuse do not meet
9 the requirements as set forth in this section and/or in the event
10 that said receptacles leak or for any other reason are unhealthful
11 and detrimental to the public health and welfare of the citizens
12 of the City of Modesto, the said City Health Officer and/or
13 Sanitary Inspector shall have the right and it shall be his duty
14 to confiscate and destroy said receptacles.

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

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

21 The foregoing ordinance was introduced at a regular meeting
22 of the Council of the City of Modesto held on the 24th day of
23 July, 1940, by Councilman Stanley, who moved its
24 adoption and passage to print, which motion being duly seconded
25 was upon roll call carried and the ordinance ordered printed and
26 published as above by the following vote:

27 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
28 Noes: Councilmen: None
29 Absent: Councilmen: None

30 APPROVED:

Carl W. Shannon
CARL W. SHANNON, MAYOR

31 ATTEST: H. E. GRAGG
32 H. E. GRAGG, CITY CLERK
BY *Charles J. Blum*
ASSISTANT CITY CLERK

1 FINAL ADOPTION CLAUSE

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3 The foregoing ordinance having been introduced and
4 ordered printed and published at a regular meeting of the Council
5 of the City of Modesto held on the 24th day of July, 1940, and
6 subsequently printed and published as required by the Charter
7 of the City of Modesto, and coming on for final adoption at the
8 regular meeting of August 14, 1940, it was upon roll call so
9 finally adopted by the following vote:

10 Ayes: Councilmen: Barnell, Bates, Neece, Mayor pro tem Stanley

11 Noes: Councilmen: None

12 Absent: Mayor Shannon

13 APPROVED: Carl J. Stanley
14 CARL J. STANLEY, MAYOR
15 PRO TEM

16 ATTEST H. E. GRAGG, CITY CLERK

17 By Elmer J. Blum
18 Elmer J. Blum, Assistant City Clerk
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NOT SPECIAL
IN CODE

ORDINANCE NO. 638 N. S.

AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE OF REAL PROPERTY
ON BEHALF OF THE CITY OF MODESTO.

---oooOooo---

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

SECTION 1. The sum of One Thousand Three Hundred Dollars (\$1,300.00), or so much thereof as may be necessary, is hereby appropriated from the General Fund of the City of Modesto for the purchase of the following real property:

Lot 64 of the FIRST ADDITION to SUNSET ACRES, according to the Map thereof filed in the office of the County Recorder of Stanislaus County, California, on March 18, 1911, in Volume 5 of Maps at page 27.

SECTION 2. This ordinance shall go into effect from and after fifteen days after its final passage and adoption. It shall be published in full at least once, at least three days prior to its final adoption in the The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a special meeting of the Council of the City of Modesto held on the 8th day of August, 1940, by Councilman BARNELL, who moved its adoption and passage to print, which motion being duly seconded, was carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED:

Carl W. Shannon
CARL W. SHANNON, MAYOR

ATTEST:

H. E. GRAGG
H. E. GRAGG, CITY CLERK

By *Charles J. Blum*
ASSISTANT CITY CLERK

1 FINAL ADOPTION CLAUSE

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3 The foregoing ordinance, having been introduced and
4 ordered printed and published at a special meeting of the Council
5 of the City of Modesto held on the 8th day of August, 1940, and
6 subsequently printed and published as required by the Charter of
7 the City of Modesto, and coming on for final adoption at the
8 regular meeting of August 14, 1940, it was upon roll call so
9 finally adopted by the following vote:

10 Ayes: Councilmen: Barnell, Bates, Neece, Mayor pro tem Stanley

11 Noes: Councilmen: None

12 Absent: Mayor Shannon

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14 APPROVED Carl J. Stanley
MAYOR PRO TEM

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17 ATTEST H. E. GRAGG, CITY CLERK

18 By Chas. J. Blum
Assistant City Clerk

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ORDINANCE NO. 639 N. S.

AN ORDINANCE AMENDING ORDINANCE NO. 602 N. S. OF THE CITY OF
MODESTO (CIVIL SERVICE ORDINANCE.)

---oooOooo---

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

SECTION 1. Section 5 of Ordinance No. 602 N. S. of the
City of Modesto, entitled: "AN ORDINANCE CREATING A CIVIL SERVICE
SYSTEM FOR THE EMPLOYEES OF CITY OF MODESTO, CREATING A DEPART-
MENT OF PERSONNEL, PRESCRIBING ITS DUTIES, SETTling THE STATUS OF
PRESENT EMPLOYEES, AND PROVIDING A PENALTY FOR THE VIOLATION
THEREOF," is hereby amended by adding new classifications of City
employees to those classifications heretofore set forth in said
Section 5 of said Ordinance, and which said Section 5 as amended
herein shall read as follows:

"Section 5. COMPETITIVE SERVICE. The provisions of
this ordinance shall not apply to persons occupying the following
offices, positions, and employments in the service of the City:

- (a) Elective offices.
- (b) Positions on appointive boards, commissions,
and committees.
- (c) Judge of the Police Court and Clerk thereof.
- (d) Chief officials of City
- (e) Unclassified laborers.

Within the meaning of this ordinance, an unclassified
laborer is hereby declared to be an unskilled workman, unqualified
to proceed independently to lay out and perform work, and who
prosecutes his duties under the immediate direction of a more
highly qualified workman or foreman. Janitors are hereby declared
to be unclassified laborers.

The following offices, positions, and employments in
the City of Modesto shall constitute the competitive service of said
City and said positions and employments are subject to the pro-
visions hereof.

DEPARTMENT OF PUBLIC WORKS.

1
2 Assistant City Engineer
3 Secretary
4 Stenographer
5 Surveyor
6 Assistant Surveyor
7 Engineering Aids
8 Chief Draftsman
9 Planning Engineer
10 Plumbing Inspector
11 Senior Engineering Aid
12 Draftsman
13 Assistant Superintendent of Streets
14 Equipment Operators, Grades (1) and (2)
15 Street Repair Foreman
16 Assistant Superintendent of Electricity
17 Electrician
18 Lineman
19 Fire Alarm Technician
20 Electrical Inspector
21 Assistant Building Inspector
22 Water Service Foreman
23 Assistant Water Service Foreman
24 Pipe Fitters
25 Pump Operators (Grades 1 and 2)
26 Superintendent of Construction
27 Assistant Superintendent of Construction
28 Sewage Disposal Plant Operator
29 Assistant Sewage Disposal Plant Operator
30 Assistant Superintendent of Parks
31 Horticulturist
32 Nurseryman
33 Tree Trimmers
34 Park Supervisors
35 Limited Laborer
36 Golf Course Manager
37 Greenskeeper
38 Groundsman
39 Assistant Superintendent Corporation Yard
40 Machinist
41 Auto Mechanic
42 Store Keeper and Service Man
43 Traffic Line Painter
44 Construction Laborers

CITY CLERK'S OFFICE.

25
26 Assistant Clerk
27 Assistant Auditor
28 Assistant Assessor
29 Assistant License Collector
30 Assistant Tax Collector
31 Assistant Treasurer
32 Deputy License Collector
33 Deputy Auditor
34 Secretary
35 Cashier -- Clerk
36 Assistant Cashier -- Clerk
37 Typist -- Clerk
38

POLICE DEPARTMENT.

Captain
Sergeants
Secretary
Clerk
Traffic Officers
Patrolmen

FIRE DEPARTMENT.

Assistant Chiefs
Operators
Drivers
Relief Driver

DEPARTMENT OF PUBLIC HEALTH.

Food and Drink Inspector
Sanitary Inspector

SECTION 2. This ordinance shall go into effect from and after fifteen (15) days after its final passage and adoption. It shall be published in full at least once at least three days prior to its final adoption in the The Modesto Bee, the official newspaper of the city of Modesto.

The foregoing ordinance was introduced at a regular meeting of the council of the City of Modesto held on the 14th day of August, 1940, by Councilman Bates, who moved its adoption and passage to print, which motion being duly seconded, was carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Mayor pro tem Stanley

Noes: Councilmen: None

Absent: Councilmen: Mayor Shannon

APPROVED:

C. J. Stanley
Mayor, Pro Tem

ATTEST:

H. E. Gragg
H. E. GRAGG, CITY CLERK

BY

Charles J. Blum
ASSISTANT CITY CLERK.

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3 **FINAL ADOPTION CLAUSE**

4 The foregoing ordinance, having been introduced and
5 ordered printed and published at a regular meeting of the Council
6 of the City of Modesto held on the 14th day of August, 1940, and
7 subsequently printed and published as required by the Charter of
8 the City of Modesto, and coming on for final adoption at the re-
9 gular meeting of August 28, 1940, it was upon roll call so finally
10 adopted by the following vote:

11 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

12 Noes: Councilmen: None

13 Absent: Councilmen: None

14 APPROVED: Carl W. Shannon
MAYOR

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16 ATTEST: H. E. GRAGG
CITY CLERK

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18 By Elmer J. Blum
Assistant City Clerk



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SPECIAL
NOT IN CODE

ORDINANCE NO. 640 N.S.

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF
MODESTO FOR THE FISCAL YEAR 1940-1941

---oOo---

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

SECTION 1

There is hereby levied upon the assessed valuation of
the property in the City of Modesto, County of Stanislaus, State
of California, for the fiscal year beginning July 1, 1940 and
ending June 30, 1941, the rates of taxation, hereinafter speci-
fied, said rates being upon each One Hundred Dollars (\$100.00) of
the valuation according to the equalized assessment roll, to-wit:

FOR THE GENERAL FUND-----\$.86
on each One Hundred Dollars taxable valuation

- FOR THE BOND REDEMPTION AND INTEREST FUND
- (a) Municipal Improvement Bonds of 1910 \$.016
 - (b) Municipal Improvement Bonds of 1911 .004
 - (c) Municipal Improvement Bonds of 1912 .014
 - (d) Municipal Improvement Bonds of 1919 .015
 - (e) Municipal Improvement Bonds of 1920 (Jan.) .066
 - (f) Municipal Improvement Bonds of 1920 (June) .010
 - (g) Municipal Improvement Bonds of 1923 .015

BEING A TOTAL OF----- .14
of each One Hundred Dollars in valuation of property taxable
for the redemption of bonds and the payments of interest
thereon that shall accrue during said fiscal year:

FOR THE LIBRARY FUND----- .10
on each One Hundred Dollars of taxable valuation

THE AGGREGATE OF SAID SUMS TO-WIT----- \$1.10

On each One Hundred Dollars valuation as determined
by the equalized assessment roll for the year 1940-41
on all property taxable in the City of Modesto for said
purpose is hereby levied and apportioned to and shall
be paid into the above funds respectively of said City.
The rates above specified shall be in addition to
those required to be levied under the general laws of
the State of California for the purpose of paying principal
and interest on street improvement and interest on street
improvement bonds in local improvement districts.

SECTION 2

1 Be it further provided that anything to the contrary
2 heretofore set forth, there shall be and there is hereby declared
3 to be a different rate of taxation levied upon certain property
4 situate in the City of Modesto, to-wit, Southern Campus Tract, Haw-
5 kins Tract, that portion of the Leslie-Hugh Tract recently annexed
6 to the City of Modesto and Esgar Tract. Said tax rate for said
7 Southern Campus Tract, Hawkins Tract, that portion of the Leslie-
8 Hugh Tract annexed and Esgar Tract, as aforesaid shall be and is
9 hereby declared to be as follows:

10	FOR THE GENERAL FUND-----	\$.86
11	on each One Hundred Dollars taxable valuation	
12	FOR THE LIBRARY FUND-----	.10
13	on each One Hundred Dollars of taxable valuation	
14	The aggregate of said sums, to-wit:	\$.96
15	on each One Hundred Dollars valuation as deter-	
16	mined by the equalized assessment roll for the	
17	year 1940-41	

16 The tax rate upon said Southern Campus Tract, Hawkins
17 Tract, that portion of the Leslie-Hugh Tract now a portion of the
18 City of Modesto and Esgar Tract is different from the tax rate
19 herein set for the balance of the property within the City of
20 Modesto by reason of the fact that said territory has recently
21 been annexed to and made a part of the City of Modesto under a
22 provision of the State Law which does not permit the said City to
23 levy taxes upon said annexed property for any past bonded indebted-
24 ness owed by said City and incurred before said territory became
25 a part of said City.

26 SECTION 3

27 This ordinance shall take effect immediately upon its
28 final passage and adoption.

29 SECTION 4

30 This ordinance shall be published in full at least
31 once at least three days prior to its final adoption in the The

1 Modesto Bee, the official newspaper of the City of Modesto.

2 The foregoing ordinance was introduced at a regular meeting
3 of the Council of the City of Modesto held on the 14th day of
4 August, 1940 by Commissioner Neece, who moved its adoption
5 and passage to print, which motion being duly seconded, the ordi-
6 nance was upon roll call ordered printed and published as required
7 by the Charter of the City of Modesto by the following vote:

8 Ayes: Councilmen: Barnell, Bates, Neece, Mayor pro tem Stanley

9 Noes: Councilmen: None

10 Absent: Councilmen: Mayor Shannon

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APPROVED

C. J. Stanley
Mayor pro tem

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H. E. GRAGG, CITY CLERK

14

ATTEST

Charles J. Blum
Assistant City Clerk

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 14th day of August, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of August 28, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Carl N. Shannon
MAYOR

ATTEST: H. E. GRAGG
CITY CLERK

By Elmer J. Blum
Assistant City Clerk

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ORDINANCE NO. 641 N. S.

AN ORDINANCE AMENDING ORDINANCE NO. 41 N. S. OF THE CITY OF
MODESTO (WEED AND RUBBISH ORDINANCE.)

---ooOooo---

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

SECTION 1. Ordinance No. 41 N. S. of the City of Modesto, entitled: "AN ORDINANCE REQUIRING THE OWNERS OF REAL PROPERTY IN THE CITY OF MODESTO TO REMOVE ALL GRASS, WEEDS, RUBBISH OR OTHER OBSTRUCTIONS FROM LOTS AND FROM IN FRONT OF SAME: PROVIDING FOR SUCH WORK TO BE DONE BY THE SAID CITY OF MODESTO UPON THE DEFAULT OF SUCH OWNER; PROVIDING THAT THE COST OF SUCH WORK SHALL BE PAID TO THE SAID CITY BY SUCH OWNER OR SHALL BECOME A LIEN AGAINST SUCH PROPERTY IN DEFAULT OF SUCH PAYMENT, AND PROVIDING FOR THE ENFORCEMENT OF SUCH LIEN," is hereby amended to read as follows:

SECTION 1. Every owner of real property in the City of Modesto 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, as well as all puncture vines of whatever height, and all grass and weeds over two (2) inches tall.

SECTION 2. No waste materials as herein mentioned shall be deposited, placed or dumped upon the public streets, between property lines, in any alley, wharf, park or waterway in the City of Modesto.

SECTION 3. Upon the failure of the owner of any such real property in said City to remove or clear away such grass, weeds, puncture vine or vines, rubbish, obstructions or materials from such real property, the owner of such real property shall be notified by the Street Superintendent of said City to remove the same within a period of seven days. Such notice shall be

1 in writing or printed and shall be posted in a conspicuous place
2 upon said property for a period of seven days. If at the end of
3 such period mentioned in said notice, such owner has failed to
4 comply with said notice, then the Street Superintendent shall
5 cause such grass, weeds, puncture vine or vines, rubbish, ob-
6 structions or materials to be removed from said property and shall
7 charge the expense of such work of removing the same to the owner
8 of said property.

9 Upon the completion of the work of removal of said
10 grass, weeds, puncture vine or vines, rubbish, obstructions or
11 materials, the Street Superintendent shall notify the owner of
12 such real property in writing of the expense of such work. If
13 said owner fails or refuses to pay the amount of such expense
14 within a period of thirty (30) days from the date of such notice,
15 payment to be made to the City of Modesto, the said amount shall
16 be certified to the Auditor of the City of Modesto, who shall re-
17 cord in a book to be kept for that purpose the name of the owner
18 of the property so cleared, a description of the property suf-
19 ficient for identification, and the amount charged against the
20 said property for doing the work of clearing and removing said
21 grass, weeds, puncture vine or vines, rubbish, obstructions or
22 materials from the same. From and after the date that said entry
23 is so made, the amount charged against said owner of said property
24 shall be a lien thereon and shall be collected by an action brought
25 on behalf of the said City of Modesto to foreclose said lien
26 against said property upon which said lien has been so imposed.

27 SECTION 4. Nothing in this ordinance contained shall be
28 construed to require the removal from said real property of any
29 ornamental trees, plants, lawns or shrubs of a reasonable growth,
30 provided the same are not in any manner obstructions to the free
31 use of the sidewalk in front of or along such property by
32 pedestrians.

1 SECTION 5. Nothing contained in this ordinance shall
2 prevent owners of property in said City from making agreements or
3 contracts with the City of Modesto, through said City's Superin-
4 tendent of Streets, for the elimination or eradication of said
5 grass, weeds, puncture vine or vines, rubbish, obstructions or
6 materials, should said property owners so desire. The City
7 in said contract may provide for a reasonable amount to be paid
8 by the owners of said property for the eradication or removal of
9 said grass, weeds, puncture vine or vines, rubbish, obstructions
10 or materials. In the event that said property owners after enter-
11 ing into said agreements and after performance of the terms there-
12 of by said City, refuse to pay for said work as provided for in
13 said contract, then the work performed by said City and materials
14 used for the removal or eradication of grass, weeds, puncture vine
15 or vines, rubbish, obstructions or materials, shall become a lien
16 upon said property in the same manner as heretofore provided for
17 in cases where the owner of said property fails or refuses to re-
18 move said grass, weeds, puncture vine or vines, rubbish, obstruct-
19 ions or materials.

20 SECTION 6. This ordinance shall go into effect and be
21 in full force and operation from and after fifteen days after its
22 final passage and adoption.

23 SECTION 7. This ordinance shall be published in full at
24 least once at least three days prior to its final adoption in the
25 The Modesto Bee, the official newspaper of the City of Modesto.

26 The foregoing ordinance was introduced at a regular
27 meeting of the Council of the City of Modesto held on the 28th
28 day of August, 1940, by Councilman Stanley, who moved
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1 its adoption and passage to print, which motion being duly
2 seconded was upon roll call carried and the ordinance ordered
3 printed and published as above by the following vote:

4 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

5 Noes: Councilmen: None

6 Absent: Councilmen: None

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10 APPROVED:

Carl W. Shannon
11 CARL W. SHANNON, MAYOR

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14 ATTEST:

H. E. GRAGG

H. E. GRAGG, CITY CLERK.

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16 BY

Elmer J. Blum
17 ASSISTANT CITY CLERK.

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FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of September 11, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Earl H. Shannon
MAYOR OF THE CITY OF
MODESTO

H. E. GRAGG, CITY CLERK

ATTEST: Edna J. Blum
Assistant City Clerk

SPECIAL
NOT IN CODE

ORDINANCE NO. 642 N. S.

2 AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE
3 CITY OF MODESTO.

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5 WHEREAS, on the 15th day of May, 1940, under and by virtue
6 of the terms of Section 1083D of the Political Code of the State
7 of California, there was printed and or caused to be printed in
8 the The Modesto Bee, a newspaper of general circulation published
9 in the City of Modesto, County of Stanislaus, State of California,
10 a notice of intention to circulate a petition for annexation of
11 the territory hereinafter described, said notice containing a
12 statement not exceeding five hundred words setting forth the
13 reason for the proposed petition; and,

14 WHEREAS, thereafter, to-wit, on the 8th day of July
15 1940, there was received by the City Council of the City of
16 Modesto, a municipal corporation, which said City Council is the
17 legislative body of said municipal corporation, a written petition
18 signed by not less than one fourth in number of all the qualified
19 electors residing within the territory therein and hereinafter
20 described, as shown by the registration of voters in the County
21 in which such territory is situated, asking that such territory
22 be annexed to the City of Modesto, and asking that the question
23 to be submitted to the electors residing in the territory pro-
24 posed by said petition to be annexed to said City of Modesto shall
25 be whether such new territory shall be annexed to, incorporated in,
26 and made a part of said municipal corporation, and the property
27 therein be not, after such annexation subject to taxation equally
28 with the property within such municipal corporation to pay the
29 bonded indebtedness of said City of Modesto outstanding at the date
30 of the filing of such petition theretofore authorized; and,
31

1 WHEREAS, the petition for annexation of said territory
2 as filed with the City Council of the said City of Modesto was so
3 filed more than twenty-one days after the publication in said
4 The Modesto Bee of said notice of intention to circulate said
5 petition; and,

6 WHEREAS, thereafter and pursuant to said petition, an
7 election was called to submit to the qualified electors in the
8 territory proposed by said petition and notice to be annexed to
9 the said City of Modesto the said question as hereinbefore
10 stated, which said election was thereafter, to-wit, on the 20th
11 day of September, 1940, held in accordance with the said order and
12 resolution herein referred to, and in accordance with the statutes
13 in such case made and provided; and,

14 WHEREAS, the proper officers of said election did there-
15 upon and thereafter deliver the ballots, tally sheets and returns
16 of said election to and deposit the same with the Clerk of the
17 legislative body of said municipal corporation, to-wit, the Clerk
18 of the City Council of the City of Modesto, and the said City
19 Council did thereafter and at the time provided by law meet and
20 proceed to canvass said returns and did find therefrom that
21 within the said election precinct, which constituted the whole
22 of said territory proposed to be annexed, the total number of
23 votes cast was nine votes; that the total number of votes cast
24 in favor of said proposition was nine votes, and that the number
25 of votes cast against said proposition was none, and that said
26 proposition carried. That no absentee ballots were cast. The
27 said City Council did thereupon immediately upon the completion of
28 said canvass cause a record thereof to be made and entered upon
29 its minutes, stating the proposition submitted, and showing the
30 whole number of votes cast thereon in the territory proposed to be
31 annexed, the number of votes cast therein in favor of annexation
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1 and the number of votes cast therein against annexation, and that
2 all of the matters and things required by law to be done in the
3 premises have been done and complied with, and that a majority of
4 all the votes cast in such outside territory on the question of
5 annexation, as hereinabove stated, were cast in favor of such
6 annexation:

7 NOW, THEREFORE, THE COUNCIL of the City of Modesto DO
8 ORDAIN AS FOLLOWS:

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

13 Beginning at the southeast corner of the
14 northwest $\frac{1}{4}$ of the southeast $\frac{1}{4}$ of Section 28,
15 T. 3 S., R. 9 E., M. D. B. & M., thence southerly
16 along the $\frac{1}{4}$ - $\frac{1}{4}$ section line, to an easterly and
17 westerly line equally dividing Lot 3, the said
18 Lot 3 being as shown on the map of Las Flores
19 Tract, recorded in Maps, Volume 9, page 47, Stan-
20 islaus County Records; thence westerly along the said
21 dividing line through the center of said Lot 3, to
22 the center line of Las Flores, a County Road; thence
23 southerly along the said center line of Las Flores
24 to the southerly boundary line of La Linda, extended
and produced, according to the map of La Linda, re-
corded in Maps, Volume 11, page 40, Stanislaus
County Records; thence westerly along the said
southerly boundary line of La Linda and the said
southerly boundary line of La Linda, extended and
produced to the city limit line in Beard Brook;
thence northerly along the said city limit line in
Beard Brook, to the $\frac{1}{4}$ - $\frac{1}{4}$ section line; thence
easterly along the said $\frac{1}{4}$ - $\frac{1}{4}$ section line to the
beginning,

25 be approved.

26 SECTION 2. That the said territory hereinabove described
27 be, and the same is, hereby annexed to, incorporated in and made
28 a part of the said City of Modesto, to be effective upon the
29 filing with the Secretary of State of the State of California of
30 a copy of the record of the canvass of the returns of said
31 election in such new territory and a certified copy of this
32

1 ordinance.

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

9 SECTION 4. That the said territory hereinabove described
10 shall not, after such annexation, be subject to taxation equally
11 with the property within such municipal corporation to pay the
12 bonded indebtedness of said municipal corporation outstanding at
13 the date of said annexation or indebtedness theretofore authorized.

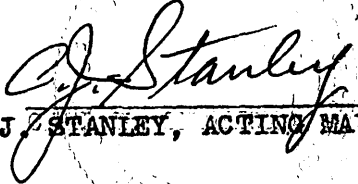
14 SECTION 5. This ordinance shall take effect and be in full
15 force and operation upon the filing of a certified copy thereof,
16 together with a copy of the record of said canvass as specified in
17 Section 2 hereof, with the Secretary of State of the State of
18 California, but in any event not less than fifteen days after its
19 final passage and adoption.

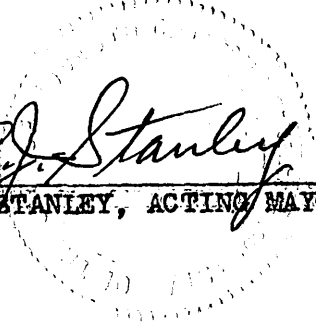
20 SECTION 6. IT IS FURTHER ORDERED that this ordinance be
21 published in full at least once at least three days prior to its
22 final passage and adoption in the The Modesto Bee, the official
23 newspaper of the City of Modesto.
24 at a regular meeting of the Council of the City of Modesto held on
the 25th day of September, 1940

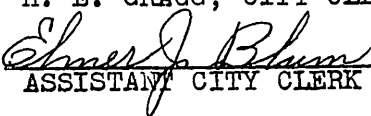
25 The foregoing ordinance was introduced/ by Councilman
26 Barnell, who moved its adoption and passage to
27 print, which motion being duly seconded, was upon roll call
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1 carried and the ordinance ordered printed and published as above
2 by the following vote:
3 Ayes: Councilmen: Barnell, Bates, Neece, Mayor pro tem Stanley
4 Noes: Councilmen: None
5 Absent: Councilmen: Mayor Shannon

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APPROVED: 
C. J. STANLEY, ACTING MAYOR



ATTEST:
H. E. GRAGG
H. E. GRAGG, CITY CLERK
By 
ASSISTANT CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 25th day of September, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of October 9, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Mayor pro tem Stanley

Noes: Councilmen: None

Absent: Mayor Shannon

APPROVED C.J. Stanley
C.J. STANLEY, ACTING MAYOR

ATTEST: H. E. GRAGG, CITY CLERK
By Charles J. Blum
Assistant City Clerk

RECORDED AND INDEXED

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REPEALED ORD 234CS

ORDINANCE NO. 643 N. S.

AN ORDINANCE AMENDING SECTIONS 32 AND 19 OF ORDINANCE NO. 345 N.S. OF THE CITY OF MODESTO ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO," AS THEREAFTER AMENDED.

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

SECTION 1. Section 32 of Ordinance No. 345 N. S. of the City of Modesto, entitled: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO," AS THEREAFTER AMENDED is hereby amended to read as follows:

Section 32. The operator of a vehicle shall not park said vehicle for longer than sixty (60) consecutive minutes upon any of the public streets, alleys, highways, thoroughfares or boulevards of the City of Modesto between the hours of 9 o'clock A. M. and 6 o'clock P. M. of any day except Sunday, and subject to the special restrictions imposed by sections 30 and 31, nor shall the operator of a vehicle park said vehicle for a longer period than fifteen minutes on the northwesterly side of I Street between the alley of Block 84 and the southwesterly line of Twelfth Street.

Signs shall be erected and maintained not more than one hundred fifty (150) feet apart in each block, designating the provisions of this section.

SECTION 2. BE IT FURTHER PROVIDED that the City Council of the City of Modesto may hereafter when and if the general welfare and safety of the citizens of the City of Modesto so require it, increase or diminish the time for which vehicles may be parked in said area by resolution regularly adopted by said City Council, and by posting appropriate signs in said area or any part thereof, conveying the information as to the length of time which vehicles may park in said area.

SECTION 3. Nothing herein contained shall be construed to amend, change, or modify the provisions of Ordinance No. 538 N. S.

1 entitled: "AN ORDINANCE PROVIDING TEN (10) MINUTE VEHICLE PARK-
2 ING PERIODS AT CERTAIN DESIGNATED PLACES."

3 SECTION 4. Section 19 of Ordinance No. 345 N. S. of the
4 City of Modesto entitled: "AN ORDINANCE REGULATING TRAFFIC UPON
5 THE PUBLIC STREETS OF THE CITY OF MODESTO," as thereafter amended,
6 is hereby amended to read as follows:

7 Section 19. The operator of a vehicle shall not between
8 the hours of 9 o'clock A. M. and 9 o'clock P. M. turn such vehicle
9 in a complete circle or so as to proceed in the opposite direction
10 at or within any intersection formed by any of the streets, highways,
11 alleys, boulevards or thoroughfares within the City of Modesto.

12 SECTION 5. BE IT FURTHER PROVIDED that the provisions of
13 Section. 19 shall not be enforceable unless and until signs
14 are erected at said intersections or any of them declaring that
15 it is illegal to turn a vehicle at said intersection in a complete
16 circle or so as to proceed in the opposite direction.

17 SECTION 6. If any section, subsection, sentence, clause
18 or phrase of this ordinance is for any reason held to be invalid
19 or unconstitutional, such decision shall not affect the validity
20 of the remaining portions of the ordinance. The Council of the
21 City of Modesto hereby declares that it would have passed this
22 ordinance and each section, subsection, sentence, clause or
23 phrase hereof, irrespective of the fact that any one or more sec-
24 tions, subsections, sentences, clauses or phrases be declared
25 invalid or unconstitutional.

26 SECTION 7. This ordinance shall go into effect and be in
27 full force and operation from and after 15 days after its final
28 passage and adoption.

29 SECTION 8. This ordinance shall be published in full at
30 least once at least 3 days prior to its final adoption in the
31 The Modesto Bee, the official newspaper of the City of Modesto.
32

1 The foregoing ordinance was introduced at a regular meet-
2 ing of the Council of the City of Modesto held on the 9th day of
3 October, 1940, by Councilman Bates, who moved its
4 adoption and passage to print as aforesaid, which motion being
5 duly seconded was upon roll call carried, and the ordinance
6 ordered published as above by the following vote:

7
8 Ayes: Councilmen: Barnell, Bates, Neece, Mayor pro tem Stanley

9 Noes: Councilmen: None

10 Absent: Councilmen: Mayor Shannon
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14 APPROVED:

C. J. Stanley
15 ~~C. J. STANLEY, ACTING MAYOR~~
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17

18 ATTEST: H. E. GRAGG
19 H. E. GRAGG, CITY CLERK

20 Signed: *Charles J. Blum*
21 ASSISTANT CITY CLERK
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FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of October 23, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Paul W. Shannon
MAYOR

ATTEST: H. E. Gagg
CITY CLERK
by Elmer J. Blum
Asst. City Clerk.

Amended by
Ord # 650-N.S.
amended by
Ord # 795-N.S.
Ord # 795-N.S.
Rescinded by

ORDINANCE NO. 644 N. S.

AN ORDINANCE AMENDING ORDINANCE NO. 345 N. S. OF THE CITY OF MODESTO ENTITLED: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO" AS THEREAFTER AMENDED, BY ADDING A NEW SECTION TO BE NUMBERED 36A.

---ooo0ooo---

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

7 SECTION 1. Ordinance No. 345 N. S. of the City of
8 Modesto entitled: "AN ORDINANCE REGULATING TRAFFIC UPON THE PUBLIC
9 STREETS OF THE CITY OF MODESTO," as thereafter amended, is hereby
10 amended by adding a new section thereto to be numbered 36A, which
11 said Section 36A shall read as follows:

12 SECTION 36A. The following streets within the City of
13 Modesto are hereby designated as 'Unrestricted Traffic Streets':

14 UNRESTRICTED TRAFFIC STREETS:

15 H Street from the easterly city limits to the
16 intersection formed by said H Street and Kimble
Street.

17 Downey Avenue from the intersection formed by said
18 Downey Avenue and Kimble Street to the intersection
formed by said Downey Avenue and McHenry Avenue.

19 Needham Avenue from the intersection formed by said
20 Needham Avenue and McHenry Avenue to the intersection
formed by said Needham Avenue and Ninth Street.

21 McHenry Avenue from the northerly city limits to the
22 intersection formed by said McHenry Avenue and Need-
ham Avenue.

23 N Street from the intersection formed by said N
24 Street and Needham Avenue to the intersection formed
by said N Street and Ninth Street.

25 J Street from the intersection formed by J Street
26 and Fifteenth Street to the intersection formed by
J Street and Seventeenth Street.

27 Fifteenth Street from the intersection formed by
28 said Fifteenth Street and J Street to the inter-
29 section formed by said Fifteenth Street and Jennie
Street.

30 Burney Street from the intersection formed by said
31 Burney Street and H Street to the intersection formed
32 by said Burney Street and Jennie Street.

1 Grand Street from the intersection formed by
2 said Grand Street and Burney Street to the
easterly city limits.

3 Fourteenth Street from the intersection formed
4 by said Fourteenth Street and D Street to the
5 intersection formed by said Fourteenth Street
and Burney Street.

6 D Street from the intersection formed by said D
7 Street and Fifteenth Street to the intersection
formed by said D Street and Nineteenth Street.

8 Ninth Street from the intersection formed by said
9 Ninth Street and Tully Avenue to the southerly
city limits.

10 B Street from the intersection formed by said B
11 Street and Ninth Street to the intersection formed
by said B Street and Seventh Street.

12 G Street from the intersection formed by said G
13 Street and Fifth Street to the intersection formed
by said G Street and Ninth Street.

14 K Street from the intersection formed by said K
15 Street and Fifth Street to the intersection
formed by said K Street and Ninth Street.

16 Seventh Street from the intersection formed by said
17 Seventh Street and C Street to the southerly city
limits.

18 Eighth Street from the intersection formed by said
19 Eighth Street and G Street to the intersection
formed by said Eighth Street and Arch Street.

20 Fifth Street from the intersection formed by said
21 Fifth Street and G Street to the intersection
formed by said Fifth Street and Washington Street.

22 Maze Boulevard from the intersection formed by said
23 Maze Boulevard and Washington Street to the westerly
city limits.

24 H Street from the intersection formed by said H Street
25 and Fifth Street to the intersection formed by said
H Street and Franklin Street.

26 Tully Avenue from the intersection formed by said
27 Tully Avenue and Ninth Street to the intersection
formed by said Tully Avenue and Coldwell Avenue.

28 SECTION 2. The term "Unrestricted Streets" as used in
29 this ordinance is hereby defined as being a street, avenue, or
30 thoroughfare, over and upon which vehicles designed or used for
31 the transportation of commodities or materials may be driven and
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1 operated, regardless of the size, type or kind of said vehicle,
2 or the length of said vehicle or the load or cargo thereon.

3 SECTION 2a. The compound word "pickup" as used in this
4 ordinance shall mean to take aboard a load or cargo of the type
5 or kind that said vehicle is designed to haul.

6 SECTION 3. It shall be unlawful for the operator of any
7 moving van, dump truck, tank truck, used or designed for the
8 purpose of transporting petroleum products, or any vehicle de-
9 signed or used for the transporting of commodities or materials,
10 which vehicles extend more than eight (8) feet to the rear of the
11 driving compartment of said vehicle, or any vehicle whose load
12 extends more than eight (8) feet to the rear of the driving com-
13 partment thereof, to operate said vehicle upon any street other
14 than unrestricted streets, avenues or thoroughfares for any
15 purpose other than to make a "pickup" or delivery upon said
16 street, avenue, or thoroughfare. In traveling to or from the
17 point of delivery or "pickup" the operator of said vehicle shall
18 drive as far as possible upon and over an unrestricted street,
19 avenue or thoroughfare.

20 SECTION 4. It shall be unlawful for the operator of any
21 vehicle to tow or pull or push any other vehicle on any street
22 of the City of Modesto other than upon unrestricted streets,
23 avenues or thoroughfares, for any distance greater than is abso-
24 lutely necessary.

25 SECTION 5. Nothing herein shall be construed to prevent
26 the driving and operation of fire apparatus upon any streets of
27 the City of Modesto, nor shall this ordinance by its terms prevent
28 equipment owned by the City of Modesto from being operated upon
29 any of the streets of said City. Neither shall this ordinance by
30 its terms be construed to apply to the moving of houses, buildings
31 or structures upon and over the streets of said City.

1 SECTION 6. Nothing in this ordinance shall prevent
2 the operation of vehicles of whatever length or type from any
3 street, avenue or thoroughfare in the City of Modesto when said
4 vehicles constitute a part of a duly permitted and legal parade
5 or procession, or while said vehicles are being driven to a
6 place in said City to take part in said parade or procession.

7 SECTION 7. Violation of this ordinance shall constitute
8 a misdemeanor, punishable by a fine not to exceed Fifty (\$50.00)
9 Dollars, or twenty-five (25) days in jail, or by both such fine
10 and imprisonment.

11 SECTION 8. This ordinance shall go into effect and be
12 in full force and operation from and after fifteen (15) days
13 after its final passage and adoption.

14 SECTION 9. This ordinance shall be published in full
15 at least once at least three days prior to its final adoption
16 in the The Modesto Bee, the official newspaper of the City of
17 Modesto.

18 The foregoing ordinance was introduced at a regular meet-
19 ing of the Council of the City of Modesto held on the 27th day
20 of November, 1940, by Councilman Stanley, who moved its
21 adoption and passage to print, which motion being duly seconded
22 was upon roll call carried, and the ordinance ordered printed and
23 published as above by the following vote:

24 Ayes: Councilmen: **Barnell, Bates, Neece, Stanley, Mayor Shannon**

25 Noes: Councilmen: **None**

26 Absent: Councilmen: **None**

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29 ATTEST:

H. E. GRAGG

CITY CLERK

30
31 By Elmer J. Blum

ASSISTANT CITY CLERK

APPROVED: Carl W. Shannon

CARL W. SHANNON, MAYOR

1 FINAL ADOPTION CLAUSE

2
3 The foregoing ordinance having been introduced and
4 ordered printed and published at a regular meeting of the Council
5 of the City of Modesto held on the 27th day of November, 1940, and
6 subsequently printed and published as required by the Charter of
7 the City of Modesto, and coming on for final adoption at the regu-
8 lar meeting of December 11, 1940, it was upon roll call so finally
9 adopted by the following vote:

10 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

11 Noes: Councilmen: None

12 Absent: Councilmen: None

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14 APPROVED Paul H. Shannon
MAYOR

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16 ATTEST Elmer J. Blum
CITY CLERK

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REPEALED BY
MUNICIPAL CODE

ORDINANCE NO. 645 N. S.

AN ORDINANCE FIXING THE COMPENSATION OF CERTAIN CITY OFFICIALS OF THE CITY OF MODESTO.

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

SECTION 1. The compensation to be paid by the City of Modesto to the officials occupying the following offices shall be as follows:

The combined offices of City Clerk, Auditor and Assessor the sum of \$3300.00 per annum.

The combined offices of Treasurer and Collector the sum of \$2700.00 per annum.

SECTION 2. The compensation of the officials occupying said offices as above set forth shall be in full for the proper performance of the duties assigned to them in the various offices occupied by said officials.

SECTION 3. The Council of the City of Modesto hereby finds and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Modesto and persons therein, by reason of the following facts: That said offices the compensation for which is herein fixed have become vacant by reason of the resignation of the official holding said offices; the said City Council has deemed it fitting and proper to divide said offices and to combine the offices of City Treasurer and Collector under one official and the offices of City Clerk, City Auditor and City Assessor under a different official. That it is vital to the interests of the City of Modesto and its citizens that said offices be divided as aforesaid and that said division makes it necessary that the salaries heretofore paid to one official who held all of said offices be adjusted to the end that proper

1 salaries may be paid to the individuals holding said divided
2 offices.

3 That salaries for public officers in the City of Modesto
4 can be changed only by ordinance and that it is essential that
5 new appointees to said offices take up the duties of said offices
6 at once and that the ordinance by which said salaries are fixed
7 should, for the reasons stated, become operative at the earliest
8 possible date.

9 This ordinance shall therefore take effect immediately
10 upon its final passage and adoption.

11 SECTION 4. All ordinances or parts of ordinance in
12 conflict herewith are hereby repealed.

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

16 The foregoing ordinance was introduced at a special meet-
17 ing of the Council of the City of Modesto held on the 28th day
18 of November, 1940, by Councilman _____ Neece _____, who moved
19 its adoption and passage to print as aforesaid, which motion
20 being duly seconded was upon roll call carried, and the ordinance
21 ordered published as above by the following vote:

22 Ayes: Councilmen: Bafnell, Bates, Neece, Stanley, Mayor Shannon

23 Noes: Councilmen: None

24 Absent: Councilmen: None

25
26
27 APPROVED:


CARL W. SHANNON, MAYOR

28
29
30 ATTEST:


CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 28th day of November, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of December 11, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED

Paul W. Shannon
MAYOR

ATTEST

Charles J. Blum
CITY CLERK

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SPECIAL
NOT IN CODE

ORDINANCE NO. 646 N. S.

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY TO THE CITY OF MODESTO.

---oooOooo---

WHEREAS, on the 15th day of March, 1940, under and by virtue of the terms of Section 1083D of the Political Code of the State of California, there was printed and/or caused to be printed in the The Modesto Tribune, a newspaper of general circulation published weekly in the City of Modesto, County of Stanislaus, State of California, a notice of intention to circulate a petition for annexation of the territory hereinafter described, said notice containing a statement not exceeding five hundred words setting forth the reason for the proposed petition; and,

WHEREAS, thereafter, to-wit, on the 11th day of September, 1940, there was received by the City Council of the City of Modesto, a municipal corporation, which said City Council is the legislative body of said municipal corporation, a written petition signed by not less than one fourth the number of all the qualified electors residing within the territory therein and hereinafter described, as shown by the registration of voters in the County in which such territory is situated, asking that such territory be annexed to the City of Modesto, and asking that the question to be submitted to the electors residing in the territory proposed by said petition to be annexed to said City of Modesto shall be whether such new territory shall be annexed to, incorporated in, and made a part of said municipal corporation, and the property therein be not, after such annexation, subject to taxation equally with the property within such municipal corporation to pay the bonded indebtedness of said City of Modesto outstanding at the date of the filing of such petition theretofore authorized; and,

1 WHEREAS, the petition for annexation of said territory
2 as filed with the City Council of the said City of Modesto was so
3 filed more than twenty-one days after the publication in said
4 The Modesto Tribune of said notice of intention to circulate said
5 petition; and,

6 WHEREAS, thereafter and pursuant to said petition, an
7 election was called to submit to the qualified electors in the
8 territory proposed by said petition and notice to be annexed to
9 the said City of Modesto the said question as hereinbefore
10 stated, which said election was thereafter, to-wit, on the 26th
11 day of November, 1940, held in accordance with the said order and
12 resolution herein referred to, and in accordance with the statutes
13 in such case made and provided; and,

14 WHEREAS, the proper officers of said election did there-
15 upon and thereafter deliver the ballots, tally sheets and returns
16 of said election to and deposit the same with the Clerk of the
17 legislative body of said municipal corporation, to-wit, the Clerk
18 of the City Council of the City of Modesto, and the said City
19 Council did thereafter and at the time provided by law meet and
20 proceed to canvass said returns and did find therefrom that within
21 the said election precinct, which constituted the whole of said
22 territory proposed to be annexed, the total number of votes cast
23 was 133 votes; that the total number of votes cast in favor of
24 said proposition was 74 votes, and that the number of votes cast
25 against said proposition was 59 votes, and that said proposition
26 carried. That no absentee ballots were cast. The said City
27 Council did thereupon immediately upon the completion of said
28 canvass cause a record thereof to be made and entered upon its
29 minutes, stating the proposition submitted, and showing the whole
30 number of votes cast thereon in the territory proposed to be an-
31 nexed, the number of votes cast therein in favor of annexation,
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1 and the number of votes cast therein against annexation, and that
2 all of the matters and things required by law to be done in the
3 premises have been done and complied with, and that a majority of
4 all the votes cast in such outside territory on the question of
5 annexation, as hereinabove stated, were cast in favor of such
6 annexation:

7 NOW, THEREFORE, THE COUNCIL of the City of Modesto DO
8 ORDAIN AS FOLLOWS:

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

13 Beginning at the Section Corner common to
14 Sections 20, 21, 28 and 29, T. 3 S., R. 9
15 E., M.D.B. & M., the same being on a
16 Corporate City Limit Line of the City of
17 Modesto; thence Easterly along the Section
18 Line common to Sections 21 and 28, the same
19 being a Corporate City Limit Line of the City
20 of Modesto, to the Easterly Property Line
21 of McHenry Avenue; thence Northerly along
22 the said Easterly Property Line of McHenry
23 Avenue, to the Southerly Property Line of
24 Griswold Avenue, extended and produced;
25 thence Westerly along the said Southerly
26 Property Line of Griswold Avenue, extended
27 and produced, and the said Southerly Property
28 Line of Griswold Avenue, to the Easterly
29 Property Line of Virginia Avenue; thence con-
30 tinuing Westerly along the said Southerly
31 Property Line of Griswold Avenue, extended
32 and produced, to the Easterly Boundary Line
of Campus Tract Subdivision, as shown on the
map of Campus Tract, Recorded in Volume 11,
of Maps, Page 37, in the Records of Stanislaus
County, California; thence Southerly along the
said Easterly Boundary Line of Campus Tract,
and the said Easterly Boundary Line, extended
and produced, to the Section Line common to
Sections 20 and 29, T. 3 S., R. 9 E., M.D.B. & M.,
the same being common to a Corporate City Limit
Line of the City of Modesto; thence Easterly
along the said Section Line common to Sections
20 and 29, and the said Corporate City Limit
Line, to the beginning.

30 The property as above described is located in
31
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1 the S.W. $\frac{1}{4}$ of Section 21, and the S.E. $\frac{1}{4}$
2 and the S.W. $\frac{1}{4}$ of Section 20, T. 3 S.,
3 R. 9 E., M.D.B. & M., and the avenues are
4 known to be named as noted.

5 The Corporate City Limits of the City of
6 Modesto, are as shown on the Official Map
7 of the City of Modesto, dated March 23, 1938,

8 be approved.

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

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

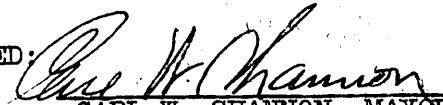
23 SECTION 4. That the said territory hereinabove described
24 shall not, after such annexation, be subject to taxation equally
25 with the property within such municipal corporation to pay the
26 bonded indebtedness of said municipal corporation outstanding at
27 the date of said annexation or indebtedness theretofore authorized.

28 SECTION 5. This ordinance shall take effect and be in
29 full force and operation upon the filing of a certified copy
30 thereof, together with a copy of the record of said canvass as
31 specified in Section 2 hereof, with the Secretary of State of the
32 State of California, but in any event not less than fifteen days
after its final passage and adoption.

1 SECTION 6. IT IS FURTHER ORDERED that this ordinance be
2 published in full at least once at least three days prior to its
3 final passage and adoption in the The Modesto Bee, the official
4 newspaper of the City of Modesto.

5
6 The foregoing ordinance was introduced by Councilman
7 Stanley, who moved its adoption and passage to
8 print, which motion being duly seconded, was upon roll call
9 carried and the ordinance ordered printed and published as above
10 by the following vote:

11
12 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
13 Noes: Councilmen: None
14 Absent: Councilmen:None

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17 APPROVED: 
18 CARL W. SHANNON, MAYOR

19
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21 ATTEST: 
22 CITY CLERK

23
24 BY _____

FINAL ADOPTION CLAUSE

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The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of December 27, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED: *Shannon*
MAYOR

ATTEST: *Blum*
CITY CLERK

SPECIAL
NOT IN CODE

1 AN ORDINANCE APPROPRIATING MONEY AND PROVIDING FOR THE
2 CONSTRUCTION OF A HANGAR AT THE MUNICIPAL AIRPORT FOR THE DEPART-
3 MENT OF PUBLIC WORKS OF THE CITY OF MODESTO.

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

6 Section I. The sum of Three Thousand Five Hundred Dollars
7 (\$3500.00), or so much thereof as may be necessary, is hereby
8 appropriated from the general fund of the City of Modesto for the
9 purchase of materials for and the construction of a Hangar at the
10 Municipal Airport.

11 Section II. The City Engineer shall, upon the adoption of
12 this ordinance, from time to time, as required by the Council of
13 the City of Modesto, file with the Council plans and specifica-
14 tions, where necessary, for the materials and construction work
15 outlined above; and the City Clerk shall, from time to time as
16 directed by the Council, advertise for bids for said materials and
17 construction work, when necessary, and bids shall be received
18 and accepted and contracts awarded therefor as the Council may
19 hereafter by resolution determine and prescribe.

20 Section III. This Ordinance shall go into effect from and
21 after fifteen days after its final passage and adoption. It shall
22 be published in full at least once, at least three days prior to
23 its final adoption in the Modesto Bee, the official Newspaper of
24 the City of Modesto.

25 Section IV. The foregoing Ordinance was introduced at a
26 regular meeting of the Council of the City of Modesto held on
27 December 11, 1940, by Councilman Barnell, who
28 moved its adoption and passage to print, which motion was duly
29 seconded, was carried and the Ordinance ordered printed and
30 published by the following vote:

1 Ayes Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
2 Noes Councilmen: None
3 Absent Councilmen: None

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6 Approved Chas. Shannon Mayor

7 Attest Elmer J. Blum City Clerk
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FINAL ADOPTION CLAUSE

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The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1940, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of December 27, 1940, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Paul H. Shannon
MAYOR

ATTEST: Charles J. Blum
CITY CLERK

1 AN ORDINANCE PROVIDING FOR THE SALE OF USELESS PERSONAL
2 PROPERTY.

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

4 SECTION I

5 The City Engineer is hereby authorized and directed to sell
6 the following described personal property of the City of Modesto
7 which said personal property has been found to be unfit or un-
8 necessary for the use of the City, to-wit:

9 Approximately 200 lbs. of scrap brass; approximately 300 lbs.
10 of scrap copper; approximately 7 tons of scrap cast iron and
11 steel; approximately 26 old pneumatic tire casings; approximately
12 30 old auto batteries; 1 Worthington Park Tractor chassis; 1
13 4 foot farm disc; 1 plunger water pump with electric motor; 1
14 single cylinder 7x6 Ingersoll-Rand air compressor; 1 single
15 cylinder gasoline engine; 1 four cylinder gasoline engine and
16 transmission; 1 - 50 gal. drum of vegetable oil; 2, Ford V-8 hub
17 caps; 2 automobile wheel guards; 8 automobile wheels; 4 boy's
18 bicycles and 1 girl's bicycle.

19 SECTION II

20 Said sale shall be made at public auction at the office of
21 the City Engineer after advertising for bids for the sale thereof
22 for five days in the Modesto Bee, the official newspaper of the
23 City of Modesto.

24 The sale shall be conducted by the City Engineer at his
25 office. It may be by written or oral bids. Any property remain-
26 ing unsold after the date specified in the Notice of Sale shall
27 be offered for sale from day to day, commencing at ten o'clock
28 in the morning at the office of said City Engineer until the
29 whole thereof is sold.
30

SECTION III

The foregoing Ordinance shall go into effect and be in full force and operation from and after fifteen days after its final passage and adoption.

SECTION IV

The foregoing Ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing Ordinance was introduced at the regular meeting of the Council of the City of Modesto, held on the 8th day of January, 1941, by Councilman Barnell, who moved its adoption and passage to print, as aforesaid, which motion being duly seconded was upon roll call carried and the Ordinance ordered printed and published as above by the following vote:

- Ayes: Councilmen Barnell, Bates, Neece, Stanley, Mayor Shannon
- Noes: Councilmen None
- Absent: Councilmen None

ATTEST Shannon
MAYOR

Attest Blum
City Clerk

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3 FINAL ADOPTION CLAUSE

4 The foregoing ordinance having been introduced and ordered
5 printed and published at a regular meeting of the Council of the
6 City of Modesto held on the 8th day of January, 1941, and subse-
7 quently printed and published as required by the Charter of the
8 City of Modesto, and coming on for final adoption at the regular
9 meeting of January 22, 1941, it was upon roll call so finally
10 adopted by the following vote:

11 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

12 Noes: Councilmen: None

13 Absent: Councilmen: None

14 APPROVED: Charles Shannon
15 MAYOR

16 ATTEST: Elmer J. Blum
17 CITY CLERK

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ORDINANCE NO. 649 N. S.

AN ORDINANCE PROHIBITING ESTABLISHMENT AND MAINTENANCE OF BAKERIES
IN CELLARS OR BASEMENTS, PROVIDING FOR METHOD OF STOR-
ING BAKERY PRODUCT INGREDIENTS, AND PROVID-
ING A PENALTY FOR THE VIOLATION THEREOF.

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

SECTION 1. No bakery shall be established or conducted
in any cellar or any room of any basement, the floor of which is
more than four feet below the level of the adjacent street,
sidewalk, or ground; provided, however, that the provisions of
this section shall not apply to any basement room having a concrete
floor, plastered or smooth brick or concrete walls, rat-proofed
and ventilated, and used exclusively as a storage room for flour,
meal, or other articles necessary in the manufacture of bakery
products.

SECTION 2. In addition to the requirements set forth
in Section 1 hereof, for the storage of keeping of flour, meal,
or other foodstuffs or bakery materials, every storage room or
place used for storing the same shall be provided with platforms,
racks or shelves not less than six inches above the floor, which
racks, platforms or shelves shall be designed and built for holding
such materials. No flour, meal, or other foodstuffs or bakery
materials shall be deposited on or be allowed to remain within six
inches of the floor wherever the same may be stored.

SECTION 3. For the purpose of this ordinance a bakery is
hereby defined to be any room, building or place used or operated
for the purpose of making, preparing or baking bread, cakes, pies,
pastries, doughnuts, rolls, biscuits, crackers, noodles, macaroni,
spaghetti, or other products of flour or meal to be sold for food
to the public.

SECTION 4. A violation of this ordinance shall constitute

1 a misdemeanor, punishable by a fine not to exceed Fifty (\$50.00)
2 Dollars, or twenty-five (25) days in jail, or by both such fine
3 and imprisonment.

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

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

10 The foregoing ordinance was introduced at a regular meet-
11 ing of the Council of the City of Modesto held on the 22nd day of
12 January, 1941, by Councilman Stanley, who moved its
13 adoption and passage to print, which motion being duly seconded
14 was upon roll call carried, and the ordinance ordered printed and
15 published as above by the following vote:

16
17 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
18 Noes: Councilmen: None
19 Absent: Councilmen: None
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23 APPROVED:


24 CARL W. SHANNON, MAYOR

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27 ATTEST:

28 Elmer J. Blum
29 ELMER J. BLUM, CITY CLERK
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1941, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of February 13, 1941, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilman: None

Absent: Councilmen: None

APPROVED Charles Shannon
MAYOR

ATTEST: Elmer J. Blum
CITY CLERK

REPEALED BY
MUNICIPAL CODE

ORDINANCE NO. 650 N. S.

1 AN ORDINANCE AMENDING SECTIONS 2, 3 and 6 OF ORDINANCE NO. 644 N.S.
2 OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE AMENDING ORDINANCE
3 NO. 345 N. S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE REGU-
4 LATING TRAFFIC UPON THE PUBLIC STREETS OF THE CITY OF MODESTO,' AS
5 THEREAFTER AMENDED, BY ADDING A NEW SECTION TO BE NUMBERED 36A."

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

8 SECTION 1. Sections 2, 3 and 6 of Ordinance No. 345 N. S.
9 of the City of Modesto entitled, "AN ORDINANCE REGULATING TRAFFIC
10 UPON THE PUBLIC STREETS OF THE CITY OF MODESTO," are hereby amended
11 to read as follows:

12 Section 2. The term "unrestricted street" as used in this
13 ordinance is hereby defined to mean a street, avenue or thorough-
14 fare over and upon which vehicles designed or used for the trans-
15 portation of commodities or materials may be driven and operated
16 regardless of weight and size of said vehicles; provided said
17 vehicles do not exceed the size and weight of vehicles permitted
18 by State law to be driven upon and over highways and streets within
19 the State of California.

20 Section 3. It shall be unlawful for the operator of any
21 moving van, dump truck, tank truck, used or designed for the pur-
22 pose of transporting petroleum products, or any vehicle designed
23 or used for the transporting of commodities or materials, which
24 vehicle extends more than eight (8) feet to the rear of the
25 driving compartment of said vehicle, or any vehicle whose load
26 extends more than eight (8) feet to the rear of the driving com-
27 partment thereof, to operate said vehicle upon any street other
28 than unrestricted streets, avenues or thoroughfares for any purpose
29 other than to make a "pick-up" or delivery, or to service or se-
30 cure repairs to said vehicle. In traveling to or from the point
31 of delivery, "pick-up", service to or repair of said vehicle, the
32 operator of said vehicle shall drive as far as possible upon and

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1 over an unrestricted street, avenue or thoroughfare.

2 Section 6. Nothing in this ordinance shall prevent the
3 operation of vehicles of the type and kind described in Section 3
4 of this ordinance from any street, avenue or thoroughfare in the
5 City of Modesto where said vehicles constitute a part of a duly
6 permitted and legal parade or procession or while said vehicles
7 are being driven to a place in said City to take part in said
8 parade or procession.

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

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

15 The foregoing ordinance was introduced at a regular meeting
16 of the Council of the City of Modesto held on the 13th day of
17 February, 1941, by Councilman Stanley, who moved its
18 adoption and passage to print, which motion being duly seconded
19 was upon roll call carried, and the ordinance ordered printed and
20 published as above by the following vote:

21 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

22 Noes: Councilmen: None

23 Absent: Councilmen: None

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25 APPROVED:

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CARL W. SHANNON, MAYOR.

27 ATTEST:

28 
ELMER J. BLUM, CITY CLERK

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3 FINAL ADOPTION CLAUSE

4 The foregoing ordinance, having been introduced and ordered
5 printed and published at a regular meeting of the Council of the
6 City of Modesto held on the 13th day of February, 1941, and sub-
7 sequently printed and published as required by the Charter of the
8 City of Modesto, and coming on for final adoption at the regular
9 meeting of February 26, 1941, it was upon roll call so finally
10 adopted by the following vote:

11 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

12 Noes: Councilmen: None

13 Absent: Councilmen: None

14 APPROVED

Paul W. Shannon

Mayor

15 ATTEST

Elmer J. Blum

City Clerk

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REPEALED ORD 234CS

ORDINANCE NO. 651 N. S.

AN ORDINANCE DECLARING IT A MISDEMEANOR TO DRIVE A VEHICLE TO THE LEFT OF CERTAIN STREET MARKINGS, PROVIDING A PENALTY FOR THE VIOLATION THEREOF, AND ORDERING THE SUPERINTENDENT OF STREETS TO MARK CERTAIN ALLEYS AND STREETS IN THE CITY OF MODESTO.

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

SECTION 1. The Superintendent of Streets of the City of Modesto is hereby authorized and ordered to place distinctive markings as hereafter described upon any portion of any roadway, street, alley or highway under his jurisdiction where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive and operate a vehicle on the left side of such markings.

SECTION 2. The markings shall consist of two (2) white stripes, or one white stripe and one yellow stripe painted on the roadway, each stripe three (3) inches wide, and said two stripes to be separated by a three (3) inch black stripe.

SECTION 3. Wherever on a roadway, street or alley in the City of Modesto there appear two (2) white stripes separated by a three inch black stripe, it shall be unlawful for any person to drive and operate any vehicle upon said roadway, street or alley so marked in such a manner that any portion of said vehicle is on the left side of said stripe.

SECTION 4. Wherever on a roadway, street or alley in said City of Modesto there appear two stripes, one white and one yellow, and which stripes are separated by a three inch black stripe, the driver or operator of a vehicle may when overtaking and passing vehicles or persons drive to the left of said white and yellow stripes if said yellow stripe is located on the driver or operator's right side of said roadway, street or alley.

The three inch black stripe above referred to may be ob-

1 tained either by painting or by the effect of bituminous pavement.

2 Signs shall not be required in connection with said
3 distinctive markings.

4 SECTION 5. A violation of this ordinance shall constitute
5 a misdemeanor punishable by a fine not to exceed One Hundred
6 (\$100.00) Dollars, or fifty (50) days in jail, or by both such
7 fine and imprisonment.

8 SECTION 6. This ordinance shall go into effect and be in
9 full force and operation from and after fifteen (15) days after
10 its final passage and adoption.

11 SECTION 7. This ordinance shall be published in full at
12 least once at least three days prior to its final adoption in the
13 The Modesto Bee, the official newspaper of the City of Modesto.

14 The foregoing ordinance was introduced at a regular meet-
15 ing of the Council of the City of Modesto held on the 13th day
16 of February, 1941, by Councilman Stanley, who moved its
17 adoption and passage to print, which motion being duly seconded
18 was upon roll call carried and the ordinance ordered printed and
19 published as above by the following vote:

20

21 Ayes: Councilmen: **Barnell, Bates, Neece, Stanley, Mayor Shannon**

22 Noes: Councilmen: **None**

23 Absent: Councilmen: **None**

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APPROVED:


CARL W. SHANNON, MAYOR

27

28 ATTEST:


ELMER J. BLUM, CITY CLERK

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 13th day of February, 1941, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of February 26, 1941, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

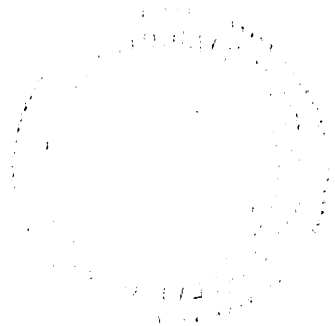
Absent: Councilmen: None

APPROVED

Paul W. Shannon
Mayor

ATTEST

Elmer J. Blum
City Clerk



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1 INITIATIVE ORDINANCE NO. 652-N.S.

2 AN ORDINANCE PROVIDING FOR THE FIXING OF THE COMPENSATION BY WAY
3 OF SALARIES FOR THE MAYOR AND CITY COUNCILMEN OF THE CITY OF
4 MODESTO (*Repealed*)

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6 The people of the City of Modesto do ordain as follows:

7 SECTION L. The Mayor of the City of Modesto shall re-
8 ceive as compensation as such Mayor a salary in the sum of \$75.00
9 per month payable in the same way that the compensation or salary
10 of the chief officials of the City of Modesto is paid.

11 SECTION 2. The members of the City Council of the City
12 of Modesto shall receive as compensation as such Councilmen a
13 salary in the sum of \$50.00 per month payable in the same way that
14 the compensation or salary of the chief officials of the City of
15 Modesto is paid.

16 SECTION 3. All ordinances in conflict herewith are
17 hereby expressly repealed.

18 SECTION 4. This ordinance shall take effect and be in
19 full force and effect from and after the 20th day of May, 1941.

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State of California)
County of Stanislaus) ss
City of Modesto)

I, Elmer J. Blum, Clerk of the City of Modesto, do hereby certify that the foregoing ordinance was duly placed upon the ballot in the General Municipal Election held April 8, 1941 pursuant to Resolution No. 5158-N.S. and Nos/ 5228 and 5234-N.S. and that a subsequent canvass of returns of said election, showed the said ordinance to be defeated by the following vote:

FOR ITS ADOPTION 654 votes

AGAINST ITS ADOPTION 1845 votes

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Modesto this 25th day of April, 1941


CLERK OF THE CITY OF MODESTO

SPECIAL
NOT IN CODE

ORDINANCE NO. 653-N.S.

AN ORDINANCE APPROPRIATING MONEY AND PROVIDING FOR THE PURCHASE OF AN AUTOMOBILE FOR THE POLICE DEPARTMENT OF THE CITY OF MODESTO

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

SECTION 1. The sum of One Thousand (\$1000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated from the General Fund of the City of Modesto for the purchase of an automobile for the Police Department of said City.

SECTION 2 The Council of the City of Modesto hereby finds and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the citizens of the City of Modesto and persons therein, by reason of the following facts:

That one of the automobiles belonging to the City and utilized by the Police Department of said city for the suppression of crime and apprehension of criminals has been driven over 140,000 miles, is in a state of disrepair and inadequate for the purpose for which it is designed and that a new automobile to be used in such work is immediately necessary.

This ordinance shall therefore take effect immediately upon its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of March, 1940 by Councilman Stanley, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

1 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

2 Noes: Councilmen: None

3 Absent: Councilmen: None

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5 APPROVED

Carl Shannon
CARL W. SHANNON, MAYOR

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7 ATTEST

Elmer J. Blum
Elmer J. Blum, City Clerk

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FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 26th day of March, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of April 9, 1941, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Robert Shannon
Mayor

ATTEST Elmer J. Blum
City Clerk

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ORDINANCE NO. 654 N. S.

AN ORDINANCE AMENDING SECTION 126 OF ORDINANCE NO. 487 N. S. (BUSINESS LICENSE ORDINANCE) OF THE CITY OF MODESTO.

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

SECTION 1. Section 126 of Ordinance No. 487 N. S. of the City of Modesto entitled: "AN ORDINANCE PROVIDING FOR LICENSING AND REGULATING THE CARRYING ON OF CERTAIN PROFESSIONS, TRADES, CALLINGS AND OCCUPATIONS IN THE CITY OF MODESTO, PROVIDING THE METHOD OF COLLECTING SUCH LICENSES, AND REPEALING CERTAIN ORDINANCES," is hereby amended to read as follows:

Section 126. For every person, firm or corporation conducting, carrying on or managing the business of peddling food stuffs, such as are sold in delicatessan stores, tamales, butter milk, ice cream, frozen confections, cakes, pies, doughnuts, bread, candy, popcorn, peanuts, if by means of any horse-drawn or motor vehicle, the sum of Fifteen (\$15.00) Dollars per vehicle per quarter or fraction thereof; if by means of any hand or mechanically operated cart or pushcart the sum of Fifteen (\$15.00) Dollars per cart per quarter or fraction thereof; if by means of any hand tray or basket the sum of **fifteen** (\$ 15.00) Dollars per quarter or fraction thereof per person.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of

1 March, 1941, by Councilman Stanley, who moved its
2 adoption and passage to print, which motion being duly seconded
3 was upon roll call carried and the ordinance ordered printed and
4 published as above by the following vote:

5
6 Ayes: Councilmen: Barnell, Bates, Neece, Stanley, Mayor Shannon
7 Noes: Councilmen: None
8 Absent: Councilmen: None

13 APPROVED:

Carl W. Shannon
14 CARL W. SHANNON, MAYOR

18 ATTEST:

Elmer J. Blum
19 ELMER J. BLUM, CITY CLERK

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FINAL ADOPTION CLAUSE

The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 26th day of March, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of April 9, 1941, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Barnell, Bates, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: Neece

APPROVED: Chas Shannon

Mayor

ATTEST: Elmer J Blum

City Clerk

REPEALED BY
MUNICIPAL CODE

ORDINANCE NO 655 N. S.

AN ORDINANCE OF THE CITY OF MODESTO, STATE OF CALIFORNIA, APPLYING CERTAIN REGULATIONS TO THE USE OF LAND, BUILDINGS AND STRUCTURES AND TO THE ERECTION, CONSTRUCTION AND ALTERATION OF BUILDINGS, STRUCTURES AND IMPROVEMENTS IN CERTAIN AREAS, PENDING THE ADOPTION BY THE CITY COUNCIL OF SAID CITY OF A DISTRICTING PLAN FOR THE CITY OF MODESTO FOR THE APPLICATION OF DETAILED REGULATIONS TO SAID AREAS; PRESCRIBING THE PENALTY FOR VIOLATION OF ANY OF THE PROVISIONS HEREOF.

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WHEREAS, the City Council of the City of Modesto, State of California, has heretofore instructed the City Planning Commission of said City to prepare a zoning or districting plan for said City and to make tentative reports thereon; and,

WHEREAS, said City Council intends to adopt a districting ordinance for said City, embodying the basic structure of a land use plan, being a zoning or districting plan, and applying certain detailed regulations to the territory of said City; and,

WHEREAS, said City Council hereby declares it to be its intention to proceed with the consideration of tentative and final reports by said City Planning Commission, when the same shall be made, on said districting ordinance in the manner prescribed by law, for the purpose of applying the detailed regulations of a districting ordinance to portions of said City; and,

WHEREAS, said City Council hereby finds that, owing to the territorial extent of said City, the diversity of interests therein and the necessity for the making of careful studies and thorough analyses of facts in the preparation of the aforesaid districting ordinance of said City, considerable time will necessarily elapse before the adoption of said ordinance, and that certain regulations of an interim nature are necessary to be adopted at this time in order to assure the orderly and harmonious development of said City, to protect the character and stability of residential areas and of sound land uses in general and other-

1 wise to protect the public interest, health, comfort and con-
 2 venience and preserve the public peace, safety and welfare pend-
 3 ing the preparation and adoption of the aforesaid ordinance; and,

4 WHEREAS, said City Council has found that all of the fore-
 5 going is correct:

6 NOW, THEREFORE, THE COUNCIL OF THE CITY OF MODESTO DO
 7 ORDAIN AS FOLLOWS, TO-WIT:

8 SECTION 1. In all that portion of the incorporated terri-
 9 tory of the City of Modesto, excepting the following described
 10 district in said City of Modesto, to-wit:

	LOTS	BLOCK	LOTS	BLOCK
13	13 to 20	1		All 50
	1 to 4	2		All 51
14	29 to 32	2		All 52
	1 to 4	4		All 53
15	29 to 32	4		All 54
	13 to 20	5		All 55
16	13 to 20	9		All 56
	1 to 4	10		All 57
17	29 to 32	10		All 58
	1 to 4	15		All 59
18	29 to 32	15		All 60
	1 to 20	16		All 61
19	13 to 16	17		All 62
	12 to 20	22		
20		All 23	17 to 32	63
	1 to 4	24	17 to 32	64
21	29 to 32	24	17 to 32	65
	1 to 16	28	13 to 32	66
22	1 to 16	29		All 67
	1 to 16	30		All 68
23	1 to 16	31		All 69
	1 to 16	32		All 70
24	29 to 32	32		All 71
		All 33		All 72
25	12 to 22	34		All 73
	1 to 16	38		All 74
26	1 to 16	39		All 75
	1 to 16	40		All 76
27	1 to 16	41		All 77
	1 to 21	42		All 78
28		All 43	13 to 32	79
		All 44	17 to 32	80
29		All 45	1 to 4	81
		All 46	17 to 32	81
30		All 47		All 82
		All 48		All 83
31		All 49		All 84
32				All 85

	LOTS	BLOCKS	LOTS	BLOCKS
1				
2	14 to 20	86		N.W. 275' of 301
	14 to 19	91		All 302
3		All 92		N.W. 155' of 303
		All 93	1 to 9	305
4		All 94	31 to 43	305
	1 to 5	95		All 435
5	17 to 32	95		All 436
	29 to 32	96	1 to 14	439
6	13 to 20	98	2	440
		All 99		All 441
7		All 100		All 442
		All 101		All 443
8	1 to 5	104		444
	28 to 32	104	S.W. 89.5' of 3	501
9		All 105	1	501
		All 106	2	All 505
10	17 to 32	107		550
	17 to 19	108	S. $\frac{1}{2}$ of 18 to 22	550
11		All 112	23	568
	1 to 4	113	1 to 3	580
12	17 to 32	113	14 to 25	
	28 to 32	114		
13	17 to 20	117		
	1 to 4	121		
14	29 to 32	121		
		All 122		
15		All 124		
	1 to 4	125		
16	17 to 32	125		
	29 to 32	126		
17	12 to 21	132		
		All 133		
18		All 135		
		All 136		
19		All 137		
		All 138		
20		All 139		
		All 140		
21		All 141		
		All 142		
22		All 143		
		All 144		
23		All 145		
		All 146		
24		All 147		
		All 200		
25		All 204		
	5 to 8	215		
26	5 to 8	216		
	25 to 28	216		
27	5 to 8	217		
	25 to 28	217		
28	1 to 4	218		
	S. 100' of 8	218		
29		All 220		
		All 221		
30		All 222		
		All 223		
31		All 224		
32				

1 no use of any land, building or other structure, which use is
2 other than for one or two family dwelling purposes upon a lot or
3 premises having an area of not less than five thousand (5,000)
4 square feet, only forty (40%) per cent of which, excluding garage
5 area, shall be occupied by said dwelling, shall hereafter be estab-
6 lished or established and conducted, and no building or other
7 structure which is designated or intended to be used for any pur-
8 pose other than for such one or two family dwellings shall here-
9 after be erected, constructed, moved or converted, unless and
10 until, in any such case, a permit for such establishing or estab-
11 lishing and conducting or for such erection, construction, use,
12 moving or conversion shall first have been secured from the City
13 Council of the City of Modesto.

14 SECTION 2. Application for any such permit shall be
15 made to the City Council, which shall refer the same to the City
16 Planning Commission, which Commission shall consider the same and
17 shall report its recommendations with respect thereto to the City
18 Council. Said City Council shall consider such application and
19 report at its next succeeding meeting following receipt of such
20 report from the Planning Commission. Said City Council may issue
21 such permit if, in the opinion of said City Council, the proposed
22 building, structure or use will not be detrimental to the character
23 or development of the neighborhood thereof and will not otherwise
24 adversely affect the welfare of said territory and/or of said City,
25 or said City Council may refuse to issue such permit or may issue
26 such permit subject to specified conditions designed to accomplish
27 the purpose of this ordinance.

28 SECTION 3. For the purpose of this ordinance a one
29 family dwelling or a two family dwelling shall mean a detached or
30 semi-detached building designed for or occupied exclusively by
31 one or two or more persons occupying a premises and living as
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1 single housekeeping units.

2 SECTION 4. Permits for and regulations pertaining to
3 the erection, construction, moving or conversion of all buildings
4 and/or structures within the corporate limits of the City of
5 Modesto shall be in accordance with provisions of the Building
6 Code Ordinance of the City of Modesto.

7 SECTION 5. All departments, officials and public
8 employees of the City of Modesto which are vested with the duty
9 or authority to issue permits or licenses shall conform to the
10 provisions of this ordinance and shall issue no such permit or
11 license for uses, buildings, or purposes if the same would be in
12 conflict with the provisions of this ordinance, and any such per-
13 mit or license, if issued in conflict with the provisions of this
14 ordinance, shall be null and void.

15 SECTION 6. Any person, firm or corporation, whether as
16 principal, agent, employee or otherwise, violating or causing the
17 violation of any of the provisions of this ordinance shall be
18 guilty of a misdemeanor and upon conviction thereof shall be
19 punishable by a fine of not more than Five Hundred (\$500.00)
20 Dollars or by imprisonment in the City or Council Jail for a term
21 not exceeding Six (6) months, or by both such fine and imprisonment.
22 Such person, firm or corporation shall be deemed guilty of a
23 separate offense for each and every day during any portion of which
24 any violation of this ordinance is committed, continued or per-
25 mitted by such person, firm or corporation, and shall be punish-
26 able as herein provided.

27 SECTION 7. Any building or structure set up, erected,
28 constructed, altered, enlarged, converted, moved or maintained
29 contrary to the provisions of this ordinance and/or any use of
30 any land, building or premises established, conducted, operated
31 or maintained contrary to the provisions of this ordinance shall
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1 be and the same is hereby declared to be unlawful and a public
2 nuisance and the City Attorney of said City shall commence action
3 or proceedings for the abatement and removal and enjoinder
4 thereof in the manner provided by law.

5 SECTION 8. This ordinance is hereby declared to be of a
6 temporary nature only to serve until such time as the City
7 Council, after receiving report from the City Planning Commission,
8 takes final action upon a districting ordinance relating to the
9 area within all that portion of the incorporated territory of
10 the City of Modesto, excepting the district hereinbefore in
11 Section 2 hereof described.

12 SECTION 9. This ordinance is hereby declared to be an
13 urgency measure, necessary for the immediate preservation of
14 public health and safety and shall take effect and shall be in
15 full force and effect immediately upon its adoption. The facts
16 constituting said urgency are as follows: Said City Council has
17 instructed the City Planning Commission of said City to prepare
18 a zoning or districting plan for said City and to make tentative
19 reports thereon and said City Council intends to proceed with the
20 consideration of tentative and final reports by the said City
21 Planning Commission and owing to the territorial extent of said
22 City, the diversity of interests therein and the necessity for
23 the making of careful studies and thorough analyses of facts in
24 the preparation of the aforesaid districting ordinance, consider-
25 able time will necessarily elapse, and that meanwhile buildings
26 and/or structures may be erected, altered and/or lands in the
27 aforesaid incorporated territory of the City of Modesto, excepting
28 the district hereinbefore in Section 2 hereof described, may be
29 used, all without the knowledge of the City Council and in a manner
30 detrimental to the general welfare of the City, all of which would
31 cause irreparable damage to the peace, health and safety of the
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1 City and its inhabitants, and would prevent the orderly con-
2 tinuance of said studies of said districting ordinance.

3 SECTION 10. This ordinance is not intended to repeal
4 Ordinance No. 364 N. S. (Zoning Ordinance) in its entirety, but
5 only those parts thereof with which this ordinance conflicts;
6 and as to those parts of said Ordinance No. 364 N. S. that con-
7 flict with the terms of this ordinance, the same are hereby
8 repealed.

9 The foregoing ordinance was introduced at a regular
10 meeting of the Council of the City of Modesto held on the 14th
11 day of May, 1941, by Councilman Bates, who moved
12 its adoption and passage to print, which motion being duly
13 seconded, was upon roll call carried and the ordinance ordered
14 printed and published as above by the following vote:

15
16 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon
17 Noes: Councilmen: None
18 Absent: Councilmen: None
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22 APPROVED:

Carl W. Shannon
23 CARL W. SHANNON, MAYOR

24
25 ATTEST:

Elmer J. Bloom
26 ELMER J. BLOOM, CITY CLERK.
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 14th day of May, 1941 and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of May 28, 1941, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: Burge

Absent: Councilmen: None

APPROVED

Paul W. Shannon
Mayor

ATTEST

Elmer J. Blum
City Clerk

1 REPEALED BY
2 MUNICIPAL CODE
3

ORDINANCE NO. 656 N. S.

4 AN ORDINANCE REPEALING ORDINANCE NO. 268, N. S. OF THE CITY OF
5 MODESTO ENTITLED: "AN ORDINANCE PROHIBITING THE STORAGE, MANU-
6 FACTURE, SALE OR DISCHARGE OF FIREWORKS OR FIRE CRACKERS IN THE
7 CITY OF MODESTO."

8 ---oooOooo---

9 The Council of the City of Modesto do ordain as follows:

10 SECTION 1. Ordinance No. 268, N. S., of the City of Modesto,
11 entitled: "AN ORDINANCE PROHIBITING THE STORAGE, MANUFACTURE,
12 SALE OR DISCHARGE OF FIREWORKS OR FIRE CRACKERS IN THE CITY OF
13 MODESTO," is hereby repealed in its entirety.

14 SECTION 2. This ordinance shall go into effect from and
15 after fifteen days after its final passage and adoption. It
16 shall be published in full at least once, at least three days
17 prior to its final adoption in The Modesto Bee, the official news-
18 paper of the City of Modesto.

19 . The foregoing ordinance was introduced at a
20 special meeting of the Council of the City of Modesto held on
21 the 23rd day of May, 1941, by Councilman Burge, who moved
22 its adoption and passage to print, which motion being duly seconded,
23 was carried and the ordinance ordered printed and published by
24 the following vote:

25 Ayes: Councilmen: Burge, Neece, Stanley, Mayor Shannon

26 Noes: Councilmen: None

27 Absent: Councilmen: Bates

28 APPROVED:

29 *Carl W. Shannon*
CARL W. SHANNON, MAYOR

30 ATTEST:

31 *Elmer J. Blum*
32 ELMER J. BLUM, CITY CLERK.

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 28th day of May 1941, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of June 11, 1941, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED

Carl W. Shannon
Mayor

ATTEST:

Elmer J. Blum
City Clerk

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ORDINANCE NO. 657 N. S.

AN ORDINANCE PERTAINING TO THE CONSTRUCTION AND MAINTENANCE OF
OUTHOUSES AND TO SAFEGUARD THE PUBLIC HEALTH BY PREVENTING THE
SPREAD OF DISEASE AND THE EXISTENCE OF SOURCES OF CON-
TAMINATION.

---oooOooo---

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

SECTION 1. It is hereby declared to be unlawful for any
person, firm, association or corporation to maintain or to permit
to be maintained on premises owned or controlled by such person,
firm, association or corporation, any outhouse or privy, except
under the following conditions:

An outhouse or privy may be built, maintained and used
on premises whereon builders, house-movers, contractors or workmen
are engaged in the erection, construction, alteration, repair,
razing, adding to, removing or demolition of a building or
structure. Said outhouse or privy shall contain the following
minimum requirements:

1. It shall have a floor area not less than 12 square feet.
2. The floor of said outhouse shall be built of lumber not less than one inch thick, nor less than eight inches in width.
3. The height of said privy or outhouse shall be not less than six feet from floor to roof.
4. Each privy or outhouse shall be roofed and shall be fly-tight.
5. The roof may be composed of lumber or screen.
6. Each such privy or outhouse must have at least one riser and be equipped with tight fitting lid.
7. There must be at least one urinal in each such privy or outhouse not less than eight inches in any dimension.
8. Said privy or outhouse must be built in such way as to exclude all flies.
9. Each such privy or outhouse shall contain not less than three square feet of fly screen net.

- 1 10. Pits dug under said outhouses shall be not less
2 than thirty inches in depth, at least eighteen
3 inches in width and at least two feet nine inches
4 in length.
5 11. The door to said privy or outhouse shall have a
6 spring to make said door self-closing.
7 12. The lid of said toilet seat shall be closed when
8 said toilet is not in use.

9 SECTION 2. The term "outhouse" or "privy" as used herein
10 shall be construed to mean any building or other structure not
11 connected with a sewerage or with properly installed and operating
12 sewage disposal systems and which is used for the reception or
13 storage temporarily of feces and other excreta of the human body.

14 SECTION 3. Every such privy shall be maintained in a
15 sanitary condition and shall be disinfected daily or oftener with
16 chloride of lime or other approved substance or chemical to pre-
17 vent odor, flies or any nuisances therefrom.

18 SECTION 4. Whenever in the judgment of the Health
19 Officer of the City of Modesto or his assistant the use and
20 maintenance of any privy, privy well or vault located upon any
21 premises in the City of Modesto is detrimental or dangerous to
22 life or health, said Health Officer is ordered and authorized to
23 prohibit the maintenance or use of such privy, privy well or
24 vault and is further authorized and empowered to order said
25 privy, privy well or vault to be filled with fresh earth to the
26 end that all danger of contamination from said privy, privy well
27 or vault may be eliminated.

28 SECTION 5. No such privy or outhouse shall be maintained
29 under the provisions of this ordinance for a period longer than
30 ninety (90) days, unless for good cause a permit is obtained
31 from the City Health Officer for the maintenance of said privy
32 or outhouse for a period longer than said ninety (90) days.

 SECTION 6. Any person violating the conditions of this

1 ordinance shall be guilty of a misdemeanor and on conviction
2 thereof shall be punished by a fine not to exceed the sum of Two
3 Hundred (\$200.00) Dollars or by imprisonment in the County Jail
4 for a period of not more than sixty (60) days, or by both such
5 fine and imprisonment. Any outhouse or privy that is not
6 constructed or maintained as required by the provisions of this
7 ordinance shall be deemed to be a public nuisance and an injunction
8 may be issued by a court of proper jurisdiction to restrain the
9 further maintenance and use of said outhouse or privy.

10 SECTION 7. This ordinance shall go into effect and be
11 in full force and operation from and after fifteen (15) days
12 after its final passage and adoption.

13 SECTION 8. This ordinance shall be published in full at
14 least once at least three days prior to its final adoption in the
15 The Modesto Bee, the official newspaper of the City of Modesto.

16 The foregoing ordinance was introduced at a
17 meeting of the Council of the City of Modesto held on the 28th
18 day of May, 1941, by Councilman Stanley, who
19 moved its adoption and passage to print, which motion being duly
20 seconded was upon roll call carried, and the ordinance ordered
21 printed and published as above by the following vote:

22
23 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

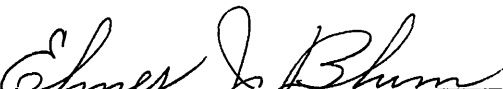
24 Noes: Councilmen: None

25 Absent: Councilmen: None
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27 APPROVED:

28 
CARL W. SHANNON, MAYOR

29 ATTEST:

30 
31 ELMER J. BLUM, CITY CLERK.
32

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 28th day of May 1941, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of June 11, 1941, it was upon roll call so finally adopted by the following vote:

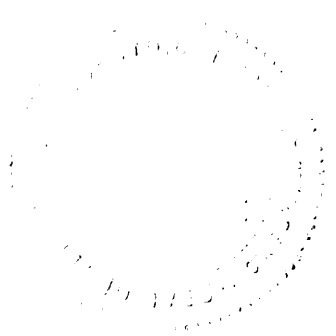
Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Gene W. Shannon
Mayor

ATTEST: Elmer J. Blum
City Clerk



*Amended
by Ord. 659-N.S.
Ord. 765-N.S.
Ord. 918-N.S.*

ORDINANCE NO. 658 N. S.

AN ORDINANCE PROVIDING A DAIRY AND MILK INSPECTION DIVISION FOR THE INSPECTION OF MILK, MILK PRODUCTS, DAIRIES AND DAIRY HERDS, AND OF PLACES WHERE MILK OR MILK PRODUCTS ARE PRODUCED, HANDLED OR SOLD, AND REGULATING THE SALE, POSSESSION AND HANDLING OF MILK AND MILK PRODUCTS IN THE CITY OF MODESTO, AND PROVIDING FOR INSPECTION FEES AND PENALTIES FOR VIOLATIONS OF THE PROVISIONS OF THIS ORDINANCE.

CODE SEC. 5
NO. 5-3.02
5-3.11.6

---ooo0ooo---

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

SECTION 1. A Milk Inspection Department of and for the

City of Modesto is hereby created. The same shall be in charge of the Health Officer or his authorized agents or deputies.

Whenever the term "Health Officer" is used in this ordinance it shall refer to and mean the officer or employee of the City of Modesto, whether appointed by resolution or ordinance, or acting by virtue of a contract with the County of Stanislaus, State of California, who discharges the duties of Health Officer.

SECTION 2. It shall be unlawful for any person, firm or corporation or agent or employee of any person, firm or corporation, to sell, offer for sale, distribute, or have in possession for sale or distribution, any milk or cream for human consumption as milk or cream, unless it conforms to the standards of grading and to the requirements for the production of milk and cream established by the Agriculture Code, being Chapter 25, Statutes of 1933 of the State of California, and amendments thereto, and the rules and regulations of the State Department of Agriculture for its enforcement.

STANDARDS:

a. Grade A milk intended for distribution or sale in the City of Modesto shall contain not less than three and five tenths (3.5%) per cent milk fat and eight and five tenths (8.5%) per cent solids not fat.

1 b. Grade A milk for pasteurization shall contain not
2 more than twenty-five thousand (25,000) bacteria per milliliter
3 before pasteurization and not over ten thousand (10,000) bacteria
4 per milliliter at the time of delivery to the consumer. Grade A
5 milk for pasteurization shall be pasteurized at not less than one
6 hundred and forty-two~~x~~ (142) degrees Fahrenheit for thirty minutes
7 within thirty hours after production and immediately placed in a
8 final package.

9 c. Grade A pasteurized cream shall contain not more than
10 seventy-five thousand (75,000) bacteria per milliliter before
11 pasteurization, and not more than twenty-five thousand (25,000)
12 bacteria per milliliter at the time of delivery to the consumer.
13 Grade A cream for pasteurization shall be cooled to fifty (50^o)
14 degrees Fahrenheit, or below, immediately after separation and so
15 maintained until the process of pasteurization begins.

16 d. Skim milk intended for human consumption in fluid
17 form shall be derived from Grade A milk. Skim milk may be pasteur-
18 ized before or after separation, and shall contain not over
19 seventy-five thousand (75,000) bacteria per milliliter before
20 pasteurization and not over fifteen thousand (15,000) bacteria
21 per milliliter at the time of delivery to the consumer.

22 e. Chocolate milk shall be made from Grade A milk
23 and Chocolate Dairy Drink and similar chocolate drinks shall be
24 made from Grade A milk or skim milk derived from Grade A milk,
25 and shall contain not more than twenty-five (25,000) thousand
26 bacteria per milliliter at the time of delivery to the consumer.
27 It shall be pasteurized after all ingredients have been added.

28 f. Every milk shake shall be made of Grade A milk
29 and all other mixed milk drinks and all skim milk drinks in
30 which are combined fruit, fruit juices, chocolate, chocolate
31 syrup or other harmless syrups shall be made of Grade A milk or
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1 skim milk derived from Grade A milk.

2 g. Homogenized milk shall not be mixed with any other
3 fluid dairy product that has not been homogenized. Homogenized
4 milk must meet all the requirements for market milk. There shall
5 appear in letters not less than six point bold face capital type
6 in plain view on every final package of homogenized milk the
7 word "Homogenized."

8 SECTION 3. No person, firm or corporation engaged in
9 the production, processing or distribution of milk and cream shall
10 produce for sale, sell, offer for sale, distribute or have in his
11 or their charge or possession for sale or distribution in the City
12 of Modesto, any milk or cream without first obtaining a permit
13 from the Health Officer or his authorized representatives to con-
14 duct such business or distribution, nor shall any person sell,
15 offer for sale, or have in his charge or custody or control any
16 milk or cream purchased, acquired or received from or produced by
17 any person, firm, association or corporation engaged in the pro-
18 duction, processing or distribution of milk or cream for redistri-
19 bution, who has not secured or does not possess at that time such
20 a permit.

21 In no case shall a permit be issued to any person, firm,
22 association or corporation to sell or expose for sale or exchange,
23 deliver or distribute any milk or cream in the City of Modesto
24 unless the dairy or place of origin is regularly inspected by an
25 authorized representative of an approved milk inspection service.

26 Permits issued under the provisions of this ordinance
27 may be revoked by the Health Officer upon violation by the
28 holder of any provisions of this ordinance or in any emergency
29 when in the judgment of the Health Officer the milk or cream
30 supply in question has become a public health menace, provided,
31 however, that the holder of such a permit shall first be given a
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1 hearing upon at least twenty-four (24) hours' notice, in writing,
2 to appear at a time and place therein specified, to show cause why
3 the permit should not be revoked, canceled or suspended.

4 SECTION 4. PASTEURIZER'S PERMIT. All persons engaged
5 in operating a pasteurizer for the processing of Grade A milk or
6 Grade A cream shall first obtain and hold a written permit to do
7 so from the Health Officer or his authorized representatives; said
8 permit shall be known as a "pasteurizer's permit." Application
9 for such permit shall be made in writing to the Health Department
10 and shall contain such information as may be required by the
11 Health Officer. The applicant shall pay a fee of One (\$1.00)
12 Dollar and shall satisfy the Health Officer that he is fully
13 qualified and that he possesses a thorough knowledge of all pro-
14 visions of law applicable and pertaining to pasteurization. All
15 permits shall be displayed in processing rooms where the pasteur-
16 ization takes place. Such permits shall in no event be transferr-
17 able. Any pasteurizer's permit may be revoked or suspended by the
18 Health Officer for violation by the permittee of any of the pro-
19 visions of the Agriculture Code of the State of California or of
20 this ordinance pertaining to pasteurization.

21 SECTION 5. INSPECTION FEES. Every person engaged in the
22 production, sale or distribution of market milk shall pay an in-
23 spection fee to the City Treasurer of the City of Modesto. Said
24 inspection fees are hereby fixed as follows:

25 a. For producers who sell market milk at wholesale to
26 be sold as graded market milk in the City of Modesto, a monthly
27 inspection fee equal to one-tenth of one cent per gallon of market
28 milk produced by said producer and distributed in said City.

29 b. For distributors of graded raw milk a monthly inspection
30 fee of Three (\$3.00) Dollars, which shall entitle the said distri-
31 butor to distribute an average of ten gallons or less of market
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1 milk per day. Should said distributor of said graded raw milk
2 distribute more than an average of ten gallons of said milk per
3 day, a minimum monthly fee of Five (\$5.00) Dollars, which entitles
4 said distributor to the production, sale or distribution of
5 twenty-five hundred gallons of graded raw milk per month. For
6 each gallon of graded raw milk produced, distributed or sold over
7 twenty-five hundred gallons per month, a fee of two mills(.002)
8 per gallon shall be paid by the producer, seller or distributor
9 in addition to the minimum fee of Five (\$5.00) Dollars per month,
10 as set forth herein.

11 c. For processors of graded/^{pasteurized}milk for distribution in
12 the City of Modesto the same fee as set forth in subdivision b
13 of Section 5 hereof.

14 d. For processing plants that process market cream for
15 distribution in the City of Modesto a fee of one (1) cent per
16 gallon of cream sold.

17 SECTION 6. The inspection fee as required by this
18 article to be paid by a milk producer shall be collected from
19 the milk producer for the City of Modesto by the processor or
20 by the milk distributor in the case of milk to be consumed raw.
21 The processor or milk distributor, as the case may be, is
22 hereby made liable for the collection of such inspection fee and
23 for the transmission of the same to the City of Modesto. Such
24 inspection fee shall be transmitted by the processor or milk distri-
25 butor, as the case may be, to the City Treasurer on or before the
26 10th day of each calendar month for the preceding calendar month.
27 The processor or milk distributor, as the case may be, shall at the
28 time of remitting such inspection fee, transmit a written report
29 giving the name of each milk producer or milk distributor from
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1 whom he received and processed market milk during the preceding
2 calendar month, together with the number of gallons of milk re-
3 ceived from each, which report shall be on a printed form pro-
4 vided by the Health Officer.

5 Every inspection fee required by this article which has
6 not been paid at the time it becomes delinquent shall thereupon
7 have added thereto a penalty equal to ten (10%) per cent of the
8 delinquent fee and an additional penalty of ten (10%) per cent
9 of the delinquent fee shall be added for each month or fraction
10 thereof thereafter during such delinquency until the fee and
11 penalty thereon are fully paid. Non-payment of any delinquent
12 inspection fee due shall constitute cause for suspension or revo-
13 cation of any permit issued under this article.

14 SECTION 7. Every person, firm, corporation or associa-
15 tion subject to the terms of this ordinance shall keep at all
16 times all records of account, invoices, receipts and other papers
17 or documents showing the gallonage of milk or cream produced,
18 distributed or sold and the types and kinds of such milk or cream
19 so distributed, produced or sold.

20 It shall be unlawful for any person, firm, corporation
21 or association subject to the terms of this ordinance to fail,
22 neglect or refuse to produce said records of account, invoices,
23 receipts and other papers or documents for examination by any
24 auditor, deputy auditor, tax collector, or deputy tax collector
25 or the Health Inspector of the City of Modesto when requested by
26 said auditor, deputy auditor, tax collector, deputy tax collector
27 or Health Inspector so to do.

28 SECTION 8. MILK SHAKES. Every milk shake, all other
29 mixed and malted drinks in which are combined fruit, harmless
30 syrups or frozen desserts shall be made of Grade A milk or skim
31 milk derived from Grade A milk. At all places where skim milk
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1 is used in the preparation of such milk shakes, and other mixed
2 milk and malted drinks hereinabove mentioned, a conspicuous legible
3 sign with words "Skim Milk Used in Milk Drinks" in plain block
4 letters not less than six inches high, printed in the English
5 language, shall be displayed.

6 SECTION 9. SANITATION REGULATION. a. A milk pro-
7 ducer shall provide suitable equipment for properly washing and
8 sterilizing the dairy equipment. All milk handling equipment
9 must be of a type and construction approved by the Health Officer.

10 b. Hooded milk buckets with small openings shall be
11 used at all times.

12 c. Milk stools shall be made of metal or other im-
13 pervious materials and shall be kept clean.

14 d. No person shall bring into the City of Modesto milk
15 from cows where the flanks, udder, tail and hind legs have not
16 been washed immediately prior to and kept clean during milking.

17 SECTION 10. KEEPING MILK. It shall be unlawful for
18 any person, firm, association or corporation keeping any milk in
19 any store, restaurant, bakery or other establishment to fail, re-
20 fuse or neglect to keep the same at all times before the sale or
21 use thereof in a clean, well-drained cooler or refrigerator.
22 Such cooler or refrigerator shall be maintained at a temperature
23 not exceeding fifty (50^o) degrees Fahrenheit at any time, and
24 shall at all times be kept in a clean and sanitary condition.

25 SECTION 11. REMOVAL OF CONTAINERS. It shall be unlaw-
26 ful for any person, firm, association or corporation to remove
27 bottles or other containers in which milk has been delivered from
28 any premises where there exists or has existed during the time
29 of such delivery any case of any disease designated by the Health
30 Officer or Health Inspector as liable to transmission by the re-
31 moval of such bottles or other containers, except upon the order
32

1 of said Health Officer of Health Inspector.

2 SECTION 12. PENALTY. Any person, firm, association
3 or corporation violating any of the provisions of this ordinance
4 shall be guilty of a misdemeanor and upon conviction shall be
5 punishable by a fine not to exceed Two Hundred and Fifty (\$250.00)
6 Dollars, or by imprisonment in the County Jail for not more than
7 sixty (60) days, or by both such fine and imprisonment. Each and
8 every violation of the provisions of this ordinance shall consti-
9 tute a separate offense.

10 SECTION 13. REPEAL OF CONFLICTING ORDINANCES. All
11 ordinances of the City of Modesto or parts of ordinances in
12 conflict herewith are hereby expressly repealed.

13 SECTION 14. UNCONSTITUTIONALITY CLAUSE. If any section,
14 subsection, sentence, clause or phrase of this ordinance is for
15 any reason held to be invalid such a decision shall not affect the
16 validity of the remaining portions of this ordinance. The Council
17 of the City of Modesto hereby declares that it would have passed
18 this ordinance and each section, subsection, sentence, clause and
19 phrase thereof, irrespective of the fact that any one or more
20 sections, subsections, sentences, clauses or phrases be declared
21 invalid.

22 SECTION 15. This ordinance shall go into effect and be
23 in full force and operation from and after 15 days after its
24 final passage and adoption.


25 SECTION 16. This ordinance shall be published in full
26 at least once at least three days prior to its final adoption in
27 the The Modesto Bee, the official newspaper of the City of Modesto.

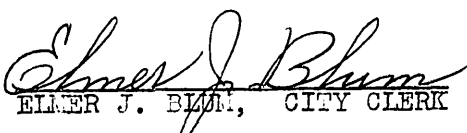
28 The foregoing ordinance was introduced at a **regular**
29 meeting of the Council of the City of Modesto held on the 28th
30 day of May, 1941, by Councilman Stanley, who
31 moved its adoption and passage to print, which motion being duly
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seconded was upon roll call carried, and the ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stahley, Mayor Shannon
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED: 
CARL W. SHANNON, MAYOR

ATTEST: 
ELMER J. BLUM, CITY CLERK

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3 FINAL ADOPTION CLAUSE

4 The foregoing ordinance, having been introduced and
5 ordered printed and published at a special meeting of the
6 Council of the City of Modesto held on the 23rd day of
7 May 1941, and subsequently printed and published as re-
8 quired by the Charter of the City of Modesto, and coming on for
9 final adoption at the regular meeting of June 11, 1941, it was
upon roll call so finally adopted by the following vote:

10 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

11 Noes: Councilmen: None

12 Absent: Councilmen: None

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14 APPROVED: Carl W. Shannon
15 Mayor

16 ATTEST: Charles J. Blinn
17 City Clerk

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1 REPEALED B.
2 MUNICIPAL CODE
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ORDINANCE NO. 659 N. S..

AN ORDINANCE AMENDING SUBDIVISION b OF SECTION 5 OF ORDINANCE NO. 658 N. S. OF THE CITY OF MODESTO (MILK ORDINANCE).

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

6 SECTION 1. Subdivision b of Section 5 of Ordinance No.
7 658 N. S. entitled, "AN ORDINANCE PROVIDING A DAIRY AND MILK
8 INSPECTION DIVISION FOR THE INSPECTION OF MILK, MILK PRODUCTS,
9 DAIRIES AND DAIRY HERDS AND OF PLACES WHERE MILK OR MILK PRODUCTS
10 ARE PRODUCED, HANDLED OR SOLD AND REGULATING THE SALE, POSSESSION
11 AND HANDLING OF MILK AND MILK PRODUCTS IN THE CITY OF MODESTO,
12 AND PROVIDING FOR INSPECTION FEES AND PENALTIES FOR VIOLATION OF
13 THE PROVISIONS OF THIS ORDINANCE," is hereby amended to read as
14 follows:

15 SECTION 5. Subdivision b. For distributors of graded raw
16 milk a monthly inspection fee of Three (\$3.00) Dollars, which
17 shall entitle the said distributor to distribute an average of
18 twenty-five (25) gallons or less of market milk per day. Should
19 said distributor of said graded raw milk distribute more than an
20 average of twenty-five (25) gallons of said milk per day, a
21 minimum monthly fee of Five (\$5.00) Dollars, which entitles said
22 distributor to the production, sale or distribution of twenty-five
23 hundred (2500) gallons of raw milk per month. For each gallon
24 of graded raw milk produced, distributed or sold over twenty-five
25 hundred (2500) gallons per month, a fee of two (2) mills per gal-
26 lon shall be paid by the producer, seller or distributor in ad-
27 dition to the minimum fee of Five (\$5.00) Dollars per month as
28 set forth herein.

29 SECTION 2. This ordinance shall go into effect and be in
30 full force and operation from and after 15 days after its final
31 passage and adoption.

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

4 The foregoing ordinance was introduced at a special
5 meeting of the Council of the city of Modesto held on the 2nd
6 day of July, 1941, by councilman Stanley, who
7 moved its adoption and passage to print, which motion being duly
8 seconded was upon roll call carried, and the ordinance ordered
9 printed and published as above by the following vote:

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11 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

12 Noes: Councilmen: None

13 Absent: Councilmen: None
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19 APPROVED:

Carl W. Shannon
20 CARL W. SHANNON, MAYOR

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22 ATTEST:

Elmer J. Blum
23 ELMER J. BLUM, CITY CLERK
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 2nd day of July, 1941, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of July 9, 1941, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Carl W. Shannon

MAYOR

ATTEST: Charles J. Blum

CITY CLERK

NOT SPECIAL
IN CODE

ORDINANCE NO. 660 N. S.

AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE OF AN AUTOMOBILE FOR THE POLICE DEPARTMENT OF THE CITY OF MODESTO.

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

SECTION 1. The sum of One Thousand (\$1,000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the General Fund of the City of Modesto for the purchase of an automobile to be used by the City of Modesto and particularly by the Police Department of said City.

SECTION 2. This ordinance shall go into effect from and after fifteen (15) days after its final passage and adoption. It shall be published in full at least once at least three days prior to its final adoption in the The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1941, by Councilman Stanley, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the ordinance ordered printed and published by the following vote:

- Ayes: Councilmen: Burge, Bates, Neece, Stanley, Mayor Shannon.
- Noes: Councilmen: None
- Absent: Councilmen: None

APPROVED: Carl W. Shannon
CARL W. SHANNON, MAYOR.

ATTEST: Elmer J. Blum
ELMER J. BLUM, CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 9th day of July, 1941, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of July 23, 1941, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen; Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: *Carl W. Shannon*
MAYOR

ATTEST: *Charles J. Blum*
CITY CLERK

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SPECIAL
NOT IN CODE

ORDINANCE NO. 661 N. S.

AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE OF LAND BY THE CITY OF MODESTO.

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

SECTION 1. The sum of Eleven Thousand, Three Hundred Dollars (\$11,300.00), or so much thereof as may be necessary, is hereby appropriated from the General Fund of the City of Modesto for the purchase by said City of the following described real property, situate in the County of Stanislaus, State of California:

Beginning at the Southwest corner of Section 35, T. 3 S., R. 9 E., M. D. B. & M.; thence N 0°-15' W, 1416.99 feet, along the Westerly line of said Section 35, to the Southerly property line of a county road; thence S 87°-45' E, 1152.83 feet, along the Southerly property line of said county road; thence S 43°-01'30" E, 68.80 feet, along the Southwesterly property line of said county road; thence S 1°-42' W, 1824.85 feet, along the Westerly property line of said county road, to its intersection with the Southerly line of said Section 35; thence S 85°-21' W, 447.28 feet; thence N 86°-49' W, 709.00 feet, to the beginning, and containing 37.28 acres.

The above described property is located in the S.W. ¼ of Section 35, T. 3 S., R. 9 E., and the N.W. ¼ of Section 2, T. 4 S., R. 9 E., M. D. B. & M.

The county road referred to, is as shown in the Stanislaus County Surveyor's Records in Volume 10, Page 140, Survey No. 1010, and the basis of bearings for this description is taken from same.

SECTION 2. The City Council hereby finds and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety of the citizens of Modesto and persons therein by reason of the following facts: There now exists in the United States of America by reason of the present European war a situation requiring that said United States of America shall put forth all of its efforts to the end

1 that it may be defended in the event of invasion. Airports and
2 landing fields for aircraft are essential in times of national
3 emergency. It is essential, therefore, that the present Modesto
4 Municipal Airport be enlarged, and it is the purpose of the City
5 Council of the City of Modesto to use the land to be purchased by
6 the money appropriated in this ordinance to enlarge the Modesto
7 Municipal Airport. Furthermore, the Federal Government will ex-
8 pend many thousands of dollars in the improvement of the said
9 Modesto Municipal Airport in the event that the City of Modesto
10 acquires said land to be purchased by the money appropriated in
11 this ordinance at the earliest possible time and that if said land
12 is not purchased in the immediate future said funds shall not be
13 available. This ordinance shall therefore take effect immediately
14 upon its final passage and adoption.

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

18 The foregoing ordinance was introduced at a regular
19 meeting of the Council of the City of Modesto held on the 9th day
20 of July, 1941, by Councilman Bates, who moved its
21 adoption and passage to print, which motion being duly seconded
22 was upon roll call carried and the ordinance ordered printed and
23 published as above by the following vote:

24 Ayes: Councilmen: Burge, Bates, Neece, Stanley, Mayor Shannon.
25 Noes: Councilmen: None
26 Absent: Councilmen: None

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29 APPROVED:

Carl W. Shannon
CARL W. SHANNON, MAYOR

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31 ATTEST:

Elmer J. Blum
ELMER J. BLUM, CITY CLERK

1 FINAL ADOPTION CLAUSE

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3 The foregoing ordinance, having been introduced and
4 ordered printed and published at a regular meeting of the Council
5 of the City of Modesto held on the 9th day of July, 1941, and sub-
6 sequently printed and published as required by the Charter of the
7 City of Modesto, and coming on for final adoption at the regular
8 meeting of July 23, 1941, it was upon roll call so finally
9 adopted by the following vote:

10 Ayes: Councilmen; Bates, Burge, Neece, Stanley, Mayor Shannon

11 Noes: Councilmen: None

12 Absent: Councilmen: None

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14 APPROVED: 
MAYOR

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16 ATTEST: 
CITY CLERK

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REPEALED BY
MUNICIPAL CODE

ORDINANCE NO. 662-N.S.

AN ORDINANCE FIXING THE COMPENSATION OF THE CITY OFFICIALS OF THE CITY OF MODESTO

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

SECTION 1. The compensation to be paid by the City of Modesto to the Chief Officials of said City shall be as follows:

- City Clerk, who likewise occupies the offices of Auditor and Assessor - - - the sum of \$3600.00 per annum
- City Treasurer, who likewise occupies the office of Collector - - - - - the sum of 3000 00 per annum
- City Attorney - - - - - the sum of 3000 00 per annum
- Chief of Police - - - - - the sum of 3480.00 per annum
- Chief of Fire Department - the sum of 3480.00 per annum
- Health Officer - - - - - the sum of 1.00 per annum
- City Engineer, who likewise occupies the offices of Street Superintendent, Building Inspector and Sewer Inspector - - - - - the sum of 4800.00 per annum

SECTION 2. The compensation of the various officials hereinabove set forth shall be in full for the proper performance of the duties assigned to them in the various offices occupied by said officials.

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

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. This Ordinance shall be published in full at least once at least three days prior to its final adoption in the official newspaper of the City of Modesto, to-wit, the The Modesto Bee.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1941, by Councilman Neece, who moved its adoption and passage

1 to print as aforesaid, which motion being duly seconded, was upon
2 roll call carried and the ordinance ordered published as above by
3 the following vote:

4 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

5 noes: Councilmen: None

6 Absent: Councilmen: None

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APPROVED *Carl W. Shannon*
CARL W. SHANNON, MAYOR

ATTEST *Elmer J. Blum*
ELMER J. BLUM, CITY CLERK

1 FINAL ADOPTION CLAUSE

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3 The foregoing ordinance, having been introduced and
4 ordered printed and published at a regular meeting of the Council
5 of the City of Modesto held on the 23rd day of July, 1941, and
6 subsequently printed and published as required by the Charter of
7 the City of Modesto, and coming on for final adoption at the regu-
8 lar meeting of August 13th, 1941, it was upon roll call so finally
9 adopted by the following vote:

10 Ayes: Councilmen: Bates, Burge, Neece, Acting Mayor Stanley

11 Noes: Councilmen: None

12 Absent: Mayor Shannon

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14 APPROVED: Carl J. Stanley
MAYOR PRO TEM

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16 ATTEST: Charles J. Blum
CITY CLERK

REPEALED BY
MUNICIPAL CODE

ORDINANCE NO. 663 N. S.

AN ORDINANCE REPEALING ORDINANCE NO. 536, N. S. OF THE CITY OF MODESTO ENTITLED: "AN ORDINANCE PROHIBITING LEFT TURNS AT THE INTERSECTION FORMED BY I AND TENTH STREETS IN THE CITY OF MODESTO."

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

SECTION 1. Ordinance No. 536 N. S of the City of Modesto, entitled: "AN ORDINANCE PROHIBITING LEFT TURNS AT THE INTERSECTION FORMED BY I AND TENTH STREETS IN THE CITY OF MODESTO" is hereby expressly repealed.

SECTION 2. Following the effective date of this ordinance the City Engineer of the City of Modesto shall remove from said intersection any and all signs by the terms of which a left hand turn at said intersection is prohibited.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1941, by Councilman Stanley, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Burge, Bates, Neece, Stanley, Mayor Shannon.

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:

Carl W. Shannon
CARL W. SHANNON, MAYOR

ATTEST:

Elmer J. Blum
ELMER J. BLUM, CITY CLERK.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1941, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of August 13th, 1941, it was upon roll call so finally adopted by the following vote:

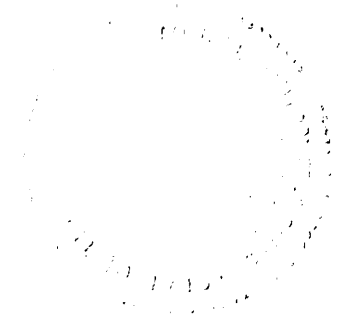
Ayes: Councilmen: Bates, Burge, Neece, Acting Mayor Stanley

Noes: Councilmen: None

Absent: Mayor Shannon

APPROVED: Carl J. Stanley
MAYOR PRO TEM

ATTEST: Edmer J. Blum
CITY CLERK



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SPECIAL
NOT IN CODE

ORDINANCE NO. 664 N. S.

AN ORDINANCE AUTHORIZING THE CONVEYANCE OF CERTAIN REAL PROPERTY.

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WHEREAS, it appears to the Council of the City of Modesto that it will be for the benefit of the City of Modesto to sell and dispose of the interest of said City in and to the real property hereinafter described, to-wit, Lots 1 to 6, inclusive, in Block 127 in the City of Modesto, County of Stanislaus, State of California; and,

WHEREAS, it appears that said property is no longer suited for the purposes for which it was originally purchased:

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MODESTO DO ORDAIN AS FOLLOWS:

SECTION 1. That the City of Modesto sell and convey to such persons, firm or corporation as may be interested in the purchase thereof, all of the right, title and interest of said City in and to Lots 1 to 6, inclusive, in Block 127 in the City of Modesto, Stanislaus County, California,

SECTION 2. The Mayor and City Clerk of the City of Modesto are hereby authorized and directed to execute a deed conveying all of the right, title and interest of said City of Modesto in and to said property to such person, firm or corporation as may desire to purchase the same, when and if the City Council of said City of Modesto by resolution duly passed determines that the price offered for said property is fair and equitable, and that the acceptance of the same will react to the benefit of the citizens of said City of Modesto.

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

SECTION 4. This ordinance shall go into effect and

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1 be in full force and operation from and after fifteen (15) days
2 after its final passage and adoption.

3 The foregoing ordinance was introduced at a regular
4 meeting of the Council of the City of Modesto held on the 23rd
5 day of July, 1941, by Councilman Bates, who moved its adoption,
6 which motion being duly seconded was upon roll call carried and
7 the ordinance ordered printed and published as above by the fol-
8 lowing vote:

9 Ayes: Councilmen: Burge, Bates, Neece, Stanley, Mayor Shannon.

10 Noes: Councilmen: None

11 Absent: Councilmen: None

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APPROVED:

Carl W. Shannon
CARL W. SHANNON, MAYOR

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ATTEST:

Elmer J. Blum
ELMER J. BLUM, CITY CLERK.

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 23rd day of July, 1941, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of August 13th, 1941, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Acting Mayor Stanley

Noes: Councilmen: None

Absent: Mayor Shannon

APPROVED:

Carl J. Stanley
MAYOR PRO TEM

ATTEST:

Elmer J. Blum
CITY CLERK

SPECIAL
NOT IN CODE

ORDINANCE NO. 665-N.S.

1
2 AN ORDINANCE APPROPRIATING MONEY AND PROVIDING FOR THE PURCHASE OF
3 MATERIALS AND EQUIPMENT FOR THE DEPARTMENT OF PUBLIC WORKS OF THE
4 CITY OF MODESTO AND APPROPRIATING MONEY FOR PURPOSES OF PROMOTING
5 THE GENERAL WELFARE OF THE CITIZENS OF MODESTO

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

8 SECTION 1. The sum of One Thousand Three Hundred Dollars
9 (\$1300.00) or so much thereof as may be necessary, is hereby appropri-
10 ated from the General Fund of the City of Modesto for the purchase
11 of a Carryall Scraper.

12 SECTION 2. The sum of Eight Hundred Dollars (\$800.00),
13 or so much thereof as may be necessary, is hereby appropriated
14 from the General Fund of the City of Modesto for the purchase of
15 a Pneumatic Tired Road Roller.

16 SECTION 3. The sum of Thirteen Thousand Dollars (\$13,000.00)
17 or so much thereof as may be necessary, is hereby appropriated from
18 the General Fund of the City of Modesto for the purchase of Vitri-
19 fied clay pipe and sanitary sewer appurtenances.

20 SECTION 4. The sum of Ten Thousand Eight Hundred Doll-
21 ars (\$10,800.00), or so much thereof as may be necessary, is hereby
22 appropriated from the Water Fund of the City of Modesto for the
23 purchase of Water Pipe and Fittings.

24 SECTION 5. The sum of One Thousand Two Hundred and Fifty
25 Dollars (\$1250.00), or so much thereof as may be necessary, is
26 hereby appropriated from the Water Fund of the City of Modesto for
27 the purchase of Two Automatic Tank Control Valves.

28 SECTION 6. The sum of Two Thousand Five Hundred Dollars
29 (\$2500.00), or so much thereof as may be necessary, is hereby
30 appropriated from the Water Fund of the City of Modesto for the
31 purchase of Bookkeeping Machines and equipment.

32 SECTION 7. The sum of One Thousand Five Hundred Dollars
(\$1500.00), or so much thereof as may be necessary, is hereby

1 It shall be published in full at least once, at least three days
2 prior to its final adoption in the Modesto Bee, the official news-
3 paper of the City of Modesto.

4 The foregoing ordinance was introduced at a special
5 meeting of the Council of the City of Modesto held on the 6th day
6 of August, 1941 by Councilman NEECE, who moved its
7 adoption and passage to print, which motion was duly seconded, was
8 carried and the ordinance ordered printed and published by the
9 following vote:

10 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

11 Noes: Councilmen: None

12 Absent: Councilmen: None

13
14 APPROVED

Carl W. Shannon
CARL W. SHANNON, MAYOR

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16 ATTEST

Elmer J. Blum
ELMER J. BLUM, CITY CLERK
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 6th day of August, 1941, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of August 13, 1941, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Mayor pro tem Stanley

Noes: Councilmen: None

Absent: Mayor Shannon

APPROVED Carl J. Stanley
MAYOR PRO TEM

ATTEST Charles J. Blum
CITY CLERK

SPECIAL
NOT IN CODE

ORDINANCE NO. 666-N.S.

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF
MODESTO FOR THE FISCAL YEAR 1941-42

---oOo---

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

SECTION 1

There is hereby levied upon the assessed valuation of
the property in the City of Modesto, County of Stanislaus, State
of California, for the fiscal year beginning July 1, 1941, and
ending June 30, 1942, the rates of taxation, hereinafter speci-
fied, said rates being upon each One Hundred Dollars (\$100.00) of
the valuation according to the equalized assessment roll, to-wit:

FOR THE GENERAL FUND - - - - - \$.10
on each One Hundred Dollars taxable valuation

FOR THE BOND REDEMPTION AND INTEREST FUND:

- (a) Municipal Improvement Bonds of 1910 \$.016
- (b) Municipal Improvement Bonds of 1911 .004
- (c) Municipal Improvement Bonds of 1912 .014
- (d) Municipal Improvement Bonds of 1919 .015
- (e) Municipal Improvement Bonds of 1920 (Jan.) .066
- (f) Municipal Improvement Bonds of 1920 (June) .010
- (g) Municipal Improvement Bonds of 1923 .015

BEING A TOTAL OF - - - - - .14
on each One Hundred Dollars valuation of property taxable
for the redemption of bonds and the payments of interest
thereon that shall accrue during said fiscal year:

FOR THE LIBRARY FUND - - - - - .10
on each One Hundred Dollars of taxable valuation

THE AGGREGATE OF SAID SUMS TO-WIT - - - - - \$1.10
on each One Hundred Dollars valuation as determined
by the equalized assessment roll for the year 1941-42
on all property taxable in the City of Modesto for said
purpose is hereby levied and apportioned to and shall
be paid into the above funds respectively of said City.
The rates above specified shall be in addition to those
required to be levied under the general laws of the
State of California for the purpose of paying principal
and interest on street improvement and interest on street
improvement bonds in local improvement districts.

SECTION 2

BE IT FURTHER PROVIDED that anything to the contrary heretofore set forth, there shall be and there is hereby declared to be a different rate of taxation levied upon certain property situate in the City of Modesto, to-wit, Southern Campus Tract, Hawkins Tract, that portion of the Leslie-Hugh Tract recently annexed to the City of Modesto, La Linda Tract, John Muir Park, Northwood and Esgar Tracts. Said tax rate for said Southern Campus Tract, Hawkins Tract, that portion of the Leslie-Hugh Tract annexed, La Linda Tract, John Muir Park, Northwood Tract and Esgar Tract, as aforesaid shall be and is hereby declared to be as follows:

FOR THE GENERAL FUND - - - - -	\$.86
on each One Hundred Dollars taxable valuation	
FOR THE LIBRARY FUND - - - - -	.10
on each One Hundred Dollars of taxable valuation	
THE AGGREGATE OF SAID SUMS, TO-WIT:	\$.96
on each One Hundred Dollars valuation, as determined by the equalized assessment roll for the year 1941-42	

The tax rate upon said Southern Campus Tract, Hawkins Tract, That portion of the Leslie-Hugh Tract now a portion of the City of Modesto, La Linda Tract, John Muir Park, Northwood Tract and Esgar Tract is different from the tax rate herein set for the balance of the property within the City of Modesto by reason of the fact that said territory has recently been annexed to and made a part of the City of Modesto under a provision of the State Law which does not permit the said City to levy taxes upon said annexed property for any past bonded indebtedness owed by said City and incurred before said territory became a part of said City.

SECTION 3

This ordinance shall take effect immediately upon its final passage and adoption.

SECTION 4

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

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The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of August, 1941 by Commissioner Neece, who moved its adoption and passage to print, which motion being duly seconded, the ordinance was upon roll call ordered printed and published as required by the Charter of the City of Modesto by the following vote:
Ayes: Councilmen: Bates, Burge Neece, Mayor pro tem Stanley
Noes: Councilmen: None
Absent: Mayor Shannon

APPROVED C. J. Stanley
C. J. Stanley, Mayor pro tem

ATTEST Elmer J. Blum
Elmer J. Blum, City Clerk

1 FINAL ADOPTION CLAUSE

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3 The foregoing ordinance, having been introduced and
4 ordered printed and published at a regular meeting of the Council
5 of the City of Modesto held on the 13th day of August, 1941, and
6 subsequently printed and published as required by the Charter of
7 the City of Modesto, and coming on for final adoption at the regu-
8 lar meeting of August 27, 1941, it was upon roll call so finally
9 adopted by the following vote:

10 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

11 Noes: Councilmen: None

12 Absent: Councilmen: None

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14 APPROVED 
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MAYOR

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32 ATTEST: 
CITY CLERK

CITY CLERK

REPEALED
MUNICIPAL CODE

ORDINANCE NO. 667-N.S.

AN ORDINANCE AMENDING ORDINANCE NO. 376-N.S. (TRAFFIC ORDINANCE) BY AMENDING SECTION 20(a) THEREOF

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

SECTION 1. Ordinance No. 376-N.S. entitled: "AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. (TRAFFIC ORDINANCE) BY AMENDING SECTION 20 (a) THEREOF" is hereby amended by amending Section 20 (a) thereof to read as follows:

"Section 20 (a). TRAFFIC CONTROL THROUGH CERTAIN ALLEYS.

It shall be unlawful to drive any vehicle through the alleys between 9th and 10th Streets, and between K and H Streets, being the alleys in Blocks, 55, 56 and 57 of the City of Modesto, according to the official map thereof, except in a southeasterly direction, or to stop or park any vehicle in said alleys, except upon the southwest-erly or right hand side thereof and as near the property line as practicable.

It shall be unlawful to drive any vehicle through the alleys between 10th and 11th Streets, and between K and G Streets, being the alleys in Blocks 67, 68, 69 and 70 of the City of Modesto, according to the official map thereof, except in a north-westerly direction, or to stop or park any vehicle in said alleys except upon the northeasterly or right hand side thereof, as close as practicable to the property line.

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

Said alleys are hereby declared to be one-way alleys, and the entering of said alleys with a vehicle or driving through the same with a vehicle, except as stated in this Ordinance, or parking or leaving a vehicle standing in said alleys, except as

1 specified in this Ordinance, shall be a misdemeanor.

2 The Police Department shall erect signs at the entrances
3 to said alleys to the effect that they are one-way alleys only
4 and indicating the direction from which alone they may be
5 entered."

6 SECTION 2. This ordinance shall take effect and be in
7 full force and operation from and after fifteen days after its
8 final passage and adoption.

9 SECTION 3. This Ordinance shall be published in full
10 at least once at least three days prior to its final adoption in
11 the "The Modesto Bee," the official newspaper of the City of
12 Modesto.

13 The foregoing Ordinance was introduced at a regular
14 meeting of the Council of the City of Modesto held on the 10th day
15 of September, 1941, by Councilman BURGE, who
16 moved its adoption, as aforesaid, which motion being duly second-
17 ed, was upon roll call carried and the Ordinance ordered printed
18 and published as above by the following vote:

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20 AYES: COUNCILMEN: Bates, Burge, Neece, Stanley, Mayor Shannon

21 NOES: COUNCILMEN: None

22 ABSENT: COUNCILMEN: None

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APPROVED:

Carl W. Shannon
CARL W. SHANNON, MAYOR

ATTEST:

Elmer J. Blum
ELMER J. BLUM, CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 10th day of September, 1941, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of September 24, 1941, it was upon roll call so finally adopted by the following vote;

Ayes: Councilmen: Bates, Burge, Neece, Acting Mayor Stanley

Noes: Councilmen: None

Absent: Mayor Shannon

APPROVED

C. J. Stanley
ACTING MAYOR

ATTEST

Edna J. Blum
CITY CLERK

Repealed
by Ord. # 682-n.s.

ORDINANCE NO. 668 N. S.

2 AN ORDINANCE DECLARING "HOT CARGO" AND "SECONDARY BOYCOTT" UNLAW-
3 FUL, DEFINING CERTAIN WORDS AND TERMS OF THE ORDINANCE AND FIXING
4 PENALTY FOR THE VIOLATION THEREOF.

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

6 SECTION 1. This ordinance is adopted for the purpose of
7 preserving tranquility among the citizens of the City of Modesto,
8 and to insure during this present critical period of national
9 emergency and intensive armament the unobstructed production and
10 distribution of the products of the factories, food distributing
11 places and food processing plants of the City of Modesto, for the
12 continued protection and preservation of our democratic way of
13 life, and for the general welfare of the people of the City of
14 Modesto.

15 SECTION 2. Definitions.

16 (a) As used in this ordinance, "hot cargo" means any
17 combination or agreement resulting in a refusal by employees to
18 handle goods or to perform any services for their employer because
19 of a dispute between some other employer and his employees or a
20 labor organization or any combination or agreement resulting in a
21 refusal by employers to handle goods or perform any services for
22 another employer because of an agreement between such other
23 employer and his employees or a labor organization.

24 (b) As used in this ordinance, "secondary boycott"
25 means any combination or agreement to cease performing, or to
26 cause any employee to cease performing any services for any
27 employer, or to cause any loss or injury to such employer, or
28 to his employees, for the purpose of inducing or compelling such
29 employer to refrain from doing business with, or handling the
30 products of any other employer because of a dispute between the
31 latter and his employees or a labor organization or any combina-
32 tion or agreement to cease performing, or to cause any employer

1 to cease performing any services for another employer, or to cause
2 any loss or injury to such other employer, or to his employees,
3 for the purpose of inducing or compelling such other employer to
4 refrain from doing business with, or handling the products of any
5 other employer, because of an agreement between the latter and his
6 employees or a labor organization.

7 (c) As used in this ordinance, "labor organization"
8 means any organization of any kind, or any agency or employee
9 representation committee or plan, in which employees participate
10 and which exists for the purpose, in whole or in part, of dealing
11 with employers concerning grievances, labor disputes, wages, rates
12 of pay, hours of employment, or conditions of work.

13 (d) As used in this ordinance, the term "employer"
14 includes any person acting in the interest of an employer, directly
15 or indirectly and any association of employers, including growers
16 and other hirers of labor.

17 (e) As used in this ordinance, the term "employee"
18 includes any natural person who works for any person for compensa-
19 tion.

20 SECTION 3. The "hot cargo" and "secondary boycott"
21 are hereby declared to be unlawful.

22 SECTION 4. Any act, combination or agreement which
23 directly or indirectly causes, induces or compels a violation of
24 any of the provisions of this ordinance, or inflicts any loss,
25 injury or damage to anyone because of his refusal to violate any
26 of the provisions of this ordinance shall be unlawful.

27 SECTION 5. Any person violating any of the provisions
28 of this ordinance shall be guilty of a misdemeanor and upon con-
29 viction thereof shall be punished by imprisonment in the County
30 Jail not exceeding six months, or by a fine not exceeding five
31 hundred (\$500.00) dollars, or by both such fine and imprisonment.
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1 SECTION 6. This ordinance shall be and remain in ef-
2 fect until May 1, 1943, and thereafter:

3 (a) During the continuance of the existence of the
4 national emergency declared by the President of the United States
5 to exist, by his proclamation issued under date of September 8,
6 1939;

7 (b) During any period of war between the United States
8 of America and any foreign power, legally declared to exist.

9 SECTION 7. The Council of the City of Modesto hereby
10 declares that this ordinance is enacted in the exercise of its
11 police powers; that there is an emergency existing; that this
12 ordinance is necessary for the immediate preservation of the
13 public peace, health and safety within the meaning of Section 1
14 of Article IV of the Constitution of the State of California and
15 of Section 1651 of the Elections Code of the State of California,
16 and that it shall take effect immediately. The following are
17 the facts constituting such emergency:

18 That the President of the United States of America,
19 by proclamation dated September 8, 1939, declared a National
20 Emergency to exist; that the same continues; that an intensive
21 armament and National Defense program is under way; that the City
22 of Modesto is situate in an agricultural district and has within
23 the city limits of said City certain food processing plants and
24 numerous stores and wholesale distributing plants engaged in the
25 business of processing and selling foodstuffs and agricultural
26 commodities grown in Stanislaus County, in which said City of
27 Modesto is situate; that the unobstructed production and distri-
28 bution of such products are by violent means being interfered
29 with and/or prevented in said City of Modesto, and that it is
30 necessary that this ordinance go into effect immediately for the
31 purpose of preserving tranquility among the citizens of said City
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1 and to insure the unobstructed processing of foodstuffs and the
2 distribution thereof, together with the manufacture and distribu-
3 tion of the products of certain factories in said City of Modesto
4 to the end that our democratic way of life may be protected and
5 preserved, and for the general welfare of the people of the City
6 of Modesto. This ordinance shall, therefore, take effect im-
7 mediately upon its final passage and adoption.

8 SECTION 8. All ordinances or parts of ordinances in
9 conflict herewith are hereby expressly repealed.

10 SECTION 9. If any provision of this ordinance, or the
11 application of such provision to any person or circumstance,
12 shall be held invalid, the remainder of this ordinance, or the
13 application of such provision to persons or circumstances other
14 than those as to which it is held invalid, shall not be affected
15 thereby, and the City Council of the City of Modesto hereby
16 declares that it would have adopted this ordinance and each section,
17 sub-section, sentence, clause or phrase thereof irrespective of
18 the fact that one or more sections, sub-sections, sentences,
19 clauses or phrases thereof may be declared unconstitutional or
20 invalid.

21 SECTION 10. This ordinance shall be published in full
22 at least once at least three days prior to its final adoption
23 in the The Modesto Bee, the official newspaper of the City of
24 Modesto.

25 The foregoing ordinance was introduced at a special
26 meeting of the Council of the City of Modesto held on the 5th
27 day of November, 1941, by Councilman Stanley, who moved
28 its adoption and passage to print, which motion being duly
29 seconded, was upon roll call carried and the ordinance ordered
30 printed and published as above by the following vote:
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1 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon
2 Noes: Councilmen: None
3 Absent: Councilmen: None
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APPROVED:


CARL W. SHANNON, MAYOR

ATTEST:


ELMER J. BLUM, CITY CLERK

1 FINAL ADOPTION CLAUSE

2 The foregoing ordinance, having been introduced and
3 ordered printed and published at a special meeting of the Council
4 of the City of Modesto held on the 5th day of November, 1941, and
5 subsequently printed and published as required by the Charter of
6 the City of Modesto, and coming on for final adoption at the regu-
7 lar meeting of November 12, 1941, it was upon roll call so finally
8 adopted by the following vote:

9 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

10 Noes: Councilmen: None

11 Absent: Councilmen: None

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13 APPROVED

Earl H. Shannon
MAYOR

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15 ATTEST:

Elmer J. Blum
CITY CLERK

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AN ORDINANCE PROVIDING FOR "BLACKOUTS", DEFINING SAID TERM AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

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REPEALED BY
MUNICIPAL CODE

SECTION 1. Definition. A "blackout" is hereby defined as the process of extinguishing all lights, lamps or flames by whatever means the same may be generated.

SECTION 2. When in the City of Modesto a "blackout" is ordered, it shall be unlawful and a misdemeanor for any person to permit lights, lamps or flames to burn on premises under his control, except as hereinafter set forth.

SECTION 3. If other means than the extinguishing of lights, lamps and flames can be employed to prevent light escaping from premises within the City, such method may be used in lieu of extinguishing said lights, lamps and flames.

SECTION 4. No lights, lamps or flames shall be permitted to burn upon any premises unless some responsible person is in attendance upon said premises, possessed of means to immediately extinguish said lights, lamps or flames.

SECTION 5. When blackouts are ordered, the operators of automobiles then traveling on city streets or in city alleys shall turn off all lights on said automobiles so operated by them, except parking lights, or in the event of the absence of parking lights on said automobile, said driver shall dim his lights as far as possible. Said drivers shall then proceed at a speed not greater than five miles an hour to some point outside of the congested down town area and within the shortest distance possible from the spot where said automobile was located at the time the said blackout was ordered. Said driver when arriving at said point outside of the congested down town area shall park said automobile, turn out all the lights thereon, and leave said auto-

REPEALED BY
MUNICIPAL CODE

1 mobile parked until the "all clear" signal is given, unless in
2 this latter instance no better shelter is available to said
3 driver of said automobile.

4 SECTION 6. The Mayor of the said City of Modesto is
5 hereby empowered to order "blackouts," whenever in his discretion
6 it is necessary.

7 SECTION 7. A violation of this ordinance is punishable
8 by a fine not to exceed Five Hundred (\$500.00) Dollars, or by
9 imprisonment in the County Jail for a period of six (6) months
10 or by both such fine and imprisonment.

11 SECTION 8. The Council of the City of Modesto hereby
12 declares that this ordinance is enacted in the exercise of its
13 police powers. That there is an emergency existing; that this
14 ordinance is necessary for the immediate preservation of the
15 public peace, health and safety within the meaning of Section 1
16 of Article IV of the Constitution of the State of California.
17 The following are the facts constituting said emergency: That
18 the United States of America is at this time engaged in war with
19 the Japanese nation; that as a result thereof the Pacific Coast
20 of the United States, including the City of Modesto, are subject
21 to possible bombing attacks of the enemy; that said "blackouts"
22 as the same are defined will make it more difficult for enemy
23 aviators to bomb the City of Modesto. This ordinance shall
24 therefore take effect immediately upon its final passage and
25 adoption.

26 SECTION 9. This ordinance shall be published in full at
27 least once at least three days prior to its final adoption in the
28 The Modesto Bee, the official newspaper of the City of Modesto.

29 The foregoing ordinance was introduced at a special
30 meeting of the Council of the City of Modesto held on the 10th
31 day of December, 1941, by Councilman Stanley, who moved
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1 its adoption and passage to print, which motion being duly
2 seconded, was upon roll call carried and the ordinance ordered
3 printed and published as above by the following vote:

4 Ayes: Councilmen: Bates, Burge, Stanley, Mayor Shannon

5 Noes: Councilmen: None

6 Absent: Councilmen: Neece

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APPROVED:

Carl W. Shannon
CARL W. SHANNON, MAYOR

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ATTEST:

Elmer J. Blum
ELMER J. BLUM, CITY CLERK

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 1941, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the adjourned meeting of December 17, 1941, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: *Carroll Shannon*
MAYOR

ATTEST: *Elmer J. Blum*
CITY CLERK

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ORDINANCE NO. 670 N. S.

AN ORDINANCE AMENDING ORDINANCE NO. 196 N. S., ENTITLED, "AN ORDINANCE REGULATING THE BUSINESS OF CONDUCTING A POOL OR BILLIARD PARLOR OR CARD ROOM IN THE CITY OF MODESTO," AS THEREAFTER AMENDED.

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

SECTION 1. Section 6 of Ordinance No. 196 N. S. of the City of Modesto entitled, "AN ORDINANCE REGULATING THE BUSINESS OF CONDUCTING A POOL OR BILLIARD PARLOR OR CARD ROOM IN THE CITY OF MODESTO," as thereafter amended by Ordinances No. 591 N. S. and 457 N. S., is hereby amended to read as follows:

Section 6. It shall be unlawful for any person, either as principal or agent or servant or employee, to permit any person under twenty-one years of age or any intoxicated person to enter, be or remain at the premises for which a license is issued as herein provided or to permit any gambling thereat prohibited by the laws of the State of California, or to permit any loud, boisterous or obscene language to be indulged in at said premises or to fail to keep or maintain the same in a decent and orderly manner or to permit any electric piano, radio, phonograph or musical instrument to be played thereat after the hour of ten o'clock P. M., or to fail to close the same not later than the hour of two o'clock A. M.

SECTION 2. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 3. This ordinance shall go into effect and be in full force from and after fifteen days from and after its final passage and adoption.

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

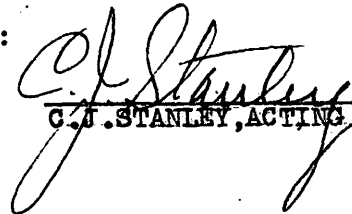
1 The foregoing ordinance was introduced at a regular meet-
2 ing of the Council of the City of Modesto held on the 10th day of
3 December, 1941, by Councilman Burge, who moved its adoption and
4 passage to print, which motion was not duly seconded. A vote
5 thereafter was had upon the passage and adoption of said ordinance
6 despite failure of a second, and the ordinance was defeated by the
7 following vote:

8 AYES: Councilmen: Burge.


9 NOES: Councilmen: Bates, Neece and Stanley.

10 ABSENT: Councilmen: Mayor Shannon.

14 APPROVED:


C. J. STANLEY, ACTING MAYOR

17 ATTEST:


ELMER J. BLUM, CITY CLERK.

Repealed
Oct 6 1911-12

ORDINANCE NO. 671 N. S.

2 AN ORDINANCE AMENDING SECTION 101 OF ORDINANCE NO. 487 N. S. OF
3 THE CITY OF MODESTO ENTITLED: "AN ORDINANCE PROVIDING FOR LICENS-
4 ING AND REGULATING THE CARRYING ON OF CERTAIN PROFESSIONS, TRADES,
5 CALLINGS AND OCCUPATIONS IN THE CITY OF MODESTO, PROVIDING THE
6 METHOD OF COLLECTING SAID LICENSES, AND REPEALING CERTAIN ORDINANCES,"
AS THEREAFTER AMENDED BY ORDINANCE NO. 541 N.S. OF THE CITY OF MODESTO

---ooo0ooo---

REPEALED BY
MUNICIPAL CODE

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

8 SECTION 1. Section 101 of Ordinance No. 487 N. S. of
9 the City of Modesto, entitled: "AN ORDINANCE PROVIDING FOR LICENS-
10 ING AND REGULATING THE CARRYING ON OF CERTAIN PROFESSIONS, TRADES,
11 CALLINGS AND OCCUPATIONS IN THE CITY OF MODESTO, PROVIDING THE
12 METHOD OF COLLECTING SAID LICENSES, AND REPEALING CERTAIN ORDIN-
13 ANCES," as the same was thereafter amended by Ordinance No. 541
14 N. S. of said City, is hereby amended to read as follows, to-wit:

15 "Section 101. For every person conducting, carrying on
16 or managing at a fixed place of business in said City of Modesto
17 any business as in Section 1 hereof defined, the fee shall be the
18 sum of \$5.00 per year or a fraction thereof as a registration fee,
19 the year beginning on the first of each ~~year~~ ^{July} payable in advance,
20 and in addition thereto a license fee equal to three mills of each
21 dollar of the gross income, receipts or sales resulting from the
22 operation of said business, payable quarterly, the first payment
23 to be made within fifteen days after the expiration of the first
24 quarter.

25 "Provided, however, that the provisions of this section
26 shall not extend to or include:

- 27 (1) Any business expressly defined or otherwise provided
28 for in subsequent sections of this ordinance.
- 29 (2) The business of merchandising at wholesale, except
30 where specifically mentioned herein.
- 31 (3) The business of manufacturing, provided the products
32 are sold at wholesale, unless specifically mentioned herein.

1 (4) Businesses carried on under licenses pursuant to
2 ordinances not repealed by this ordinance.

3 (5) Any business exempt from the imposition of a license
4 fee by the Constitution of the State of California or the Consti-
5 tution of the United States.

6 (6) Persons employed by other persons for a fixed wage
7 or compensation, or who work for wages only.

8 Provided, further, that all license fees, except the \$5.00
9 registration fee, paid on account of any business in said City of
10 Modesto pursuant to this section shall be credited as a payment
11 against the personal property tax of the owner of said business
12 upon the fixtures, equipment and stock in trade of the business
13 so licensed; and provided further, that every person who begins
14 the operation of a new business which is subject to the terms of
15 this section shall, when he applies for a license, deposit with
16 the collector an additional sum in the amount of \$50.00 as a
17 guarantee that the license fee for the first two quarters fol-
18 lowing the commencement of said business will be paid, said sum
19 of \$50.00 to be refunded to such person at the expiration of six
20 months from the first of the next ensuing quarter, provided said
21 business is still operating, and all charges imposed upon the
22 same under the terms of this ordinance have been paid; and pro-
23 vided further in this respect, that every change of ownership of
24 a business shall be construed as the commencement of a new busi-
25 ness by the owner, and shall require the deposit of the \$50.00 as
26 above stated.

27 The provisions of this ordinance requiring a deposit of
28 \$50.00 as aforesaid shall have no application to an applicant for
29 license to do business in the City of Modesto when and if the
30 said applicant is the owner of the building in which or the
31 property upon which said applicant intends to carry on the busi-
32 ness for which said applicant seeks said license. Said provisions

1 requiring said deposit of \$50.00 as aforesaid shall not apply to
2 any applicant for license who is able to and does give to the
3 City Clerk satisfactory evidence of the fact that said applicant
4 is the valid lessee for the period of not less than one year
5 holding by written lease the property in and/or upon which he
6 intends to carry on said business for which said license is sought.

7 The word "owner" as used in this ordinance shall mean
8 the person, corporation, partnership, firm or association in whose
9 name said property is recorded in the Office of the County Record-
10 er of Stanislaus County, California.

11 SECTION 2. This ordinance shall go into effect and be
12 in full force and operation from and after April 1, 1942.

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

16 The foregoing ordinance was introduced at a regular
17 meeting of the Council of the City of Modesto held on the 28th
18 day of January, 1942, by Councilman Stanley, who
19 moved its adoption and passage to print as aforesaid, which
20 motion being duly seconded was upon roll call carried and the
21 ordinance ordered published as above by the following vote:

22 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

23 Noes: Councilmen: None

24 Absent: Councilmen: None

25
26 APPROVED:

Carl W. Shannon
CARL W. SHANNON, MAYOR.

27 ATTEST:

Elmer J. Baum
ELMER J. BAUM, CITY CLERK

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 28th day of January, 1942, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of February 11, 1942, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

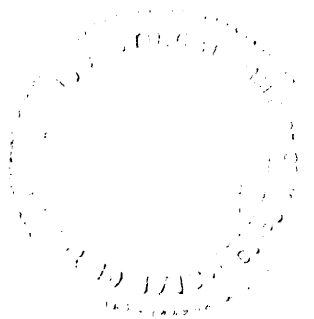
Absent: Councilmen: None

APPROVED:

Carl H. Shannon
MAYOR

ATTEST:

Elmer J. Blum
CITY CLERK



ORDINANCE NO. 672 N. S.

AN ORDINANCE REQUIRING PROPERTY OWNERS TO MAINTAIN DRIVEWAYS, DRIVEWAY APPROACHES AND SIDEWALKS IN A STATE OF GOOD REPAIR IN THE CITY OF MODESTO; PROVIDING FOR SAID CITY TO REPAIR THE SAME, AND CREATING A LIEN AGAINST CERTAIN PROPERTY IN SAID CITY FOR SAID REPAIR WORK BY SAID CITY.

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WHEREAS, sidewalks in the City of Modesto were designed and constructed primarily for the use of pedestrians; and,

WHEREAS, there has been and is now an increased demand for driveways across sidewalks in said City; and,

WHEREAS, by reason of propelling vehicles over and upon said driveways and sidewalks said sidewalks and driveways are breaking up and disintegrating; and,

WHEREAS, the repair and reconstruction of said driveways, approaches and sidewalks are costly to the City of Modesto and to its citizens:

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

SECTION 1. It is hereby made the duty of the owner of property within the City of Modesto into which is constructed a driveway to keep said driveway, driveway approaches and any sidewalk said driveway may cross, in a good state of repair at all times.

SECTION 2. The construction, reconstruction, repair and maintenance of said driveways, driveway approaches and any sidewalk that said driveway crosses shall be in accordance with Standard Driveway Plan No. 2 on file in the office of the City Engineer in the City of Modesto, and the cost and expense of said construction, reconstruction, repair and maintenance shall be borne by the owner of the property into which said driveway leads.

SECTION 3. Whenever the City Engineer determines that a driveway, driveway approach or the sidewalk which said driveway

Repealed by Ord. 1086 N.S. 1057-775

REPEALED BY MUNICIPAL CODE

1 crosses is in a state of disrepair, he shall notify the owner of
2 the property into which said driveway leads to repair the same
3 within three (3) days after receipt of said notice. Said notice
4 shall be in writing. Before placing concrete or repair materials
5 in said driveway, driveway approaches or sidewalk, said owner
6 shall request an inspection of said driveway, driveway approaches
7 and/or sidewalk, and upon completion of the work the owner of
8 said property or his representative shall within twenty-four (24)
9 hours thereafter notify the City Engineer of the City of Modesto
10 that the work required has been completed. In the further event
11 that the work of repair or reconstruction performed or had per-
12 formed by the owner of said premises in question fails to meet
13 the requirements of Standard Driveway Plan No. 2 on file in the
14 office of the City Engineer of the City of Modesto, said City
15 Engineer may order said work of repairing said driveway, driveway
16 approaches and/or sidewalk to be done over to comply with said
17 Standard Driveway Plan No. 2.

18 SECTION 4. If the owner of said property into which said
19 driveway leads refuses, fails or neglects to repair said sidewalk,
20 driveway or driveway approaches in accordance with said Standard
21 Driveway Plan No. 2 within three (3) days after receipt of the
22 notice aforesaid, the City Engineer may repair or reconstruct
23 said driveway, driveway approaches or sidewalk in such manner as
24 to comply with said Standard Driveway Plan No. 2 .

25 SECTION 5. All costs incurred by said City of Modesto
26 in repairing and/or reconstructing said driveway, driveway ap-
27 proaches and/or sidewalk shall become a charge against the owner
28 of the premises into which said driveway leads. If such owner
29 fails or refuses to pay the amount of such expense within a period
30 of thirty (30) days from the date that the costs of said repair
31 is submitted to said owner, in writing, the said amount of expense
32 incurred shall be certified to the Auditor of said City of Modesto

1 by the said City Engineer. From and after date of said certifica-
2 tion the amount charged against said owner of said property
3 shall become a lien thereon and shall be collected by an action
4 brought on behalf of the said City of Modesto to foreclose said
5 lien against said property upon which said lien has been so im-
6 posed.

7 SECTION 6. This ordinance shall go into effect and be in
8 full force and operation from and after fifteen (15) days after
9 its final passage and adoption.

10 SECTION 7. This ordinance shall be published in full at
11 least once at least three days prior to its final adoption in the
12 The Modesto Bee, the official newspaper of the City of Modesto.

13 The foregoing ordinance was introduced at an adjourned
14 meeting of the Council of the City of Modesto held on the 26th day
15 of February, 1942, by Councilman Bates, who moved
16 its adoption and passage to print, which motion being duly seconded,
17 was upon roll call carried, and the ordinance ordered printed and
18 published as above by the following vote:

19 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

20 Noes: Councilmen: None

21 Absent: Councilmen: None

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25
26 ATTEST:

Elmer J. Blum
ELMER J. BLUM, CITY CLERK

APPROVED:

Carl W. Shannon
CARL W. SHANNON, MAYOR

1 FINAL ADOPTION CLAUSE

2
3 The foregoing ordinance, having been introduced and
4 ordered printed and published at an adjourned meeting of the Council
5 of the City of Modesto held on the 26th day of February, 1942, and
6 subsequently printed and published as required by the Charter of
7 the City of Modesto, and coming on for final adoption at the regular
8 meeting of March 11, 1942, it was upon roll call so finally adopted
9 by the following vote:

10 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

11 Noes: Councilmen: None

12 Absent: Councilmen: None

13
14 APPROVED

Shannon
MAYOR

15
16 ATTEST

Blum
CITY CLERK

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NOT SPECIAL IN CODE

AN ORDINANCE PROVIDING FOR THE SALE OF USELESS PERSONAL PROPERTY.

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

SECTION I

The City Engineer is hereby authorized and directed to sell the following described personal property of the City of Modesto which said personal property has been found to be unfit or unnecessary for the use of the City, to-wit:

- Approximately 69 lbs. of scrap bronze; 1½ tons of scrap iron; 200 lbs. of copper; 88 lbs. of brass; 1½ tons of cast iron; ½ ton old iron pipe; 500 lbs. of tin and 27 old auto batteries.
- 1 - 1½ yard William Scraper; 1 - Deering Mowing Machine (short tongue); 1 - 1923 Model Hupmobile (less front wheel and axle); 1 - Pull Grader for scarifying only; 1 - Water Tank 6'x6½'; 2 - 5/8" Worthington Water Meters; 6 - 3/4" Worthington Water Meters; 5 - 1" Worthington Water Meters; 2 - 2" Worthington Water Meters; 2 - 5/8" Nash Water Meters; 1 - 1" Nash Water Meter; 4 - 3/4" Empire Water Meters; 3 - 3/4" Hersey Water Meters; 6 - Boy's Bicycles and 2 - Bicycle Wheels without Tires.

SECTION II

Said sale shall be made at public auction at the office of the City Engineer after advertising for bids for the sale thereof for ~~two~~ days in the Modesto Bee, the official newspaper of the City of Modesto.

The sale shall be conducted by the City Engineer at his office. It may be by written or oral bids. Any property remaining unsold after the date specified in the Notice of Sale shall be offered for sale from day to day, commencing at ten o'clock in the morning at the office of said City Engineer until the whole thereof is sold.

SECTION III

The foregoing Ordinance shall go into effect and be in full force and operation from and after fifteen days after its final passage and adoption.

NOT SPECIAL IN CODE

SECTION IV

1 The foregoing Ordinance shall be published in full at least
2 once at least three days prior to its final adoption in the
3 Modesto Bee, the official newspaper of the City of Modesto.

4 The foregoing Ordinance was introduced at the regular
5 meeting of the Council of the City of Modesto, held on the 11th
6 day of March, 1942, by Councilman Bates
7 who moved its adoption and passage to print, as aforesaid, which
8 motion being duly seconded was upon roll call carried and the
9 Ordinance ordered printed and published as above by the following
10 vote:

11 Ayes: Bates, Burge, Neece, Stanley, Councilmen and Mayor Shannon

12 Noes: None

13 Absent: None

14
15 APPROVED

Charles Shannon
Mayor

16
17 Attest

Charles J. Blum
City Clerk

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 1942, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of March 25, 1942, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:

Charles Shannon
MAYOR

ATTEST:

Elmer J. Blum
CITY CLERK

ORDINANCE NO. 674-N.S.

AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE OF AN AUTOMOBILE FOR THE POLICE DEPARTMENT OF THE CITY OF MODESTO

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

SECTION 1. The sum of Twelve Hundred (\$1200.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the General Fund of the City of Modesto for the purchase of an automobile to be used by the City of Modesto and particularly by the Police Department of said City.

SECTION 2. This ordinance shall go into effect from and after fifteen (15) days after its final passage and adoption. It shall be published in full at least once at least three days prior to its final adoption in the The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March 1942 by Councilman Stanley, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Burge, Bates, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED 
CARL W. SHANNON, MAYOR

ATTEST 
ELMER J. BLUM, CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 1942, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of March 25, 1942, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:

Shannon
MAYOR

ATTEST:

Blum
CITY CLERK

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ORDINANCE NO. 675 N. S.

AN ORDINANCE AMENDING SECTION 10 OF ORDINANCE NO. 512 N. S. ENTITLED "AN ORDINANCE PROVIDING FOR THE LICENSING, CARE AND MAINTENANCE OF DOGS AND DOG KENNELS, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF."

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

SECTION 1. Section 10 of Ordinance No. 512 N. S. of the City of Modesto entitled, "AN ORDINANCE PROVIDING FOR THE LICENSING, CARE AND MAINTENANCE OF DOGS AND DOG KENNELS, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF," is hereby amended to read as follows:

"Section 10. All persons, firms, corporations or associations keeping, maintaining or operating a kennel in the City of Modesto shall pay to the City a license fee of \$10.00 per annum in addition to the other license fees set forth in Section 1 of this ordinance. A kennel is herein defined as any place where three or more dogs over the age of three months are kept or maintained. No license shall be issued by the City Clerk to any person, firm, corporation or association to maintain and/or operate any kennel unless and until the applicant for said kennel license shall obtain the written consent of 75 per cent of the property owners and/or tenants of property within a radius of 300 feet of the proposed kennel. Any person who owns property under contract or the administrator or executor of any estate shall be considered for the purpose of this ordinance the owner of property."

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

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

The foregoing ordinance was introduced at a special

1 meeting of the Council of the City of Modesto held on the 18th
2 day of March, 1942, by Councilman Stanley, who moved its adoption
3 and passage to print, which motion being duly seconded was upon
4 roll call carried and the ordinance ordered printed and published
5 as above by the following vote:

6 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

7 Noes: Councilmen: None

8 Absent: Councilmen: None

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11 APPROVED:


12 CARL W. SHANNON, MAYOR

13
14 ATTEST:


15 ELMER J. BLUM, CITY CLERK
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 18th day of March, 1942, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of March 25, 1942, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED

Shannon
MAYOR

ATTEST:

Blum
CITY CLERK

REPEALED BY
MUNICIPAL CODE

ORDINANCE GRANTING TO PACIFIC GAS AND ELECTRIC COMPANY, ITS SUCCESSORS AND ASSIGNS, THE FRANCHISE TO USE, FOR TRANSMITTING AND DISTRIBUTING GAS WITHIN THE CITY OF MODESTO FOR ANY AND ALL PURPOSES OTHER THAN THOSE AUTHORIZED UNDER SECTION 19 OF ARTICLE XI OF THE CONSTITUTION OF THE STATE OF CALIFORNIA AS SAID SECTION EXISTED PRIOR TO ITS AMENDMENT ON OCTOBER 10, 1911, ALL GAS PIPES AND APPURTENANCES WHICH ARE NOW OR MAY HEREAFTER BE LAWFULLY PLACED IN THE PUBLIC STREETS, WAYS AND PLACES WITHIN SAID CITY, AND TO LAY AND USE IN SAID PUBLIC STREETS, WAYS AND PLACES ALL PIPES AND APPURTENANCES NECESSARY OR PROPER FOR SAID PURPOSES.

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

Section 1. Whenever in this ordinance the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions (unless, in the given instance the context wherein they are used shall clearly import a different meaning):

(a) The word "grantee" shall mean Pacific Gas and Electric Company, its lawful successors or assigns;

(b) The word "city" shall mean the City of Modesto, a municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or re-incorporated form;

(c) The word "streets" shall mean the public streets, ways, alleys and places as the same now or may hereafter exist within said city;

(d) The word "gas" shall mean natural or artificial gas, or a mixture of natural and artificial gas;

(e) The phrase "pipes and appurtenances" shall mean pipes, pipelines, mains, services, traps, vents, vaults, manholes, meters, gauges, regulators, valves, conduits, appliances, attachments, appurtenances and any other property located or to be located in, upon, along, across, under or over the streets of the city, and used or useful in the transmitting and/or distributing of gas;

(f) The phrase "lay and use" shall mean to lay, construct, erect, install, operate, maintain, use, repair or replace.

(g) The phrase "constitutional franchise" shall mean the right acquired through acceptance by said grantee or its predecessor in estate of the offer contained in the provisions of Section 19 of Article XI of the Constitution of the State of California, as said section existed prior to its amendment on October 10, 1911.

Section 2. The franchise (a) to use, for transmitting and distributing gas within the City of Modesto for any and all purposes other than those authorized under said constitutional franchise, all gas pipes and appurtenances which now are or may hereafter be lawfully placed in the streets within said

city, and (b) to lay and use in said streets all pipes and appurtenances necessary or proper for said purposes, is hereby granted to Pacific Gas and Electric Company, its successors and assigns, for the term of five (5) years.

Section 3. The grantee shall during the term of the franchise granted hereby pay to the city not less than two per cent (2%) of its gross annual receipts received from the use, operation or possession thereof, provided however that such payment shall in no event be less than a sum which shall be equivalent to one per cent (1%) of the gross annual receipts derived by the grantee from the sale of gas within the limits of the City of Modesto under said franchise and said constitutional franchise. Said payment shall be made annually at the time of filing the annual report herein next provided for. Failure to pay such percentage shall work a forfeiture of said franchise.

Section 4. Grantee shall file annually with the City Auditor on or before the first day of May of each year a report for the preceding calendar year or fraction thereof. Such report shall be in writing verified by the affidavit of the grantee and shall contain a detailed statement of all the gross receipts arising from all the business done by grantee from the sale of gas within the City of Modesto for the calendar year preceding such report. Such report shall contain such details

and statements as may be required by the City Auditor of Modesto concerning the character and amount of business done by grantee and the amount of receipts and expenses connected therewith and the amount expended for new construction, repairs and betterments during said preceding calendar year insofar as connected with grantee's business of distributing gas in the City of Modesto under said franchise.

Section 5. Acceptance by the grantee of the franchise granted hereby shall not be deemed a waiver of any right that the grantee may now have under said constitutional franchise or of any defense of estoppel that the grantee may now have against the city in respect to the scope of said constitutional franchise, nor shall it be deemed a practical construction of said constitutional franchise as limiting the use of gas mains installed in the streets of the city thereunder to the transmission of gas which shall be used by consumers only for lighting purposes, and in the event of the expiration or other termination of this franchise grantee shall not be estopped to then claim any right or defense that it may now have entitling it to continue to use under said constitutional franchise the gas mains and facilities installed thereunder for transmitting and distributing gas capable of use, and that may be

used, by consumers for purposes other than lighting, without procurement of any further franchise therefor, to the same extent as grantee could have asserted said right or defense prior to the adoption of this ordinance or to the filing of grantee's application therefor.

Section 6. In the event that the Charter of the City of Modesto shall be amended prior to the expiration or other termination of the franchise granted hereby so as to permit the granting of gas and electric franchises thereunder pursuant to the Franchise Act of 1937 and the grantee shall thereupon make application for an indeterminate gas franchise under said Franchise Act of 1937, the grantee shall, upon being granted said gas franchise, pay as consideration therefor the sum of five thousand dollars (\$5000) whereupon the city shall waive any claim it may theretofore have made or had against the grantee for the past use of the streets of Modesto for the distribution of gas in the city, and shall thereupon dismiss with prejudice any pending action it may have for such use against the grantee.

Section 7. At the expiration of the franchise hereby granted, or at any time before such expiration and after four years subsequent to the date when this franchise shall become effective, the city at its election and upon the payment of a fair valuation therefor to be made in the manner provided by the law of eminent domain, may purchase and

take over to itself the gas property and plant of grantee in its entirety within the limits of the City of Modesto but in no case shall the value of the franchise of the grantee be considered or taken into account in fixing such valuation.

Section 8. Upon the payment by city of a fair valuation, as hereinabove provided, for the gas plant and property of grantee within the City of Modesto, said plant and property shall become the property of city by virtue of the grant in payment hereunder and without the execution of any instrument or conveyance.

Section 9. The franchise granted hereunder shall not be leased, assigned or otherwise alienated without the express consent of the city, providing that nothing herein shall be construed to prevent grantee from including the franchise granted hereby in any mortgage or trust deed executed by grantee for the purpose of obtaining money for corporate objects.

Section 10. The franchise granted hereby shall be terminated and forfeited for any breach or failure of grantee to comply with any of the terms, limitations or conditions herein provided and in all such cases the Council of city shall have power to declare the termination and forfeiture of any such franchise or privilege.

Section 11. Said franchise is hereby granted under and in accordance with the provisions of the Charter of the City of Modesto.

Section 12. The grantee shall, in addition to its bid to make the annual percentage payments as hereinbefore provided, pay to the city the sum of two thousand dollars (\$2000) as the purchase price of the franchise hereby granted. If at any time after the payment of said sum it shall be adjudged that said franchise did not become effective or was or is invalid or if the grantee shall at any time be prevented by the city or by any judgment from exercising the same for any reason other than non-compliance with its terms by the grantee, or if a certificate of convenience and necessity to exercise the same be refused by the Railroad Commission of California, then said sum of \$2000 shall be forthwith repaid by the city to the grantee.

Section 13. The franchise granted hereby shall not become effective until the same shall have been approved by a majority of the electors voting thereon at a general or special election to be held not less than fifteen (15) nor more than thirty (30) days from and after the final passage hereof, as in said Charter of the City of Modesto provided.

First read at a regular meeting of the City Council of said city held on the 8th day of

April, 1942, published once in full in the
official newspaper of the City of Modesto on
the 11th day of April 1942, and
finally adopted at a regular meeting of said
Council held on the 22 day of April
1942 by the following vote:

AYES: Councilmen Bates, Burgess, Deese

Stanley, Mayor Shannon

NOES: Councilmen None

ABSENT: Councilmen None


Mayor of the City of Modesto

ATTEST:


City Clerk of the City of Modesto.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 11th day of April, 1942, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of April 22, 1942, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:  *Shannon*

MAYOR

ATTEST: *Blum*

CITY CLERK

Rescinded
by Ord 94

ORDINANCE NO. 677 N. S.

AN ORDINANCE PROHIBITING THE STORAGE, MANUFACTURE, SALE OR DISCHARGE OF FIRE WORKS OR FIRECRACKERS IN THE CITY OF MODESTO.

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

SECTION 1. It shall be unlawful for any person or persons, firm, company, corporation, or association, either as principal agent or employee to store, manufacture, sell or discharge any fire works or fire crackers, torpedoes or any other similar agency that creates noise or fire or sparks within the City of Modesto, provided, however, that public displays of fire works may be given with the joint written consent and under the supervision of the Chief of the Fire Department and the Chief of Police.

SECTION 2. Fire works or firecrackers moved from foreign countries for trans-shipment may be temporarily stored while in transit in such place as may be designated by the Chief of the Fire Department.

SECTION 3. Any person or persons, firm, corporation, or association as above specified, who or which shall violate any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed \$500.00, or by imprisonment in the County Jail for a period not to exceed six months, or by both fine and imprisonment, and every judgment for the payment of a fine may also direct that the defendant shall be imprisoned until such fine is paid not to exceed one day for every \$2.00 of such fine, not to exceed six months in all.

SECTION 4. All ordinances, or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

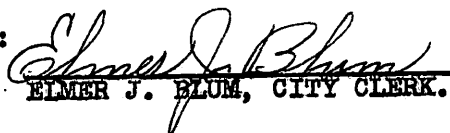
SECTION 5. This ordinance shall take effect and be in full force and operation from and after 15 days after its final passage and adoption.

1 SECTION 6. This ordinance shall be published in full at
2 least once at least three days prior to its final adoption in the
3 The Modesto Bee, the official newspaper of the City of Modesto.

4 The foregoing ordinance was introduced at a special meet-
5 ing of the Council of the City of Modesto held on the 15th day
6 of April, 1942, by Councilman Stanley, who moved its adoption
7 and passage to print as aforesaid, which motion being duly
8 seconded was upon roll call carried and the ordinance ordered
9 published as above by the following vote:

10 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon
11 Noes: Councilmen: None
12 Absent: Councilmen: None

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15 APPROVED: 
16 CARL W. SHANNON, MAYOR
17

18 ATTEST: 
19 ELMER J. BLUM, CITY CLERK.
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 15th day of April, 1942, and subsequently printed and published as required by the Charter of the City of Modesto and coming on for final adoption at the regular meeting of April 22, 1942, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:

Shannon
MAYOR

ATTEST

Blum
CITY CLERK

Repealed
Ord 852-N

ORDINANCE NO. 678 N. S.

AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE 550 N. S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE AMENDING SECTIONS 2, 3 AND 5 OF ORDINANCE NO. 492, N. S., OF THE CITY OF MODESTO, ENTITLED 'AN ORDINANCE REGULATING AND LICENSING CERTAIN AMUSEMENT DEVICES AND PROHIBITING SLOT MACHINES AND GAMBLING DEVICES.'" AS THEREAFTER AMENDED.

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

SECTION 1. Section 5 of Ordinance No. 550 N. S. entitled, "AN ORDINANCE AMENDING SECTIONS 2, 3 AND 5 OF ORDINANCE NO. 492, N. S. OF THE CITY OF MODESTO, ENTITLED 'AN ORDINANCE REGULATING AND LICENSING CERTAIN AMUSEMENT DEVICES AND PROHIBITING SLOT MACHINES AND GAMBLING DEVICES.'" AS THEREAFTER AMENDED, is hereby amended to read as follows:

"Section 5. It shall be unlawful for any person, firm or corporation, either as principal, agent, servant or employee, to operate machines of the kind specified in Section 3 hereof without having a license therefor, as herein specified.

"Applications for licenses shall be in writing, signed by the applicant, giving his business address, business or occupation, age, citizenship, and such other information as may be required. They shall be filed with the City License and Tax Collector, with the deposit of the license fee, shall be referred by him to the Commissioner of Public Health and Safety for investigation and examination and a report to the Council with his recommendation. If the Council finds from an examination of the application and such report and such further facts as may be officially brought to its attention that the application is in proper form, the applicant of good moral character, and that the business therein applied for may be carried on without danger to the public peace, health and safety, the Council shall grant the permit applied for and direct the Collector to issue the license; but if it finds that the applicant is not a person of good moral character

1 or that the business cannot be carried on without danger to the
2 public peace, health and safety, it may deny the application.

3 "The license fee shall be the sum of One Thousand (\$1000.00)
4 Dollars per year, payable in advance, the year for the purpose of
5 this license commencing on June first. Each license shall permit
6 the maintenance and operation of the type of amusement device
7 herein described in not more than sixty (60) locations in the said
8 City of Modesto, and there shall not be placed, kept and/or main-
9 tained more than two (2) such amusement devices in any one loca-
10 tion. The Collector, or his deputies, shall securely affix or
11 cause to be affixed in a conspicuous place on each such machine
12 operated by a licensee a sticker or label legibly setting forth
13 the name and address of the licensee, the license number and the
14 year for which issued, together with the words "City of Modesto,"
15 which sticker or label shall bear the genuine or a facsimile
16 signature of the Collector. It shall be unlawful to use or
17 operate any such machine to which a sticker or label is not at-
18 tached as aforesaid.

19 "Not more than one license herein provided for shall be
20 granted or in force at one time."

21 SECTION 2. This ordinance shall go into effect from and
22 after fifteen days after its final passage and adoption. All
23 ordinances or parts of ordinances in conflict herewith, and in
24 particular Ordinance No. 469 N. S. are hereby repealed.

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

28 The foregoing ordinance was introduced at a regular meeting
29 of the Council of the City of Modesto held on the 22nd day of
30 April, 1942, by Councilman Stanley, who moved its adoption
31 and passage to print as aforesaid, which motion being duly
32 seconded, was upon roll call carried, and the ordinance ordered

1 published as above by the following vote:

2
3 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

4 Noes: Councilmen: None

5 Absent: Councilmen: None

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8 APPROVED:

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10 CARL W. SHANNON, MAYOR

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12 ATTEST:

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14 ELMER J. BLUM, CITY CLERK

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1942, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of May 13, 1942, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED

Lucas Shannon
Mayor

ATTEST

Charles J. Blum
City Clerk

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ORDINANCE NO. 679 N. S.

AN ORDINANCE AMENDING SECTION 1 OF ORDINANCE 322 N. S. ENTITLED:
"AN ORDINANCE REGULATING AND FIXING A LICENSE FEE FOR THE BUSI-
NESS OF FORTUNE TELLING" BY INSERTING THE WORD 'PHRENOLOGIST' IN
SAID SECTION 1.

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

SECTION 1. It shall be unlawful for any person, firm or corporation to engage in the City of Modesto in the business of fortune telling or as a seer, astrologer, clairvoyant, or phrenologist for compensation or otherwise, or to act as a fortune teller, seer, astrologer, clairvoyant, or phrenologist, without first obtaining a license therefor from the City Council and paying the license fee required by this ordinance.

SECTION 2. All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

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

SECTION 4. This ordinance shall go into force and be in full force and effect from and after five days after its final passage and adoption.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1942, by Councilman Burge, who moved its adoption, and publication as aforesaid, which motion being duly seconded was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED:

Carl W. Shannon
CARL W. SHANNON, MAYOR

ATTEST:

Elmer J. Blum
ELMER J. BLUM, CITY CLERK

679

1 FINAL ADOPTION CLAUSE

2 The foregoing ordinance, having been introduced and
3 ordered printed and published at a regular meeting of the
4 Council of the City of Modesto held on the 27th day of May, 1942,
5 and subsequently printed and published as required by the Charter
6 of the City of Modesto, and coming on for final adoption at the
7 regular meeting of June 10, 1942, it was upon roll call so finally
8 adopted by the following vote:

9 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon
10 Noes: Councilmen: None
11 Absent: Councilmen: None

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13 APPROVED: *Carroll Shannon*
MAYOR

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15 ATTEST: *Elmer J. Blum*
16 CITY CLERK
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REPEALED BY
MUNICIPAL CODE

ORDINANCE NO. 680 N. S.

AN ORDINANCE AMENDING ORDINANCE 522 N. S. ENTITLED, "AN ORDINANCE AMENDING ORDINANCES 205 N. S. AND 146 N. S., BOTH BEING ORDINANCES RELATING TO AUTOMOBILE BUSES, JITNEYS AND TAXICABS IN THE CITY OF MODESTO, FIXING LICENSE FEE FOR THE OPERATION THEREOF, AND RELATING TO THE OPERATION OF THE SAME," BY ADDING A NEW SECTION THERETO TO BE NUMBERED 2 3/4.

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

SECTION 1. A new section is hereby added to Ordinance 522 N. S., entitled: "AN ORDINANCE AMENDING ORDINANCES 205 N. S. AND 146 N. S., BOTH BEING ORDINANCES RELATING TO AUTOMOBILE BUSES, JITNEYS AND TAXICABS IN THE CITY OF MODESTO, FIXING LICENSE FEE FOR THE OPERATION THEREOF, AND RELATING TO THE OPERATION OF THE SAME," to be numbered 2 3/4, and reading as follows, to-wit:

Section 2 3/4. The City of Modesto's Operator's License as provided for in the foregoing section shall be for the period commencing July 1st and ending on June 30th of the year following.

SECTION 2. This ordinance shall go into force and be in effect from and after 15 days after its final passage and adoption.

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

The foregoing ordinance was introduced by Councilman Stanley at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1942, and was adopted and passed to print by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED: *Carl W. Shannon*
CARL W. SHANNON, MAYOR

ATTEST: *Elmer J. Blum*
ELMER J. BLUM, CITY CLERK

1 FINAL ADOPTION CLAUSE

2 The foregoing ordinance, having been introduced and
3 ordered printed and published at a regular meeting of the
4 Council of the City of Modesto held on the 27th day of May, 1942,
5 and subsequently printed and published as required by the Charter
6 of the City of Modesto, and coming on for final adoption at the
7 regular meeting of June 10, 1942, it was upon roll call so finally
8 adopted by the following vote:

9 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

10 Noes: Councilmen: None

11 Absent: Councilmen: None

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13 APPROVED: Carroll Shannon
14 MAYOR

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16 ATTEST: Elmer J. Blum
17 CITY CLERK
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REPEALED BY
MUNICIPAL CODE

ORDINANCE NO. 681 N. S.

AN ORDINANCE AMENDING ORDINANCE 547 N. S., ENTITLED, "AN ORDINANCE AMENDING ORDINANCE 146 N. S. ENTITLED 'AN ORDINANCE RELATING TO AUTOMOBILE BUSES, JITNEYS AND TAXICABS IN THE CITY OF MODESTO, FIXING A LICENSE FEE FOR THE OPERATION THEREOF, AND REGULATING THE OPERATION OF THE SAME,' AS THEREAFTER AMENDED BY ADDING NEW SECTIONS THERETO."

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

SECTION 1. Section 16 of Ordinance 547 N. S. entitled, "AN ORDINANCE AMENDING ORDINANCE 146 N. S. ENTITLED 'AN ORDINANCE RELATING TO AUTOMOBILE BUSES, JITNEYS AND TAXICABS IN THE CITY OF MODESTO, FIXING A LICENSE FEE FOR THE OPERATION THEREOF, AND REGULATING THE OPERATION OF THE SAME,' AS THEREAFTER AMENDED BY ADDING NEW SECTIONS THERETO," is hereby amended to read as follows:

Section 16. The City Council of the City of Modesto shall deny the granting of the permit to operate any public taxicab in the City of Modesto or any taxicab business in the City of Modesto if it shall appear to its satisfaction that the applicant is not a citizen of the United States of America; and if the applicant be a partnership or association or corporation a majority of the members or stockholders thereof shall not possess the citizenship qualifications provided for herein; that such vehicle proposed to be operated is inadequate or unsafe; that the applicant has been convicted of a felony or of a violation of any narcotic law or of any penal law involving moral turpitude.

SECTION 2. This ordinance shall go into force and be in effect from and after 15 days after its final passage and adoption.

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

The foregoing ordinance was introduced by Councilman Stanley at a regular meeting of the Council of the City of Modesto

1 held on the 27th day of May, 1942, and was adopted and passed to
2 print by the following vote:

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4 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

5 Noes: Councilmen: None

6 Absent: Councilmen: None

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10 APPROVED:

Carl W. Shannon
CARL W. SHANNON, MAYOR

11
12 ATTEST:

Elmer J. Blum
ELMER J. BLUM, CITY CLERK.

1 FINAL ADOPTION CLAUSE

2 The foregoing ordinance, having been introduced and
3 ordered printed and published at a regular meeting of the
4 Council of the City of Modesto held on the 27th day of May, 1942,
5 and subsequently printed and published as required by the Charter
6 of the City of Modesto, and coming on for final adoption at the
7 regular meeting of June 10, 1942, it was upon roll call so finally
8 adopted by the following vote:

9 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

10 Noes: Councilmen: None

11 Absent: Councilmen: None

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13 APPROVED: Carroll Shannon
MAYOR

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15
16 ATTEST: Edward J. Blum
CITY CLERK

REPEALED BY
MUNICIPAL CODE

AN ORDINANCE REPEALING ORDINANCE NO. 668 OF THE CITY OF MODESTO, ENTITLED, "AN ORDINANCE DECLARING 'HOT CARGO' AND 'SECONDARY BOYCOTT' UNLAWFUL, DEFINING CERTAIN WORDS AND TERMS OF THE ORDINANCE AND FIXING PENALTY FOR THE VIOLATION THEREOF."

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

SECTION 1. Ordinance No. 668 N. S. of the City of Modesto entitled, "AN ORDINANCE DECLARING 'HOT CARGO' AND 'SECONDARY BOYCOTT' UNLAWFUL, DEFINING CERTAIN WORDS AND TERMS OF THE ORDINANCE AND FIXING PENALTY FOR THE VIOLATION THEREOF," is hereby expressly repealed.

SECTION 2. This ordinance shall be in full force and effect from and after 15 days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 1942, by Councilman Burge, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

- Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon
- Noes: Councilmen: None
- Absent: Councilmen: None

APPROVED:

Carl W. Shannon
Carl W. Shannon, Mayor

ATTEST:

Elmer J. Blum
Elmer J. Blum, City Clerk

1 FINAL ADOPTION CLAUSE

2 The foregoing ordinance, having been introduced and
3 ordered printed and published at a regular meeting of the
4 Council of the City of Modesto held on the 27th day of May, 1942,
5 and subsequently printed and published as required by the Charter
6 of the City of Modesto, and coming on for final adoption at the
7 regular meeting of June 10, 1942, it was upon roll call so finally
8 adopted by the following vote:

9 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

10 Noes: Councilmen: None

11 Absent: Councilmen: None

12
13 APPROVED: Carroll Shannon
MAYOR

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15 ATTEST: Elmer J. Blum
CITY CLERK
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ORDINANCE NO. 683 N. S.

AN ORDINANCE AMENDING SECTION 17 OF ORDINANCE NO. 10 N. S. ENTITLED, "AN ORDINANCE RELATING TO THE OFFENSE OF MISDEMEANOR; SPECIFYING ACTS AND OMISSIONS WHICH, WITHIN THE CITY OF MODESTO, CONSTITUTE THE SAME, AND FIXING THE PENALTIES THEREOF."

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

SECTION 1. Section 17 of Ordinance No. 10 N. S. of the City of Modesto entitled, "AN ORDINANCE RELATING TO THE OFFENSE OF MISDEMEANOR; SPECIFYING ACTS AND OMISSIONS WHICH, WITHIN THE CITY OF MODESTO, CONSTITUTE THE SAME, AND FIXING THE PENALTIES THEREOF," is hereby amended to read as follows:

Section 17. Every and any misdemeanor defined, specified or described in this ordinance shall be punishable by a fine not exceeding the sum of Two Hundred Fifty (\$250.00) Dollars or by imprisonment in the County Jail of the County of Stanislaus, or the City Jail of the City of Modesto not to exceed one hundred twenty-five (125) days, or by both such fine and imprisonment.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1942 by Councilman Stanley, who moved its adoption and passage to print aforesaid, which motion being duly seconded was upon roll call carried and the ordinance ordered published as above by the following vote:


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Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED:


CARL W. SHANNON, MAYOR

ATTEST:


ELMER J. BLUM, CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1942, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of July 22, 1942, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Shannon
MAYOR

ATTEST: Blum
CITY CLERK

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SPECIAL
NOT IN CODE

ORDINANCE NO. 684-N.S.

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF
MODESTO FOR THE FISCAL YEAR 1942-43

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

SECTION 1

There is hereby levied upon the assessed valuation of
the property in the City of Modesto, County of Stanislaus, State
of California, for the fiscal year beginning July 1, 1942 and
ending June 30, 1943, the rates of taxation, hereinafter speci-
fied, said rates being upon each One Hundred Dollars (\$100.00) of
the valuation according to the equalized assessment roll, to-wit:

FOR THE GENERAL FUND - - - - - \$.88
on each One Hundred Dollars taxable valuation

FOR THE BOND REDEMPTION AND INTEREST FUND:

- (a) Municipal Improvement Bonds of 1910 \$.016
- (b) Municipal Improvement Bonds of 1911 .004
- (c) Municipal Improvement Bonds of 1912 .014
- (d) Municipal Improvement Bonds of 1919 .015
- (e) Municipal Improvement Bonds of 1920 (Jan.) .066
- (f) Municipal Improvement Bonds of 1920 (June) .010
- (g) Municipal Improvement Bonds of 1923 .015

BEING A TOTAL OF - - - - - .14
for each One Hundred Dollars in valuation of property taxable
for the redemption of bonds and the payments of interest
thereon that shall accrue during said fiscal year:

FOR THE LIBRARY FUND - - - - - .08
on each One Hundred Dollars of taxable valuation

THE AGGREGATE OF SAID SUMS TO-WIT - - - - - \$1.10
on each One Hundred Dollars valuation as determined
by the equalized assessment roll for the year 1942-43
on all property taxable in the City of Modesto for said
purpose is hereby levied and apportioned to and shall
be paid into the above funds respectively of said City.
The rates above specified shall be in addition to those
required to be levied under the general laws of the
State of California for the purpose of paying principal
and interest on street improvement and interest on street
improvement bonds in local improvement districts.

SECTION 2

1 BE IT FURTHER PROVIDED that anything to the contrary
2 heretofore set forth, there shall be and there is hereby declared
3 to be a different rate of taxation levied upon certain property
4 situate in the City of Modesto, to-wit, Southern Campus Tract, Haw-
5 kins Tract, that portion of the Leslie-Hugh Tract recently annexed
6 to the City of Modesto, La Linda Tract, John Muir Park, Northwood
7 and Esgar Tracts. Said tax rate for said Southern Campus Tract,
8 Hawkins Tract, that portion of the Leslie-Hugh Tract annexed, La
9 Linda Tract, John Muir Park, Northwood Tract and Esgar Tract, as
10 aforesaid shall be and is hereby declared to be as follows:

11 FOR THE GENERAL FUND - - - - - \$.88
12 on each One Hundred Dollars taxable valuation

13 FOR THE LIBRARY FUND - - - - - .08
14 on each One Hundred Dollars of taxable valuation

15 THE AGGREGATE OF SAID SUMS, TO-WIT: \$.96
16 on each One Hundred Dollars valuation, as
17 determined by the equalized assessment
18 roll for the year 1942-43

19 The tax rate upon said Southern Campus Tract, Hawkins Tract,
20 That portion of the Leslie-Hugh Tract now a portion of the City of
21 Modesto, La Linda Tract, John Muir Park, Northwood Tract and Esgar
22 Tract is different from the tax rate herein set for the balance of
23 the property within the City of Modesto by reason of the fact that
24 said territory has recently been annexed to and made a part of the
25 City of Modesto under a provision of the State Law which does not
26 permit the said City to levy taxes upon said annexed property for
27 any past bonded indebtedness owed by said City and incurred before
28 said territory became a part of said City.

29 SECTION 3

30 This ordinance shall take effect immediately upon its
31 final passage and adoption.

32 SECTION 4

This ordinance shall be published in full at least once at
least three days prior to its final adoption in the The Modesto

1 Bee, the official newspaper of the City of Modesto.

2 The foregoing ordinance was introduced at a regular
3 meeting of the Council of the City of Modesto held on the 8th day
4 of July, ^{away 3} 1942 by Commissioner Neece, who moved its adoption and
5 passage to print, which motion being duly seconded, the ordinance
6 was upon roll call ordered printed and published as required by
7 the Charter of the City of Modesto by the following vote:

8 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

9 Noes: Councilmen: None

10 Absent: Councilmen: None

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12 APPROVED Carl W. Shannon
13 CARL W. SHANNON, MAYOR

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15 ATTEST Elmer J. Blum
16 ELMER J. BLUM, CITY CLERK
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1942, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of July 22, 1942, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:

Shannon
MAYOR

ATTEST:

Blum
CITY CLERK

REPEALED
MUNICIPAL CODE

ORDINANCE NO. 685-N.S.

AN ORDINANCE FIXING THE COMPENSATION OF THE CITY OFFICIALS OF THE CITY OF MODESTO

---oOo---

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

SECTION 1. The compensation to be paid by the City of Modesto to the chief officials of said city shall be as follows:

- City Clerk, who likewise occupies the offices of Auditor and Assessor, the sum of -----\$3720.00 per annum
- City Treasurer and Collector, the sum of----- 3120.00 per annum
- City Attorney, the sum of----- 3120.00 per annum
- Chief of Police, the sum of----- 3600.00 per annum
- Fire Chief, the sum of ----- 3600.00 per annum
- Health Officer, the sum of ----- 1.00 per annum
- Police Judge, the sum of ----- 2820.00 per annum
- City Engineer, who likewise occupies the offices of Street Superintendent, Building Inspector and Sewer Inspector, the sum of ----- 4920.00 per annum

SECTION 2. The compensation of the various officials hereinabove set forth shall be in full for the proper performance of the duties assigned to them in the various offices occupied by said officials.

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

SECTION 4. All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. This ordinance shall be published in full at least three days prior to its final adoption in the official newspaper of the City of Modesto, to-wit, the The Modesto Bee.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1942, by Councilman Neece, who moved its adoption and passage

REPEALED BY
MUNICIPAL CODE

1 to print as aforesaid, which motion being duly seconded, was upon
2 roll call carried, and the Ordinance ordered published as above by
3 the following vote:

4 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

5 Noes: Councilmen: None

6 Absent: Councilmen: None

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8 APPROVED: Carl W. Shannon
9 CARL W. SHANNON, MAYOR

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11 ATTEST Elmer J. Blum
12 ELMER J. BLUM, CITY CLERK
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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1942, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of July 22, 1942, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Charles Shannon,
MAYOR

ATTEST Elmer J. Blum
CITY CLERK

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ORDINANCE NO. 686-N.S.

AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE OF AN AUTOMOBILE FOR THE PUBLIC WORKS DEPARTMENT OF THE CITY OF MODESTO

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

SECTION 1. The sum of One Thousand (\$1000.00) Dollars, or so much thereof as may be necessary, is hereby appropriated out of the General Fund of the City of Modesto for the purchase of an automobile to be used by the City of Modesto and particularly by the Public Works Department of said City.

SECTION 2. This ordinance shall go into effect from and after fifteen (15) days after its final passage and adoption. It shall be published in full at least once at least three days prior to its final adoption in the The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1942 by Councilman Bates, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the ordinance ordered printed and published by the following vote:

Ayes: Councilmen: Burge, Bates, Neece, Stanley, Mayor Shannon
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED *Carl W. Shannon*
CARL W. SHANNON, MAYOR

ATTEST *Elmer J. Blum*
ELMER J. BLUM, CITY CLERK

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 8th day of July, 1942, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of July 22, 1942, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:


MAYOR

ATTEST:


CITY CLERK

ORDINANCE NO. 687-N.S.

AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE NO. 602-N.S. OF THE CITY OF MODESTO (CIVIL SERVICE ORDINANCE) AS THEREAFTER AMENDED BY ORDINANCE NO. 639-N.S. BY ELIMINATING ONE OF THE CLASSIFICATIONS OF EMPLOYMENT THEREIN

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

SECTION 1. Section 5 of Ordinance No. 602-N.S. of the City of Modesto entitled: "AN ORDINANCE CREATING A CIVIL SERVICE SYSTEM FOR THE EMPLOYEES OF CITY OF MODESTO, CREATING A DEPARTMENT OF PERSONNEL, PRESCRIBING ITS DUTIES, SETTLEING THE STATUS OF PRESENT EMPLOYEES AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF", as thereafter amended by Ordinance No. 639-N.S. is hereby amended by eliminating from said section as a civil service employee the "Golf Course Manager". Said section as amended shall read as follows:

"SECTION 5. COMPETITIVE SERVICE. The provisions of this ordinance shall not apply to persons occupying the following offices, positions, and employments in the service of the city:

- (a) Elective offices
- (b) Positions on appointive boards, commissions, and committees
- (c) Judge of the Police Court and clerk thereof.
- (d) Chief officials of city and sanitary inspector
- (e) Unclassified laborers
- (f) Persons having contract with the City for renditions of services

"Within the meaning of this ordinance, an unclassified laborer is hereby declared to be an unskilled workman, unqualified to proceed independently to lay out and perform work, and who prosecutes his duties under the immediate direction of a more highly qualified workman or foreman. Janitors are hereby declared to be unclassified laborers.

The following offices, positions, and employments in the City of Modesto shall constitute the competitive service of said City and said positions and employments are subject to the provisions hereof.

1 DEPARTMENT OF PUBLIC WORKS

2 Assistant City Engineer

3 Secretary

4 Stenographer

5 Surveyor

6 Assistant Surveyor

7 Engineering Aids

8 \ Chief Draftsman

9 \ Planning Engineer

10 \ Plumbing Inspector

11 \ Senior Engineering Aid

12 Draftsman

13 Assistant Superintendent of Streets

14 Equipment Operators, Grades (1) and (2)

15 Street Repair Foreman

16 Assistant Superintendent of Electricity

17 Electrician

18 Lineman

19 Fire Alarm Technician

20 Electrical Inspector

21 Assistant Building Inspector

22 Water Service Foreman

23 Assistant Water Service Foreman

24 Pipe Fitters

25 Pump Operators (Grades 1 and 2)

26 Superintendent of Construction

27 Assistant Superintendent of Construction

28 Sewage Disposal Plant Operator

29 Assistant Sewage Disposal Plant Operator

30 Assistant Superintendent of Parks

31 Horticulturist

32 Nurseryman

33 Tree Trimmers

34 Park Supervisors

35 Limited Laborer

36 Greenskeeper

37 Groundsman

38 Assistant Superintendent Corporation Yard

39 Machinist

40 Auto Mechanic

41 Store keeper and service man

42 Traffic Line Painter

43 Construction Laborers

44 CITY CLERK'S OFFICE

45 Assistant Clerk

46 Assistant Auditor

47 Assistant Assessor

48 Assistant License Collector

49 Assistant Tax Collector

50 Assistant Treasurer

51 Deputy License Collector

52 Deputy Auditor

53 Secretary

54 Cashier-Clerk

55 Assistant Cashier-Clerk

56 Typist-Clerk

POLICE DEPARTMENT

Captain
Sergeants
Secretary
Clerk
Traffic Officers
Patrolmen

FIRE DEPARTMENT

Assistant Chiefs
Operators
Drivers
Relief Driver

DEPARTMENT OF PUBLIC HEALTH

Food and Drink Inspector
Sanitary Inspector

SECTION 2. Said position of "Golf Course Manager" is hereby eliminated and abolished for the following reasons that at the time that said classification was made a part of Ordinance No. 602-N.S. of the City of Modesto, the said city then had in existence a contract with said "Golf Course Manager", then known as "Golf Professional" and that said classification of "Golf Course Manager" was erroneously included within said Civil Service Ordinance; for the reason that said "Golf Course Manager", then "Golf Professional" was not then nor now an employee of the said City.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1942, by Councilman Neece, who moved its adoption and passage to print, which motion being duly seconded was carried and the ordi-

1 nance ordered printed and published by the following vote:
2 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon
3 Noes: Councilmen: None
4 Absent: Councilmen: None

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6 APPROVED: Carl W. Shannon
CARL W. SHANNON, MAYOR

7
8 ATTEST: Elmer J. Blum
ELMER J. BLUM, CITY CLERK
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2 FINAL ADOPTION CLAUSE

3 The foregoing ordinance having been introduced and
4 ordered printed and published at a regular meeting of the Council
5 of the City of Modesto held on the 22nd day of July, 1942, and
6 subsequently printed and published as required by the Charter
7 of the City of Modesto, and coming on for final adoption at the
8 regular meeting of August 12, 1942, it was upon roll call so
9 finally adopted by the following vote:

10 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

11 Noes: Councilmen: None

12 Absent: Councilmen: None

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14 APPROVED: Carol Shannon
15 MAYOR

16
17 ATTEST Elmer J. Blum
18 CITY CLERK

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NO. 4-1, 202
NO. 4-1, 205

ORDINANCE NO. 688 N. S.

2 AN ORDINANCE ADDING FOUR NEW SECTIONS TO BE NUMBERED 14a, 14b,
3 14c and 14d AND AMENDING SECTION 14 OF ORDINANCE NO. 10 N. S. OF
4 THE CITY OF MODESTO ENTITLED: "AN ORDINANCE RELATING TO THE OF-
5 FENSE OF MISDEMEANOR; SPECIFYING ACTS AND OMISSIONS WHICH, WITHIN
6 THE CITY OF MODESTO, CONSTITUTE THE SAME, AND FIXING THE PENALTIES
7 THEREOF," AS THEREAFTER AMENDED BY ORDINANCE NO. 543 N. S.

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

8 SECTION 1. Section 14 of Ordinance No. 10 N. S. of the
9 City of Modesto, entitled: "AN ORDINANCE RELATING TO THE OFFENSE
10 OF MISDEMEANOR; SPECIFYING ACTS AND OMISSIONS WHICH, WITHIN THE
11 CITY OF MODESTO, CONSTITUTE THE SAME, AND FIXING THE PENALTIES
12 THEREOF," AS THEREAFTER AMENDED BY ORDINANCE NO. 543 N. S. of
13 said City, is hereby amended to read as follows:

14 Section 14. It shall be unlawful and a misdemeanor for
15 any person owning or operating a bowling alley in the City of
16 Modesto to keep the same open for bowling between the hours of
17 1 o'clock A. M. and 8 o'clock A. M. of the same day.

18 Section 14a. Before any applicant to operate a bowling
19 alley in the City of Modesto is granted a license so to do and
20 within thirty days after the effective date hereof, all bowling
21 alley operators must make application to the Collector of the
22 City of Modesto in substantially the following form:

23 Application is hereby made for a license to
24 operate a bowling alley (or to continue the
25 operation of a bowling alley under license
26 already granted in the City of Modesto and
27 in that behalf applicant makes the following
28 statements:

- 29 a. The name of applicant is _____.
- 30 b. The address of applicant is _____.
- 31 c. Applicant covenants and agrees to comply
32 with all the ordinances of the City of Modesto
and the rules and regulations of the City
Council of the City of Modesto and of the
Chief of Police of said City.

d. Applicant further agrees that any viola-
tion by him of any of the terms of this appli-
cation or of the ordinances or of any of the

1 resolutions of the City of Modesto applicable to
2 the business of conducting a bowling alley in
3 said City or of the reasonable regulations set
4 down by the City Council of the City of Mo-
5 desto, or the Chief of Police of said City shall
6 constitute sufficient grounds for the revocation
7 by the City Council of the City of Modesto of
8 the license herein applied for or permit granted.

6 Section 14b. Upon receipt of said application by the Col-
7 lector of the said City of Modesto, he shall refer the same to
8 the Chief of Police for investigation and report. Said Chief of
9 Police after such investigation shall make a report and file the
10 same with the application with the Collector. In the event the
11 Chief of Police shall determine the applicant is not entitled to
12 a license under the terms of this ordinance because of the bad
13 moral character of said applicant, or because he feels that the
14 applicant will operate such bowling alley in a manner detrimental
15 to the morals and general welfare of the citizens of said City,
16 and so reports to the Collector, no license or permit shall be
17 issued to said applicant to operate or to continue the operation
18 of a bowling alley in said City.

19 When and if said Chief of Police reports that said appli-
20 cant is of good moral character and that he believes said bowling
21 alley can be operated by said applicant without detriment to the
22 morals or general welfare of the citizens of said City, the City
23 ^{License Collector} ~~Clerk~~ shall issue a license to said applicant (or a permit to
24 continue the operation of a bowling alley if a license has hereto-
25 fore been issued) giving the date of the issuance thereof, the
26 name, address and the number of the license and a statement
27 thereon that the same may be revoked by the City Council of the
28 City of Modesto upon two days' notice to show cause to the licensee
29 for failure to comply with the terms of this ordinance or any
30 other ordinance of the City of Modesto or any of the laws of the
31 State of California that may relate to the operation of a bowling
32 alley or any violation of the reasonable orders of the Chief of

1 Police or the City Council of the City of Modesto.

2 The application for license or permit to continue operating
3 under license heretofore issued shall be filed with the City Tax
4 and License Collector at his office and each application numbered
5 consecutively in order of filing. Said license shall be entitled
6 "CITY OF MODESTO'S BOWLING ALLEY LICENSE." It must be signed by
7 the licensee named therein and shall be exhibited by said licensee
8 to any officer upon demand.

9 Section 14c. In the event of the violation by any licensee
10 as herein provided for of any of the terms of this ordinance or
11 the application for a license or permit or any of the laws of the
12 State of California, ordinances of the City of Modesto, resolu-
13 tions of said City relating to said business, or for a violation
14 of the reasonable rules and regulations laid down by the City
15 Council of the City of Modesto, or the Chief of Police or the Chief of
16 Police of said City, it shall be the duty of the Chief of Police
17 to serve upon said licensee a notice to appear before the City
18 Council to show cause why the license should not be terminated
19 and canceled. Said notice must be served not less than two days
20 before the time fixed for such hearing.

21 If at said hearing on the order to show cause aforesaid,
22 the City Council determines that the license theretofore issued
23 should be revoked, said City Council shall revoke the same and
24 the licensee whose license is thus revoked shall not thereafter
25 operate, maintain nor be interested in, financially or otherwise,
26 any bowling alley in said City of Modesto.

27 Section 14d. No person, firm or corporation or association
28 operating a bowling alley in said City shall permit minors to
29 bowl therein or thereat after receipt of written notice from the
30 person having the control or custody of said minor that such per-
31 son does not desire the minor under his control or custody to en-
32 gage in bowling.

1 Any person operating a bowling alley in violation of the
2 terms of this ordinance shall be deemed to be committing a public
3 nuisance, which may be abated by the City Attorney in the same
4 manner as provided by law for the abatement of public nuisances.

5 SECTION 2. This ordinance shall take effect and be in
6 full force and operation thirty (30) days after its final passage
7 and adoption.

8 SECTION 3. This ordinance shall be printed and published
9 in full at least once at least three days prior to its final
10 adoption in the "The Modesto Bee," the official newspaper of the
11 City of Modesto.

12 The foregoing ordinance was introduced by Councilman
13 Stanley at a regular meeting of the Council of the
14 City of Modesto held on the ~~22nd~~^{13th} day of ~~July~~^{August}, 1942, and was
15 adopted and passed to print by the following vote:

16 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

17 Noes: Councilmen: None

18 Absent: Councilmen: None

21 APPROVED:

Carl W. Shannon
22 CARL W. SHANNON, MAYOR

24 ATTEST:

Elmer J. Bloom
25 ELMER J. BLOOM, CITY CLERK.

1 FINAL ADOPTION CLAUSE

2
3 The foregoing ordinance, having been introduced and
4 ordered printed and published at a regular meeting of the Council
5 of the City of Modesto held on the 12th day of August, 1942, and
6 subsequently printed and published as required by the Charter of
7 the City of Modesto, and coming on for final adoption at the regular
8 meeting of August 26th, 1942, it was upon roll call so finally
9 adopted by the following vote:

10 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

11 Noes: Councilmen: None

12 Absent: Councilmen: None

13
14 APPROVED: Eric W. Shannon
MAYOR

15
16 ATTEST: Charles J. Blum
CITY CLERK

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

SECTION I. The sum of Eight Thousand Four Hundred and Fifty Dollars (\$8,450.00), or so much thereof as may be necessary, is hereby appropriated from the Water Fund of the City of Modesto for the purchase of Water Pipe and Fittings.

SECTION II. The sum of Eight Thousand Dollars (\$8,000.00), or so much thereof as may be necessary, is hereby appropriated from the Water Fund of the City of Modesto for the purchase of a Pump and Motor with appurtenances, the construction of a pump house and the drilling of a well including casing and appurtenances thereto.

SECTION III. The sum of Five Thousand Nine Hundred and Ten Dollars (\$5,910.00), or so much thereof as may be necessary, from the General Fund of the City of Modesto for the purchase of Sewer Pipe.

SECTION IV. The sum of Eight Thousand Dollars (\$8,000.00), or so much thereof as may be necessary from the General Fund of the City of Modesto for the purchase of Chlorination Equipment, the construction of buildings and appurtenances thereto at the Sewage Treatment Plant.

SECTION V. The sum of Five Thousand Four Hundred Dollars (\$5,400.00), or so much thereof as may be necessary, from the General Fund of the City of Modesto for the purchase of two Sewage Pumps and appurtenances thereto, and the construction of a pump house at Harriett Street and La Loma.

SECTION VI. The sum of Twenty Two Thousand Dollars (\$22,000.00), or so much thereof as may be necessary, from the General Fund of the City of Modesto to purchase Right of Ways for the Widening of Jennie Street.

SECTION VII. The sum of Nine Hundred Dollars (\$900.00), or so much thereof as may be necessary, is hereby appropriated from the General Fund of the City of Modesto for the purchase of

1 Street Lighting Materials and Equipment.

2 VIII. The sum of One Thousand Two Hundred Dollars
3 (\$1,200.00), or so much thereof as may be necessary, is hereby
4 appropriated out of that particular part of the General Fund of
5 the City of Modesto supplied and created by the payment of the
6 \$5.00 registration fee required of all persons doing business in
7 the City of Modesto under and by virtue of the provisions of
8 Section 101 of Ordinance No. 487 N.S., entitled "AN ORDINANCE
9 PROVIDING FOR LICENSING AND REGULATING THE CARRYING ON OF CERTAIN
10 PROFESSIONS, TRADES, CALLINGS AND OCCUPATIONS IN THE CITY OF
11 MODESTO, PROVIDING THE METHOD OF COLLECTING SUCH LICENSES AND
12 REPEALING CERTAIN ORDINANCES". Said sum is hereby appropriated
13 for the purpose of promotion and/or for the general welfare of the
14 citizens of the City of Modesto, under and by virtue of the power
15 conferred on said City Council by Section 67, Article 5, Charter
16 of the City of Modesto.

17 SECTION IX. The sum of Eight Hundred Dollars (\$800.00),
18 or so much thereof as may be necessary, is hereby appropriated out
19 of the General Fund for the maintenance of the Stanislaus County
20 Boys' Band.

21 SECTION X. The City Engineer shall, upon the adoption of
22 this Ordinance, from time to time, as required by the Council of
23 the City of Modesto, file with the Council plans and specifications,
24 where necessary, for the materials and construction work outlined
25 above; and the City Clerk shall, from time to time as directed by
26 the Council, advertise for bids for said materials and construction
27 work, when necessary, and bids shall be received and accepted and
28 contracts awarded therefor as the Council may hereafter by
29 resolution determine and prescribe.

30 SECTION XI. This Ordinance shall go into effect from and
31 after fifteen days after its final passage and adoption. It shall
32 be published in full at least once, at least three days prior to

1 its final adoption in the Modesto Bee, the official Newspaper of
2 the City of Modesto.

3 The foregoing Ordinance was introduced at a regular meeting
4 of the Council of the City of Modesto held on August 12, 1942,
5 by Councilman Bates, who moved its
6 adoption and passage to print, which motion we duly seconded, was
7 carried and the Ordinance ordered printed and published by the
8 following vote:

9
10 Ayes: Councilmen Bates, Burge, Neece, Stanley, Mayor Shannon
11 Noes: Councilmen: None
12 Absent: Councilmen: None
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Approved Charles Shannon Mayor

Attest Elmer J. Blum City Clerk

AN ORDINANCE OF THE CITY OF MODESTO RELATING TO RESTRICTED LIGHTING.

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THE COUNCIL OF THE CITY OF MODESTO DO ORDAIN AS FOLLOWS:

SECTION 1. J. L. DeWitt, Lieutenant General, U. S. Army, Commanding Western Defense Command and Fourth Army, by virtue of the authority vested in him by the President of the United States and Executive Order No. 9066, dated February 19, 1942, and pursuant to Public Law 503--77th Congress, approved March 21, 1942, and by virtue of his powers and prerogatives as Commanding General of the Western Defense Command, has issued Public Proclamation No. 10, dated August 5, 1942, and effective August 20, 1942, which as amended by Public Proclamation No. 12, dated October 10, 1942, and issued by virtue of the same authority, reads as follows (omitting Exhibits incorporated therein):

"HEADQUARTERS WESTERN DEFENSE COMMAND
AND FOURTH ARMY
Presidio of San Francisco, California

PUBLIC PROCLAMATION NO. 10
August 5, 1942

"TO: The people within the States of Washington, Oregon and California, and to the Public Generally:

WHEREAS, by Public Proclamation No. 1, dated March 2, 1942, this Headquarters, there were designated and established Military Areas nos. 1 and 2; and

WHEREAS, the armed forces of the enemy have made attacks upon vessels of the United States traveling along the Pacific Coastal waters and upon land installations within said Military Areas, and it is expected that such attacks will continue; and

WHEREAS, it is necessary to provide maximum protection for war utilities, war materials and war premises located within the States of Washington, Oregon and California against enemy attacks by sea and by air;

NOW, THEREFORE, I, J. L. DEWITT, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War

1 and my powers and prerogatives as Commanding General of the
2 Western Defense Command, do hereby declare that:

3 1. The present situation requires as a matter of military
4 necessity that a Zone of Restricted Lighting be established
5 within Military Areas Nos. 1 and 2, and that illumination
6 controlled in such manner and to such extent as may be neces-
7 sary to prevent such illumination from aiding the operations
8 of the enemy.

9 2. Pursuant to the determination and statement of mili-
10 tary necessity in Paragraph 1 hereof, a Zone of Restricted
11 Lighting, as particularly described in Exhibit A hereof, and
12 as generally shown on the map made a part hereof and marked
13 Exhibit B, is hereby designated and established. Illumina-
14 tion within the entire area of said Zone of Restricted
15 Lighting shall be extinguished or controlled at all times at
16 night from sunset to sunrise, as follows:

17 (a) Signs, Floodlighting, Display and Interior Lighting.
18 Illuminated signs and ornamental lighting of every descrip-
19 tion which are located out-of-doors, and floodlighting which
20 illuminates buildings or signs (including but not limited to
21 all exterior advertising signs, billboards, display lighting,
22 theatre marquee signs, illuminated poster panels, and build-
23 ing outline lighting), and all interior light sources (as
24 hereinafter defined) which emit direct rays above the hori-
25 zontal out-of-doors, shall be extinguished. The words,
26 "light sources," as used herein are intended and shall be
27 construed to mean and include any light generating elements
28 and the bright portion of any reflector, lens, luminaire,
29 transparency, or other equipment associated herewith for the
30 control or diffusion of light. This Section 2(a) shall not
31 apply to illumination for industrial or protective purposes
32 except to the extent provided for in Section 2(b) hereof.

(b) Illumination of Outdoor Areas; Street and Highway
Lights. Illumination of outdoor areas and industrial and
protective illumination, shall be controlled as follows:

(1) Except as provided in Section 2(b) (2) hereof,
illumination on all outdoor areas (including
but not limited to automobile service station
yards, outdoor parking areas, recreation areas
and outdoor structures and roofs) shall not
exceed one foot candle at any point when
measured on a horizontal plane at any level of
such outdoor areas, and all outdoor light sources
shall be shielded so that no direct rays from
the light source are emitted above the horizontal.
All interior lighting of every description shall
be reduced or controlled so that it does not
contribute more than one foot candle of illumina-
tion upon any outdoor area. All street and
highway lights shall also be shielded so that each
light source emits no more than ten per cent of
its total lamp lumens at angles above the hori-
zontal. Provided the foregoing requirements
are met, any further reduction or extinguishment
of street or highway illumination which would un-
necessarily aggravate traffic hazards is not
required.

1 (2) Variations from the foregoing requirements
2 shall be permitted in the case of illumina-
3 tion for industrial and protective purposes,
4 and from industrial processes, whether interior
5 or exterior, but not including street or
6 highway lights, only when and to the extent
7 that it is necessary to vary from such re-
8 quirements in order to achieve and maintain
9 maximum efficiency; but only with the written
10 approval of the Ninth Regional Civilian De-
11 fense Board, obtained in advance.

12 (c) Traffic Signs and Signals. Illuminated signs and signals
13 which are authorized or maintained by governmental authority for
14 the purpose of controlling or directing street or highway traf-
15 fic shall be shielded so that no direct rays from the light
16 source are emitted above the horizontal in respect to lights
17 mounted ten feet or more above the ground, or above an angle of
18 more than six degrees above the horizontal in respect to lights
19 mounted less than ten but more than three feet above the ground,
20 or above an angle of more than twelve degrees above the hori-
21 zontal in respect to lights mounted less than three feet above
22 the ground. Relative variations in the upward limit of light
23 are permissible to compensate for grades.

24 (d) Navigation and Railroad Lights. Authorized lights neces-
25 sary to facilitate air or water navigation, authorized railroad
26 signal lights, and headlights of railroad locomotives when in
27 motion, are hereby excepted from all the provisions of this
28 Proclamation.

29 3. In addition to the restrictions hereinbefore imposed, il-
30 lumination within that part of the Zone of Restricted Lighting
31 which is visible from the sea, as hereinafter defined, shall be
32 further diminished or obscured at all times at night from sunset
to sunrise, as follows:

(a) Street, Highway and Traffic Lights. Street and highway
lights, and illuminated signs (but not signals) which are
authorized or maintained by governmental authority for the pur-
pose of controlling or directing street or highway traffic and
which are visible from the sea, shall be so shielded that they
are not visible from the sea at night and so that no direct rays
from the light source are emitted above the horizontal.

(b) Residential, Commercial and Industrial Windows. No
lighting shall be permitted behind windows or glazed doors vis-
ible from the sea unless they are covered by drapes or shades.

(c) Street and Highway Traffic. Within areas visible from
the sea, but subject to the exceptions hereinafter stated,
vehicles shall operate at night with no more than two lighted
driving lamps, regardless of the direction of travel, and each
such lamp shall provide a maximum of not more than 250 beam
candlepower. Normal rear lights, license plate lights and
clearance lights (where required by law) are permitted. Vehicles
which are classified as authorized emergency vehicles under the
applicable Federal, state or local law, when operated by author-
ized personnel, and when displaying an illuminated red spotlight,
and when responding to a fire alarm, or when in the immediate
pursuit of an actual or suspected violator of the law, or when
going to or transporting a person who is in apparent need of im-
mediate emergency medical or surgical care, or when responding

1 to some other emergency involving the protection of life or
2 property, shall be excepted from the foregoing provision.

3 (d) Industrial and Protective Illumination. Light sources
4 for industrial purposes and light from industrial processes
5 within areas visible from the sea, shall comply with the require-
6 ments of Section 2(b) hereof, and shall also be shielded so that
7 they are not visible from the sea at night, provided, that varia-
8 tions from these requirements may be permitted in the case of il-
9 lumination for industrial and protective purposes, and from
10 industrial processes, whether interior or exterior (but not
11 including street or highway lights), only when and to the extent
12 that it is necessary to vary from such requirements in order to
13 achieve and maintain maximum efficiency; but only with the written
14 approval of the Ninth Regional Civilian Defense Board, obtained
15 in advance.

16 (e) Other Illumination. Except as hereinabove provided in
17 this Section 3, all other lights visible from the sea are pro-
18 hibited at night, including but not limited to light from fire,
19 bonfires, parked cars, flashlights and lanterns.

20 (f) Definition of "Visible From the Sea." The phrase "visible
21 from the sea," as used herein, is intended and shall be construed
22 to mean and include the following:

23 Visible at any time from the waters of the Pacific Ocean, or
24 from the waters of the Straits of Juan de Fuca lying south of a
25 line extending due east from the most southerly point of Vancouver
26 Island and west of a line running due north and south through the
27 easternmost point of the easterly boundary line of the City of
28 Port Townsend, Washington, or visible from any of those bodies
29 of water located on the shoreline of the State of California
30 generally known and described as follows:

31 Santa Monica Bay;
32 Santa Barbara Channel;
Santa Luis Obispo Bay;
Estero Bay; and
Monterey Bay;

33 Provided, however, that the waters of San Francisco Bay,
34 lying easterly of a line extending from Point Bonita through
35 Mile Rock, is not intended and shall not be construed to be a
36 part of the sea; and solely for the purposes of Section 3(c)
37 hereof, concerning street and highway traffic, the phrase,
38 "areas visible from the sea," is also intended and shall be
39 construed to mean and include that portion of streets or high-
40 ways which may not in fact be visible from the sea but which is
41 within areas generally visible from the sea.

42 4. Any person violating any of the provisions of this
43 Proclamation, or orders issued pursuant thereto, is subject to
44 immediate exclusion from the territory of the Western Defense
45 Command, and to the criminal penalties provided in Public Law
46 No. 503, 77th Congress, approved March 21, 1942, entitled "An
47 Act to provide a penalty for the violation of restrictions or
48 orders with respect to persons entering, remaining in, leaving,
49 or committing any act in military areas or zones."

50 5. The Ninth Regional Civilian Defense Board is hereby desig-
51 nated as the primary agency to aid in the enforcement of the
52

1 foregoing provisions. It is requested that the civil law en-
2 forcement agencies and State and local governmental bodies
3 within the areas affected by this Proclamation assist the Ninth
4 Regional civilian Defense Board in the enforcement hereof.

5 6. This Proclamation shall become effective August 20, 1942.

6 J. L. DeWITT
7 Lieutenant General, U. S. Army,
8 Commanding"

9 SECTION 2. Said Public Proclamation No. 12, in addition
10 to amending Public Proclamation No. 10 as hereinabove set forth,
11 contains the following paragraphs:

12 "B. This proclamation shall become effective October
13 25, 1942, except those provisions of Subsection 2(b) (1)
14 hereof, concerning street and highway lights, which
15 shall become effective November 12, 1942.

16 C. The recitals set forth in the first three paragraphs
17 of said Public Proclamation No. 10 are hereby reaffirmed.
18 Except as hereinbefore expressly amended, all the pro-
19 visions and determinations expressed in said Public
20 Proclamation No. 10 shall remain in full force and effect."

21 SECTION 3. The City of Modesto hereby recognizes the
22 civil and military necessity for the concurrent enforcement of the
23 provisions of Public Proclamation No. 10, as amended as aforesaid,
24 by the City of Modesto and the federal government.

25 SECTION 4. The city of Modesto is within the Zone of
26 Restricted Lighting, designated and established by SECTION 2 of
27 said Public Proclamation No. 10 as amended as aforesaid.

28 SECTION 5. Whoever on or after October 25, 1942, shall
29 commit any act in the City of Modesto contrary to the provisions
30 of either SECTION 2 or SECTION 3 of Public Proclamation No. 10
31 as amended as aforesaid, which amended proclamation is hereinabove
32 set forth in full, shall be guilty of a violation of this ordinance
which violation shall constitute a misdemeanor and upon conviction
thereof shall be punishable by a fine of not to exceed \$300.00
or by imprisonment for not to exceed three months, or by both such
fine and imprisonment.

SECTION 6. This ordinance is required for the immediate

1 preservation of the public peace, health and safety, and shall
2 take effect immediately. The following is the statement of facts
3 constituting such urgency: The United States is at war and this
4 city by the provisions of Public Proclamation No. 10 as amended by
5 Public Proclamation No. 12 is located in a military zone of
6 restricted lighting established as a matter of military necessity
7 in order to minimize the danger of enemy attack and to provide
8 maximum protection for war utilities, war materials and war
9 premises. By reason of the immediate threat of enemy attack
10 compliance with the provisions of Public Proclamation No. 10 as
11 amended by Public Proclamation No. 12 is essential for the pro-
12 tection of the lives and property of the people of the City of
13 Modesto.

14 SECTION 7. This ordinance shall be published in full at
15 least once at least three (3) days prior to its final adoption in
16 the "The Modesto Bee," the official newspaper of the City of
17 Modesto.

18 The foregoing ordinance was introduced at a special meet-
19 ing of the Council of the City of Modesto held on the 21st day of
20 October, 1942, by Councilman Burge, who moved its
21 adoption and passage to print as aforesaid, which motion being
22 duly seconded was upon roll call carried, and the ordinance ordered
23 published as above by the following vote:

24 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

25 Noes: Councilmen: None

26 Absent: Councilmen: None

27
28 ATTEST:

Elmer J. Blum
ELMER J. BLUM, CITY CLERK

APPROVED: *Carl W. Shannon*

CARL W. SHANNON, MAYOR

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31 I hereby certify that the foregoing ordinance was adopted
32 at a regular meeting of the Council of the City of Modesto held on
the _____ day of _____, 1942.

1 FINAL ADOPTION CLAUSE

2 The foregoing ordinance, having been introduced and
3 ordered printed and published at a special meeting of the Council
4 of the City of Modesto held on the 21st day of October, 1942,
5 and subsequently printed and published as required by the Charter
6 of the City of Modesto, and coming on for final adoption at the
7 regular meeting of November 12, 1942, it was upon roll call so
8 finally adopted by the following vote:

9 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

10 Noes: Councilmen: None

11 Absent: Councilmen: None

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13 APPROVED: Gene W. Shannon
14 MAYOR

15 ATTEST Elmer J. Blum
16 CITY CLERK
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Ord # 92
Written under
Repealed

AN ORDINANCE MAKING IT UNLAWFUL FOR MINORS UNDER THE AGE OF 16 YEARS, NOT ACCOMPANIED BY PARENT, GUARDIAN OR ADULT PERSON HAVING LEGAL CUSTODY OF SAID MINOR, TO WANDER OR BE UPON THE STREETS, ALLEYS AND PUBLIC PLACES IN THE CITY OF MODESTO BETWEEN THE HOURS OF 10 O'CLOCK P. M. AND 5 O'CLOCK A. M. OF THE DAY IMMEDIATELY FOLLOWING; MAKING IT A MISDEMEANOR FOR ANY SUCH PARENT, GUARDIAN OR ADULT PERSON TO ALLOW SUCH MINOR SO UNACCOMPANIED TO BE UPON SAID STREETS, ALLEYS AND PUBLIC PLACES, AND ALSO MAKING IT A MISDEMEANOR FOR ANY PERSON TO ASSIST, AID AND/OR ABET AND/OR ENCOURAGE ANY SUCH MINOR TO VIOLATE THE TERMS OF THIS ORDINANCE, AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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REPEALED BY
MUNICIPAL CODE

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

SECTION 1. For the duration of the war and six (6) months thereafter, it shall be unlawful for any minor under the age of 16 years to be in or on any public street, alley, park, square, or public place of said City of Modesto between the hours of 10 o'clock P. M. and 5 o'clock A. M. of the day immediately following, except where said minor is accompanied by a parent or legal guardian or adult person having legal control of said minor, or where the presence of said minor in said place or places is connected with and required by some legitimate business, trade, profession or occupation, in which said minor is lawfully engaged.

SECTION 2. Any person assisting, aiding, abetting or encouraging any minor under the age of 16 years to violate the provisions of Section 1 hereof shall be guilty of a misdemeanor and shall be punishable accordingly; and when any minor is found violating the provisions of said Section 1, a presumption shall arise that the parent or legal guardian having the care and custody of the said minor assisted, aided and abetted and encouraged such minor in so violating said Section 1 hereof.

REPEALED BY
MUNICIPAL CODE

SECTION 3. Whenever any minor is arrested for the violation of Section 1 of this ordinance, said minor so arrested shall be taken forthwith to the Juvenile Detention Home, and the arresting officer shall immediately advise those in charge of said Detention Home when said minor is received at said Home of the

1 reason for the arrest of said minor. It shall be the duty of
2 those in charge of said Detention Home to immediately make every
3 effort to locate the parents or guardian of said minor and advise
4 said parents or guardian that said minor has been arrested and
5 is detained in said Detention Home, as well as the reason for
6 said arrest and detention. The arresting officer shall forward
7 to the Juvenile Probation Officer at said Detention Home a copy
8 of the arrest report, setting forth the circumstances of the ar-
9 rest of said minor. Should the parents or guardian of any such
10 minor arrested for the violation of Section 1 of this ordinance
11 appear at the Juvenile Detention Home, the Juvenile Probation Of-
12 ficer may, in the exercise of his discretion, release any minor
13 so arrested, to his or her parent or guardian, upon such terms
14 and conditions as the Probation Officer deems proper.

15 SECTION 4. In the event said minor is not released as pro-
16 vided in Section 3 hereof, it shall be the duty of said Juvenile
17 Probation Officer to cause to be issued and served upon the parent
18 or guardian of any minor arrested pursuant to the provisions of
19 this ordinance, a notice requiring said parent or guardian to ap-
20 pear before the Juvenile Court at a time and place to be speci-
21 fied in said notice not less than Three days after the service
22 of said notice to show cause why said parent or guardian should
23 not be charged with a violation of Section 702 of the Welfare and
24 Institutions Code of the State of California. Any person failing
25 or neglecting to respond to any notice issued and served pursuant
26 to the provisions of this ordinance, or who shall otherwise vio-
27 late any other provision of this ordinance, shall be guilty of a
28 misdemeanor, regardless of the disposition of the charge on which
29 he may have been cited to appear, and shall be punished accordingly.
30 Any notice to be served on the parent or guardian pursuant to the
31 provisions of this ordinance, may be served personally on said per-
32 son or the same may be deposited in the United States Post Office

1 at Modesto, California, addressed to said parent or guardian at
2 the place of residence of said parent or guardian, and with the
3 proper amount of postage prepaid thereon, or the same may be left
4 at the place of residence of said parent or guardian. If said
5 notice is delivered personally to said parent or guardian, the
6 service thereof shall be deemed complete upon the delivery thereof,
7 but if said notice is served by mail or left at the place of
8 residence of said parent or guardian, said service shall be
9 complete at the expiration of two days after the date of mail-
10 ing the same or leaving the same at the place of residence of
11 said parent or guardian.

12 SECTION 5. Each and every ordinance and/or parts thereof
13 in conflict with this ordinance is hereby repealed.

14 SECTION 6. This ordinance shall go into effect and be in
15 full force and operation from and after 15 days after its
16 final passage and adoption.

17 SECTION 7. This ordinance shall be published in full
18 at least once at least three (3) days prior to its final passage
19 and adoption in the "The Modesto Bee," the official newspaper
20 of the City of Modesto.

21 SECTION 8. If any section, subsection, sentence, clause
22 or phrase of this ordinance is for any reason declared to be un-
23 constitutional or invalid, such decision shall not affect the
24 validity of the remaining portions of this ordinance. The Council
25 hereby declares that it would have passed this ordinance and
26 each section, subsection, clause or phrase thereof irrespective
27 of the fact that any one or more of the other portions thereof
28 may hereafter be found or declared to be unconstitutional or in-
29 valid.

30 The foregoing ordinance was introduced at a regular
31 meeting of the Council of the City of Modesto held on the 23rd
32 day of December, 1942, by Councilman Stanley

1 who moved its adoption and passage to print as aforesaid, which
2 motion being duly seconded was upon roll call carried, and the
3 ordinance ordered printed and published as above by the following
4 vote:

5
6 **Ayes:** Councilmen: Bates, Burge, Stanley, Neece, Mayor Shannon
7 **Noes:** Councilmen: None
8 **Absent:** Councilmen: None

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13 **APPROVED:**

Carl W. Shannon
CARL W. SHANNON, MAYOR

14
15 **ATTEST:**

Elmer J. Blum
ELMER J. BLUM, CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 23rd day of December, 1942, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of January 13, 1943, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:

Carroll Shannon
MAYOR

ATTEST:

Elmer J. Blum
CITY CLERK

AN ORDINANCE PROHIBITING THE KEEPING OF ANY COW OR COWS WITHIN THE CITY OF MODESTO FOR ANY PURPOSE WHATSOEVER: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH, AND MAKING IT A MISDEMEANOR TO VIOLATE ANY OF THE PROVISIONS OF THIS ORDINANCE, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF.

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

SECTION 1. It shall be unlawful and shall be punishable as a misdemeanor for any person, firm, corporation, co-partnership or association, either as principal or agent, to keep, have, possess or maintain for any period of time or for any purpose whatsoever any cow or cows upon any lot or premises within any portion of the City of Modesto, owned, leased, occupied or controlled by such person, firm, corporation, co-partnership or association.

SECTION 2. Any and every portion of Section 20 or any other portion of that certain ordinance entitled: "AN ORDINANCE PRESCRIBING THE DUTIES OF PHYSICIANS AND OTHERS HAVING THE CARE OF THE SICK; ESTABLISHING CERTAIN RULES FOR THE PREVENTION OF DISEASE; REGULATING THE SALE OF MILK AND OTHER FOODS; PRESCRIBING RULES FOR THE COLLECTION AND REMOVAL OF SWILL, GARBAGE, MANURE, OFFAL AND RUBBISH, AND PROVIDING FOR THE ADOPTION AND CARRYING OUT OF A GENERAL SYSTEM OF SANITATION FOR THE CITY OF MODESTO," and numbered 14 N. S., in conflict herewith is hereby repealed.

SECTION 3. It is not intended to and this ordinance shall not repeal or affect any right or privilege now existing having to do with the removal and/or transportation of any cow or cows through or over the streets of said City.

SECTION 4. Any person, firm, corporation, co-partnership or association violating any of the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine not exceeding the sum of \$100.00 or by imprisonment in the County Jail for a period not to exceed

1 30 days

, or by both such fine and imprisonment.

2 SECTION 5. This ordinance shall be in full force and ef-
3 fect from and after 15 days after its final adoption.

4 SECTION 6. This ordinance shall be published in full at
5 least once at least three days prior to its final adoption, in
6 the "The Modesto Bee," the official newspaper of the City of
7 Modesto.

8 The foregoing ordinance was introduced at a special
9 meeting of the Council of the City of Modesto held on the 6th
10 day of January, 1943, by Councilman Stanley
11 who moved its adoption and publication as aforesaid, which motion
12 being duly seconded, was upon roll call carried and the ordinance
13 ordered printed and published as above by the following vote:

14
15 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

16 Noes: Councilmen: None

17 Absent: Councilmen: None

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20 APPROVED:

Carl W. Shannon
21 CARL W. SHANNON, MAYOR

22
23 ATTEST:

Elmer J. Blum
24 ELMER J. BLUM, CITY CLERK.

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3 **FINAL ADOPTION CLAUSE**

4 The foregoing ordinance, having been introduced and
5 ordered printed and published at a special meeting of the Council
6 of the City of Modesto held on the 6th day of January, 1943, and
7 subsequently printed and published as required by the Charter of
8 the City of Modesto, and coming on for final adoption at the regu-
9 lar meeting of January 13, 1943, it was upon roll call so finally
10 adopted by the following vote:

11 **Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon**

12 **Noes: Councilmen: None**

13 **Absent: Councilmen: None**

14 **APPROVED**

Carl W. Shannon
MAYOR

15 **ATTEST**

Elmer J. Blum
CITY CLERK

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20 SECTION 2. This ordinance shall be in full effect and shall
21 be in full force and operation from and after fifteen days after
22 its passage and adoption.

23 SECTION 3. This ordinance shall be published in full
24 at least once in each day's issue of its final adoption in
25 the "The Modesto News," the official newspaper of the City of
26 Modesto.

27 The foregoing ordinance was introduced at a regular meet-
28 ing of the Council of the City of Modesto held on the 13th day of
29 January, 1943, by Councilman Stanley and was read
30 in adoption and passage to print which action being held,
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ORDINANCE NO. 693 N. S.

AN ORDINANCE AMENDING ORDINANCE NO. 669 N. S., OF THE CITY OF MODESTO ENTITLED: "AN ORDINANCE PROVIDING FOR 'BLACKOUTS', DEFINING SAID TERM, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF, BY ADDING A NEW SECTION THERETO ~~BE~~ BE NUMBERED 4 1/2.

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

SECTION 1. Ordinance No. 669 N. S., entitled "AN ORDINANCE PROVIDING FOR 'BLACKOUTS', DEFINING SAID TERM, AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF," is hereby amended by adding thereto a new section, to be known as Section 4 1/2, which shall read as follows:

"SECTION 4 1/2. Provided, however, that this ordinance shall not prohibit the maintenance of any warning light or lantern in or about any excavation or obstruction in any public way or place, or at any place of danger upon public or private property, when such warning light or lantern is required to be maintained by any other law or ordinance and is so designed as to emit no illumination upward in excess of twelve degrees from the horizontal."

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1943, by Councilman Stanley, who moved its adoption and passage to print, which motion being duly

1 seconded was upon roll call carried and the ordinance ordered
2 printed and published as above by the following vote:

3 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

4 Noes: Councilmen: None

5 Absent: Councilmen: None

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9 APPROVED:

Carl W. Shannon
CARL W. SHANNON, MAYOR

10
11 ATTEST:

Elmer J. Blum
ELMER J. BLUM, CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 13th day of January, 1943, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of January 27, 1943, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Carroll Shannon
MAYOR

ATTEST: Elmer J. Blum
CITY CLERK

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AN ORDINANCE PROVIDING FOR THE SALE OF USELESS PERSONAL PROPERTY.

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

SECTION I. The City Engineer is hereby authorized and directed to sell the following described personal property of the City of Modesto which said personal property has been found to be unfit or unnecessary for the use of the City to-wit:

Approximately 5700 lbs. of steel and iron; 10,000 lbs. of cast iron; 125 lbs. of brass; 300 lbs. of copper; 100 lbs. of aluminum and 100 lbs. of miscellaneous metals.

100 feet of $2\frac{1}{2}$ " cotton jacket fire hose without couplings.

10 automobile batteries.

5 boy's bicycles and 1 boy's bicycle frame.

SECTION II. Sale shall be made at public auction at the office of the City Engineer after advertising for bids for the sale thereof for two days in the Modesto Bee, the official newspaper of the City of Modesto.

The sale shall be conducted by the City Engineer at his office. It may be either by written or oral bids. Any property remaining unsold after the date specified in the Notice of Sale shall be offered for sale from day to day commencing at 10:00 o'clock in the morning at the office of said City Engineer until the whole thereof is sold.

SECTION III. The foregoing Ordinance shall go into effect and be in full force and operation from and after fifteen days after its final passage and adoption.

SECTION IV. The foregoing Ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1943, by Councilman Bates, who moved its adoption and passage to print as aforesaid, which motion being duly seconded was upon roll call carried and the Ordinance

1 ordered printed and published as above by the following vote:

2 AYES: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

3 NOES: Councilmen: None

4 ABSENT: Councilmen: None

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APPROVED: *Carl W. Shannon*
Mayor

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ATTEST: *Ernest J. Blum*
City Clerk

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FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1943, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of February 24, 1943, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Shannon
MAYOR

ATTEST: Blum
CITY CLERK

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ORDINANCE NO. 695 N. S.

AN ORDINANCE AMENDING ORDINANCE NO. 487 N. S. OF THE CITY OF MODESTO (LICENSE ORDINANCE) AS THEREAFTER AMENDED, BY ADDING A NEW SECTION THERETO.

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

SECTION 1. Ordinance No. 487 N. S. of the City of Modesto entitled: "AN ORDINANCE PROVIDING FOR LICENSING AND REGULATING THE CARRYING ON OF CERTAIN PROFESSIONS, TRADES, CALLINGS AND OCCUPATIONS IN THE CITY OF MODESTO, PROVIDING THE METHOD OF COLLECTING SAID LICENSES, AND REPEALING CERTAIN ORDINANCES," as thereafter amended, is hereby amended by adding thereto a new section to be numbered Section 111½ and which shall read as follows:

Section 111½. Every person maintaining or having a residence within the City of Modesto, and every person conducting, carrying on, operating or managing a rooming or boarding house in said City at or in which there are four or more roomers shall pay a license pursuant to and as provided for in section 101 of said Ordinance No. 487 N. S.

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

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

The foregoing ordinance was introduced at a special meeting of the Council of the City of Modesto held on the 10th day of February, 1943, by Councilman Neece, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried, and the ordinance ordered

1 printed and published as above by the following vote:

2
3 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

4 Noes: Councilmen: None

5 Absent: Councilmen: None

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9 APPROVED:

Carl W. Shannon
CARL W. SHANNON, MAYOR

10
11 ATTEST:

Elmer J. Blum
ELMER J. BLUM, CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and order-
ed printed and published at a regular meeting of the Council of the
City of Modesto held on the 10th day of February, 1943, and sub-
sequently printed and published as required by the Charter of the
City of Modesto, and coming on for final adoption at the regular
meeting of February 24, 1943, it was upon roll call so finally
adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Carl W. Shannon
MAYOR

ATTEST: Charles J. Blum
CITY CLERK

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SPECIAL
NOT IN CODE

INITIATIVE ORDINANCE NO. 696-N.S.

1 AN ORDINANCE AUTHORIZING A CONTRACT BETWEEN THE CITY OF MODESTO AND
2 THE BOARD OF ADMINISTRATION, CALIFORNIA STATE EMPLOYEE'S RETIREMENT
3 SYSTEM, PROVIDING FOR THE PARTICIPATION OF SAID CITY OF MODESTO IN
4 SAID STATE EMPLOYEES' RETIREMENT SYSTEM MAKING THE EMPLOYEES OF
5 SAID CITY OF MODESTO, WITH CERTAIN EXCEPTIONS, MEMBERS OF SAID
6 SYSTEM, AND PROVIDING A MEANS FOR FINANCING PARTICIPATION IN SAID
7 SYSTEM

8 The People of the City of Modesto do ordain as follows:

9 SECTION 1. The Council of the City of Modesto on be-
10 half of said City is hereby authorized and empowered to enter into
11 a contract with the Board of Administration of the "State Employees'
12 Retirement System" for the purpose of placing the employees of said
13 City, with the exception of the employees mentioned and set forth
14 in Section 2 of this Ordinance, under the "State Employees' Retire-
15 ment System" of the State of California. Said contract shall be
16 subject to and in accordance with the provisions of the "State
17 Employee's Retirement Act" of the State of California

18 SECTION 2. There are hereby expressly excepted from
19 the operation of the provisions of this Ordinance, the members of
20 the Modesto Police Department, the members of the Modesto Fire
21 Department and the Library Employees of said City of Modesto.

22 SECTION 3. The Mayor and City Auditor are hereby
23 authorized and directed for and on behalf of the City of Modesto
24 and as its corporate act and deed, and under its corporate name and
25 seal, to make, execute and deliver an agreement, in writing, to
26 said Board of Administration, California State Employees' Retirement
27 System, which agreement shall be subject to, and in conformity with
28 the provisions of said "State Employees' Retirement Act".

29 SECTION 4. For the purpose of financing the partici-
30 pation of said employees of the City of Modesto in said Retirement
31 System there shall be and is hereby levied upon all of the taxable
32 real and personal property within the City of Modesto a special tax,
pursuant to Subdivision 17 of Section 4, Article III of the Charter
of the City of Modesto, said special tax to be collected in the
same manner and at the same time as the other taxes of the said City

SPECIAL
NOT IN CODE

Feb 10.

1 of Modesto are collected, pursuant to said Charter and the ordinances
2 of the City of Modesto relating to the levy and collection of taxes.

3 SECTION 5. This ordinance shall take effect when it
4 has been approved by ~~at least two-thirds~~ of the qualified electors
5 who vote thereon,

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7 Signed ELMER J. BLUM, CITY CLERK
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1 State of California)
2 County of Stanislaus) ss
3 City of Modesto)
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5 I, Elmer J. Blum, Clerk of the City of Modesto, do
6 hereby certify that the foregoing ordinance was duly placed upon
7 the ballot in the General Municipal Election held April 13, 1943,
8 pursuant to Resolution No. 5836-N.S. and that a subsequent canvass of
9 the returns of said election, reference being made to Resolution
10 No. 5863-N.S. showed the said ordinance to be defeated by the
11 following vote:

12 FOR ITS ADOPTION 1074 Votes 3764
13 AGAINST ITS ADOPTION 1307 Votes 1734

14 IN WITNESS WHEREOF, I have hereunto set my hand and affixed
15 the official seal of the City of Modesto this 15th day of April,
16 1943.

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18 CLERK OF THE CITY OF MODESTO
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NOT SPECIAL
IN CODE

ORDINANCE NO. 697-N.S.

3 AN ORDINANCE APPROPRIATING MONEY FOR THE PURCHASE OF AN AUTOMOBILE
4 AND MOTORCYCLE FOR THE POLICE DEPARTMENT OF THE CITY OF MODESTO

5 ---o0o---

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

7 SECTION 1. The sum of Fifteen Hundred (\$1500.00) Dollars,
8 or so much thereof as may be necessary, is hereby appropriated
9 out of the General Fund of the City of Modesto for the purchase of
10 an automobile to be used by the Police Department of the City of
11 Modesto.

12 SECTION 2. The sum of Seven Hundred (\$700.00) Dollars,
13 or so much thereof as may be necessary, is hereby appropriated
14 out of the General Fund of the City of Modesto for the purchase of
15 a motorcycle to be used by the Police Department of the City of
16 Modesto.

17 SECTION 3. This ordinance shall go into effect from and
18 after fifteen (15) days after its final passage and adoption. It
19 shall be published in full at least once at least three days prior
20 to its final adoption in the The Modesto Bee, the official news-
21 paper of the City of Modesto.

22 The foregoing ordinance was introduced at a special meet-
23 ing of the Council of the City of Modesto held on the 21st day of
24 April 1943 by Commissioner Neece, who moved its adoption and
25 passage to print, which motion being duly seconded was upon roll
26 call carried and the ordinance ordered printed and published by
27 the following vote:

28 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

29 Noes: Councilmen: None

30 Absent: Councilmen: None

31
32 APPROVED

Carl W. Shannon
CARL W. SHANNON, MAYOR

ATTEST

Elmer J. Blum
ELMER J. BLUM, CITY CLERK

697

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 21st day of April, 1943, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of April 28, 1943, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

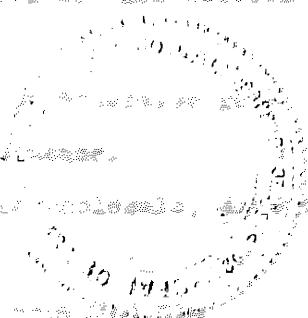
Absent: Councilmen: None

APPROVED

Shannon
MAYOR

ATTEST:

Blum
CITY CLERK



REPEALED BY
MUNICIPAL CODE

1 AN ORDINANCE AMENDING SECTION 101 OF ORDINANCE NO. 487 N. S., OF
2 THE CITY OF MODESTO, ENTITLED: "AN ORDINANCE PROVIDING FOR LICENS-
3 ING AND REGULATING THE CARRYING ON OF CERTAIN PROFESSIONS, TRADES,
4 CALLINGS AND OCCUPATIONS IN THE CITY OF MODESTO, PROVIDING THE
5 METHOD OF COLLECTING SUCH LICENSES, AND REPEALING CERTAIN ORDIN-
6 ANCES," AS THEREAFTER AMENDED BY ORDINANCE NO, 541 N. S. AND OR-
7 DINANCE NO. 671 N. S. OF SAID CITY OF MODESTO.

8 ---ooo0ooo---

9 The Council of the City of Modesto do ordain as follows:

10 SECTION 1. Section 101 of Ordinance No. 487 N. S. of
11 the City of Modesto, entitled: "AN ORDINANCE PROVIDING FOR LICENS-
12 ING AND REGULATING THE CARRYING ON OF CERTAIN PROFESSIONS, TRADES,
13 CALLINGS AND OCCUPATIONS IN THE CITY OF MODESTO, PROVIDING THE
14 METHOD OF COLLECTING SUCH LICENSES, AND REPEALING CERTAIN ORDINANCES,"
15 as the same was thereafter amended by Ordinance No.541 N. S. and
16 Ordinance No. 671 N. S. of said City, is hereby amended to read
17 as follows, to-wit:

18 "Section 101. For every person conducting, carrying on
19 or managing at a fixed place of business in said City of Modesto
20 any business as in Section 1 hereof defined, the fee shall be the
21 sum of \$5.00 per year or a fraction thereof as a registration
22 fee, the year beginning on the first of each July, payable in
23 advance, and in addition thereto a license fee equal to two (2)
24 mills of each dollar of the gross income, receipts or sales re-
25 sulting from the operation of said business, payable quarterly,
26 the first payment to be made within fifteen (15) days after the
27 expiration of the first quarter.

28 Provided, however, that the provisions of this section
29 shall not extend to or include:

- 30 (1) Any business expressly defined or otherwise pro-
31 vided for in subsequent sections of this ordinance.
- 32 (2) The business of merchandising at wholesale, except
where specifically mentioned herein.
- (3) The business of manufacturing, provided the

1 products are sold at wholesale, unless specifically mentioned
2 herein.

3 (4) Businesses carried on under licenses pursuant to
4 ordinances not repealed by this ordinance.

5 (5) Any business exempt from the imposition of a li-
6 cense fee by the Constitution of the State of California or the
7 Constitution of the United States.

8 (6) Persons employed by other persons for a fixed
9 wage or compensation, or who work for wages only.

10 Provided, further, that all license fees, except the
11 \$5.00 registration fee, paid on account of any business in said
12 City of Modesto pursuant to this section shall be credited as a
13 payment against the personal property tax of the owner of said
14 business upon the fixtures, equipment and stock in trade of the
15 business so licensed; and provided further, that every person who
16 begins the operation of a new business which is subject to the
17 terms of this section shall, when he applies for a license, de-
18 posit with the collector an additional sum in the amount of
19 \$50.00 as a guarantee that the license fee for the first two
20 quarters following the commencement of said business will be
21 paid, said sum of \$50.00 to be refunded to such person at the
22 expiration of six (6) months from the first of the next ensuing
23 quarter, provided said business is still operating, and all
24 charges imposed upon the same under the terms of this ordinance
25 have been paid; and provided further in this respect, that every
26 change of ownership of a business shall be construed as the com-
27 mencement of a new business by the owner, and shall require the
28 deposit of the \$50.00 as above stated.

29 The provisions of this ordinance requiring a deposit
30 of \$50.00 as aforesaid shall have no application to an applicant
31 for license to do business in the City of Modesto when and if the
32 said applicant is the owner of the building in which or the

1 property upon which said applicant intends to carry on the busi-
2 ness for which said applicant seeks said license. Said provisions
3 requiring said deposit of \$50.00 as aforesaid shall not apply to
4 any applicant for license who is able to and does give to the
5 City Clerk satisfactory evidence of the fact that said applicant
6 is the valid lessee for the period of not less than one year hold-
7 ing by written lease the property in and/or upon which he intends
8 to carry on said business for which said license is sought.

9 The word "owner" as used in this ordinance shall mean
10 the person, corporation, partnership, firm or association in
11 whose name said property is recorded in the Office of the County
12 Recorder of Stanislaus County, California."

13 SECTION 2. This ordinance shall go into effect and
14 be in full force and operation from and after April 1, 1943.

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

19 The foregoing ordinance was introduced at a regular
20 meeting of the Council of the City of Modesto held on the 28th
21 day of April, 1943, by Councilman Neece, who moved
22 its adoption and passage to print as aforesaid, which motion
23 being duly seconded, was upon roll call carried, and the ordinance
24 ordered published as above by the following vote:

25 Ayes: Councilmen: Bates, Burge, Neece, Stanley, Mayor Shannon

26 Noes: Councilmen: None

27 Absent: Councilmen: None

28 APPROVED:

29 Carl W. Shannon
CARL W. SHANNON, MAYOR

30 ATTEST:

31 Elmer J. Blum
ELMER J. BLUM, CITY CLERK

1 FINAL ADOPTION CLAUSE

2 The foregoing ordinance, having been introduced and
3 ordered printed and published at a regular meeting of the Council
4 of the City of Modesto held on the 28th day of April, 1943, and
5 subsequently printed and published as required by the Charter of the
6 City of Modesto, and coming on for final adoption at the regular
7 meeting of May 12, 1943, it was upon roll call so finally adopted
8 by the following vote:

9 Ayes: Councilmen: Burge, Morris, Neece, Stanley, Mayor Shannon

10 Noes: Councilmen: None

11 Absent: Councilmen: None

12
13 APPROVED: Paul Shannon
14 MAYOR

15
16 ATTEST: Charles J. Blum
17 CITY CLERK

REPEALED
MUNICIPAL CODE

ORDINANCE NO. 699 N. S.

AN ORDINANCE AMENDING SECTION 5 OF ORDINANCE NO. 559 N. S., OF THE CITY OF MODESTO ENTITLED: "AN ORDINANCE CREATING A PENSION BOARD AND ENUMERATING ITS POWERS AND DUTIES; PROVIDING FOR PENSION AND RELIEF BENEFITS FOR DISABLED OR RETIRED MEMBERS OF THE POLICE AND FIRE DEPARTMENTS OF THE CITY OF MODESTO, AND FOR BENEFICIARIES OF DECEASED MEMBERS THEREOF; PROVIDING A PENSION AND RELIEF FUND AND FOR ITS ADMINISTRATION BY THE PENSION BOARD.

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

SECTION 1. Section 5 of Ordinance No. 559 N. S., of the City of Modesto, entitled: "AN ORDINANCE CREATING A PENSION BOARD AND ENUMERATING ITS POWERS AND DUTIES; PROVIDING FOR PENSION AND RELIEF BENEFITS FOR DISABLED OR RETIRED MEMBERS OF THE POLICE AND FIRE DEPARTMENTS OF THE CITY OF MODESTO, AND FOR BENEFICIARIES OF DECEASED MEMBERS THEREOF; PROVIDING A PENSION AND RELIEF FUND AND FOR ITS ADMINISTRATION BY THE PENSION BOARD," is hereby amended to read as follows, to-wit:

"Section 5. Any member of the police or fire department of the City of Modesto who shall have served in either of such departments for twenty years in the aggregate in any capacity or rank whatsoever, upon attaining the age of fifty-five years, upon his request or by order of the Pension Board, shall be retired from further service in such department and such member thereafter during his lifetime shall be paid in equal monthly installments a pension in a sum equal to one-half of his monthly salary based upon his average monthly salary for the last three years of service prior to said retirement. No payments by policemen or firemen shall be required after reaching the retirement age herein set forth.

The normal retirement age for members of the police and fire departments, respectively, of the City of Modesto, shall be the age of fifty-five years. No member of either of said departments shall serve in the department of which he is a member after he attains the age of sixty-two years, with the exception of the

1 Chief of Police and the Chief of the Fire Department."

2 SECTION 2. This ordinance shall take effect and be in
3 full force and operation from and after 15 days after its final
4 passage and adoption.

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

9 The foregoing ordinance was introduced at a special
10 meeting of the Council of the City of Modesto held on the 5th
11 day of May, 1943, by Councilman Stanley,
12 who moved its adoption and passage to print as aforesaid, which
13 motion being duly seconded, was upon roll call carried, and the
14 ordinance ordered published as above by the following vote:

15 Ayes: Councilmen: Burge, Morris, Neece, Stanley, Mayor Shannon

16 Noes: Councilmen: None

17 Absent: Councilmen: None

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22 APPROVED:

Carl W. Shannon
CARL W. SHANNON, MAYOR

23
24 ATTEST:

Elmer J. Blum
ELMER J. BLUM, CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a special meeting of the Council of the City of Modesto held on the 5th day of May, 1943, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of May 12, 1943, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Burge, Neece, Morris, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:

Carl Shannon
MAYOR

ATTEST:

Edward J. Blum
CITY CLERK

AN ORDINANCE OF THE CITY OF MODESTO, STATE OF CALIFORNIA, ADOPTING A LAND USE PLAN, BEING A DISTRICTING PLAN, AS A PART OF THE MASTER PLAN OF SAID CITY; SPECIFYING THE PURPOSES AND THE EFFECTS OF THE ADOPTION OF SAID PLAN WHEREBY VARIOUS DISTRICTS ARE ESTABLISHED IN SAID CITY; SPECIFYING THE USES OF LAND AND OF BUILDINGS PERMITTED IN SAID DISTRICTS; ESTABLISHING CERTAIN HEIGHT LIMITS OF BUILDINGS WITHIN SAID DISTRICTS; REQUIRING CERTAIN YARDS AND OTHER OPEN SPACES WITHIN SAID DISTRICTS; PRESCRIBING REGULATIONS FOR THE ERECTION, CONSTRUCTION, LOCATION, ALTERATION AND MAINTENANCE OF BUILDINGS, STRUCTURES AND OTHER IMPROVEMENTS IN SAID DISTRICTS; SPECIFYING THE PROCEDURE FOR THE ADMINISTRATION OF SAID PLAN; SPECIFYING THE PROCEDURE FOR THE AMENDMENT HEREOF, AND PRESCRIBING THE PENALTY FOR VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE.

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

SECTION 1. DEFINITIONS: For the purpose of this Ordinance certain terms used herein are defined as follows: Words used in the present tense shall include the future tense; words in the plural number shall include the singular number and words in the singular shall include the plural number; unless the natural construction of the wording indicates otherwise. The word "lot" includes the word "plot"; the word "building" includes the word "structure"; and the word "shall" is mandatory and not directory. Unless otherwise specified, all distances shall be measured horizontally. The word "city" shall mean the City of Modesto, State of California; the words "City Council" shall mean the City Council of the City of Modesto, State of California; the words "planning commission" shall mean the City Planning Commission of the City of Modesto, State of California.

All names, designations, titles, subtitles, heads and sub-heads hereinafter set forth in blackface type on left margin of pages hereof, are, respectively, intended to mean and they and each of them shall be construed to mean and be interpreted in accordance with the wording and context immediately following such marginal titles.

ACCESSORY BUILDING: A subordinate building or portion of main building, the use of which is purely incidental to that of the main building on the same lot. On any lot on which is located a dwelling, any building which is incidental to the conducting of any agricultural use shall be deemed to be an accessory building.

AGRICULTURE: The tilling of the soil, the raising of crops, horticulture, viticulture, small livestock farming, dairying and animal husbandry, including all uses customarily incidental thereto, but not including slaughter houses, fertilizer works, bone yards, or plants for the reduction of animal matter.

ALLEY: Any public thoroughfare for the use of pedestrians and/or vehicles which affords only a secondary means of access to abutting property.

APARTMENT: A room or suite of two or more rooms which is designated for, intended for and/or occupied by one family doing its cooking therein.

APARTMENT HOUSE: See Dwelling, Multiple.

AUTOMOBILE COURT: A group of two or more detached or semi-detached buildings containing guest rooms or apartments with automobile storage space serving such rooms or apartments provided in connection therewith, which group is designed, intended or used primarily for the accommodation of automobile travellers; including groups designated as auto cabins, motor lodges, motels, and by similar designations.

AUTOMOBILE WRECKING: See JUNK YARD

BASEMENT: A story partly underground and having at least one-half of its height above grade and a basement shall be termed a cellar when more than one-half its height is below grade. A basement or cellar shall be counted as a story if the vertical distance from grade to the ceiling is over five feet or if used for business purposes or for dwelling purposes.

BLOCK: That property abutting on one side of a street and lying between the two nearest intersecting or intercepting streets, or nearest intersecting or intercepting streets and railroad right-of-way, irrigation or drainage right-of-way or un subdivided acreage.

BOARDING HOUSE: A dwelling, other than a hotel, wherein lodging and/or meals for four (4) or more persons is provided for compensation.

BUILDING: A structure having a roof supported by columns or walls. When any portion thereof is separated from other portions thereof by a masonry division or fire-wall without windows, doors

or other openings therein, then each such portion shall be deemed to be a separate building.

BUILDING, MAIN: A building in which is conducted the principal use of the lot upon which it is situated.

CAMP GROUND: Land used or intended to be used, let or rented for occupancy by campers travelling by automobile or otherwise, or for occupancy by or of camp cars, trailers, tents or movable or temporary dwellings, rooms or sleeping quarters of any kind.

COURT: An open, unoccupied space, on the same lot with a building or buildings and which is bounded on two or more sides by such building or buildings, including the open space in a dwelling group providing access to the units thereof.

DISTRICT: A portion of the city within which certain uses of land and buildings are permitted and certain other uses of land and buildings are prohibited or within which certain yards and other open spaces are required or within which certain lot areas are established or within which certain height limits are required for buildings, or within which a combination of such aforesaid regulations are applied, as set forth in this ordinance.

DWELLING, SINGLE-FAMILY: A detached building designed for or occupied exclusively by one family.

DWELLING, TWO-FAMILY: A detached building designed for or occupied exclusively by two families living independently of each other.

DWELLING, MULTIPLE: A building or portion thereof used or designed as a residence for three or more families living independently of each other, and doing their own cooking in said building, including apartments, apartment hotels, dwelling groups, but not including Automobile Courts.

DWELLING GROUP: A group of two or more detached or semi-detached one-family, two-family or multiple dwellings occupying a parcel of land in one ownership and having any yard or court in common, including bungalow courts and apartment courts, but not including automobile courts.

FAMILY: One or more persons occupying a premises and living as a single non-profit housekeeping unit, as distinguished from a group occupying a boarding house, fraternity or sorority house, lodging house, or hotel, as herein defined. A family shall be deemed to include necessary servants.

GARAGE, PRIVATE: An accessory building or portion of the main building for the storage of not more than three self-propelled vehicles; provided, however, not more than one light commercial vehicle of not more than one and one-half ton capacity may be stored therein for any one family but not exceeding two such vehicles on any one lot. In agricultural areas there may be adequate storage space for vehicles used in agriculture or for farm help where the agricultural ownership contains not less than 1500 square feet area for each vehicle stored.

GARAGE, PUBLIC: Any premises, except those herein defined as a private or storage garage, used for the storage or care of self-propelled vehicles or where such vehicles are equipped for operation or repair, or kept for remuneration, hire or sale.

GARAGE, STORAGE: Any premises, except those described as a private garage, used exclusively for the storage of self-propelled vehicles.

GUEST ROOM: A room which is intended, arranged or designed to be occupied by one or more guests, but in which no provision is made for cooking, and not including dormitories for sleeping purposes.

HEIGHT OF BUILDING: The vertical distance to the level of the highest point of the roof surface if the roof is flat or inclines not more than one inch verticle in one foot horizontal, or to the mean level between the eaves and the highest point of the roof, if the roof is of any other type, measured as follows:

(a) If the building adjoins the front property line or is not more than 5 feet distant therefrom; measured at the center of the front wall of the building from the established grade of the street; or, if no grade has been officially established, from the elevation of the existing curb; or, if no grade has been officially established and no curb exists, measured from the average level of the finished ground surface across the front of the building.

~~(b) If the building is more than 5 feet distant from the~~
front property line; measured from the average level of the finished ground surface adjacent to the exterior walls of the building.

HOME OCCUPATION: Any use customarily entirely within a dwelling and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes and does not change the character thereof.

HOSPITALS: Unless otherwise specified, the terms "hospital," "sanitarium," "sanatorium," "preventorium," "clinic," "rest home," and any other term referring to any place for the treatment or other care of ailments shall be deemed to be limited to places for the treatment or other care of human ailments.

HOTEL: Any building or portion thereof containing six or more guest rooms which is used, designed or intended to be used, let or hired out to be occupied, or which are occupied by six or more individuals for compensation, whether the compensation be paid directly or indirectly.

JUNK YARD: The use of more than two hundred square feet of the area of any lot, or the use of any portion of that half of any lot (but not exceeding the depth or width, as the case may be, of one hundred feet) which half adjoins any street, for the storage, keeping or abandonment of junk, including scrap metals or other scrap, cast-off or salvage material, or for the dismantling, demolition or abandonment of automobiles or other vehicles or machinery or parts thereof; provided, however, that this definition shall not be deemed to include any use which is clearly accessory and purely incidental to a use permitted by this ordinance.

LODGING HOUSE: See "boarding house".

LOT: Land occupied or to be occupied by a building and its accessory buildings, or by a dwelling group and its accessory buildings, together with such open spaces as are required under the provisions of this ordinance, having not less than the minimum area required by this ordinance for a lot in the district in which such lot is situated, and having its principle frontage upon a street.

LOT CORNER: A lot abutting not more than 60 feet on one street and not more than 150 feet on an intersecting or intercepting street.

of a LOT, KEY: The first lot to the rear of a corner lot, the front line of such key lot fronting upon the side street for such corner lot, land may be designed, arranged, intended or maintained or for LOT AREA: The total horizontal area included within lot lines.

LOT, LINE, FRONT: The line separating a lot from the street, in the case of an interior lot, and the line separating the narrowest street frontage from the street in the case of a corner lot.

to be NON-CONFORMING USE: Use of a building or of land that does not conform to the regulations for the district in which it is situated. The term "USE" shall mean "arranged or designed for use, or

OCCUPIED: The term "OCCUPIED" shall mean "arranged or designed for occupation, or occupied or intended to be occupied".

ROOMING HOUSE: A dwelling, building or structure occupied by four or more persons who have agreed to pay a specific rent for a specific space as distinguished from guests subject to inn-keeper's liability.

inner side yard lines and measured between the front

STABLE, PRIVATE: A stable with capacity for not more than two horses, provided, however, that the capacity of the private stable may be increased, if the premises whereon such stable is located contains an area of not less than 2500 square feet for each horse, measured between the rear line of the lot and the

STABLE, PUBLIC: A stable other than a private stable in which horses are kept for remuneration, hire or sale.

STORY: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above it, or if there be no floor above it then the space between such floor and the ceiling next above it.

STORY, HALF: A story under a gable, hip or gambrel roof, the wall plates of which on at least two opposite exterior walls are not more than two feet above the floor of such story.

STREET: A public or private thoroughfare which affords principal means of access to abutting property.

STRUCTURE: Anything constructed or erected, the use of which requires location on the ground or attached to something having a location on the ground.

STRUCTURAL ALTERATIONS: Any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

USE: The purpose for which a building or structure, land or anything on land may be designed, arranged, intended or maintained or for which it is or may be used, maintained or occupied.

USE, ACCESSORY: A use incidental and accessory to the principal use of a lot or of a building located upon the same lot as the accessory use. Any agricultural use in any Residence District shall be deemed to be an accessory use to the use for residence purposes of the lot upon which such agricultural use is conducted.

USED: The term "USED" shall mean "arranged or designed for use, or used or intended to be used".

YARD: An open space other than a court on the same lot with a building unoccupied and unobstructed from the ground upward except as otherwise provided herein.

YARD, FRONT: A yard extending across the front of a lot between the inner side yard lines and measured between the front lot line and the nearest exterior wall of the building, the front of a bay window, or the front of an enclosed entrance or similar projection, whichever is nearest to the front lot line.

YARD, REAR: A yard extending across the full width of the lot and measured between the rear line of the lot and the nearest line of the building.

YARD, SIDE: A yard between the nearest line of the building and the side line of the lot and extending from the street line of the lot to the rear yard.

SECTION 2. ESTABLISHMENT OF DISTRICTS AND NAMES OF DISTRICTS

GENERAL REGULATIONS: In order to classify, regulate, restrict and segregate the use of land and buildings, to regulate and restrict the location, height and bulk of buildings hereafter erected or altered, and to regulate and determine the area of yards and other open spaces, the City of Modesto is hereby divided into districts, which districts are hereby established and designated as:

Single-Family Residence District or R-1 District

Two-Family Residence District or R-2 District

Multiple Family Residence District or R-3 District

Neighborhood Business District or C-1 District

Central Business District or C-2 District

Industrial District or M-1 District

Flood Plain District or "F" District

DISTRICT MAP: The districts referred to in this ordinance are respectively bounded and described for the purposes of this ordinance as they are shown upon the map attached, sometimes referred to in this ordinance as the "Land Use District Map". Said map and all notations, references and other information shown thereon shall be as much a part of this ordinance as if the matters and information set forth by said map were all fully described herein.

DISTRICT BOUNDARIES: Where uncertainty exists as to the boundaries of any of the districts as shown on said land use district map the following rules shall apply:

(a) Where such boundaries are indicated as approximately following subdivision lot lines or street and alley lines, such subdivision lot lines or street and alley lines shall be construed to be such boundaries.

(b) In unsubdivided territory and where a district boundary divides a subdivided lot, the locations of such boundaries, unless the same are indicated by dimensions shown upon the Land Use District Map, shall be determined by the use of the scale appearing on such district map.

(c) In case further uncertainty exists, the Planning Commission, upon written application or upon its own motion, shall determine the location of such boundaries.

(d) Where a public street, alley or public property not included within a use district is legally vacated or abandoned, the regulations applicable to abutting property shall apply to such vacated or abandoned street, alley or public property.

DISTRICT REGULATIONS GENERALLY:

Except as herein otherwise provided,

(a) No building shall be erected, placed, altered, added to or enlarged nor shall any land, building or premises be used, de-

signed or intended to be used for any purpose or in any manner other than is included among the uses hereinafter listed as permitted in the district in which such building, land or premises is located.

(b) No building shall be erected, placed, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the district in which such building is located.

(c) No building shall be erected or placed, nor shall any existing building be altered, enlarged or rebuilt, nor shall any open spaces surrounding any buildings be encroached upon or reduced in any manner, except in conformity to the yards and other regulations hereinafter designated for the district in which such buildings or open spaces is located.

(d) No yard or other open space provided about any building for the purpose of complying with the provisions of this ordinance shall be considered as providing a yard or open space for any other building or structure, and no yard or open space on one lot shall be considered as providing a yard or open space for a building on any other lot.

(e) Every building hereafter erected shall be located on a lot, and in no case shall there be more than one main building on one lot, except as herein otherwise provided.

Amended by Ord. 8-113

SECTION 3, R-1, SINGLE FAMILY RESIDENCE DISTRICT REGULATIONS
(For convenience called Single Family District)
In single family residence districts, the following regulations

shall apply:
1. Detached single family dwellings of a permanent character placed in a permanent location.

2. Golf courses, country clubs, tennis courts, and similar recreational uses, all of a non-commercial nature.

3. Museums, parks, playgrounds or community centers owned and operated by the City of Modesto.

4. Crop and tree farming; truck gardening.

5. Home occupations, after securing a use permit from the Planning Commission, provided that there shall be no external evidence of any home occupation except a name plate not exceeding

one square foot in area placed within or flat against the building, and, provided further, there shall be no flickering or red illumination of such name plate and such name plate shall be so shielded that it illuminates only such name plate.

6. Accessory buildings or uses on the same lot or grounds with any of the permitted uses, including one (1) private garage when located not less than fifty (50) feet from the front lot line or as provided in Section 14, paragraphs 6-C and 6-D, in cases where the lot abuts two or more streets, or a private garage constructed as part of the main building. It shall be unlawful to install, place or maintain plumbing for kitchen or other cooking purposes, in any accessory building, or maintain or cause to be maintained any use therein which, in the opinion of the Planning Commission, is objectionable because of the emission of odor, dust, noise, smoke or vibration, or an unwarranted increase of insurance rates to adjoining neighbors. It shall be, also, unlawful to use any lot in the Single Family District solely for the erection and maintenance thereon of garages, accessory buildings, or other subordinate structures. One bulletin board or sign of not more than ten (10) square feet in area appertaining to the lease, hire or sale of a building or premises shall be permitted on each lot.

The following uses, subject to the securing of a use permit for each such use; libraries and schools when provided with adequate parking space for vehicles, sideyards of at least ten (10) feet each and front yards of not less than that provided herein but in no event less than fifteen (15) feet.

LOT AREA REQUIRED: Each single family dwelling with its accessory buildings hereafter erected shall be located upon a lot having an area of not less than five thousand (5000) square feet and an average width of not less than 50 feet; provided, however, that any parcel of land recorded as a subdivision lot prior to the date of the adoption of this ordinance with an area of less than five thousand (5000) square feet or with an average width of less than 50 feet which was under one ownership at the time of the

land, or which parcel is shown as a lot on any subdivision map which is hereafter recorded in the office of the County Recorder after having been approved by the City Planning Commission, may be used as a building site for single family dwelling by the owner of such parcel of land or by his successor in interest, providing all other regulations as prescribed in this ordinance shall be complied with. There shall not be more than one dwelling on any one lot. (See Section 1)

FRONT YARD REQUIRED: There shall be a front yard of not less than twenty (20) feet to the front line of the main portion of the building and not less than twelve (12) feet to the front line of an open uncovered porch or paved terrace, provided, however, that;

Where lots comprising twenty-five (25) percent or more of the frontage in any block and located in the same district, exclusive of the frontage along the side of a corner lot, has been improved with buildings at the time of the passage of this ordinance, which buildings are of the character permitted in the single-family district and the front yards on such lots vary in depth to an extent not greater than six feet, then the required front yard depth for such block shall be of a depth not less than the average depth of the front yards on the lots on which are located such existing buildings, to a maximum of forty (40) feet.

SIDE YARD REQUIRED: There shall be two side yards upon each lot, either one of which may have a width of not less than four feet, and the aggregate width of both side yards on any lot shall be not less than ten feet; provided, however, that on a corner lot adjacent to a key lot the side yard on the street side of such corner lot shall have a width equal to not less than fifty (50) per cent of the front yard depth required for the lots to the rear of such corner lot, to a maximum width of ten feet, provided further, that this regulation shall not be so applied as to reduce the buildable width, after providing both required side yards, of any such corner lot to less than 28 feet, nor to prohibit the erection of any accessory building where this regulation cannot be reasonably complied with.

If a dwelling is so located on a lot that the same fronts or

rears on the side lot line of any adjoining lot, such dwelling shall be not less than a distance equal to twice the required side yard from such lot line.

REAR YARD REQUIRED: Upon each lot there shall be a rear yard equal to not less than twenty (20) per cent of the depth of the parcel of land constituting the lot, to a maximum depth of twenty-five (25) feet; provided, however, that no rear yard shall have a depth less than the height of the main building on the lot. The minimum depth of rear yards shall be ten (10) feet.

PERCENTAGE OF LOT COVERAGE: On interior or key lots, all buildings, including accessory buildings, shall not cover more than thirty (30) per cent of the area of such lot.

On corner lots, all buildings, including accessory buildings, shall not cover more than forty (40) per cent of the area of such lot.

BUILDING HEIGHT: Two and one-half stories but not exceeding thirty-five (35) feet; provided, that the height limit for single family dwellings may be increased not to exceed ten feet and to a total height of not to exceed three stories when two side yards, each of a width of not less than one-third the height of the main building are provided.

SECTION 4. R-2, TWO FAMILY RESIDENCE DISTRICT REGULATIONS
(For convenience called Two Family District.)

In Two Family Districts the following regulations shall apply;

Uses Permitted:

1. All uses permitted in Single Family Districts, subject to all the provisions specified therefore in Single Family Districts.

2. Churches, after securing a use permit from the Planning Commission.

3. Two Family Dwellings.

LOT AREA REQUIRED: 1. For single family dwelling: same as required for Single Family Districts; except that,

(a) All uses permitted on lots having a single family dwelling upon the rear of the lot at the time of the passage of this ordinance, a single family dwelling may be erected upon the front of the lot provided such

2. Multiple dwelling, including groups (not including automobile courts).

dwelling is located in such manner as to provide the required front and side yards and a distance between the rear of the dwelling upon the front of the lot to the dwelling upon the rear equal to at least twice that required for the rear yard of a dwelling in the Single Family Districts and rooming houses.

On corner lots facing on two or more streets and having a lot area of not less than 7000 square feet, there may be erected thereon two single family dwellings, one of which shall face on the side street and both of which must be so located that the lot area occupied, including the yards as required in the R-1 District, shall be not less than 3000 square feet and less than fifty feet from the front two family dwellings; each two family dwelling, together with its accessory buildings, hereafter erected shall be located on a lot having an area of not less than six thousand (6000) square feet and an average width of not less than 50 feet; provided, however, that this requirement shall be subject to the same exceptions as those specified for the lot areas and widths required for one family dwellings in Single Family Districts.

FRONT, SIDE, AND REAR YARDS REQUIRED: Same as specified for Single Family Districts. for business purposes shall not exceed twenty PERCENTAGE OF LOT COVERAGE: On interior or key lots, all buildings, including accessory buildings, shall not cover more than forty (40) per cent of the area of such lot. On corner lots, all buildings, including accessory buildings, shall not cover more than 50 per cent of the area of such lot. BUILDING HEIGHT: Same as specified for Single Family Districts.

SECTION 5, R-3, MULTIPLE FAMILY RESIDENCE DISTRICT REGULATIONS
(For convenience called Multiple Family Districts)
except mental and veter

In Multiple Family Residence Districts the following regulations shall apply: attorney, architect, doctor or practitioner of the Uses Permitted: engineer or surveyor licensed or qualified by the State. All uses permitted in Two Family Dwelling Districts, without necessity of securing use permits for churches, libraries, schools, of odor, dust, electrical disturbances, noise, smoke, or vibration. 2. Multiple dwelling, dwelling groups (not including automobile courts).

3. Hotels, when located on lots which are entirely within a distance of 250 feet from C-2--Central Business District or M-1 Industrial Districts.

4. Lodges, fraternity and sorority houses.

5. Boarding, lodging and rooming houses.

6. Museums, parks, playgrounds, or community centers not operated for profit.

7. Accessory buildings and accessory uses--customarily incident to any of the uses permitted in this district when located on the same lot and not involving the conduct of a business, including storage garages when located not less than fifty feet from the front lot line nor less than five feet from any other street or alley line or when constructed as part of the main building.

In an apartment house designed, constructed or used for twenty-five or more families and in a hotel designed, constructed or used for fifty or more guest rooms, there may be a business incidental thereto for the convenience of the occupants and guests thereof; provided that there shall be no entrance to such business except from the inside of the building in which the same is located, and that the floor area used for business purposes shall not exceed twenty-five per cent of the ground floor area of such building and provided further, that no street frontage of any such building shall be used for any such business and that no sign shall be exhibited on the outside of any such building in connection with such business.

8. The following uses subject to the securing of a use permit for each such use:

(a) Clubhouses, hospitals, rest homes, sanitariums, clinics, except mental and veterinary.

(b) Philanthropic and charitable institutions.

(c) Offices of an attorney, architect, doctor or practitioner of the healing arts, engineer or surveyor licensed to practice by the State Board having jurisdiction over the respective profession, excluding those which might be objectionable by reason of the emission of odor, dust, electrical disturbance, noise, smoke, or vibration, provided, however, that not more than two such offices

may be placed in one building and provided further, no sign shall be exhibited in connection with such business of more than two square feet in area and such sign shall be within or placed flat against such building.

(d) No multiple dwelling or dwelling groups containing twenty or more family dwelling units which have room sizes, ratios of number of rooms to number of occupants or other housing standards which are materially different from those prevailing in the neighborhood where it is proposed to locate such dwelling or dwelling groups shall be established in such neighborhood except upon the securing of a use permit therefor.

LOT AREA REQUIRED: The regulations of the Two Family District shall apply to all single family dwellings and two-family dwellings erected in Multiple Family Districts. For Multiple dwellings no lot in any multiple family district shall have a total area equal to less than 1000 square feet for each family dwelling unit provided on such lot.

FRONT YARD REQUIRED: Each lot shall have a front yard not less than fifteen (15) feet in depth, except that each lot in any block in which a majority of the lots each have a depth of one hundred (100) feet or less shall have a front yard not less than twelve (12) feet in depth; provided that, where lots comprising twenty-five (25) per cent or more of the frontage between two intersecting streets are occupied with buildings having an average front yard with variation of not more than six (6) feet, which buildings are of the character permitted in the multiple family district, no building hereafter erected or structurally altered shall project beyond the average front yard so established. Where vacant property exists between two buildings of the character permitted in the multiple family district which have front yards of less than twelve (12) feet and the sides of such buildings are separated across the vacant property by a distance of seventy-five (75) feet or less, the front yard of the vacant property between such buildings shall be not less than the average of the front yards on either side thereof.

SIDE YARDS REQUIRED: Each lot shall have side yards each having a width of not less than three (3) feet; provided, however, that buildings exceeding two (2) stories or twenty feet, in height shall have two (2) side yards, each of which shall have a width equal to not less than three (3) feet and in addition thereto one (1) foot additional side yard width for each five (5) feet, or part thereof in height, that said building exceeds two stories or twenty (20) feet in height.

REAR YARD REQUIRED: Same as required for single family districts, except as otherwise provided when occupancy is by a dwelling group.

PERCENTAGE OF LOT COVERAGE: All buildings including accessory buildings, on any lot shall not cover more than fifty (50) per cent of the area of such lot.

BUILDING HEIGHT LIMIT: Three stories but not to exceed forty-five (45) feet.

DWELLING GROUPS-----DISTANCES BETWEEN DWELLINGS: For dwelling groups, the side of one building shall not be closer to the side of any other building (arranged "side by side") than ten (10) feet; the rear of one building shall not be closer to the front of any other building ("rear to front") than fifty (50) feet; the rear or front of one building shall not be closer to the side of any other building ("rear or front to side") than twenty (20) feet; provided that the distance between any two buildings as herein prescribed shall be increased by two (2) feet for each story in height that the higher building exceeds over one (1) story.

DWELLING GROUPS-----WIDTH OF SIDE YARD REARED UPON:

In case the buildings of the group are so located on the lot that the rears thereof abut upon one side yard and the fronts thereof abut upon the other side yard (i.e., in a single row "side to side" series), the required width of the side yard to the rears thereof shall be increased two (2) feet for each family unit served by such yard, and the required width of the side yard to the fronts thereof shall be at least equal to the height of the highest building in the series abutting on such side yard, with a minimum of twenty (20) feet.

DWELLING GROUPS --- WIDTH OF COURTS: In case the buildings of the group are so located on the lot that the rears thereof abut upon either side yard and the fronts thereof face a court (i.e., in a double row "side to side" series,) the required width of each side yard shall be increased two (2) feet for each family unit served by such yard, and the width of the court shall be at least equal to the height of the highest building abutting on such court, with a minimum width of twenty (20) feet for such court.

DWELLING GROUPS --- REAR YARDS: Each lot upon which a dwelling group is constructed shall have a rear yard of a depth of not less than ten (10) feet; provided, however, that there may be deducted from such width a portion of the width of any public street, alley or park upon which such rear yard abuts to an extent not exceeding one-half ($\frac{1}{2}$) the width thereof, with a maximum deductible width of ten (10) feet. In no case shall any building be less than five (5) feet from any such public property.

AUTOMOBILE STORAGE SPACE: On any lot on which Multiple Dwellings or dwelling groups are hereafter established there shall be provided vehicle storage or standing space in addition to that portion of the driveway lying between the street side of the dwelling and the street line, either inside or outside a building, equal to not less than one hundred square feet for each family unit of the multiple dwelling, such space to be provided with vehicular access to a street or alley.

SECTION 6: C-1, NEIGHBORHOOD BUSINESS DISTRICT REGULATIONS:
(For convenience called C-1 District)

In Neighborhood Business Districts the following regulations shall apply:

USES PERMITTED: In Neighborhood Business Districts all buildings and land except as otherwise provided in this ordinance may be used for any use permitted in the Multiple Family Districts, (provided, however, that in any Neighborhood Business District which is entirely surrounded by "R" Residence Districts or by Residence Districts and the city limits, a use permit shall be required for the establishment of any use for which a use permit is required in the surrounding Residence District or for any use for which a use

than the surrounding Residence District,) or for any use except the following:

1. Animal Hospitals.

2. Auto Repair Shops.

3. Automotive Service Station wherein repairing, washing, tire rebuilding or battery manufacture is included, except such stations or portions thereof which might be objectionable by reason of the emission of odor, dust, noise, smoke, vibration or electrical disturbances. Automotive Service Stations as permitted, shall be designed and arranged in such manner that vehicles being serviced will stand entirely on private property and all inlets to storage tanks shall be so located that the equipment discharging gasoline or other liquids, fluid or gas thereto shall stand entirely on private property.

4. Bakeries, except those whose products are to be sold upon the premises at retail only, without delivery service.

5. Blacksmith or horseshoeing shop.

6. Bottling Works.

7. Building material storage yard.

8. Carting, express, hauling or storage yard.

9. Coals, cokes, and wood yard except where such material is stored in sacks for retail trade in quantities not to exceed twenty five (25) sacks at any one time.

10. Dairy, or milk distribution station other than a retail business conducted on premises.

11. Dyeing and cleaning works using hazardous or inflammable or explosive materials.

12. Funeral Parlor, if within 200 feet of the frontage of property zoned for residential uses, (where permitted and when established funeral parlors shall be provided with adequate space on private property for parking of hearses, attendants vehicles, etc.)

13. Public Garages, except upon securing a use permit as provided in Section 8.

14. Ice Plants or ice storage houses of more than five tons capacity.

15. Public Stables or Riding Academics.

16. Poultry dressing stations.

17. Printing establishments.

18. Restaurants in which dancing is provided for or permitted.

19. Stone monumental works.

20. Storage warehouse.

21. Wholesale business.

Any kind of manufacture or treatment other than manufacture or treatment of products clearly incidental to the conduct of retail business conducted on the premises.

All uses excluded from the C-2---Central Business District.

LOT AREA AND VEHICULAR STORAGE OR STANDING SPACE REGULATIONS:

1. All regulations as to required lot area and percentage of lot coverage which are presented for Multiple Family Districts shall apply to all dwellings hereafter erected in C-1 Districts; provided, however, that in any C-1 District which is entirely surrounded by "R" Districts, or by "R" Districts and the city boundary, all regulations as to required lot area and percentage of lot coverage which are prescribed for such surrounding "R" Districts (or for the least restricted of them if they differ) shall apply to all dwellings hereafter erected.

2. On any lot in any C-1 District on which any family dwelling accommodations are hereafter established there shall be provided vehicle storage or standing space as required for Multiple Family Districts.

3. On every lot in any C-1 District on which is conducted any use permitted in a C-1 District but not in a more restricted district or on which is conducted any hotel or institutional use there shall be provided space, either outside or inside a building, for the unloading of goods and materials which space shall be not less than fifteen feet in width, nor less than twenty-five feet in length, nor less than fourteen feet in height, and which space shall be provided with access to an alley or street.

FRONT, SIDE AND REAR YARD REGULATIONS:

1. Every building or portion thereof which is designed or

intended to be used for any purpose permitted in Multiple Family Districts or for any automobile courts shall comply with the provisions of this ordinance as to rear yards and side yards required in Multiple Family Districts; provided, that when the ground floor of any such building is used for any commercial purpose, no side yard shall be required adjacent to a street line, except as herein provided in this section.

2. Except as hereinafter provided, where all the frontage on one side of the street between two intersecting streets is located in a C-1 district no front yard shall be required, and where the frontage on one side of the street between two intersecting streets is located in a C-1 district and a "R" district the front yard requirement of the "R" district shall apply to the C-1 district, provided, however no side yard shall be required on the street side of any corner lot.

3. In a C-1 district which is entirely surrounded by "R" districts or by "R" districts and the City boundary there shall be provided on each lot in that portion of such district which is located in any one block, a yard adjacent to each street bounding such block, which yard shall have a width or depth equal to that required for yards adjacent to the same side of the same street.

In Central Business Districts the following regulations shall apply:

1. In a C-1 district which is adjacent to a key lot the side yard adjacent to the street shall be of a width equal to not less than one-half the depth required for front yards on the lots to the rear of such corner lot. If any portion of such C-1 district occupies the entire length or width of any block, there shall be provided adjacent to each street bounding such block a yard of a depth or width equal to that required for yards adjacent to the same side of the same street in the next adjacent block of such surrounding "R" districts; provided that if the width or depth of yard required in the next adjacent block on one side of the block other liquid, fluid or gas thereat will stand entirely on private property. Automobile and automotive assembly; automobile washing; building material yards; carpet cleaning; chemical laboratories; clothing manufacture; contractor's plant or storage yard; coal and sideration.

4. There shall be a side yard along the side of every lot in a C-1 district, which side is bordering on property in any "R" district, which side yard shall be of a width not less than the minimum width of a side yard as required in said adjacent "R" district, but said side yard need not exceed ten (10) feet. There shall be a rear yard on the rear of every lot in a C-1 district which rear is bordering on property in any "R" district, which yard shall be of a depth equal to not less than twice the minimum width of a side yard as required in said adjacent "R" district, but said rear yard need not exceed twenty feet in depth.

5. No building shall hereafter be erected, nor shall any use of land be conducted except the use of land for agricultural or landscape ornamental purposes or for private driveways so that the same will be closer to the street right-of-way line than any future right-of-way line or future width line or building line which is established for such street by the provisions of any applicable ordinance.

BUILDING HEIGHT LIMIT: Three stories but not to exceed forty-five (45) feet.

SECTION 7. C-2, CENTRAL BUSINESS DISTRICT REGULATIONS
(For convenience called C-2 District).

In Central Business Districts the following regulations shall apply:

USES PERMITTED: In Central Business Districts all buildings and land except as otherwise provided in this ordinance may be used for any use permitted in the C-1 Neighborhood Business District without regard to the securing of a use permit for any such use.

1. All uses not otherwise prohibited by law are permitted except the following: Automotive service stations, except those designed and arranged in such manner that vehicles being serviced will stand entirely on private property and all inlets to storage tanks are so located that the equipment discharging gasoline or other liquids, fluid or gas thereto will stand entirely on private property. Automobile and automotive assembly; automobile wrecking; building material yards; carpet cleaning; chemical laboratory; clothing manufacture; contractor's plant or storage yard; coal and

wood yard; cooperage works; cosmetics manufacture; dairy; dyeing and cleaning works, other than as permitted in C-1 districts; draying terminal; electric welding; electroplating; feed and fuel yard, except when conducted completely within an enclosed building; feed manufacture; fender and body repair shops; fruit canning or packing; funeral parlors, other than as permitted in C-1 districts; furniture manufacture; ice plant or ice storage of more than fifteen tons street capacity; junk yard, except when conducted in a completely enclosed building; laundry, except hand laundries; lumber yard; macaroni factory; machine shop; material or supply storage yard; milk distribution or bottling station; manufacturing, except for retail sales on the same premises only; olive oil plant; paint mixing; poultry or rabbit or similar livestock raising or slaughter or live storage; salvage yard; shooting gallery; steam cleaning of tractors, trucks and farm implements; stone cutting or polishing except as an accessory to a jeweler's shop; storage of material or supplies, except when purely incidental to retail sales on the same premises; truck carting, express, hauling, equipment or materials, storage yard; warehouse; any kind of manufacture or treatment other than manufacture or treatment of products clearly incidental to the conduct of retail business conducted on the premises; and all uses excluded from Industrial District by terms of this ordinance; and in general those uses which in the opinion of the Planning Commission may be objectionable, obnoxious or offensive by reason of the emission of odor, dust, fumes, noise, smoke, gas, or vibration, or would impose hazard to health or property in the neighborhood.

LOT AREA AND VEHICULAR STORAGE OR STANDING SPACE REGULATIONS:

1. Same as required for C-1 Districts.

FRONT, SIDE AND REAR YARD REGULATIONS:

1. Same as required for C-1 Districts.
2. No main building or accessory building shall be erected or constructed nearer to the center line of any alley than ten (10) feet.

BUILDING HEIGHT LIMIT: In the C-2 District the height of buildings shall be as follows, provided, however that a building

erected or structurally altered for dwelling purposes shall comply with the height regulations of the Multiple Family District. For uses other than dwelling purposes no building erected or structurally altered shall be higher at the vertical plane of the street property line than the horizontal width of the narrowest street upon which building abuts with a maximum of seventy (70) feet at such street line. Above the height permitted at the vertical plane of the street property line two feet may be added to the height of the building for each one foot that the building or portion thereof is set back from such street line. (See Section 14).

SECTION 8: M-1, INDUSTRIAL DISTRICT REGULATIONS
(For convenience called Industrial District)

1. Automobile wrecking yard.
2. Boiler works.
3. Bottle collection and sorting.
4. Cementeries and creameries.
5. Cleaning and drying establishments and manufacturers.
6. Acetylene gas manufacture or storage; acid manufacture;
7. Fiber, paper and pulp manufacture.
8. Alcohol manufacture; ammonia, bleaching powder or chlorine manufacture;
9. Foundry.
10. Asphalt manufacture or refining; blast furnace; boiler making or repairing; candle manufacture; celluloid manufacture or treatment;
11. Gasoline refining.
12. Cement manufacture; chemical factory; coke ovens; creosote manufacture or treatment; disinfectants manufacture; distillation of bones, coal or wood; dye stuff manufacture; exterminator and insect poison manufacture; emery cloth and sandpaper manufacture; fat rendering;
13. Bag making or storage.
14. Fertilizer manufacture; fireworks or explosive manufacture or storage;
15. Rubber or gutta-percha manufacture.
16. Fish smoking and curing, or canning; forge plant; foundry; garbage offal or dead animals, reduction or dumping; gas manufacture; glue size or gelatine manufacture; gunpowder, manufacture or storage;
17. Saw mill.
18. Iron works other than ornamental; junk yards; lamp black manufacture; oil refining; oil and gas drilling; oilcloth or linoleum manufacture;
19. Tanning products manufacture.
20. Packing plant, meat; paint, oil, shellac, turpentine or varnish manufacture;
21. Fire manufacture.
22. Paper and pulp manufacture; petroleum refining; potash works; pyroxilin manufacture; rolling mill; rubber or guttapercha manufacture or treatment; sauerkraut manufacture; saw mill; shoe polish manufacture; smelting of tin, copper, zinc or iron ores; processing, reduction, or construction of any article, substance, or soap ingredient manufacture; soda and compound manufacture; stock commodity.

yard or slaughter of animals, storage or baling of rags, paper, iron or junk, stove polish manufacture; tallow, grease or lard manufacture or refining from animal fat; tanning, curing or storage of raw hides or skins; tar distillation or manufacture; tobacco (chewing) manufacture or treatment; vinegar manufacture; wool pulling or scouring; and in general those uses which in the opinion of the

Planning Commission may be obnoxious or offensive by reason of emission or odor, dust, fumes, smoke, gas, noise, vibration, or would impose hazard to health or property in the neighborhood;

provided, however, the following uses may be permitted subject to the securing of a use permit for each such case.

1. Automobile wrecking yard.
2. Boiler works.
3. Bottle collection and sorting.
4. Cemeteries and crematories.
5. Cleaning and dyeing establishments and manufacture.
6. Fiber, paper and pulp manufacture.
7. Foundry.
8. Junk Yard.
9. Gasoline refining.

10. Linoleum and oil cloth manufacture.
11. Oil refining.

land areas within the City of Westminster lying below the following elevations:

12. Planing Mills.
13. Rag baling or storage.
14. Rubber or gutta-percha manufacture.
15. Rectifying plant.
16. Refuse dump.
17. Saw mill.
18. Soap manufacture.
19. Tar products manufacture.
20. Tire manufacture.
21. Vinegar manufacture.

SECTION 10: NON-CONFORMING USES:

22. Wineries.
23. Other uses characterized by the manufacture, fabrication, processing, reduction, or destruction of any article, substance, or commodity.

LOT AREA AND VEHICULAR STORAGE OR STANDING SPACE REGULATIONS:

Same as required for C-2 districts.

FRONT, SIDE AND REAR YARD REGULATIONS:

None required, except that when M-1 Districts are entirely surrounded by "R" districts or "R" districts and the city boundary, provisions of the C-2 district relating to such conditions shall apply.

BUILDING HEIGHT LIMIT:

Same as C-2 Districts to another non-conforming use of the same.

SECTION 9: FLOOD PLAIN DISTRICT REGULATIONS:

(For convenience called Flood Plain District).

RESUMPTION OF USE:

If a building or any portion thereof is vacant at the time of adoption of this ordinance such building may otherwise provided by this ordinance, may be used for any use permitted in any other district, depending upon the location of such land or buildings as shown upon the Use District Map, provided however, the following regulations shall apply to all buildings is removed, every future use of such premises shall be in con-

REMOVAL OF NON-CONFORMING USE:

constructed within the Flood Plain District: conformity with the provisions of this ordinance.

1. Foundation walls, footings and type of construction shall

be such as will prevent damage to the structure during flood conditions.

2. The floor levels of the main floor of dwellings shall,

shall also apply to non-conforming uses in districts hereafter be equal to the elevation which determines the respective area of the District.

RESTORATION OF BUILDINGS:

Nothing in this ordinance shall be deemed to prevent the restoration of a non-conforming building land areas within the City of Modesto lying below the following elevations: destroyed to the extent of not more than seventy-five (75) per-

cent of its reasonable value, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction; provided, however, that where a building is

1. In all that area northerly from La Loma, 74 feet.

2. In all that area southerly from La Loma and northerly from Grand Street, 73 feet.

3. In all that area southerly from Grand Street and easterly from the California State Highway Route 4, 72 feet.

4. In all that area westerly from the California State Highway

Route 4, 71 feet.

SECTION 10: NON-CONFORMING USES:

required or permitted by the provisions of this ordinance. NON-CONFORMING LAND USES: The lawful use of land existing at the time of the adoption of this ordinance, although such use does in any district when found to be necessary for the public health, safety, convenience or welfare, may be continued, but if such

non-conforming use is discontinued, any future use of said land shall be in conformity with the provisions of this ordinance.

NON-CONFORMING BUILDING USES: The lawful use of a building existing at the time of the adoption of this ordinance may be continued, although such use does not conform to the provisions hereof, and such use may be extended throughout the building provided no structural alterations are made. A non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification.

RESUMPTION OF USE: If a building or any portion thereof is vacant at the time of adoption of this ordinance such building may be used for the purpose for which it was last lawfully used or for any purpose of the same or more restricted classification.

REMOVAL OF NON-CONFORMING USE: If a non-conforming building is removed, every future use of such premises shall be in conformity with the provisions of this Ordinance.

NON-CONFORMING USES IN CHANGED DISTRICTS: The foregoing provisions of this ordinance pertaining to non-conforming uses shall also apply to non-conforming uses in districts hereafter changed.

RESTORATION OF BUILDINGS: Nothing in this ordinance shall be deemed to prevent the restoration of a non-conforming building destroyed to the extent of not more than seventy-five (75) per cent of its reasonable value, nor the continued occupancy or use of such building or part thereof which existed at the time of such partial destruction; provided, however, that where a building is destroyed to such an extent that the total demolition is required by the provision of the Building Laws, any future building or use shall conform to the provisions of this ordinance.

SECTION 11; USE PERMITS: Use permits may be issued for any of the following:

1. Any of the uses or purposes for which such permits are required or permitted by the provisions of this ordinance.
2. Public utility or public service uses or public buildings in any district when found to be necessary for the public health, safety, convenience or welfare.

3. Prohibited Industrial Uses in the Industrial District.

4. To classify as a conforming use any use permitted in C-2 districts, but not in more restricted districts, which use is existing at the time of the adoption of this ordinance as a non-conforming use in a C-1 district.

5. To permit the extension of a district where the boundary line thereof divides a lot in one ownership at the time of the adoption of this ordinance.

Such use permits shall be issued under the same procedure as that specified in Section 12 of this ordinance for the granting of adjustments or variances, except that:

(a) No public hearing need be held thereon; provided that the Planning Commission may hold such hearings thereon as it may deem necessary.

(b) The findings of the Planning Commission, except as otherwise specified in this section, need include only that the establishment of the proposed use will not be detrimental to the health, safety, morals, comfort, convenience, or welfare of persons residing or working in the neighborhood of such proposed use and will not be detrimental to the public welfare or injurious to property or improvements in said neighborhood.

All other provisions of Section 12 including the designation by the Planning Commission of any conditions upon which the permit may be issued and guarantees that such conditions will be complied with, shall apply to the granting of a use permit.

SECTION 12; ADJUSTMENTS AND VARIANCES

The Planning Commission shall have power to vary or modify the strict application of any of the regulations or provisions of this ordinance in cases where there are practical difficulties or unnecessary hardships in the way of such strict application, and in no other case.

Written application for a variance shall accompany an application for a building permit or, if no building permit is required in connection with the establishment of the use for which the variance is sought, then for a certificate of occupancy to use the land or

building as set forth in said application. Said application shall be considered not later than the next regular meeting by the Planning Commission.

Upon receipt of any such application by the Secretary of the Planning Commission, or employee of the Commission designated in the rules of the Planning Commission for such purpose, such Secretary or employee shall set a time and place for a public hearing before the Planning Commission on such application. Such Secretary or employee shall cause public notice of such hearing to be given by a notice of public hearing published in the official newspaper not less than five (5) days prior to the hearing.

The applicant shall present a statement and adequate evidence, in such form as the Planning Commission may require, showing that, and the Planning Commission shall not grant a variance unless it finds that:

- (a) There are special circumstances or conditions applying to the land, building or use referred to in the application.
- (b) The granting of the application is necessary for the preservation and enjoyment of substantial property rights.
- (c) The granting of the application will not materially affect adversely the character of the neighborhood or the health, or safety, of persons residing or working in the neighborhood of the proposed use and will not be materially detrimental to the public welfare or injurious to property or improvements in said neighborhood.

In granting any variance under the provisions of this section the Planning Commission shall designate such conditions in connection therewith as will, in its opinion, secure substantially the objectives of the regulations or provisions in the application of which the variance is granted, as to light, air, character of neighborhood, conformity to the master plan, and, generally, the public health, safety, comfort, convenience and general welfare.

SECTION 13: APPEALS:
To Planning Commission. Upon appeal from a decision of an administrative officer, the Planning Commission shall decide any question involving the interpretation of any provision of this

ordinance, including determination of the location of any district boundary if there is uncertainty with respect thereto.

2. To the Legislative Body: An appeal from the action of the Planning Commission upon an application for variance or use permit may be taken to the Legislative Body by any person aggrieved. Such appeal may be informal but must be in writing and taken within 90 days following such Planning Commission action; the said Legislative Body shall hold a public hearing on same after at least five days notice by mail to the interested parties.

The Legislative Body may overrule the action of the Planning Commission by a majority vote of membership present.

SECTION 14; GENERAL PROVISIONS:

The regulations specified in this ordinance shall be subject to the following interpretations and exceptions:

A. USE: The following accessory uses, in addition to those specified, shall be permitted in any Residential district:

1. The renting of rooms in a dwelling as an incidental use to that of its occupancy as a dwelling of a character permitted in the respective district but not to the extent of constituting a hotel as defined in this ordinance, unless permitted in the district; and the providing of table board for the guests occupying such rooms, provided, however, that in Single Family districts and in Two Family districts the renting of more than three such rooms in a dwelling shall be prohibited.

2. Recreation, refreshment and service building in public parks and playgrounds.

B. HEIGHT:

(1) Towers, gables, penthouses, scenery lofts, cupolas, water tanks, similar structures and necessary mechanical appurtenances may be erected on a building to a height greater than the limit established for the district in which the building is located; provided that no such exception shall cover at any level more than 15 per cent of the area of the lot or have an area at the base greater than 1,600 square feet; provided, further, that no such

exception shall be used for sleeping or eating purposes or for any commercial purpose other than such as may be incidental to the permitted use of the main building.

(2) The height limitations of this ordinance shall not apply to chimneys, water tanks, church spires, flag poles, monuments and commercial radio towers.

(3) On any lot with an average slope greater than one foot vertical in seven feet of horizontal distance one story in addition to the number permitted in the district in which the lot is situated shall be permitted on the downhill side of any building erected on the lot, provided that the height of the building shall not otherwise be increased above the limit specified for the district.

(4) In any district with a height limit of less than 50 feet, public or quasi-public buildings, schools, churches, hospitals and other institutions permitted in such district may be erected to a height not exceeding 75 feet, provided that the front, rear and side yards shall be increased one-half foot for each one foot by which such building exceeds the height limit hereinbefore established for such district.

(5) In any district except in the single family residence district and two family residence district a building may be erected to a height exceeding that hereinbefore specified for such district, subject to the following conditions:

(a) Neither the total volume nor the total floor area of such building shall exceed the maximum volume or the maximum total floor area, respectively, which are possible for a building in such district erected according to the height limit and other regulations hereinbefore specified for the district.

(b) No part of any such building shall exceed twice the height specified for the district.

C. YARDS:

(1) For the purpose of computing front yard dimensions the measurement shall be taken from the nearest point of the front wall of the building to the street line; provided, however, that if a future right-of-way line or a future width line is established for

for the street by the provisions of any applicable ordinance, then the measurement shall be taken from the nearest point of the front wall of the building to such future right-of-way or such future width line, except that the certain architectural features hereinafter listed shall not be considered in making such measurements. to wit:

- (a) Cornices, canopies, eaves, or any other architectural features may extend beyond said front wall a distance not exceeding two feet six inches.
- (b) Unroofed and unenclosed fire escapes may extend beyond said front wall a distance not to exceed four feet six inches.
- (c) A landing place or uncovered porch may extend beyond said front wall a distance not exceeding eight feet, provided that such landing place or porch shall have its floor level no higher than the entrance floor of the building. A railing no higher than three feet may be placed around such landing place.
- (d) The above enumerated architectural features may also extend into any side or rear yard the same distance that they are permitted to extend beyond any front wall, except that no porch, terrace or outside stairway shall project more than three feet into any side yard and an outside stairway may project into any side yard only if the same is unroofed and unenclosed above and below the steps thereof, and provided, further that no porch, terrace, landing place, outside stairway or steps shall extend beyond any future right-of-way line, any future width line or any building line which is established by the provisions of any applicable ordinance.
- (2) Except as provided in the next paragraph, the yard requirements of this ordinance shall not be deemed to prohibit any necessary retaining walls, nor to prohibit any fence or wall which does not exceed six feet in height in any rear yard.

(a) Within the area formed by the center line of intersecting or intercepting streets and lines joining points on such center lines at distances from their intersections as provided below, there shall be no fence or wall higher than three and one-half feet, nor any

obstruction to vision (other than a post or column not exceeding one foot square in cross-section) between the height of three and one-half feet and a height of ten feet above the established grade of either street, or if no grade has been officially established, above the average elevation of the existing surface of each street at the center line thereof.

1. In residential districts 60 feet.

(2) In neighborhood, business districts 50 feet.

(3) When any interior lot in an "R" district adjoins at the street line the boundary of any "C" or "M" district wherein the required front yard is less than that required in such "R" district (except any C-1 district which is entirely surrounded by "R" districts or by "R" districts and the city boundary) the depth of the front yard on such interior lot need not exceed one half the depth otherwise required for such front yard.

(4) No door of any building or improvement, except a fence, which door opens into an alley, shall be erected, constructed or established nearer to the center of such alley than a distance of fifteen feet.

(5) If an accessory building is attached to the main building it shall be made structurally a part thereof, and shall comply in all respects with requirements of this ordinance applicable to the main building. An accessory building, when detached from the main building, shall not be closer than six feet to the main building.

(a) An open, unenclosed porte cochere when attached to a main building may extend into a side yard to not less than one foot distance from the lot line, such porte cochere shall not exceed twelve feet in width and twenty-two feet in length.

(b) A detached accessory building of not over one story and not exceeding twelve feet in height may occupy not to exceed 30 per cent of the area of any rear yard.

(c) Any such accessory building may have not to exceed one additional story used for apartments, provided, that:

(1) Such additional story or apartment, herein construed to be a dwelling, shall not be permitted unless the same is permitted

under the regulations hereinbefore specified for the district in which such accessory building is located, except that such an additional story or apartment used for sleeping purposes by servants, including the family of the same, which are employed on the same lot, provided that no cooking facilities shall be installed or established in such additional story or apartment in any single or two family district.

(2) No exterior wall of such additional story or apartment shall be nearer to any lot line than a distance equal to the width of a side yard required on the same lot.

(3) In single family and two family districts no exterior wall of such additional story shall be nearer than ten feet to any main building on the same lot. In multiple family districts no exterior wall of such additional story shall be nearer than the distance as specified as minimum distances between buildings on the same lot in multiple family districts.

Detached accessory buildings in "R" districts shall conform to the following additional regulations as to their locations upon the lot; provided, however, if the average slope of the front half of the lot is greater than one foot verticle from the established street grade at the property line in seven of horizontal distance, or if the elevation of the lot at the street line is five feet or more above or below the established street grade a private garage may be built to the front and side lines of the lot:

(a) On an interior lot of 100 feet or less in depth abutting on one street, no detached accessory building shall be erected or altered so as to encroach upon the front half of the lot.

(b) On an interior lot abutting on two or more streets, no accessory building shall be erected or altered so as to encroach upon the one-quarter of the lot nearest either street.

(c) On a corner lot abutting on two streets, no accessory building shall be erected or altered so as to encroach upon the area between such respective streets and lines drawn parallel to such streets, respectively, in such manner that each of such lines divides the lot into two equal areas; provided, that on a corner lot adjacent

to a key lot no accessory building shall be located nearer to the street than a line drawn from a point which is the intersection of the building side of the side yard nearest the corner lot on the key lot with the building side of the front yard of the key lot to a point which is the intersection of the building side of the street side yard of the corner lot with the building side of the rear yard of the corner lot.

(d) On a corner lot abutting upon more than two streets, no detached accessory building shall be erected or altered so as to be nearer to any street line than one-fourth the width or length of the lot, which shall consider the same in an endeavor to provide that

(e) No detached accessory building shall be within four feet of the side line of the front half of any adjacent lot, except as hereinbefore specifically permitted, inasmuch as the extent that they will

(f) Notwithstanding any of the requirements of this section, the foregoing rules, (1) shall not require that any detached accessory building shall be more than 60 feet from any street line bounding the lot, (2) shall not permit any accessory building used for private garage purposes to be located less than 10 feet from a street line, except within a rear yard of a corner lot which is contiguous to a key lot, and (3) shall not reduce the buildable width of a corner lot to less than 24 feet.

^{Existing Uses}
D. Any use for which a use permit is required or for which a use permit may be granted, as provided in this ordinance, which use is existing at the time of the adoption of this ordinance in any district in which such use is specifically permitted subject to the securing of a use permit, shall without further action be deemed to be a conforming use in such district.

SECTION 15; BUILDING PERMITS AND PLATS:

Every application for a building permit shall be accompanied by a drawing or plat, drawn to a scale of not less than 1/16 inch to foot with all dimensions showing the lot and building site, the proposed location of the building on the lot, accurate dimensions of the building, the yards and the lot and such other information as may be necessary to the enforcement of this ordinance. A

careful record of such application and plat shall be kept in the office of the Building Inspector and duplicate copy shall be kept at the building at all times during construction.

SECTION 16; APPROVAL OF PLANS:

In case an application is made for a building permit for a building to be erected in the R-3 Multiple Family Residence District or C-1 Neighborhood Business Districts, said application shall be accompanied by drawings or sketches showing the front, side and rear elevations of the proposed building. Upon being filed, such drawings or sketches shall forthwith be transmitted to the Planning Commission, which shall consider the same in an endeavor to provide that the City shall develop in an orderly and harmonious manner and that buildings shall be so designed and constructed that they will not be of unsightly or obnoxious appearance to the extent that they will impair the desirability of living conditions in the same or in adjacent residential districts, depreciate the values of property and adversely affect the general prosperity and welfare. To this end, the Planning Commission shall suggest any changes in the plans of such proposed buildings as it may deem necessary to accomplish the purposes of this section, and shall not approve such plans until it is satisfied that such purposes will be accomplished thereby.

In case the applicant is not satisfied with the action of the Planning Commission, he may within twenty (20) days after such action, appeal in writing to the City Council. The City Council shall hold a hearing on said appeal and shall render its decision thereon within thirty (30) days after the filing thereof. No permit as provided herein, shall be issued unless the plans filed with the application therefore as required in this section shall first have been approved by the Planning Commission or City Council. Upon such approval the Building Inspector shall issue such permit, provided all other provisions of law have been complied with. Every drawing or sketch filed under the provisions of this section shall become a part of the permanent records of the Planning Commission.

SECTION 17; CERTIFICATE OF OCCUPANCY:

No vacant land shall be occupied or used, except for agricultural uses other than livestock farming or dairying, and no

building hereafter erected or structurally altered shall be occupied or used until a certificate of occupancy shall have been issued by the Building Inspector; provided, however, that the raising and keeping of fowl, rabbits and similar animals, goats, pigs, sheep or similar small livestock for commercial purposes shall not be deemed as livestock farming. No permit for excavation for any building shall be issued before application has been made for a certificate of occupancy.

CERTIFICATE OF OCCUPANCY FOR A BUILDING:

Certificate of occupancy for a new building or the alteration of an existing building shall be applied for coincident with the application for a building permit and said certificate shall be issued within three (3) days after the request for same shall have been made in writing to the Building Inspector after the erection or alteration of such building or part thereof shall have been completed in conformity with the provisions of these regulations.

Pending the issuance of a regular certificate a temporary certificate of occupancy may be issued by the Building Inspector for a period not exceeding six (6) months, during the completion of alterations or during partial occupancy of a building pending its completion. Such temporary certificate shall not be construed as in any way altering the respective rights, duties or obligations of the owner or of the City relating to the use or occupancy of the premises of any other matter covered by this ordinance, and such temporary certificate shall not be issued except under such restrictions and provisions as will adequately insure the safety of the occupants.

CERTIFICATE OF OCCUPANCY FOR LAND:

Certificate of occupancy for the use of vacant land or the change in the character of the use of land as herein provided, shall be applied for before any such land shall be occupied or used and a certificate of occupancy shall be issued, within three (3) days after the application has been made, provided such use is in conformity with the provisions of these regulations.

Certificate of occupancy shall state that the building or matter involved in each case and for a permanent record.

proposed use of a building and/or land, complies with all the building and health laws and ordinances and with the provisions of these regulations. A record of all certificates shall be kept on file in the office of the Building Inspector and copies shall be furnished, on request, to any person having a proprietary or tenancy interest, in the building affected. No fee shall be charged for a certificate of occupancy.

INTERPRETATION OF ORDINANCE:

In interpreting and applying the provisions of this ordinance, they shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically herein provided it is not intended by this ordinance to repeal, abrogate, annul or in any way impair or interfere with any existing provision of law or ordinance, or any rules, regulations, or permits previously adopted or issued, or which shall be adopted or issued pursuant to law relating to the use of buildings or premises, or relating to the erection, construction, establishment, moving, alteration or enlargement of any buildings or improvements; nor is it intended by this ordinance to interfere with or abrogate or annul any easement, covenant or other agreement between parties; provided, however, that in cases in which this ordinance imposes a greater restriction upon the erection, construction, establishment, moving, alteration or enlargement of buildings or the use of any such building or premises in said several districts or any of them, than is imposed or required by such existing provisions of law or ordinance or by such rules, regulations or permits, or by such easements, covenants or agreements, then in such cases the provisions of this ordinance shall control.

SECTION 18: RULES AND REGULATIONS:

The Planning Commission shall prepare rules and regulations and in its rules prescribe the form and scope of all petitions, applications and appeals provided for in this ordinance, together with accompanying data to be furnished so as to assure the fullest practicable presentation of fact for proper consideration of the matter involved in each case and for a permanent record.

PROCEDURE: The City Council may from time to time after report from the Planning Commission and public hearings, amend, supplement, or change the regulations and districts herein or subsequently established. An amendment, supplement, or change may be initiated by the City Council, or Planning Commission after adoption by either of a resolution setting forth reasons of public interest and necessity for considering such amendment, supplement or change, from the standpoint of the general welfare, or by petition of property owners prepared and submitted as herein provided.

(1) PETITION OF PROPERTY OWNERS:

Requirements for acceptance: Whenever a petition meeting the requirements of the provisions of this ordinance and Rules and Regulations relating thereto contains thereon the signatures of the owners of fifty per cent or more of the privately owned property (exclusive of the property requested to be changed), the frontage of which lies within a radius of five hundred feet of any property proposed to be changed, is presented to the Planning Commission said Commission shall act upon such petition within a period of 30 days after filing thereof, unless an extension of time is agreed upon with the persons verifying said petition. Frontage for petition purposes being deemed to mean the shortest dimension of a parcel at the street line. Opposite each property owner's name a sufficient description of the property owned shall be given that the ownership may be readily identified. The petition shall be verified by the circulators thereof and accompanied by a filing fee of fifteen dollars (\$15.00). The Planning Commission may by its rules and regulations require said petition to show, in addition, either by the map accompanying the petition, or an itemized list of individual lot uses, that at least 20% or more of the lot frontage of said uses of privately owned property within a radius of 300 feet from the center of the property requested to be changed is included within the same or less restricted Use District than that being requested in the petition, said 300 foot radius circle being expanded where,

in the opinion of the Planning Commission it is necessary, to a minimum distance of 250 feet from the exterior boundaries of the area requested to be changed; or in event request is made to change property to a use included within a more restricted Use District, said petition shall show either by a map or list in the same manner heretofore in this section outlined, that at least 50% or more of the lot frontage of said uses of privately owned property within the heretofore mentioned 300 foot radius is included within the same or more restricted Use District than that being requested.

In all events the petition shall set forth the following information:

- (1) The name in full of the owner or owners of the property requested to be changed.
- (2) Business and residence address of the above.
- (3) Description of property for which the change is sought.
- (4) Present Use District of this ordinance within which the property requested to be changed is included.
- (5) Use District into which the property is requested to be changed.
- (6) Accurate map or diagram (approximately to scale of 100 feet equal 1 inch) of the property within a 500 foot radius of the exterior boundaries of the property requested to be changed, including thereon: the property proposed to be changed; streets; parcels by lot and block numbers, when required by Planning Commission rules and regulations, a 300 foot radius circle from the center of the property requested to be changed, said 300 foot radius circle being expanded, where in the opinion of the Planning Commission it is necessary to provide that said 300 foot radius line will be at least 250 feet from any exterior boundary of the area requested to be changed, and the uses of all property within the 300 foot radius circle shall be shown in an easily understandable manner on said map or may be shown upon a list of such uses opposite each lot and block number, indicating whether such lots are used for one-family, two-family, multiple family, retail business or industrial uses.
- (7) List of names and addresses of all owners of property within said 500 foot radius circle, as appearing upon the latest tax rolls,

with description of property owned by each by lot and block numbers.
(8) Such other information as the City Council or Planning Commission may require.

At the time of establishing dates for public hearings or during such hearings, but before the closing of the public hearings, the Planning Commission may determine that the area affected by the requested change is greater than a distance of 500 feet. In such event, the Planning Commission shall cause notice to be given to property owners within the additional area, either through the United States mail, by posting notices in conspicuous places within the area, or by an official published notice.

HEARINGS: Upon the filing of properly executed verified petition or receipt of copy of a resolution adopted by the City Council or after adoption of a resolution by the Planning Commission initiating a change, public hearings shall be held in the following manner:

(a) In event said petition is filed with the Secretary of the Planning Commission at least two weeks in advance of a regular Planning Commission meeting, the Secretary may cause public notice of the times and places of two public hearings at least ten days apart to be held by the Planning Commission said notices to be published at least ten days before each of such hearings. In addition, the Secretary shall mail or post such notices as directed by the Planning Commission.

Unless the Planning Commission directs otherwise by its Rules and Regulations, the Secretary shall include a brief statement when mailing notices, of the uses which would be permitted in event the petition request was approved.

(b) In event the Secretary has not published notice of public hearings, the Planning Commission shall at its next meeting set the time and place for at least two public hearings at least ten days apart, notice of which shall be published at least ten days prior thereto.

(c) Before acting upon the recommendation or report of the Planning Commission, the City Council shall hold at least one public hearing thereon, notice of the time and place of which shall be published

at least once at least ten days before the date of such hearing.

PUBLICATION: Notice of public hearings shall be published in the official newspaper of the City of Modesto.

DETERMINATION: If from the facts presented at the public hearings or on investigation by or at the instance of the Commission, the Commission finds that the public interest, necessity, convenience, or general welfare requires the change in Use Districts or Regulations involved in the petition or resolution or the change of any portion of the property, the Commission may recommend such change to the Council and the Council may by ordinance effect such change or any portion thereof. Upon approval of the change by the Planning Commission, it shall forward its findings and recommendations to the City Council, who shall act upon such recommendation or report within thirty days from the date of filing such recommendations, findings or report.

APPEAL: Upon disapproval of the petition by the Planning Commission, the circulators thereof shall be so notified and petitioner may, within twenty days from date of action by the Planning Commission, appeal to the City Council by written notice of appeal filed with the City Clerk, setting forth specifically in detail the grounds therefor. Said appeal must be referred to the Planning Commission by the City Council and thereupon the Commission shall make a report to the Council disclosing in what respect it found or failed to find that the public necessity, interest, convenience, or general welfare requires the change involved. Said appeal may be referred to the Commission for reconsideration. The Council may, by a majority vote grant such appealed petition. Before approving or granting an appealed petition or before making any change in a recommendation of the Planning Commission relating to any proposed amendment, supplement or change, the City Council must have received a report from the Planning Commission and have held a public hearing as elsewhere provided in this section, and must make and declare findings of fact setting forth wherein the Commission's findings were in error and wherein the public necessity, interest, convenience, or general welfare require such change.

CHANGE OF RECOMMENDATIONS: The recommendation of the Planning Commission may be disapproved by a majority vote of the membership present of the City Council.

The procedure of the Council in effecting a change of use of property initiated by resolution rather than by petition and which has been disapproved or partially disapproved by the Commission shall be the same as that outlined above in this section for granting of an appealed petition.

PROTEST: If at the time of hearings thereon a protest, verified by the circulator or circulators thereof, against such amendment, supplement, or change, is presented, duly signed by the owners of twenty per cent or more of the frontage of all the property which is proposed to be reclassified or changed by the proposed amendment, supplement, or change, or by the owners of twenty per cent of the frontage of property which is immediately adjacent thereto, either in the rear, on the sides, or across the street, no such amendment, supplement, or change shall be adopted except by a majority vote of the full membership of the City Council.

WITHDRAWAL OF PETITION: Upon the consent of the Planning Commission or City Council a petition for an amendment, supplement or change may be withdrawn upon written application from the owners of the property which would have been affected, or from those verifying the petition. The City Council or the Planning Commission, as the case may be, may by resolution abandon any proceedings for an amendment, supplement or change initiated by its own resolution of intention, provided that such abandonment may be made only when such proceedings are before such body for consideration and provided that any hearing of which public notice has been given shall be held.

SECTION 20: ENFORCEMENT, LEGAL PROCEDURE, PENALTIES:

All departments, officials and public employees of the City of Modesto, California, vested with the duty or authority to issue permits or licenses where required by law, shall conform to the provisions of this ordinance and shall issue no such permit or license for uses, buildings, or purposes where the same would be in conflict with the provisions of this ordinance and any such

permit or license, if issued in conflict with the provisions of this ordinance, shall be null and void.

It shall be the duty of the Building Inspector, to enforce the provisions of this ordinance pertaining to the erection, construction, reconstruction, moving, conversion, alteration, or addition to any building or structure.

It shall be the duty of the City of Modesto, California, and of all officers of said City herein or otherwise charged by law with the enforcement of this ordinance to enforce this ordinance and all the provisions of the same.

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating any of the provisions of this ordinance shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than Three Hundred Dollars (\$300.00) or by imprisonment in the City Jail of said City for a term not exceeding three (3) months or by both such fine and imprisonment. Such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during any portion of which any violation of this ordinance is committed, continued or permitted by such person, firm or corporation, and shall be punishable as herein provided.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this ordinance or any use of any land, building or premises conducted, operated or maintained contrary to the provisions of this ordinance, or the establishment of any use, which use is established under the terms of a use permit or variance, which use permit or variance is granted by the Planning Commission or City Council upon information furnished by the applicant or petitioner, any part of which information is a fraudulent representation of conditions as they exist at the time of the presentation of the application or petition, shall be and the same is hereby declared to be unlawful and a public nuisance and the City Attorney of the said City shall upon order of the City Council, immediately commence action or proceedings for the abatement and removal and enjoinder

thereof in the manner provided by law and shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using any property contrary to the provisions of this ordinance.

The remedies provided for herein shall be cumulative and not exclusive.

SECTION 21; VALIDITY: If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be unconstitutional or void, such decision shall not affect the validity of the remaining, separable portions of this ordinance. The Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional or void.

SECTION 22: REPEALING: Ordinances No. 364, N.S.; 513 N.S.; and 655 N.S., and each of them, and all other ordinances in conflict herewith are hereby repealed.

SECTION 23; REFERENCE: This ordinance may be referred to and cited as the Modesto City Zoning Ordinance.

SECTION 24: This ordinance shall go into effect and be in full force and operation from and after 15 days after its final passage and adoption.

SECTION 25: This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto Bee, the official newspaper of the City of Modesto.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of April, 1943 by Councilman Bates, who moved its adoption and passage to print, which motion being duly seconded was upon roll call carried and the Ordinance ordered printed and published as above by the following vote:

Ayes: Councilmen: Bates, Burge, Neece, Stanley and Mayor Shannon.

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: Chas. W. Shannon (SIGNED)
MAYOR

SEAL

ATTEST: Chas. J. Blum (SIGNED)
CITY CLERK

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 28th day of April, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of May 26th, 1943, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Burge, Morris, Neece, Stanley, Mayor Shannon

Noes: Councilmen: None

Absent: Councilmen: None

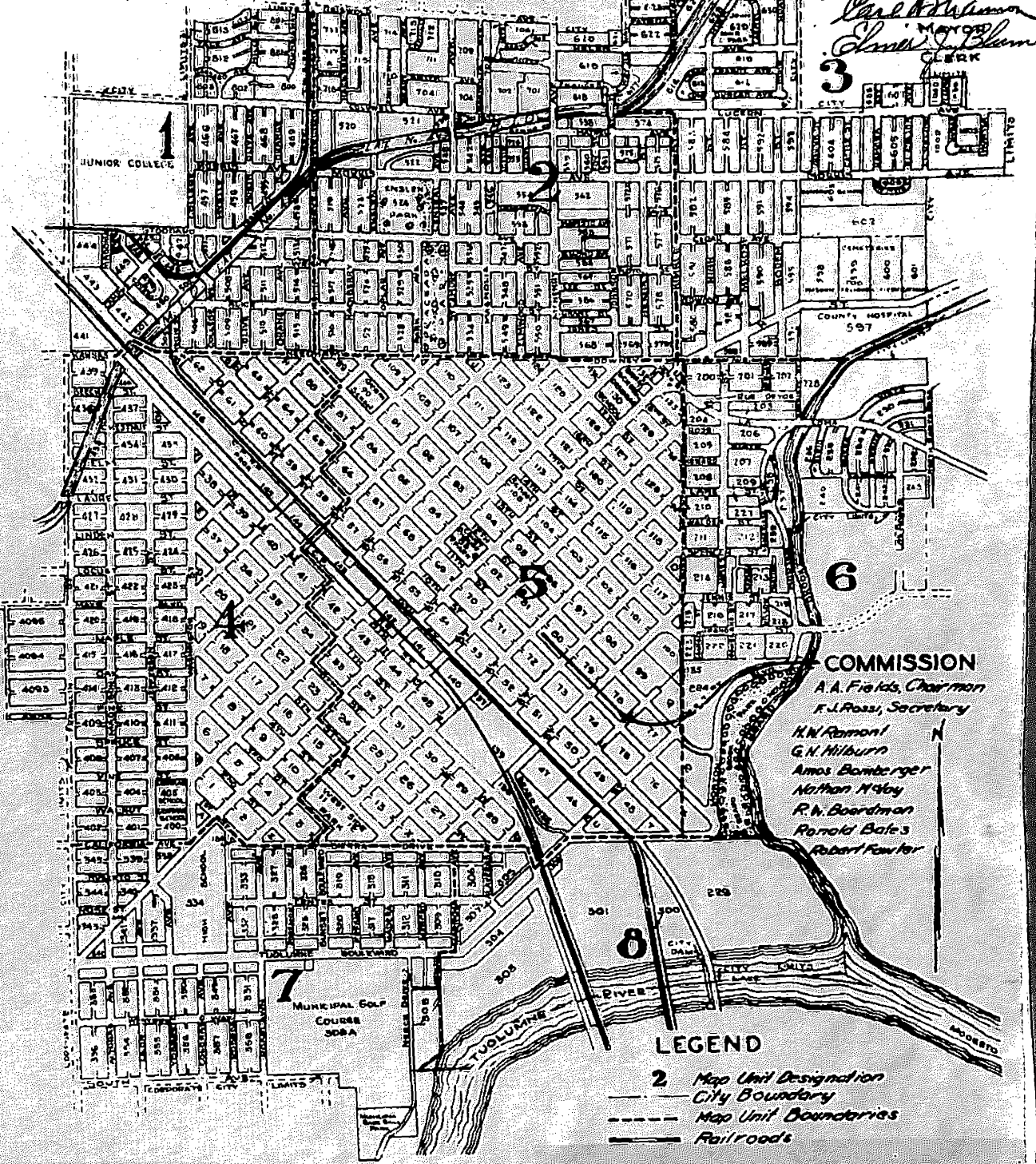
APPROVED: Lucas Shannon
MAYOR

ATTEST: Anne M. Collins
Acting Assistant City Clerk

KEY MAP TO LANDUSE DISTRICT MAPS OF THE CITY OF MODESTO CALIF.

ADOPTED BY ORDINANCE NO. 700NS
MODESTO CITY PLANNING COMMISSION
DON C. DAVIS, ENGINEER - H. H. JAQUETH, CONSULTANT.

APPROVED:
BY PLANNING COMMISSION
ON APRIL 2, 1943
Fred Rossi
SECRETARY
BY CITY COUNCIL
ON APRIL 28, 1943
Carl H. Wilson
MAYOR
Shirley J. Blum
CLERK









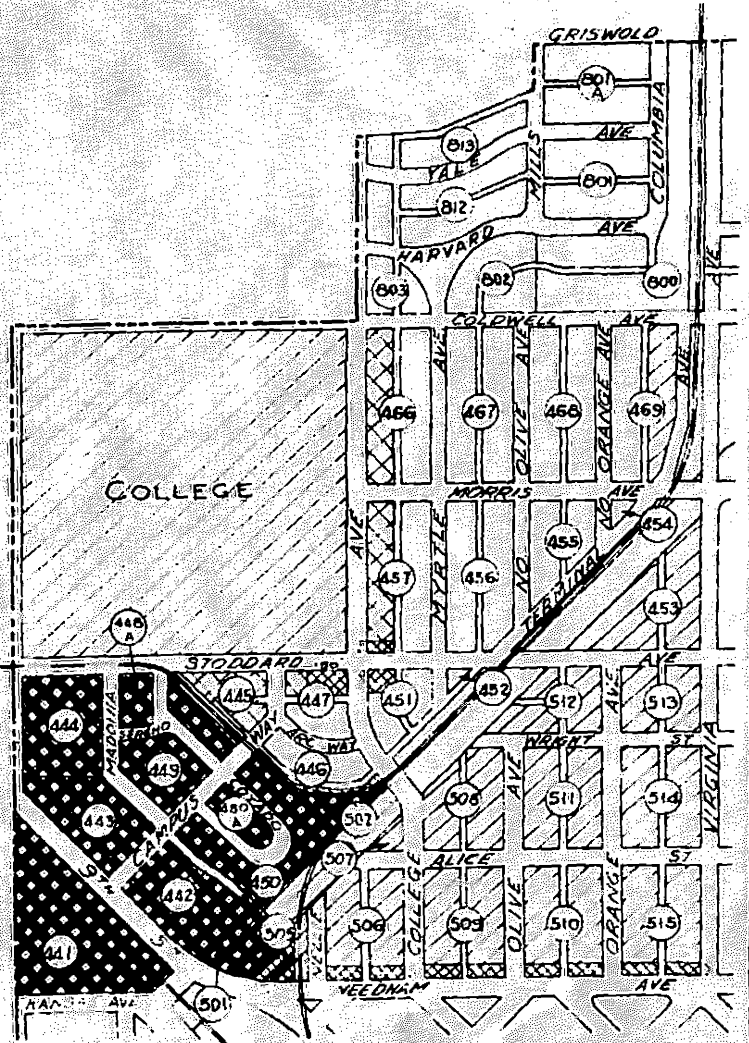
COMMISSION
A. A. Fields, Chairman
F. J. Rossi, Secretary
H. N. Ramont
G. N. Hilburn
Amos Bomberger
Nathan H. Gray
R. W. Boardman
Ronald Bates
Robert Fowler

LEGEND





- 2 Map Unit Designation
- City Boundary
- - - Map Unit Boundaries
- Railroads

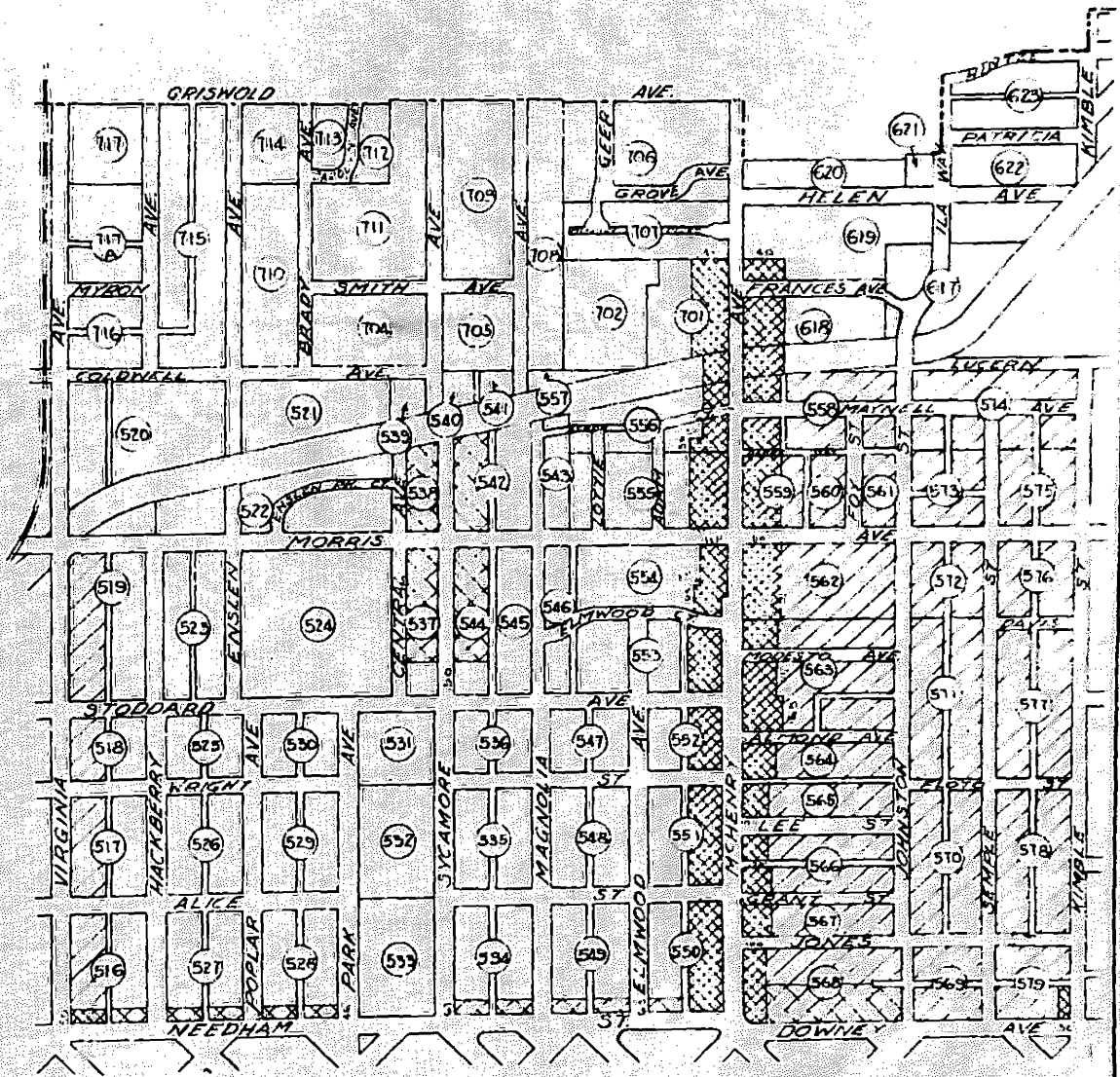
USE DISTRICT MAP NO. 1.
CITY OF MODESTO, CALIF.

-  R-1 Single Family
-  R-2 Two Family
-  R-3 Multiple Family
-  C-1 Neighborhood Business
-  C-2 Central Business
-  M-1 Industrial



USE DISTRICT MAP NO. 2.
CITY OF MODESTO, CALIF.

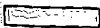



-  R-1 Single Family
-  R-2 Two Family
-  R-3 Multiple Family
-  C-1 Neighborhood Business

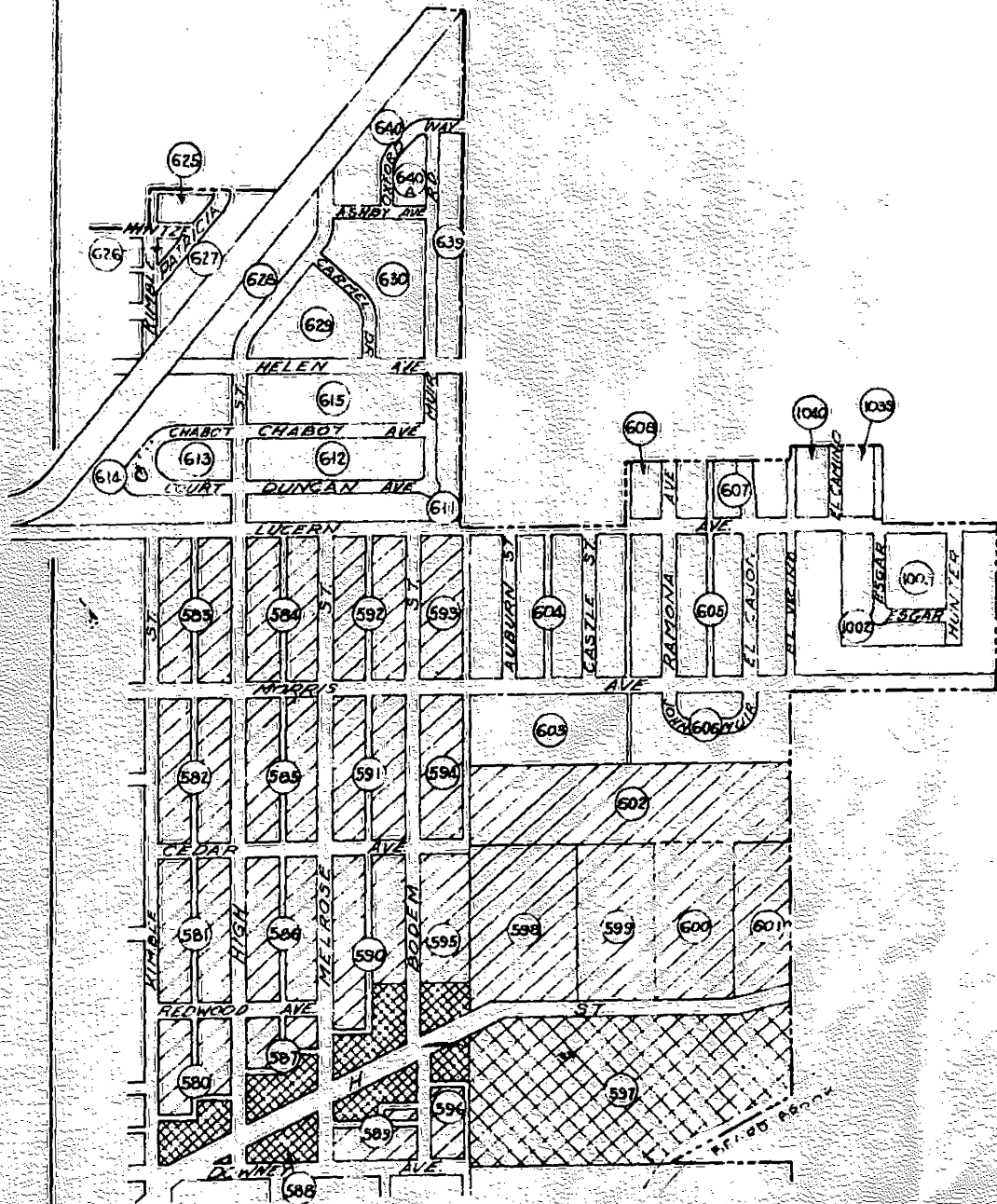


USE DISTRICT MAP No. 3

CITY OF MODESTO, CALIF.







DISTRICTS

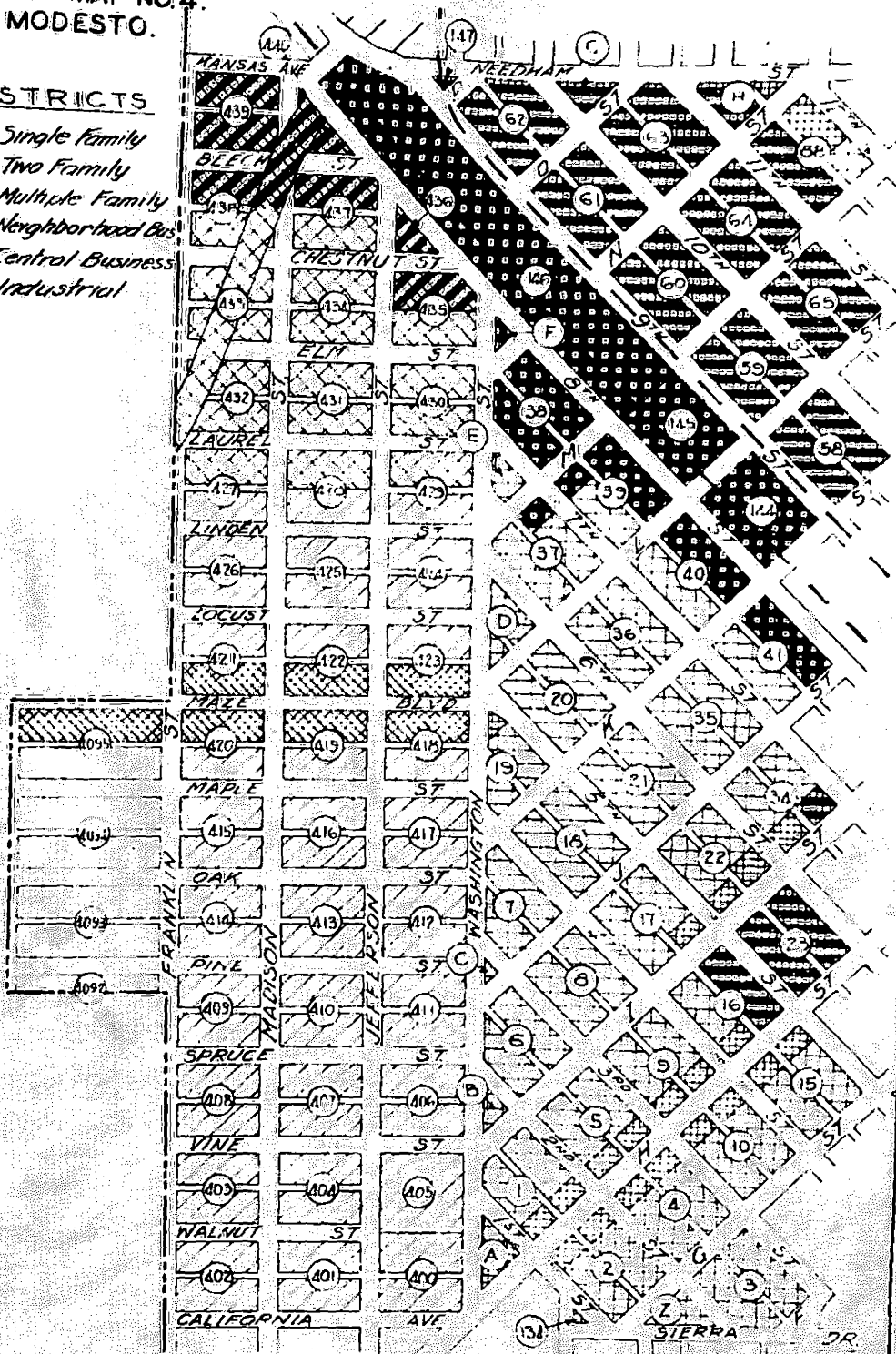
-  R-1 Single Family
-  R-2 Two Family
-  F-3 Multiple Family
-  C-1 Neighborhood Business



USE DISTRICT MAP NO. 4.
CITY OF MODESTO.





DISTRICTS

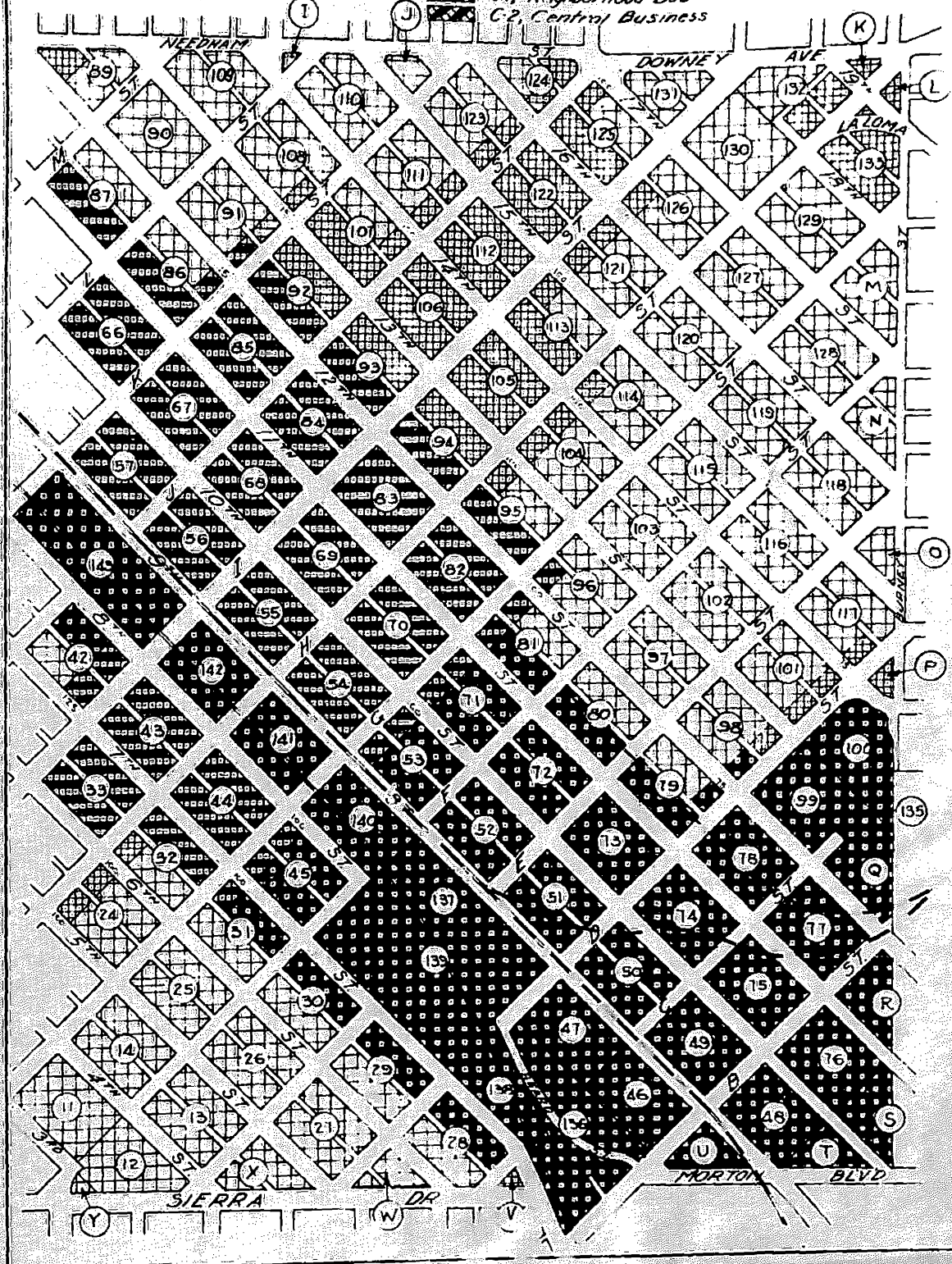
-  R-1, Single Family
-  R-2, Two Family
-  R-3, Multiple Family
-  C-1, Neighborhood Bus
-  C-2, Central Business
-  M-1 Industrial

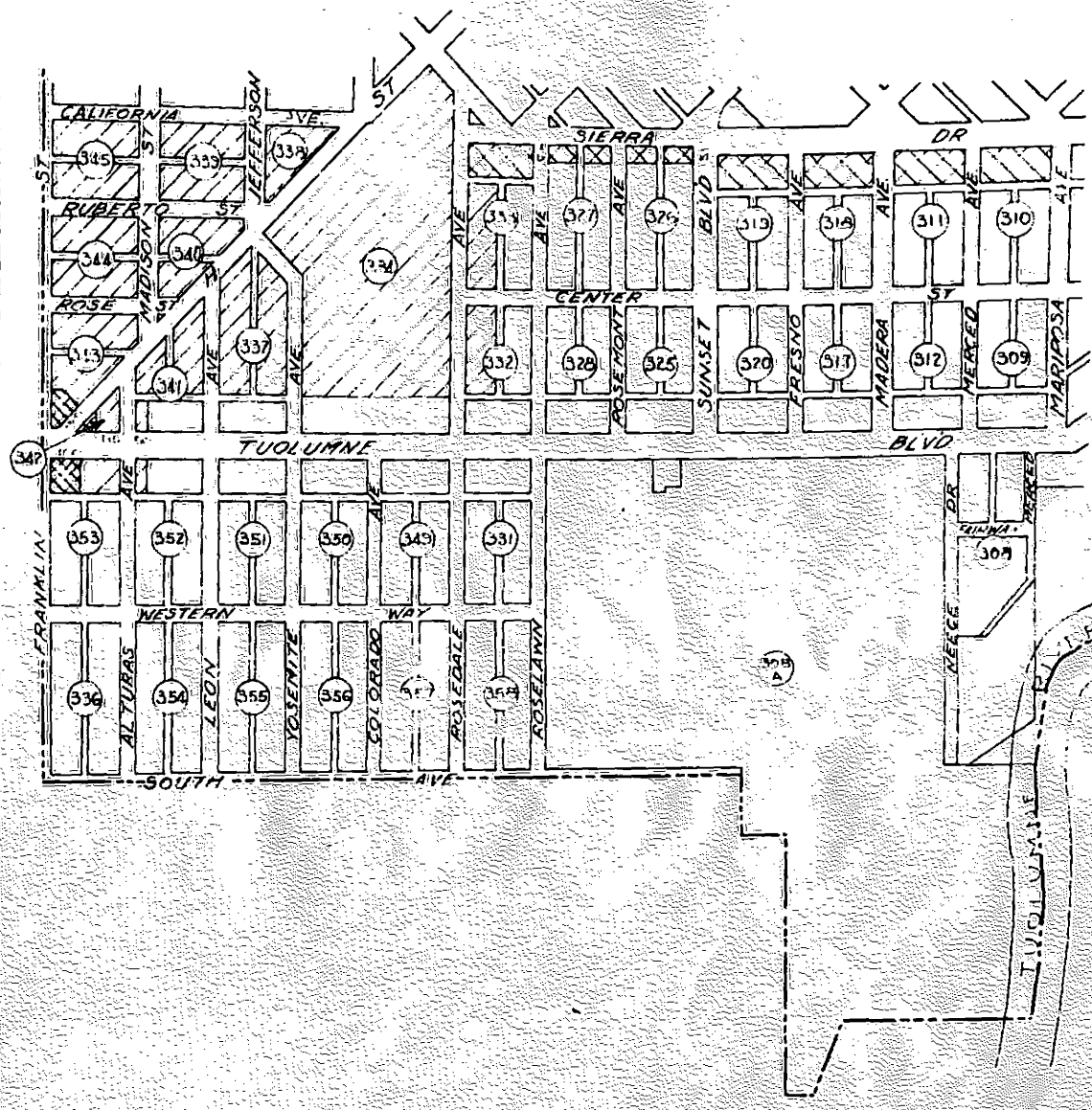


USE DISTRICT MAP NO. 5.
CITY OF MODESTO, CALIF.






DISTRICTS

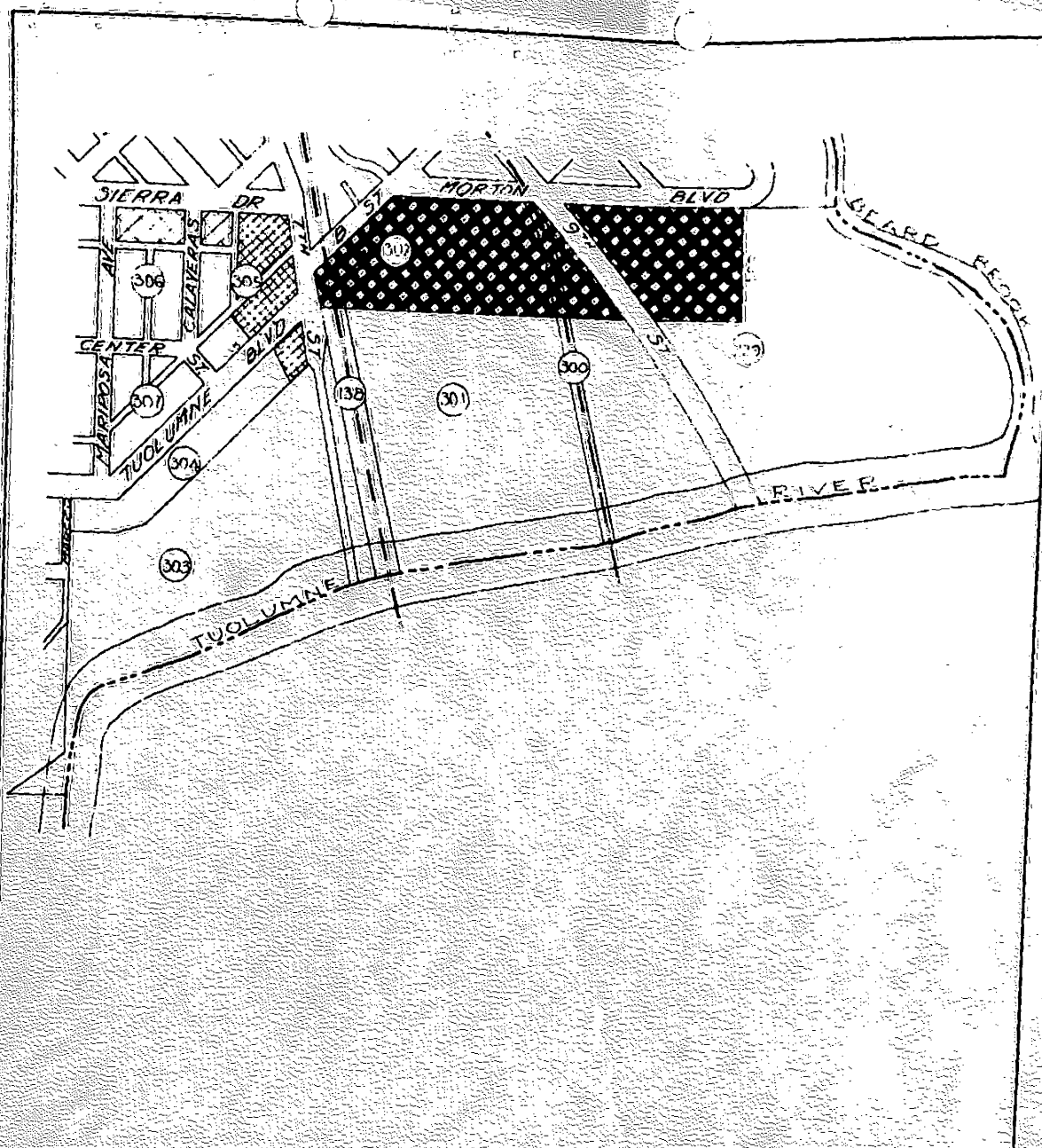
-  R-3, Multiple family
-  C-1, Neighborhood Bus
-  C-2, Central Business
-  M-1, Industrial





USE DISTRICT MAP NO. 7.
 CITY OF MODESTO, CALIF.
 DISTRICTS

	R-1, Single Family
	R-2, Two Family
	R-3, Multiple Family
	C-1, Neighborhood Business
	M-1, Industrial



USE DISTRICT MAP NO. 8.
CITY OF MODESTO, CALIF.

DISTRICTS

-  R-1, Single Family
-  R-3, Multiple Family
-  C-1, Neighborhood Business
-  M-1, Industrial