

AN ORDINANCE CHANGING USE DISTRICT AND
REZONING FROM R-2, TWO-FAMILY RESIDENCE
DISTRICT TO C-1, NEIGHBORHOOD BUSINESS
DISTRICT

WHEREAS, a request has been made to the Modesto City
Planning Commission by means of a duly executed petition asking a
change in use district as hereinafter set forth, and

WHEREAS, after two public hearings as required by the
City Ordinance and the State Planning Act and after due con-
sideration the Modesto City Planning Commission has recommended
to the City Council the amendment of the Zoning Ordinance of the
City of Modesto to effect the changes requested, and

WHEREAS, a public hearing has been had by the Council of
the City of Modesto as provided by law and no objection has been
made to such rezoning,

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

SECTION 1: That the public interest, necessity and
general welfare require a change in the use district as requested
in said petition.

SECTION 2: Ordinance No. 700 N.S., the Modesto City
Zoning Ordinance, is hereby amended as follows:

The West 150 feet of Lot 7 in Block 205 of the
City of Modesto, County of Stanislaus, State of
California, as said lot and block is shown in
Volume 15 of Maps, said Volume being on file
and on record in the office of the County Recorder
of Stanislaus County, State of California,

is hereby taken and removed from the R-2, Two-Family Residence
District Use Zone, and placed in C-1, Neighborhood Business
District Use Zone.

SECTION 3: 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.

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

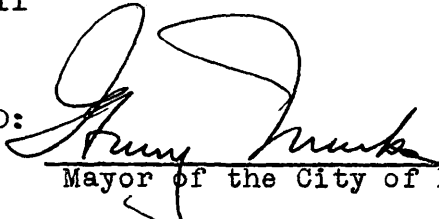
5 The foregoing ordinance was introduced at a regular
6 meeting of the Council of the City of Modesto held on the 5th day
7 of September, 1951, by Councilman Mellis, who moved its
8 adoption and passage to print, which motion being duly seconded
9 by Councilman R. Adams, was upon roll call carried
10 and the ordinance ordered printed and published as above by the
11 following vote:

12 AYES: Councilmen: Mellis, Frad^R, Adams, Annan, Robert
13 M. Adams, Mayor Marks.


14 NOES: Councilmen: None

15 ABSENT: Councilmen: Merrill

16
17 APPROVED:


Mayor of the City of Modesto

18
19
20 ATTEST:


City Clerk
of the City of Modesto.

FINAL ADOPTION CLAUSE

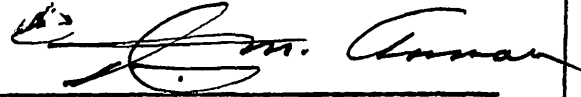
The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1951, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of September 19, 1951, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Frad, Mellis, Acting Mayor Annan

Noes: Councilmen: None

Absent: Councilmen: Merrill and Mayor Marks

APPROVED:



C. M. ANNAN, ACTING MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

AN ORDINANCE CLASSIFYING NEWLY ANNEXED
TERRITORY AS TO USE DISTRICT AND AMENDING
ZONING ORDINANCE NO. 700 N. S. BY ADDING
ADDITIONAL MAP

WHEREAS, the Modesto City Planning Commission by resolution has initiated proceedings to classify newly annexed territory, commonly known as Uninhabited Territory Tract No. 1, and more specifically described hereinafter, and

WHEREAS, after two public hearings as required by the City Ordinance and the State Planning Act and after due consideration the Modesto City Planning Commission has recommended to the City Council the classification as hereinafter set forth, and

WHEREAS, a public hearing has been held by the Council of the City of Modesto as provided by law and no person has objected to the classification as suggested,

NOW, THEREFORE, THE COUNCIL OF THE CITY OF MODESTO DOES ORDAIN AS FOLLOWS:

SECTION 1. That certain area heretofore annexed to the City of Modesto commonly referred to as Uninhabited Territory Tract No. 1, also referred to in the proceedings of the Modesto City Planning Commission and the City Council as Uninhabited Territory Tract, is hereby classified as follows:

The Westerly 155 feet of the Southerly 614.45 feet is classified in the R-1, Single Family Residence District, and the remainder of said territory is classified in the R-2, Two Family Residence District.

The area so classified is described as follows, to wit:

All that certain lot, piece or parcel of land situate in the County of Stanislaus, State of California, and bounded and particularly described as follows:

The east 1/2 of the Southeast 1/4 of the Northwest 1/4 of Section 20, Township 3 South, Range 9 East, M. D. B. & M. and the Northwest 1/4 of the Southeast 1/4 of the Northwest 1/4 of Section 20, Township 3 South, Range 9 East, M.D.B. & M. which area is more precisely described as follows:

1 Beginning at a point on the existing city limits at the
2 intersection of the South boundary of Roseburg Avenue
3 and the West boundary of the Tidewater Southern
4 Railroad Right of Way; thence North 88° 52' West 554.8
5 ft. more or less along the existing city limit line
6 to the Northwest corner of Block 834 of the College
7 Manor Tract No. 2 as filed in the Office of the Re-
8 corder on January 9, 1947, Page 17, Vol. 16 of the
9 Maps of Stanislaus County; thence North 0° 50' 40"
10 West 50 ft. to a point on the projected East boundary
11 of Mills Avenue; thence North 88° 48' West 30 ft.
12 to the center line of Mills Avenue; thence North 0°
13 50' 40" West 599.44 feet to a point on the projected
14 South boundary of Ulrich Avenue; thence North 88° 49'
15 50" West 659.91 ft. to a point on the center line of
16 College Avenue; thence Northerly and along the center
17 line of College Avenue to a point on the projected
18 South boundary of Orangeburg Avenue; thence Easterly
19 and along the South boundary of Orangeburg Avenue to
20 the West boundary of the Tidewater Southern Railroad
21 Right of Way; thence southerly and along said West
22 boundary to the point of beginning.

23 SECTION 2. The Zoning Ordinance of the City of Modesto,
24 being Ordinance No. 700 N. S., is hereby amended by annexing there-
25 to that certain map entitled "Land Use District Map 1-F", a
26 copy of which is hereto annexed and said map is hereby incor-
27 porated into said Zoning Ordinance.

28 SECTION 3. This ordinance shall go into effect and be in
29 full force and operation fifteen (15) days after its final
30 passage and adoption.

31 SECTION 4. This ordinance shall be published at least
32 once three days before its final passage and 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 12th
day of September, 1951, by Councilman Mellis, who moved its
adoption and passage to print, which motion being duly seconded
by Councilman Frad was upon roll call carried by the
following vote:

AYES: Councilmen: Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: Harry Marks
Mayor

ATTEST:

[Signature]
City Clerk

FINAL ADOPTION CLAUSE

ORDINANCE APPROVED BY THE COUNCIL OF THE CITY OF MODESTO

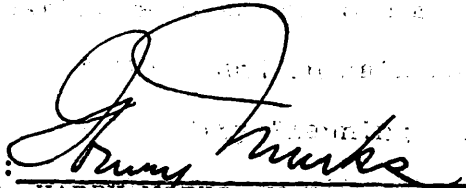
The foregoing ordinance having been introduced and ordered printed and published at a regular meeting of the Council of the City of Modesto held on the 12th day of September, 1951 and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the regular meeting of October 3, 1951, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Frad, Mellis, Merrill
Mayor Marks


Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

SPECIAL
NOT IN CODE

ORDINANCE NO. 1003 N. S.

AN ORDINANCE APPROVING THE ANNEXATION OF
CERTAIN TERRITORY KNOWN AS "MAZE COURT
ADDITION" TO THE CITY OF MODESTO

WHEREAS, certain proceedings have been instituted under the Annexation Act of 1913 and other laws pertaining to annexation for the purpose of submitting to the qualified electors residing in certain territory hereinafter described, and generally designated as "Maze Court Addition", the question as to whether such territory should be annexed to the City of Modesto, which proceedings are summarized as follows: On April 11, 1951, a request was filed with the City Council of the City of Modesto, being the legislative body of said City of Modesto, requesting permission to commence proceedings under the Annexation Act of 1913, and on said date the City Council referred the matter to the City Planning Commission for report and recommendation; on May 2, 1951, the City Planning Commission filed its report and recommended that said territory be annexed to the City of Modesto, and on May 9, 1951, the City Council passed a resolution consenting to the commencement of annexation proceedings; on May 10, 1951 the proponents published in 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 reasons for the proposed petition and annexation, and on May 18, 1951, and within ten days after publication, there was filed with the City Clerk an affidavit of publication and a copy of the notice of intention to circulate petition; on May 23, 1951, within fifteen days after the filing of said affidavit, the City Council adopted a resolution acknowledging receipt of a copy of said notice and approving the intention of the proponents to circulate petitions; and

SPECIAL
NOT IN CODE

1 WHEREAS, on the 3rd day of July, 1951, there was received
2 by said City Council written petitions signed by not less than one
3 fourth in number of all the qualified electors residing within
4 the territory therein and hereinafter described, as shown by the
5 registration of voters in the County in which such territory is
6 situated, namely, Stanislaus County, asking that such territory
7 be annexed to the City of Modesto, and asking that the question
8 to be submitted to the electors residing in the territory proposed
9 by said petition to be annexed to said City of Modesto shall be
10 whether such new territory shall be annexed to the City of Modesto,
11 and the property therein not to be subject to taxation for
12 bonded indebtedness of said City of Modesto outstanding at the
13 date of the filing of such petition and outstanding at the date
14 of the election; and

15 WHEREAS, said petitions were not circulated until twenty-
16 one days after the publication of the notice of intention to
17 circulate, which was published on May 12, 1951; and

18 WHEREAS, thereafter and pursuant to law, the City Council
19 by resolution published in the Modesto Bee, for the time and in the
20 manner required by law, set the 1st day of August, 1951, as the
21 time for hearing protests to the annexation of said territory, and
22 that no protests being made; and

23 WHEREAS, the Council thereafter passed a resolution
24 calling a special election, and notice of election was published
25 at the time and in the manner provided by law; and

26 WHEREAS, on September 14th, 1951, a special election was
27 held in the territory, at which time the question hereinabove
28 referred to was submitted to the qualified electors residing in
29 said territory; and

30 WHEREAS, the proper officers of said election did there-
31 upon and thereafter deliver the ballots, tally sheets and returns
32 of said election to and deposited the same with the Clerk of the

1 legislative body of said municipal corporation, to wit, the Clerk
2 of the City Council of the City of Modesto, and the said City
3 Council did thereafter and at the time provided by law meet and
4 proceed to canvass said returns and did find therefrom that within
5 the said election precinct, which constituted the whole of said
6 territory proposed to be annexed, the total number of votes cast
7 was thirty-six (36) votes, that the total number of votes cast in
8 favor of said proposition for annexation was twenty-five (25)
9 votes, and that the total number of votes cast against said
10 proposition was eleven (11), and that said proposition carried;
11 and

12 WHEREAS, the said City Council did thereupon immediately
13 upon the completion of said canvass cause a record thereof to be
14 made and entered upon its minutes, stating the proposition sub-
15 mitted, and showing the whole number of votes cast thereon in the
16 territory proposed to be annexed, the number of votes cast therein
17 in favor of annexation and the number of votes cast therein
18 against annexation, and that all of the matters and things required
19 by law to be done in the premises have been done and complied with,
20 and that a majority of all the votes cast in such outside territory
21 on the question of annexation, as hereinabove stated, were cast
22 in favor of such annexation; and

23 WHEREAS, the City Council finds that all of the require-
24 ments of law pertaining to annexation and the election ⁱⁿ said
25 territory have been fully complied with,

26 THE COUNCIL OF THE CITY OF MODESTO DOES ORDAIN AS FOLLOWS:

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

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

1 BEGINNING at a point on the corner of Lot 1 of the
2 SPENCER COLONY, as filed for record on December 16,
3 1904, in Volume 2 of Maps, page 3, Stanislaus
4 County Records, which point is also on the City Limits
5 line on Maze Blvd., and the section line common to
6 Section 30 and 31, Township 3 South, Range 9 East,
7 Mount Diablo Base and Meridian, thence westerly along
8 said section line to its intersection with the east
9 line of Lateral No. 5 of the Modesto Irrigation
10 District, thence proceeding northeasterly along said
11 east line of Lateral No. 5 to its intersection with
12 Lateral No. 4, thence continuing along the southeast
13 line of Lateral No. 4 to its intersection with the
14 Section line common to Sections 29 and 30, Township 3
15 South, Range 9 East, Mount Diablo Base and Meridian,
16 which line is also the City Limits line on Franklin
17 Street, thence southerly along said section and City
18 Limits line to the section corner common to Sections
19 29, 30, 31, and 32, Township 3 South, Range 9 East,
20 Mount Diablo Base and Meridian, thence westerly along
21 the Section line common to Sections 30 and 31, Township
22 3 South, Range 9 East, Mount Diablo Base and Meridian,
23 and the City Limits line on Maze Blvd., to the point
24 of beginning.

25 be and the same is hereby approved.

26 SECTION 2. That the said territory hereinabove
27 described be, and the same is, hereby annexed to, incorporated in
28 and made a part of the said City of Modesto, to be effective upon
29 the filing with the Secretary of State of the State of California
30 of 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 ordinance.

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

SECTION 4. That the said territory hereinabove described,
shall not, after such annexation, be subject to taxation equally
with the property within such municipal corporation to pay the
bonded indebtedness of said municipal corporation outstanding

1 or authorized at the date of filing the petition for annexation.

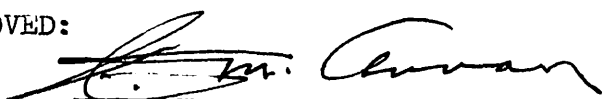
2 SECTION 5. Pursuant to Section 722 of the Charter of the
3 City of Modesto, this ordinance shall take effect and be in full
4 force and operation as of the date hereof.

5 SECTION 6. This ordinance shall be published in full
6 in the Modesto Bee, the official newspaper of the City of Modesto.


7
8 The foregoing Ordinance was introduced at a regular meeting
9 of the Council of the City of Modesto held on the 19th day of
10 September, 1951, by Councilman M. Adams, who moved its
11 adoption and passage to print, which motion being duly seconded
12 by Councilman, Mellis, was upon roll call carried and the
13 ordinance ordered printed and published as above by the following
14 vote:

15 AYES: Councilmen: M. Adams, R. Adams, Frad, Mellis,
16 NOES: Councilmen: Acting Mayor Annan
None
17 ABSENT: Councilmen: Merrill and Mayor Marks

18
19 APPROVED:

20 
21 Acting Mayor of the City of Modesto

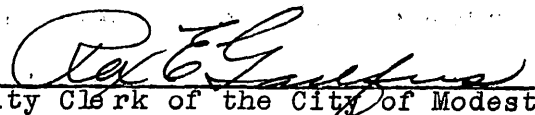
22 ATTEST:

23 
24 City Clerk of the City of Modesto

1 STATE OF CALIFORNIA)
2 County of Stanislaus) ss.
3 City of Modesto)

4 I, REX E. GAILFUS, Clerk of the City of Modesto, do
5 hereby certify that the foregoing is a full, true and correct
6 copy of Ordinance No. 1003 N. S., introduced and adopted at a
7 regular meeting of the Council of the City of Modesto held on
8 September 19, 1951, and that the same is now in full force and
9 effect.

10 IN WITNESS WHEREOF, I have hereunto set my hand and
11 affixed the official seal of the City of Modesto this 24 day
12 of September, 1951.

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14 
15 City Clerk of the City of Modesto,
16 California.
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SPECIAL
NOT IN CODE

ORDINANCE NO. 1004 N. S.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY,
BEING A PORTION OF LOTS 2 AND 7 OF THE RICE
COLONY TO THE CITY OF MODESTO.

WHEREAS, a petition dated the 22nd day of August, 1951,
was filed with the City Council by Albert Sgro, Sarah Sgro, and
Frederick Knorr for the annexation of uninhabited territory
to the City of Modesto under the provisions of the Annexation of
Uninhabited Territory Act of 1939 as amended, and

WHEREAS, the City Council by resolution passed on the
22nd day of August, 1951, set said petition for a hearing for the
hour of 4 o'clock P.M. on the 19th day of September, 1951, in
the Council Chambers of the City Hall of the City of Modesto, and

WHEREAS, at said time and place no objectors appeared
to oppose said petition, now, therefore,

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

SECTION 1. That the petition of Albert Sgro, Sarah
Sgro, and Frederick Knorr be and the same is hereby granted and
the territory described in said petition is hereby annexed to and
made a part of the City of Modesto.

SECTION 2. That the area or territory so annexed is a
portion of Lots 2 and 7 of the Rice Colony and is located in the
County of Stanislaus, State of California, and is contiguous to
the City of Modesto, and is more particularly described as
follows:

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

Beginning at a point on the existing city limits
line on El Vecino Avenue, said point being on the
North East corner of Lot 2 of the Rice Colony as
filed for record on February 19, 1904, Page 54,
Volume 1 of Maps, Stanislaus County Records, thence
Northerly along the center line of El Vecino Avenue
sixty-five (65) feet more or less to a point on
the East line of Lot 7 of said Rice Colony, thence
Westerly, following a line parallel to and sixty-

1 five (65) feet North of the South line of said
2 Lot 7 to the existing city limits line on Ramona
3 Avenue, which line is also the East line of the
4 E. C. Melrose Tract as filed for record on
5 August 30, 1949 in Volume 16 of Maps, Page 62,
6 Stanislaus County Records, thence Southerly along
7 the existing city limits line to the North line
8 of Lot 2 of the Apricot Colony as filed for
9 Record on August 13, 1912, in Volume 7 of Maps,
10 Page 5, Stanislaus County Records, thence Easterly
11 along the North line of said Lot 2 of the Apricot
12 Colony and the existing city limits line to the
13 Center line of El Vecino Avenue, thence Northerly
14 along the city limits line to the point of
15 beginning.

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17 SECTION 3. Pursuant to Section 722 of the Charter of
18 the City of Modesto this ordinance shall become effective
19 immediately upon its adoption and shall be in effect from and
20 after September 19, 1951.

21 SECTION 4. This Ordinance shall be published in full at
22 least once in the Modesto Bee, the official newspaper of the City
23 of Modesto.

24
25 The foregoing ordinance was introduced at a regular
26 meeting of the Council of the City of Modesto held on the 19th
27 day of September, 1951, by Councilman M. Adams who moved its
28 adoption and passage to print which motion being duly seconded
29 by Councilman Frad was upon roll call carried by the following
30 vote:

31
32 AYES: Councilmen: M. Adams, R. Adams, Frad, Mellis,
Acting Mayor Annan
NOES: Councilmen: None
ABSENT: Councilmen: Merrill and Mayor Makrs

33 APPROVED: 

34 Acting Mayor

35 ATTEST: 

36 Rex E. Gailfus, City Clerk

SPECIAL
NOT IN CODE

ORDINANCE NO. 1005 N.S.

1 AN ORDINANCE ADOPTING THE BUDGET OF THE CITY OF MODESTO FOR THE
2 FISCAL YEAR ENDING JUNE 30, 1952, AND PROVIDING FOR CERTAIN TRANSFERS
3 OF FUNDS

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5 WHEREAS, pursuant to the Charter of the City of
6 Modesto, a proposed budget has been submitted to the City Council
7 by the City Manager, and the City Council has made such revisions
8 as it has deemed advisable, and

9 WHEREAS, in accordance with the City Charter, a
10 public hearing has been held upon the adoption of the proposed
11 budget after due notice, as provided by law, and

12 WHEREAS copies of the proposed budget have been
13 available for inspection by the public at the office of the City
14 Clerk, now therefore,

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

17 Section 1. That the "City of Modesto Tentative Budget
18 for the Fiscal Year 1951-1952" presented by the City Manager to the
19 City Council at the September 12, 1951 meeting thereof, including
20 any revisions heretofore made by the City Council, a copy of which
21 budget is filed with the City Clerk is hereby adopted as the budget
22 for the City of Modesto for the fiscal year ending June 30, 1952.

23 Section 2. That the City Council is authorized by
24 resolution to transfer funds from one department to another depart-
25 ment and to transfer and expend funds from the General Reserve
26 for specific purposes.

27 Section 3. That the City Manager is authorized to
28 transfer funds within departmental budgets between the following
29 classifications, to-wit: salaries, operating expenses, and capital
30 outlay; and to transfer and expend funds from the Contingency Fund
31 for specific purposes.

1 Section 4. That the City Manager is authorized to
2 expend from the Equipment Replacement Fund amounts up to and in-
3 cluding \$1,500, and the City Council, by resolution, is authorized
4 to expend amounts from said fund exceeding \$1,500.

5 Section 5. Pursuant to Section 722 of the Charter of
6 the City of Modesto, this Ordinance shall take effect upon adoption
7 and shall be in full force and effect from and after September 26,
8 1951.

9 Section 6. This ordinance shall be published in full
10 in the Modesto Bee, the official newspaper of the City of Modesto.

11 The foregoing Ordinance was introduced at a regular
12 meeting of the Council of the City of Modesto held on the 26th day
13 of September, 1951 by Councilman Mellis, who moved its
14 adoption, which motion being duly seconded by Councilman Merrill
15 was upon roll call carried by the following vote:

16 Ayes: Councilmen: M. Adams, R. Adams, Annan, Frad, Mellis, Merrill
17 Noes: Councilmen: and Mayor Marks
18 Absent: Councilmen: None

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20 APPROVED: 
HARRY MARKS, MAYOR

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22 ATTEST: 
REX F. GAILFUS, CITY CLERK
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SPECIAL
NOTICE IN CODE

ORDINANCE NO. 1006 N.S.

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF
MODESTO FOR THE FISCAL YEAR 1951-1952

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 Stanis-
laus, State of California, for the fiscal year beginning July 1,
1951 and ending June 30, 1952, the rates of taxation, hereinafter
specified, 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-----\$1.00
on each One Hundred Dollars taxable valuation

FOR THE BOND REDEMPTION AND INTEREST FUND

- (a) Municipal Improvement Bonds of 1920----.032
(January)
- (b) Municipal Improvement Bonds of 1923----.008
- (c) Municipal Improvement Bonds of 1947----.14

BEING A TOTAL OF----- .18
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----- .10
On each One Hundred Dollars of taxable valuation

THE AGGREGATE OF SAID SUMS TO-WIT-----\$1.28
On each One Hundred Dollars valuation as determined
by the equalized assessment roll for the year 1951-52
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 improvements 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

1 annexed to the City of Modesto, La Linda Tract, John Muir Park Tract,
 2 Northwood Tract, Esgar Tract, Crane Tract and Campus Tract No. 2.
 3 Said tax rate for said Southern Campus Tract, Hawkins Tract, that
 4 portion of the Leslie-Hugh Tract annexed, La Linda Tract, John Muir
 5 Park, Northwood Tract, Esgar Tract, Crane Tract and Campus Tract
 6 No. 2, as aforesaid shall be and is hereby declared to be as follows:

7 FOR THE GENERAL FUND-----\$1.00
 On each One Hundred Dollars taxable valuation

8 FOR THE BOND REDEMPTION AND INTEREST FUND
 9 (a) Municipal Improvement Bond of 1947----- .14
 10 For each One Hundred Dollars in valuation of
 11 property taxable for the redemption of bonds and
 12 the payment of interest thereon that shall accrue
 during said fiscal year

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

14 THE AGGREGATE OF SAID SUMS, TO-WIT: \$1.24
 15 On each One Hundred Dollars valuation, as
 16 determined by the equalized assessment roll
 for the year 1951-1952

17 SECTION 3- BE IT FURTHER PROVIDED that anything
 18 to the contrary heretofore set forth, there shall be and there is
 19 hereby declared to be a different rate of taxation levied upon cer-
 20 tain property situate in the City of Modesto, to-wit: Leonardo
 21 Tract, Brockett & Valk Tract, College Manor Tract #2, Blocks 821 to
 22 823 inclusive of Campus Tract and lot 1 of the Ustick Tract,
 23 that portion of lots 2 and 3 of the Rice Colony tract annexed to
 24 the City, Block 624 of the Leslie-Hugh Tract, lots 2 and 3 of the
 25 Apricot Colony Tract, E. C. Melrose and Muir Garden Tract, Unin-
 26 habited Territory Tract No. 1, portion of lot 3 of Rice Colony,
 27 portion of Mission Grove, M & G Olivewood and all of the Falk Tract,
 28 portion of the Evergreen Acres Tract, portion of the resubdivision
 29 of Thousand Oaks, Block 2173, lots 1 to 5 inc, lots 11 to 17 inclusive
 30 portion of lot 18 of the Tatum Tract, lots 1 to 5 inclusive of Boden
 31 Colony, Northwest quarter of lot 7 of Rice Colony, lots 1 through
 32 12 of Block 726 of the M & G Olivewood Tract, including also the

1 the 7.5' alley immediately to the East boundary of said lots;
 2 portion of lot 44 of Broughton Colony; portion of Campus Tract No.
 3 2 described as follows Southwest quarter of the Southwest quarter
 4 and the South 10.00 feet of the Northwest quarter of the Southwest
 5 quarter of Section 20, Township 3 South Range 9 East, M.D.B & M;
 6 portion of Las Palmas Tract, portion of the Weil Colony, first por-
 7 tion of the Sunset Acres Tract; and Second portion of the Sunset
 8 Acres Tract, as aforesaid shall be and is hereby declared to be as
 9 follows:

10	FOR THE GENERAL FUND-----	\$1.00
	On each One Hundred Dollars taxable valuation	
11	FOR THE LIBRARY FUND-----	.10
12	On each One Hundred Dollars of taxable valuation	
13	THE AGGREGATE OF SAID SUMS, TO-WIT-----	\$1.10
14	On each One Hundred Dollars valuation, as	
15	determined by the equalized assessment roll	
	for the year 1951-1952	

16 SECTION 4- The tax rate upon said Southern Campus
 17 Tract; Hawkins Tract; that portion of the Leslie Hugh Tract, now a
 18 portion of the City of Modesto; La Linda Tract; John Muir Park;
 19 Northwood Tract; Esgar Tract; Crane Tract; Campus Tract No. 2;
 20 Leonardo Tract; Brockett & Valk Tract; College Manor Tract No. 2;
 21 Blocks 821 to 823 inclusive of Campus Tract and lot 1 of the Ustick
 22 Tract; that portion of lots 2 and 3 of the Rice Colony Tract annexed
 23 to the City; Block 624 of the Leslie-Hugh Tract; lots 2 and 3 of the
 24 Apricot Colony tract; E. C. Melrose and Muir Garden Tract; Uninhab-
 25 ited Territory Tract No. 1; portion of lot 3 of Rice Colony; portion
 26 of Mission Grove, M & G Olivewood and all of the Falk Tract; portion
 27 of the Evergreen Acres Tract, portion of the resubdivision of
 28 Thousand Oaks, Block 2173, lots 1 to 5 inc; lots 11 to 17 inclusive
 29 portion of lot 18 of the Tatum Tract, lots 1 to 5 inclusive of Boden
 30 Colony, Northwest quarter of lot 7 of Rice Colony; lots 1 through
 31 12 of Block 726 of the M & G Olivewood Tract, including also the

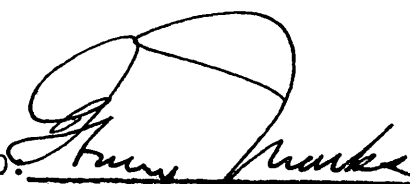
1 7.5' alley immediately to the East boundary of said lots;
2 portion of lot 44 of Broughton Colony; portion of Campus Tract No.
3 2, described as follows: Southwest quarter of the Southwest quarter
4 and the South 10.00 feet of the Northwest quarter of the Southwest
5 quarter of Section 20, Township 3 South, Range 9 East, M.D.B & M;
6 portion of Las Palmas Tract, portion of the Weil Colony; first por-
7 tion of the Sunset Acres Tract; and Second portion of the Sunset
8 Acres Tract, is different from the tax rate herein set for the
9 balance of the property within the City of Modesto by reason of the
10 fact that said territory has been annexed to and made a part of
11 the City of Modesto and under a provision of the State law which
12 does not permit the said City to levy taxes upon said annexed pro-
13 perty for any past bonded indebtedness owed by said City and in-
14 curred before said territory became a part of said City.

15 SECTION 5- Pursuant to Section 722 of the Charter
16 of the City of Modesto, this ordinance shall take effect and be in
17 full force and operation as of the date hereof.

18 SECTION 6- This ordinance shall be published in full
19 at least once at least three days prior to its final adoption in
20 the Modesto Bee, the official newspaper of the City of Modesto.

21 The foregoing ordinance was introduced at a regular
22 meeting of the Council of the City of Modesto held on the 26th day
23 of September, 1951 by Councilman M. Adams, who moved its
24 adoption and passage to print, which motion being duly seconded by
25 Councilman Frad, the ordinance was upon roll call ordered
26 printed and published as required by the Charter of the City of
27 Modesto by the following vote:

28 Ayes: Councilmen: M. Adams, R. Adams, Frad, Mellis, Merrill, Annan
29 Noes: Councilmen: Mayor Marks
30 Absent: Councilmen: None

31 APPROVED: 
32 HARRY MARKS, MAYOR

ATTEST: 
REX E. GALLFUS, CITY CLERK

REPEALED BY
MUNICIPAL CODE

ORDINANCE NO. 1007-N.S.

AN ORDINANCE REPEALING SECTION 5 OF ORDINANCE NO. 602-N.S. (CIVIL SERVICE) AND REPEALING ORDINANCES NOS. 639-N.S., 687-N.S., 766-N.S., 791-N.S., 849-N.S., 905-N.S. and 964-N.S. (AMENDMENTS TO ORDINANCE NO. 602-N.S.)

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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, SETTling THE STATUS OF PRESENT EMPLOYEES AND PROVIDING A PENALTY FOR THE VIOLATION THEREOF" and Ordinances Nos. 639-N.S., 687-N.S., 766-N.S., 791-N.S., 849-N.S., 905-N.S., and 964-N.S. amendments thereto, are hereby repealed.

SECTION 2. This ordinance shall take effect and be in full force from and after fifteen (15) days after its final adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto on the 7th day of November, 1951 by Councilman Merrill, who moved its adoption and passage to print which motion being duly seconded by Councilman M. Adams, it was upon roll call carried by the following vote:

Ayes: Councilmen: M. Adams, Annan, Mellis, Merrill, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: R. Adams and Frad

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS, 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 7th day of November, 1951, 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 28, 1951, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, Annan, Mellis, Merrill, Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: R. Adams and Frad

APPROVED: 
MAYOR HARRY MARKS

ATTEST: 
REX E. GAILFUS, CITY CLERK

15 SPECIAL
20 NOT IN CODE

ORDINANCE NO. 1008 N. S.

AN ORDINANCE APPROVING THE ANNEXATION OF
CERTAIN TERRITORY KNOWN AS "NORTHWEST
ADDITION" TO THE CITY OF MODESTO

1 WHEREAS, certain proceedings have been instituted under
2 the Annexation Act of 1913 and other laws pertaining to annexation
3 for the purpose of submitting to the qualified electors residing
4 in certain territory hereinafter described, and generally desig-
5 nated as "Northwest Addition", the question as to whether such
6 territory should be annexed to the City of Modesto; and

7 WHEREAS, the City Council finds that each and every and
8 all of the requirements of law pertaining to said annexation pro-
9 ceedings and the election in said territory have been fully
10 complied with,

11 THE COUNCIL OF THE CITY OF MODESTO DOES ORDAIN AS FOLLOWS:

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

16 All that certain real property situated in the
17 County of Stanislaus, State of California,
18 described as follows:

19 Beginning at a point of the existing city limits line
20 at the intersection of the center line of Orangeburg
21 Avenue and the center line of College Avenue, which
22 point is also the Northwest corner of the Southeast
23 quarter of the Northwest Quarter of Section 20,
24 Township 3 South, Range 9 East, M.D.B. & M., thence
25 Westerly along the Northerly Quarter Quarter Section
26 line of said Section 20, and along the Northerly
27 Quarter Quarter Section line of Section 19, Township
28 3 South, Range 9 East, M.D.B. & M. to a point on
29 the center line of Carver Road, said point being
30 twenty (20) feet West of the Northwest corner of
31 Lot 2 of the Chiquita Colony as filed for record
32 on March 16, 1904, in Volume 1 of Maps, Page 43,
Stanislaus County Records; thence Southerly along
the center line of said Carver Road and the
Southerly projection thereof to the South Westerly
line of State Highway, Route #4 (U.S. Route 99)
as shown on the Map filed on May 10, 1939, in
Volume 2, Page 130, Record of Surveys, Stanislaus
County Records; thence Southeasterly along said
Southwesterly boundary of said State Highway,
Route 4, to the intersection thereof with the city

1 limits line, said city limits line being the
2 Southerly projection of the center line of Tully
3 Road and being also the West line of Section
4 29, Township 3 South, Range 9 East, M.D.B. & M.;
5 thence following along the existing city limits line
6 the following courses and distances: Northerly
7 along the Section line common to said Section 29
8 and 30, Township 3 South, Range 9 East, M.D.B. & M.,
9 to a point twenty (20) feet South of the Section
10 corner common to Section 29, 30, 19, and 20,
11 Township 3 South, Range 9 East, M.D.B. & M.; thence
12 Westerly twenty (20) feet to a point on the
13 South line of Coldwell Avenue and the West line
14 of Tully Road, which point is also on the East
15 line of Lot 1 of the Perdue Tract as filed for
16 record on December 29, 1908, in Volume 4 of Maps,
17 Page 11, Stanislaus County Records, thence
18 Northerly forty (40) feet to a point on the
19 North line of Coldwell Avenue and the West line
20 of Tully Road; thence Westerly along the North
21 line of Coldwell Avenue to a point on the West
22 boundary of Lot 18 of the Evergreen Acres Tract
23 as filed for Record on September 21, 1912, in
24 Volume 7 of Maps, Page 9, Stanislaus County
25 Records, thence Northerly along the West line
26 of Lots 18 and 12 of said Evergreen Acres
27 Tract to a point on the South line of Leonard
28 Avenue, thence Easterly along South line of said
29 Leonard Avenue to a point on the Section line
30 common to Section 19 and 20, Township 3 South,
31 Range 9 East, M.D.B. & M.; thence Northerly
32 along said common Section line to a point ten
(10) feet North of the Southwest corner of the
North West Quarter of the South West Quarter of
said Section 20; thence Easterly along North
line of the South ten (10) feet of the North
West Quarter of the South West Quarter of said
Section 20 to a point on the West Quarter
Quarter Section of said Section 20 line in
College Avenue; thence Northerly along the
Westerly Quarter Quarter Section line of said
Section 20 to a point on the Westerly extension
of the South line of Carla Avenue as shown on the
Map of the College Manor Tract No. 2 as filed
for record on January 9, 1947, in Volume 16 of
Maps, Page 17, Stanislaus County Records;
thence Easterly along said South line of Carla
Avenue to the center line of Mills Avenue, as
shown on the Map of said College Manor Tract No. 2;
thence Northerly along the center line of said
Mills Avenue to the North East corner of the
College Manor Tract as filed for record on July 13,
1938, in Volume 11 of Maps, Page 45, Stanislaus
County Records; thence Northerly along the
center line of Mills Avenue as shown on the map
of the Chapin Tract as filed for record August 31,
1946, in Volume 14 of Maps, Page 43, Stanislaus
County Records, to a point on the projected South
line of Ulrich Avenue as shown on the Map of said
Chapin Tract; thence Westerly along the South line
of said Ulrich Avenue to the Westerly Quarter
Quarter Section line of said Section 20 in
College Avenue, thence Northerly along said
Westerly Quarter Quarter Section line to the
point of beginning.

1 be and the same is hereby approved.

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

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

16 SECTION 4. That the said territory hereinabove des-
17 cribed shall not, after such annexation, be subject to taxation
18 equally with the property within such municipal corporation to
19 pay the bonded indebtedness of said municipal corporation out-
20 standing or authorized at the date of filing the petition for
21 annexation.

22 SECTION 5. Pursuant to Section 722 of the Charter of
23 the City of Modesto, this Ordinance shall take effect and be in
24 full force and operation as of the date hereof.

25 SECTION 6. This Ordinance shall be published in full
26 in the Modesto Bee, the official newspaper of the City of Modesto.

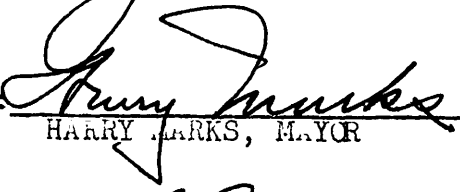
27
28 The foregoing Ordinance was introduced at a regular
29 meeting of the Council of the City of Modesto held on the 21st
30 day of November, 1951, by Councilman Annan,
31 who moved its adoption and passage to print, which motion being
32 duly seconded by Councilman M. Adams, was upon roll

1 call carried and the ordinance ordered printed and published as
2 above by the following vote:

3 Ayes: Councilmen: M. Adams, Annan, Frad, Mellis, Mayor Marks

4 Noes: Councilmen: None

5 Absent: Councilmen: R. Adams and Merrill

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7 APPROVED: 
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HARRY MARKS, MAYOR

9 ATTEST: 
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11 REX. E. GAILFUS, CITY CLERK
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1 STATE OF CALIFORNIA)
County of Stanislaus) ss.
2 City of Modesto)

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I, REX E. GAILFUS, Clerk of the City of Modesto, do hereby certify that the foregoing is a full, true, and correct copy of Ordinance No. 1008 N. S., introduced and adopted at a regular meeting of the Council of the City of Modesto held on November 21, 1951, and that the same is now in full force and effect.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Modesto this 23 day of November, 1951.


City Clerk of the City of Modesto,
California

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

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

SECTION 1. The sum of Six thousand seven hundred and no/00 dollars (\$6,700.00), or so much thereof as may be necessary, is hereby appropriated from the General Fund of the City of Modesto not heretofore appropriated, for the purchase from the owners thereof of certain real property which is described as follows:

Lot 17 of Weil Colony, according to the Map thereof filed in the office of the County Recorder of Stanislaus County, California, on March 17, 1908, in Vol. 3 of Maps Page 37.

SECTION 2. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety, and shall take effect immediately. The following is a statement of the facts showing its urgency:

The property described above is being acquired by the City of Modesto for the purpose of establishing a park. Unless the transaction is completed without delay, the City of Modesto may be deprived of the opportunity to purchase the aforesaid property for the sum indicated.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of November, 1951, by Councilman M. Adams who moved its adoption and passage to print. The motion being duly seconded by Councilman Frad, it was, upon roll call, carried, and the Ordinance ordered printed and published as above by the following vote:

1 AYES: Councilmen: M. Adams, R. Adams, Annan, Frad, Mellis,
2 NOES: Councilmen: Mayor Marks
3 ABSENT: Councilmen: Merrill

4 APPROVED: *Harry Marks*
5 HARRY MARKS, MAYOR

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7 ATTEST: *Rex E. Gallfus*
8 REX. E. GALLFUS, City Clerk

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ORDINANCE NO. 1010-N.S.

AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S. (TRAFFIC ORDINANCE) AS THEREAFTER AMENDED BY ORDINANCES NO. 362-N.S. No. 376-N.S. and NO. 667-N.S.

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

SECTION 1. Ordinance No. 345-N.S. (Traffic Ordinance) as thereafter amended by Ordinances No. 362-N.S., 376-N.S. and No. 667-N.S. 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 Block 67, 68, 69 and 70 of the City of Modesto, according to the official map thereof, except in a northwesterly direction, or to stop or park any vehicle in said alleys except upon the northeasterly or right hand side thereof, as close as practicable to the property line.

It shall be unlawful to drive any vehicle through the alley between 12th and 13th Streets and between J and K Streets, being the alley in Block 92 of the City of Modesto, according to the official map thereof, except in a northwesterly direction, or to stop or park any vehicle in said alley except upon the north-easterly or right hand side thereof, as close as practicable to the property line.

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MUNICIPAL CODE

REPEALED BY
MUNICIPAL CODE

1 It shall be unlawful to stop or park any vehicles in
2 any of said alleys for a longer period of time than is necessary to
3 load or unload such vehicle.

4 Said alleys are hereby declared to be one-way alleys,
5 and the entering of said alleys with a vehicle or driving through
6 the same with a vehicle, except as stated in this Ordinance, or
7 parking or leaving a vehicle standing in said alleys, except as
8 specified in this ordinance, shall be a misdemeanor.

9 The Police Department shall erect signs at the entrances
10 to said alleys to the effect that they are one-way alleys only
11 and indicating the direction from which alone they may be entered."

12 SECTION 2. This ordinance shall take effect and be in
13 full force and operation from and after fifteen days after its
14 final passage and adoption.

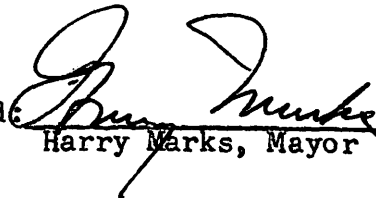
15 SECTION 3. This ordinance shall be published in full
16 at least once at least three days prior to its final adoption in
17 the "The Modesto Bee", the official newspaper of the City of Modesto.


18 The foregoing ordinance was introduced at a regular
19 meeting of the Council of the City of Modesto held on the 28th day
20 of November, 1951 by Councilman M. Adams, who moved its adoption,
21 as aforesaid, which motion being duly seconded by Councilman Mellis
22 it was upon roll call carried and the ordinance ordered printed and
23 published as above by the following vote:

24 Ayes: Councilmen: M. Adams, R. Adams, Annan, Frad, Mellis, Merrill
and Mayor Marks

25 Noes: Councilmen: None

26 Absent: Councilmen: None

27 Approved: 
28 Harry Marks, Mayor

29 Attest: 
30 Rex E. Gailfus, City Clerk

31 time
32 50 copies

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 November, 1951, 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 December 12, 1951, it was upon roll call so finally
8 adopted by the following vote:

9 Ayes: Councilmen: M. Adams, R. Adams, Annan, Frad, Mellis, Merrill
and Mayor Marks

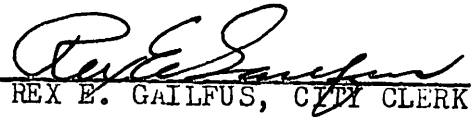
10 Noes: Councilmen: None

11 Absent: Councilmen: None

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14 APPROVED:


HARRY MARKS, MAYOR

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16 ATTEST:


REX E. GAILFUS, CITY CLERK

ORDINANCE NO. 1011 N.S.

AN ORDINANCE AMENDING ORDINANCE NO. 482 N.S. ENTITLED "AN ORDINANCE REGULATING THE OPENING, CONDUCTING AND CARRYING ON OF DANCES IN PUBLIC DANCE HALLS IN THE CITY OF MODESTO, PROVIDING FOR THE ISSUANCE OF PERMITS FOR THE SAME AND A PENALTY FOR THE VIOLATION OF ANY OF THE PROVISIONS HEREOF, AND DEFINING CERTAIN WORDS AND PHRASES" BY AMENDING SUBSECTION (4) OF SECTION 4 AND SECTION 6 THEREOF, AND ADDING SECTION 9A THERETO.

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

SECTION 1. Subsection (4) of Section 4 of Ordinance No. 482 N. S. of the City of Modesto entitled "An Ordinance regulating the opening, conducting and carrying on of dances in public dance halls in the City of Modesto, providing for the issuance of permits for the same and a penalty for the violation of any of the provisions hereof, and defining certain words and phrases" is hereby amended to read as follows:

(4). The holder of the permit or some person designated in the application for the permit under which said dance is held, must at all times be present on the dance floor. In addition hereto the holders of the permit shall appoint some responsible man to act as a special Police Officer who shall be present at all times during the holding of such dances and whose duty it shall be to see that the provisions of this Ordinance relating to the conduct of such dances and of the persons attending the same are complied with. The approval of the Chief of Police shall be obtained prior to the appointment of each such person as a special Police Officer. The Chief of Police shall have the power to withdraw his approval in the event that any such special Police Officer is not performing his duties to the satisfaction of the Chief of Police.

SECTION 2. Section 6 of said Ordinance No. 482 N. S. is hereby amended to read as follows:

Section 6. Upon the receipt of such application by the City Clerk, the same shall be referred to the Chief of Police for investigation and report. If the Chief of Police finds that the premises for which the permit is desired is not adjacent to a hotel or lodging house, or residence, or if adjacent to a hotel or lodging house, or residence, if the premises are sufficiently sound proof so that the residents living nearby or patrons of the hotel and lodging house will not be disturbed, and if the Chief of Police after investigation determines and so reports that the applicants are of good moral character, that the premises for which a permit is sought comply with and

1 conform to this Ordinance and any other law, ord-
2 inance, health or fire regulation applicable thereto,
3 and complies with statutes concerning fire proofing,
4 and is properly ventilated and supplied with separate
5 and sufficient toilet conveniences for each sex within
6 the premises in which the dance is to be located, and
7 is a safe and proper place for the purpose for which
8 it shall be used, the City Clerk shall, upon the
9 payment of the fee hereinafter specified, issue such
10 permit; provided, however, that in the event of a
11 refusal by the City Clerk to issue such permit, the
12 applicant therefor may appeal in writing to the City
13 Council, which shall hear the matter, including the
14 application and the reason for refusing it at its
15 next meeting, regular or special, and may either grant
16 said permit or refuse the same if in its discretion
17 it finds that the application or the premises in which
18 it is proposed to hold said dance or dances do not
19 comply with this section.

20 SECTION 3. A new section entitled "Section 9A" is hereby
21 added to said Ordinance No. 482 N. S., as amended, which said
22 section shall read as follows:

23 Section 9A. The provisions of this Ordinance shall
24 apply to public dances given by the management of
25 hotels, restaurants, bars, and cafes, or any agent,
26 employee, representative, or concessionaire of such
27 person, firm or corporation. No dancing shall be
28 allowed or permitted in any of the aforesaid estab-
29 lishments except as is authorized under the terms
30 and conditions of this Ordinance, as amended.

31 SECTION 4. This Ordinance shall go into effect and be in
32 full force and operation from and after fifteen days after its
33 final passage and adoption.


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

37 The foregoing Ordinance was introduced at a regular meet-
38 ing of the Council of the City of Modesto held on the 5th day
39 of December, 1951, by Councilman Frad, who moved its
40 adoption and passage to print, which motion being duly seconded
41 by Councilman R. Adams, was upon roll call carried and
42 the Ordinance ordered printed and published by the following
43 vote:

1 Ayes: Councilmen: M. Adams, R. Adams, Annan, Frad, Merrill and
Mayor Marks

2 Noes: Councilmen: None

3 Absent: Councilmen: Mellis

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5 Approved, 
6 HARRY MARKS, MAYOR

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9 ATTEST: 
10 REX E. GALFUS, CITY CLERK

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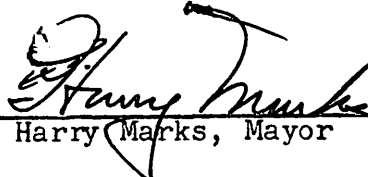
FINAL ADOPTION CLAUSE


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 5th day of December, 1951, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the adjourned regular meeting of the Council of December 17, 1951, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Frad, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

Approved: 
Harry Marks, Mayor

Attest: 
Rex E. Gailfus, City Clerk

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CODE SEC.
NO. 4-7.901
4-7.904

ORDINANCE NO. 1012 N.S.

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AN ORDINANCE REGULATING SMOKING IN THEATRES, MOTION PICTURE THEATRES, HALLS AND OTHER PLACES OF PUBLIC ASSEMBLY, PROVIDING PENALTY FOR THE VIOLATION OF THIS ORDINANCE, AND REPEALING ORDINANCE NO. 736 N. S.

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

SECTION 1. It shall be unlawful for any person to smoke by means of cigars, cigarettes, pipes, or otherwise, in any place in the City of Modesto used for the purpose of a theatre operation or public assemblage of any kind excepting as follows:

a. In such portions thereof as may be designated and approved in writing by the Fire Chief of the City of Modesto as being reasonably free from a fire hazard; and

b. In rooms entirely removed from the main auditoriums, stages, or projecting room of any of said premises; and

c. By actors or performers upon the stage as part of the business of the act or performance being presented.

It shall also be unlawful for any person, firm or corporation owning, managing or controlling any such place to permit smoking therein, excepting as herein provided.

SECTION 2. Notwithstanding anything in this ordinance to the contrary, it shall be unlawful for any person to smoke in any room or rooms in any of the places described in this ordinance where any combustible materials are kept or stored, or where show or display cards are kept, or stored or prepared, or where costumes are kept or stored.

SECTION 3. Every person, firm or corporation controlling or managing any theatre, opera house, auditorium or place of public assemblage shall cause to be made a thorough inspection of the premises so used, managed or controlled by them immediately at the close of every meeting or performance for the purpose of

1 discovering any smoldering embers or latent conditions that might
2 lead to the development of a fire, and in particular to sweep and
3 clean at such time all portions of such place where smoking is,
4 by the terms of this ordinance, permitted. A further similar
5 inspection shall be made of said premises or place wherein smoking
6 is permitted by the terms of this ordinance immediately prior to
7 the closing of the place or premises for the night for the purpose
8 of discovering any smoldering embers or latent conditions that
9 might lead to the development of a fire.

10
11 SECTION 4. There shall be displayed in a conspicuous
12 place in those portions of every theatre, opera house, auditorium
13 or other public entertainment or assemblage, in which smoking is
14 forbidden or prohibited by the terms of this ordinance, a notice
15 to the effect that smoking is prohibited therein, with reference
16 to this ordinance as carrying such prohibition.

17 SECTION 5. Ordinance No. 736 N.S. is hereby expressly
18 repealed.

19 SECTION 6. This Ordinance shall go into effect and be in
20 full force from and after fifteen (15) days after its final
21 passage and adoption.

22 SECTION 7. If any section, sub-section, sentence, clause
23 or phrase of this ordinance is for any reason held to be uncon-
24 stitutional, or otherwise invalid by any court of competent juris-
25 diction, such decision shall not affect the validity of the remain-
26 ing portions of this ordinance. The Council of the City of Modesto
27 hereby declares that it would have passed this ordinance, and
28 each section, subsection, sentence, clause and phrase thereof,
29 irrespective of the fact that any one or more sections, subsections,
30 sentences, clauses or phrases be declared invalid or unconstitu-
31 tional.
32


1 SECTION 8. Any person, firm, association or corporation
2 who, either as principal, owner, agent, servant or employee,
3 violates any of the provisions of this ordinance, shall be guilty
4 of a misdemeanor and upon conviction thereof shall be punished
5 by a fine not exceeding FIVE HUNDRED DOLLARS, or by imprisonment
6 in the County Jail of Stanislaus County, California, for a period
7 not exceeding Six months, or by both such fine and imprisonment.

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

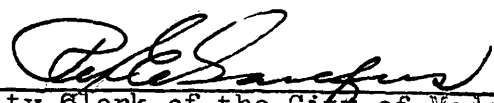
11 The foregoing ordinance was introduced at a meeting of
12 the Council of the City of Modesto held on the 5th day of
13 December, 1951 by Councilman Annan, who moved its adoption
14 and passage to print, which motion being duly seconded by
15 Councilman M. Adams, was upon roll call carried and the
16 ordinance ordered printed and published by the following vote:
17

18 AYES: Councilmen: M. Adams, R. Adams, Annan, Frad, Merrill
19 and Mayor Marks
20 NOES: Councilmen: None
21 ABSENT: Councilmen: ~~Melliss~~

22 APPROVED:

23 
24 _____
25 Mayor of the City of Modesto.
26 Harry Marks

27 ATTEST:

28 
29 _____
30 City Clerk of the City of Modesto.
31 Rex E. Gailfus
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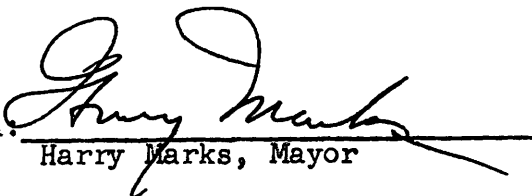
FINAL ADOPTION CLAUSE


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 5th day of December, 1951, and subsequently printed and published as required by the Charter of the City of Modesto, and coming on for final adoption at the adjourned regular meeting of the Council of December 17, 1951, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Frad, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams

Approved: 
Harry Marks, Mayor

Attest: 
Rex E. Gailfus, City Clerk

REPEALED ORD 234CS

ORDINANCE NO. 1013 -N.S.

AN ORDINANCE AMENDING SECTION 11 OF ORDINANCE NO. 778 N. S. ENTITLED "AN ORDINANCE RELATING TO TRAFFIC AND REGULATING THE USE OF PUBLIC STREETS IN THE CITY OF MODESTO, DEFINING AND PROVIDING FOR THE ESTABLISHMENT OF PARKING METER ZONES, REGULATING AND PROVIDING FOR INSPECTION OF THE PARKING OF VEHICLES THEREIN BY THE USE OF PARKING METERS, PRESCRIBING LIMITS OF TIME FOR PARKING IN PARKING METER ZONES, PROVIDING FOR THE ENFORCEMENT OF THIS ORDINANCE, AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF".

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

SECTION 1. Section 11 of Ordinance No. 778 N.S. of the City of Modesto entitled "An Ordinance relating to traffic and regulating the use of public streets in the City of Modesto, defining and providing for the establishment of parking meter zones, regulating and providing for inspection of the parking of vehicles therein by the use of parking meters, prescribing limits of time for parking in parking meter zones, providing for the enforcement of this Ordinance and providing penalties for the violation thereof" is hereby amended to read as follows:

Section 11. It shall be the duty of each police officer to take the number of any meter at which any vehicle is over-parked, as provided in this Ordinance, the State vehicle license of such vehicle, the time and date of such over-parking, and the make of such vehicle, and issue, in writing, and attach to such vehicle a citation for illegal parking in the same form and subject to the same procedure provided for by the laws of the State of California applicable to the traffic violations within said City.

Any operator or owner of a vehicle to whom a citation has been issued may, within forty-eight hours of the time of the issuance of said citation, pay to the Clerk of the Municipal Court in the Traffic Violation Bureau of the City of Modesto as a penalty for, and in full satisfaction of such violation, the sum of One (\$1.00) Dollar. The failure of such owner or operator to make such payment within said forty-eight hours shall render such owner or operator subject to the penalty hereinafter provided for violation of the provisions of this Ordinance.

SECTION 2. This Ordinance shall go into effect and be

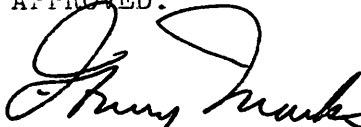
1 in full force from and after fifteen (15) days after its final
2 passage and adoption.

3 SECTION 3. This Ordinance shall be published in full
4 at least once three days prior to its final adoption in the
5 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 12th
8 day of December, 1951, by Councilman M. Adams, who
9 moved its adoption and passage to print, which motion being duly
10 seconded by Councilman Mellis, was upon roll call
11 carried and the Ordinance ordered printed and published by the
12 following vote:

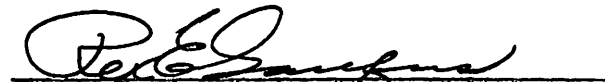
13
14 AYES: Councilmen: M. Adams, Annan, Frad, Mellis,
15 Merrill and Mayor Marks
16 NOES: Councilmen: R. Adams
17 ABSENT: Councilmen: None

18 APPROVED:

19
20 

21 Mayor of the City of Modesto.
22 Harry Marks

23 ATTEST:

24 
25 City Clerk of the City of Modesto
26 Rex E. Gailfus
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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 12th day of December, 1951, 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 19, 1951, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: Annan, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

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ORDINANCE NO. 1014 -N.S.

AN ORDINANCE ESTABLISHING A CITY PLANNING COMMISSION, DEFINING THE POWERS AND DUTIES OF SAID COMMISSION AND REPEALING ORDINANCE NO. 414-N.S., AS AMENDED.

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

SECTION 1. CREATION OF CITY PLANNING COMMISSION.

The City Planning Commission of the City of Modesto is hereby established to consist of seven (7) members who shall be appointed in accordance with and for the terms prescribed by Section 1102 of the Charter of the City of Modesto.

SECTION 2. MEETINGS.

The Commission shall elect a Chairman and Vice-chairman from its membership in accordance with Section 1104 of said Charter. In the absence or disability of either the Chairman or Vice-chairman, the Commission may designate a Chairman Pro Tempore. The Commission shall hold at least one (1) regular meeting in each month. The Commission shall adopt rules for the transaction of its business and shall keep a written record of its resolutions, transactions, findings, and determinations, which record shall be a public record.

SECTION 3. POWERS AND DUTIES:

The Commission shall have the general powers and duties specified in Section 1107 of said Charter and pursuant thereto shall have the power and duty to:

(a) Perform all of the functions assigned to a City Planning Commission by the "Conservation and Planning Act" and other statutes of the State of California relating to planning and zoning, insofar as they are not inconsistent with the provisions of the Charter of the City of Modesto.

(b) Prepare and recommend the adoption, amendment, or

1 repeal of a comprehensive long term general master plan or any
2 portion thereof for the physical development of the City, together
3 with detailed or precised sections based thereon, to include a
4 land use plan, a streets and highways plan, a parks and recreation
5 plan, a transportation plan, a transit plan, a public service and
6 facilities plan, a public buildings plan, a community design plan,
7 a housing plan, and such other plan or plans as it or the City
8 Council may deem appropriate.
9

10 (c) Advise with and recommend to the proper officials
11 of the City the approval or disapproval or modification of all
12 maps or plats of land subdivision in accordance with the Subdivision
13 Map Act of the State of California, or as may be provided by
14 ordinance.

15 (d) Hold hearings on planning and zoning matters as pre-
16 scribed in the State Conservation and Planning Act, or by ordinance.

17 (e) Advise with and recommend to the proper officials
18 of the City regarding the acquisition, use, or disposition of all
19 City owned property.
20

21 (f) List and classify all proposed public improvements
22 recommended by officers, departments, boards or commissions of the
23 City. The Planning Commission shall each year, on or before May
24 1st, prepare and submit to the City Council a coordinated program
25 of proposed public improvements for the ensuing six (6) year period,
26 together with its recommendations in connection therewith. In
27 order that the Commission may properly perform this function, each
28 officer, department, board or commission of the City whose functions
29 include recommending public improvements to the Council, shall, on
30 or before March 1st each year, submit to the Planning Commission
31 a list of proposed public improvements recommended by such officer,
32 department, board or commission for planning, initiation or

1 construction during the ensuing six (6) year period.

2 SECTION 4. ORDINANCES REPEALED.

3 Ordinance # 414-N.S. and all ordinances amending it are
4 hereby repealed provided that all proceedings under said ordinance
5 No. 414-N.S., as amended, heretofore instituted are continued in
6 full force and effect uninterrupted and all acts of the Planning
7 Commission appointed under said ordinance, as amended, are hereby
8 affirmed.

9 SECTION 5. EFFECTIVE DATE.

10 This ordinance shall go into effect and be in full force
11 from and after fifteen (15) days after its final passage and
12 adoption.

13 SECTION 6. PUBLICATION.

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

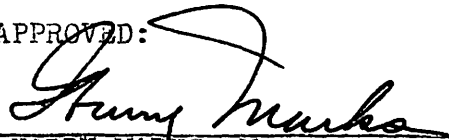
17 The foregoing ordinance was introduced at a meeting of
18 the Council of the City of Modesto held on the 19th day of
19 December, 1951 by Councilman Mellis, who moved its
20 adoption and passage to print, which motion being duly seconded by
21 Councilman Annan, was upon roll call carried and the
22 ordinance ordered printed and published by the following vote:

23 AYES: Councilmen: M. Adams, R. Adams, Annan, Frad, Mellis,
24 Merrill and Mayor Marks

25 NOES: Councilmen: None

26 ABSENT: Councilmen: None

27 APPROVED:

28 
29 HARRY MARKS, Mayor

30 ATTEST:

31 
32 REX E. GAILFUS, 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 19th day of December, 1951 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 26, 1951, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Mellis, Mayor pro tem Merrill

Noes: Councilmen: None

Absent: Councilmen: Annan, Frad and Mayor Marks

APPROVED:



LYNDALL O. MERRILL, MAYOR PRO TEM

ATTEST:



REX E. GAILFUS, CITY CLERK

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ORDINANCE NO. 1015-N.S.

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AN ORDINANCE AMENDING SECTION 14 OF ORDINANCE NO. 10-N.S. OF THE CITY OF MODESTO AS AMENDED BY ORDINANCE NO. 543-N.S. AND ORDINANCE NO. 688-N.S.

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

SECTION 1. Section 14 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, CONSTITUTES THE SAME, AND FIXING THE PENALTIES THEREOF" as thereafter amended by Ordinance No. 543-N.S. and Ordinance No. 688-N.S. of the City of Modesto is hereby amended to read as follows:

"SECTION 14. It shall be unlawful and a misdemeanor for any person owning or operating a bowling alley in the City of Modesto to keep the same open for bowling between the hours of 2:30 o'clock A.M. and 8:00 o'clock A.M. of the same day. Provided however, that when and if tournaments are held and scheduled at a bowling alley, the Council may by resolution upon request of the proprietor or owner of said bowling alley, extend the time for bowling to the hour of 3:00 o'clock A.M."

SECTION 2. This ordinance shall take effect and be in full force and operation fifteen 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 at a regular meeting of the Council of the City of Modesto held on the 26th day of December, 1951 by Councilman M. Adams, who moved its adoption and passage to print, which motion being duly seconded by Councilman


1 Mellis, was upon roll call carried and the ordinance ordered print-
2 ed and published by the following vote:

3 Ayes: Councilmen: M. Adams, R. Adams, Mellis, Mayor Pro Tempore
4 Merrill

5 Noes: Councilmen: None

6 Absent: Councilmen: Annan, Frad, Mayor Marks

7
8 APPROVED: 
9 Lyndall O. Merrill, Mayor Pro Tempore

10
11 ATTEST: 
12 Rex E. Gailfus, City Clerk
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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 26th day of December, 1951, 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 meet-
7 ing of January 2, 1952, it was upon roll call so finally adopted
8 by the following vote:


9
10 Ayes; Councilmen: M. Adams, Mellis, Merrill and Mayor Marks

11 Noes: Councilmen: None

12 Absent: Councilmen: R. Adams and Annan

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15 APPROVED: 

HARRY MARKS, MAYOR

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18 ATTEST: 

19 REX E. GAILFUS, CITY CLERK
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REPEALED ORD 234CS

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" BY ADDING SECTION 30 PROHIBITING FLAME THROWING VEHICLES.

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

SECTION 1. Ordinance No. 345-N.S. entitled "An Ordinance Regulating Traffic Upon the Public Streets of the City of Modesto", as amended, is hereby amended by adding a new Section as follows:

SECTION 30. FLAME THROWING VEHICLES PROHIBITED

It shall be unlawful for any person to possess, maintain, or operate any motor vehicle or motorcycle, other than a motor truck, farm tractor or road tractor as defined in the California Vehicle Code, which is designed, constructed, or equipped so as to permit to escape or issue or cause to escape or issue from said vehicle's muffler or exhaust system any sparks, flames, flaming or burning gas or other burning, flaming, or glowing substance.

SECTION 2. EFFECTIVE DATE

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. PUBLICATION

This ordinance shall be published in full at least once 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 16th day of January, 1952, by Councilman Arata, who moved its adoption and passage to print, which motion being duly seconded by Councilman Mellis, was upon roll call carried and the Ordinance ordered printed and published by the following vote:

- AYES: Councilmen M. Adams, R. Adams, Arata, Mellis, Mayor pro tem Merrill
- NOES: Councilmen None
- ABSENT: Councilmen Annap and Mayor Marks

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APPROVED:



Lyndall C. Merrill, Mayor Pro Tem

ATTEST:



REX E. GAILFUS, CITY CLERK

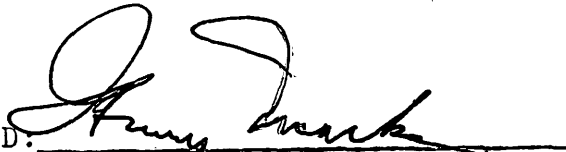
FINAL ADOPTION CLAUSE

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 16th day of January, 1952, 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 23, 1952, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Annan

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS, CITY CLERK

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Repealed
by Ord 1051-75

ORDINANCE NO. 1017 -N.S.

AN ORDINANCE PRESCRIBING REGULATIONS FOR FIRE PREVENTION AND LIFE SAFETY IN CONNECTION WITH HAZARDOUS MATERIALS AND PROCESSES AND REPEALING ORDINANCE NO. 208-N.S., ORDINANCE NO. 209-N.S., AND SECTION 8 OF ORDINANCE NO. 424-N.S.

REPEALED BY
MUNICIPAL CODE

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

SECTION 1. That certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Modesto being marked and designated "Suggested Fire Prevention Ordinance", 1947 Edition, as recommended by the National Board of Fire Underwriters, which said ordinance prescribes regulations for fire prevention and life safety in connection with hazardous materials and processes, as hereinafter amended, deleted, and added to be and the same is hereby adopted by reference.

SECTION 2. That the following Parts of said fire prevention ordinance be deleted: Parts 1, 2, 3, 4, 5, 6, 8, 10, 11, 15, 18, 19, 20, 22, 23, 25, 26, 27, and 28.

SECTION 3. That the following sections of Part 21 be deleted: Sections 2107 through 2111, inclusive.

SECTION 4. That Section 905 of Part 9 be deleted.

SECTION 5. That Subsection (a) of Section 904 of Part 9 be amended to read as follows:

(a) For the storage or handling of a total quantity of Class I liquids in excess of one gallon in any dwelling, apartment house or tenement, and in excess of five gallons in any other building, and in excess of five gallons outside of any building.

SECTION 6. That Section 986 of Part 9 be amended to read as follows:

986. Tank Trucks. All trucks used for the transportation of flammable liquids in bulk quantity exceeding 100 gallons shall be inspected by the Chief of the Bureau of Fire Prevention, and unless certified by him as to their compliance with this ordinance they shall not be operated on the streets of the City of Modesto provided that this certification shall not be required for trucks bearing the license or approval of the Interstate Commerce Commission; or the license or approval of the State Highway Department; or to

1 trucks transporting flammable liquids in drums, cans,
2 and other containers of less than 60 gallons individual
capacity.

3 No truck transporting flammable liquids or empty
4 trucks used for the transportation of flammable liquids
5 shall be left unattended on any street, highway, avenue
6 or alley. Provided that this will not prevent a driver
7 from the necessary absence from the truck in connection
8 with the delivery of his load, except during actual
discharge of the liquid when some responsible person
must be present at the vehicle; nor shall it include
stops for meals during the day or at night if the street
is well lighted at point of parking.

9 The Fire Marshall may permit trucks containing
10 flammable liquids or empty trucks to be parked in open
11 parking lots or on private property. They shall not be
parked or garaged in buildings other than those speci-
fically approved for such storage by the Chief of the
Bureau of Fire Prevention.

12 Tanks shall be constructed of open hearth or blue
13 annealed steel, or other suitable material of a strength
equivalent to the following table:

14 Aggregate Capacity (Gallons)	15 Minimum Thickness of Steel, U.S. Standard		
	16 Shell	17 Head	
18 Up to 600	14 gauge	14 gauge if bilged, otherwise 12 gauge	
19 600 to 1200	12 gauge	12 gauge if bilged, otherwise 10 gauge	
20 Over 1200	10 gauge	8 gauge	

21 Tanks, exceeding 1200 gallons in capacity, may be
22 constructed with 12 gauge shells and 10 gauge heads pro-
23 vided they are sub-divided into compartments of 600
gallons or less.

24 Shell and head joints shall be welded, riveted and
25 welded, brazed or riveted and brazed, riveted and calked,
26 or made tight by some equally satisfactory process.

27 Each compartment of the completed tank shall be
28 tested and proven tight at 5 pounds minimum pressure.
29 Fill openings shall be 4 inches minimum diameter.

30 Tanks used for Class I liquids larger than 1500
31 gallons capacity shall be subdivided by double bulkheads
32 into compartments, none of which shall exceed 1200
gallons capacity.

All tank vehicles shall be equipped with pneumatic
rubber tires on all wheels.

Each tank compartment shall be provided with a
suitable operating vent, and in addition thereto emergency
venting facilities not less than 1 29/32 inches internal
diameter for a 600-gallon compartment, and of correspond-
ing size and capacity for larger tanks, to prevent rupture
of the tank from such internal pressures as may be created

1 by exposure fires. Tank dome covers shall not be removed
2 or loosened except while tank truck is being filled.

3 All draw-off valves or faucets shall have discharge
4 end threaded or otherwise so designed as to permit of
5 tight connection with hose extending to fill-pipe.

6 Every tank truck shall be provided with properly
7 attached rear steel bumpers. The rear bumpers or chassis
8 extension shall be so arranged as to adequately protect
9 the draw-off valve or faucets in case of collision.

10 Each compartment of a gravity discharge tank truck
11 for Class I liquids shall be equipped with a reliable
12 and efficient shut-off valve located inside the shell
13 of the tank in the compartment outlet, and except during
14 delivery operations such valves shall be automatically
15 kept closed, or shall be so interlocked with delivery
16 operation that it will be mechanically closed when deliv-
17 ery operations are completed.

18 The operating mechanism for such valves shall be
19 provided with a secondary control, remote from the tank
20 filling parts and discharge faucets for use in event of
21 accidents or fire during delivery operations, and such
22 control mechanism shall be provided with a fusible
23 section which will cause valves to close automatically
24 in case of fire.

25 In every case there shall be provided between the
26 shut-off valve seat and discharge faucet, a shear section
27 which will break under strain and leave the shut-off
28 valve seat intact.

29 Tanks, chassis, axles and springs shall be metalli-
30 cally connected.

31 During the filling operation metallic contact shall
32 be maintained between the fill pipe and the tank truck.

The foregoing provisions shall also apply to the
construction and operation of trailers and semi-trailers.
All trailers shall be firmly and securely attached to the
towing vehicle by means of suitable draw-bars, supple-
mented by safety chains.

Every trailer shall be equipped with a reliable
system of brakes with reliable provisions for operation
from the driver's seat of the vehicle drawing it.

Each trailer shall be provided with side lights and
a tail light.

Every tank truck and trailer shall be equipped with
at least one approved hand fire extinguisher of a type
suitable for extinguishing oil fires.

SECTION 7. That Section 2105 of Part 21 be amended
to read as follows:

2105. The storage of empty packing cases, boxes, barrels
or other similar combustible containers is forbidden

1 without a permit except in the open. Provided, however,
2 that no permit shall be required for the storage within
3 a manufacturing or other establishment of sufficient
4 packing cases, boxes, barrels, or other similar con-
5 tainers to properly carry on its operations, but such
6 storage shall be orderly and not so located as to endan-
7 ger exit from the building. Storage in the open of
8 packing cases, boxes, barrels or other similar combust-
9 ible containers shall not be more than twenty feet in
10 height, and shall be so located, with respect to other
11 buildings, as not to constitute a hazard. All such
12 storage shall be in a compact and orderly manner.

13 SECTION 8. Ordinance No. 208-N.S., Ordinance No. 209-N.S.
14 and Section 8 of Ordinance No. 424-N.S. are hereby expressly re-
15 pealed.

16 SECTION 9. If any section, sub-section, sentence, clause,
17 or phrase of this ordinance is for any reason held to be uncon-
18 stitutional, such decision shall not affect the validity of the
19 remaining portions of this ordinance. The Council of the City of
20 Modesto hereby declares that it would have passed this ordinance
21 and each section, sub-section, sentence, clause and phrase thereof
22 irrespective of the fact that any one or more sections, sub-sections,
23 sentences, clauses or phrases be declared unconstitutional.

24 SECTION 10. Any person, firm, corporation, or associa-
25 tion who, either as principal, owner, agent, servant or employee,
26 violates any of the provisions of this ordinance or fails to com-
27 ply therewith, or who shall violate or fail to comply with any
28 order or regulation made thereunder, or who shall build in viola-
29 tion of any detailed statement of specifications or plans submitted
30 and approved thereunder, or any certificate or permit issued there-
31 under, shall severally for each and every such violation and non-
32 compliance respectively, be guilty of a misdemeanor and upon con-
33 viction thereof shall be punished by a fine not exceeding Five
34 Hundred (\$500.00) Dollars or by imprisonment in the County Jail of
35 Stanislaus County, California, for a period not exceeding Six
36 months, or by both such fine and imprisonment. The imposition of
37 one penalty for any violation of this ordinance shall not excuse
38 the violation, or permit it to continue, and all such persons shall

1 be required to correct or remedy such violations or defects within
2 a reasonable time.

3 SECTION 11. ~~CONFLICTING ORDINANCES REPEALED.~~ All
4 ordinances and parts of ordinances inconsistent herewith are here-
5 by expressly repealed.

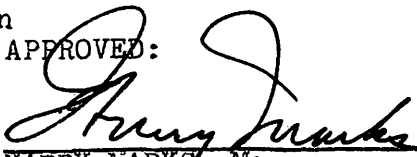
6 SECTION 12. The Council of the City of Modesto hereby
7 finds and declares that the foregoing ordinance is necessary as
8 an emergency measure for preserving the public peace, health and
9 safety. Unless the foregoing ordinance is adopted without delay,
10 the lack of proper regulations for fire prevention and life safety
11 will jeopardize the health and safety of the citizens of the City
12 of Modesto.


13 SECTION 13. Pursuant to Section 722 of the Charter of
14 the City of Modesto, this ordinance shall take effect and be in
15 full force and operation as of the date hereof.

16 SECTION 14. This Ordinance shall be published in full
17 in 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 23rd
20 day of January, 1952, by Councilman Merrill, who
21 moved its adoption and passage to print, which motion being duly
22 seconded by Councilman M. Adams, was upon roll call carried
23 and the ordinance ordered printed and published as above by the
24 following vote:

25 AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill
26 NOES: Councilmen: None
27 ABSENT: Councilmen: Annan

28 APPROVED:
29 
30 HARRY MARKS, Mayor

31 ATTEST:
32 
REX E. GAILFUS, City Clerk

Repealed by
Ord. 13 - C.S.

ORDINANCE NO. 1018 -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 AMENDED, BY AMENDING SECTION 36A THEREOF AND BY REPEALING SECTION 1 OF ORDINANCE NO. 895-N.S.

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

SECTION 1. 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 by amending Section 36A thereof, as follows:

Section 36A. The following streets within the City of Modesto are hereby designated as "Unrestricted Traffic Streets":

UNRESTRICTED TRAFFIC STREETS

Washington Street from the intersection formed by said Washington Street and Seventh Street to the intersection formed by said Washington Street and Eighth Street.

Scenic Drive from the easterly city limits westerly to the intersection formed by said Scenic Drive and Burney Street.

Downey Avenue from the intersection formed by said Downey Avenue and Burney Street to the intersection formed by said Downey Avenue and McHenry Avenue.

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

McHenry Avenue from the northerly city limits to the intersection formed by said McHenry Avenue and Needham Street.

"J" Street from the intersection formed by said "J" Street and McHenry Avenue to the intersection formed by Ninth Street and "J" Street.

Fourteenth Street from the intersection formed by said Fourteenth Street and Grand Street to the intersection formed by Needham Street and said Fourteenth Street.

"D" Street from the intersection formed by said "D" Street and Burney Street to the intersection formed by said "D" Street and Ninth Street.

Burney Street from the intersection formed by said Burney Street and Scenic Drive to the intersection formed by said Burney Street and "D" Street.

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

3 Tully Avenue from the intersection formed by said
4 Tully Avenue and Ninth Street to the northerly city
limits on Tully Avenue.

5 Ninth Street from the intersection formed by said
6 Ninth Street and Needham Avenue to the southerly
city limits on Ninth Street.

7 "B" Street from the intersection formed by said
8 "B" Street and Ninth Street to the intersection
formed by said "B" Street and Crows Landing Road.

9 North Ninety-nine Highway from the intersection
10 formed by said North Ninety-nine Highway and Need-
ham Avenue to the westerly city limits on North
11 Ninety-nine Highway.

12 Seventh Street from the intersection formed by said
13 Seventh Street and Washington Street to the inter-
section formed by said Seventh Street and Sierra
Drive.

14 Crows Landing Road from the intersection formed by
15 said Crows Landing Road and Sierra Drive to the
southerly city limit line on Crows Landing Road.

16 Eighth Street from the intersection formed by said
17 Eighth Street and Washington Street to the inter-
section formed by said Eighth Street and Kansas
18 Avenue.

19 Maze Boulevard from the intersection formed by said
20 Maze Boulevard and Fifth Street to the westerly
city limits on Maze Boulevard.

21 "L" Street from the intersection formed by said "L"
22 Street and Fifth Street to the intersection formed
by said "L" Street and Needham Street.

23 Kansas Avenue from the intersection formed by said
24 Kansas Avenue and North Ninety-nine Highway to the
westerly city limit line on Kansas Avenue.

25 "H" Street from the intersection formed by said
26 "H" Street and Ninth Street to the intersection
formed by said "H" Street and California Avenue.

27 Paradise Avenue from the intersection formed by
28 said Paradise Avenue and California Avenue to the
intersection formed by said Paradise Avenue and
Franklin Street.

29 First Street from the intersection formed by said
30 First Street and "H" Street to the intersection
formed by said First Street and Rosedale Avenue.

31 Rosedale Avenue from the intersection formed by
32 said Rosedale Avenue and First Street to the inter-
section formed by said Rosedale Avenue and South
Avenue.

1 South Avenue from its easterly terminus westerly
2 to the intersection formed by said South Avenue
and Rosedale Avenue.

3 Tuolumne Boulevard from the intersection formed by
4 said Tuolumne Boulevard and Crows Landing Road to
the intersection formed by said Tuolumne Boulevard
and Neece Drive.

5 Neece Drive from the intersection formed by said
6 Neece Drive and Tuolumne Boulevard to the westerly
city limits at Rouse Avenue.

7 SECTION 2. Section 1 of Ordinance No. 895-N.S. of the
8 City of Modesto is hereby repealed.

9 SECTION 3. Violation of this ordinance shall constitute
10 a misdemeanor punishable by a fine not exceeding Five Hundred
11 (\$500.00) Dollars or six (6) months in jail or by both such fine and
12 imprisonment.

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

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

19 The foregoing ordinance was introduced at a regular meet-
20 ing of the Council of the City of Modesto held on the 13th day of
21 February, 1952, by Councilman Mellis, who moved its
22 adoption and passage to print, which motion being duly seconded by
23 Councilman M. Adams, was upon roll call carried, and the
24 ordinance ordered printed and published as above by the following
25 vote:

26 AYES: Councilmen: M. Adams, R. Adams, Annan, Mellis, Merrill and
27 Mayor Marks
28 NOES: Councilmen: None
29 ABSENT: Councilmen: Arata

30 APPROVED:


HARRY MARKS, Mayor

31 ATTEST:


REX E. GAILFUS, 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 February, 1952 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 20, 1952, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Arata and Merrill

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS, CITY CLERK

REPEALED BY
MUNICIPAL CODE

ORDINANCE NO. 1019 -N.S.

AN ORDINANCE AMENDING ORDINANCE NO. 720-N.S. OF THE CITY OF MODESTO ENTITLED "AN ORDINANCE PRESCRIBING SUBDIVISION REGULATIONS TO BE OBSERVED IN THE CITY OF MODESTO BY SUBDIVIDERS OF LAND AND PERSONS FILING MAPS OF SUBDIVISIONS OF LAND", AS AMENDED, BY AMENDING SECTION 5 THEREOF, AND REPEALING SECTION 2 OF ORDINANCE NO. 962-N.S.

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

SECTION 1. Section 5 of Ordinance No. 720-N.S. entitled "An Ordinance Prescribing Subdivision Regulations to be Observed in the City of Modesto by Subdividers of Land and Persons Filing Maps of Subdivisions of Land", as amended, is hereby amended to read as follows:

Section 5. IMPROVEMENTS.

Before the final map is recorded, the subdivider shall install the following improvements in accordance with the Standard Specification for Subdivision Improvements in the City of Modesto, approved by the City Council and on file in the office of the City Engineer:

- (1) Grade and pave all streets and highways to cross sections and grades approved by the City Engineer.
- (2) Grade and oil all alleys to cross sections and grades approved by the City Engineer.
- (3) Install curbs and gutters and necessary storm drainage inlets at collection points approved by the City Engineer.
- (4) Install pendant street lighting standards and underground cables with one electrolier at each intersection, and intermediate electroliers not more than six hundred and sixty (660) feet apart in blocks exceeding six hundred and sixty (660) feet in length.
- (5) Provide for the disposal of storm waters. Where no storm sewer mains are available, temporary French drains may be substituted for storm drains upon the approval of the City Engineer. The City Engineer may charge a reasonable fee for checking, inspecting, and approving such improvements.

In lieu of the completion of such improvements, the subdivider may make a deposit or file a bond with the City Clerk in an amount to be approved by the City Council as sufficient to cover all costs of all required improvements together with the fee for checking, inspecting and approving of said improvements as herein provided for in Article 9, Chapter 2, Part 2,

1 Division 4, of the Business and Professions Code of
2 the State of California.

3 SECTION 2. REPEALS.

4 Section 2 of Ordinance No. 962-N.S. of the City of
5 Modesto is hereby repealed.

6 SECTION 3. EFFECTIVE DATE.

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

10 SECTION 4. PUBLICATION.

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

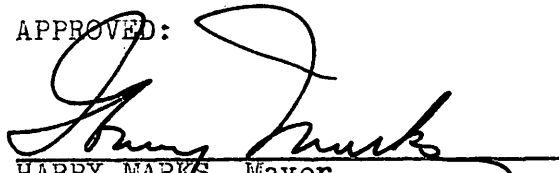
14 The foregoing ordinance was introduced at a regular meet-
15 ing of the Council of the City of Modesto held on the 20th day
16 of February, 1952 by Councilman R. Adams, who
17 moved its adoption and passage to print, which motion being duly
18 seconded by Councilman Annan, was upon roll call
19 carried and the ordinance ordered printed and published by the
20 following vote:

21 AYES: Councilmen: M. Adams, R. Adams, Annan, Mellis, Mayor Marks

22 NOES: Councilmen: None

23 ABSENT: Councilmen: Arata and Merrill

24 APPROVED:

25 

26 HARRY MARKS, Mayor

27 ATTEST:

28 
29 REX E. GAILFUS, City Clerk

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 20th day of February 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 February 27, 1952, it was upon roll call so finally
9 adopted by the following vote:

10 Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

11 Nays: Councilmen: None

12 Absent; Councilmen: None

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15 APPROVED: 
16 HARRY MARKS, MAYOR

17 ATTEST: 
18 REX E. GAILFUS, CITY CLERK
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Repealed
Ord. 1084-N.S.

Repealed
Ord. 1042-N.S.

ORDINANCE NO. 1020 -N.S.

AN ORDINANCE AMENDING ORDINANCE NO. 959-N.S. ENTITLED, "AN ORDINANCE FIXING THE TIME AND PLACE OF HOLDING REGULAR MEETINGS OF THE COUNCIL OF THE CITY OF MODESTO, PRESCRIBING THE MANNER IN WHICH SPECIAL MEETINGS MAY BE CALLED AND REPEALING ORDINANCE NO. 2-N.S. AND ORDINANCE NO. 604-N.S." BY AMENDING SECTION 1 THEREOF.

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

SECTION 1. Section 1 of Ordinance No. 959-N.S. of the City of Modesto, entitled, "An Ordinance Fixing the Time and Place of Holding Regular Meetings of the Council of the City of Modesto, Prescribing the Manner in Which Special Meetings May Be Called and Repealing Ordinance No. 2-N.S. and Ordinance No. 604-N.S.", is hereby amended to read as follows:

Section 1. That the regular meetings of the City Council shall be held on the first, second, third and fourth Wednesday of each month, after the final adoption of this ordinance. The meetings held on the first and third Wednesday shall commence at the hour of 4 p. m., and the meetings held on the second and fourth Wednesday shall commence at the hour of 7 p. m.

SECTION 2. This ordinance shall go into effect from and after fifteen (15) days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto on the 5th day of March, 1952, by Councilman Annan, who moved its adoption and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried by the following vote:

- AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: none

ATTEST: REX E. GAILFUS, City Clerk

APPROVED: HARRY MARKS, Mayor

REPEALED BY MUNICIPAL CODE

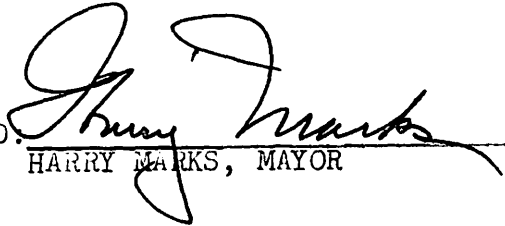
FINAL ADOPTION CLAUSE

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 5th day of March, 1952, 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 12, 1952, it was upon roll call so finally adopted by the following vote:

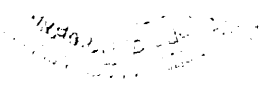
Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS, CITY CLERK



REPEALED ORD 234CS

1 AN ORDINANCE AMENDING ORDINANCE NO. 778-N.S.
2 ENTITLED, "AN ORDINANCE RELATING TO TRAFFIC
3 AND REGULATING THE USE OF PUBLIC STREETS IN
4 THE CITY OF MODESTO, DEFINING AND PROVIDING
5 FOR THE ESTABLISHMENT OF PARKING METER ZONES,
6 REGULATING AND PROVIDING FOR INSPECTION OF
7 THE METERS: PRESCRIBING LIMITS OF TIME FOR
8 PARKING IN PARKING METER ZONES, PROVIDING
9 FOR THE ENFORCEMENT OF THIS ORDINANCE, AND
10 PROVIDING PENALTIES FOR THE VIOLATION THERE-
11 OF", BY AMENDING SECTION 2, AS AMENDED, AND
12 REPEALING ORDINANCE NO. 813-N.S. AND ORDI-
13 NANCE NO. 880-N.S.

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

15 SECTION 1. Section 2 of Ordinance No. 778-N.S. entitled,
16 "An Ordinance Relating to Traffic and Regulating the Use of Public
17 Streets in the City of Modesto, Defining and Providing for the
18 Establishment of Parking Meter Zones, Regulating and Providing for
19 Inspection of the Meters: Prescribing Limits of Time for Parking
20 in Parking Meter Zones, Providing for the Enforcement of This
21 ordinance, and Providing Penalties for the Violation Thereof", as
22 amended, is hereby amended to read as follows:

23 Section 2. The following portions of streets
24 within the City of Modesto are hereby estab-
25 lished as parking meter zones:

26 Both sides of Tenth Street from "G" Street to
27 "M" Street;

28 Both sides of Eleventh Street from "G" Street
29 to "L" Street;

30 Both sides of Twelfth Street from "H" Street
31 to "K" Street;

32 Both sides of "H" Street from Sixth Street to
Eighth Street and from Ninth Street to Twelfth
Street;

Both sides of "I" Street from Ninth Street to
Thirteenth Street;

Both sides of Thirteenth Street between "H"
Street and "J" Street;

Both sides of "J" Street from Ninth Street to
Thirteenth Street;

Both sides of "K" Street from Ninth Street to
Twelfth Street;

East side only of Ninth Street from "H" Street
to "J" Street;

1 And from time to time hereafter, the Council,
2 by resolution, may establish and designate such
3 other streets and avenues as parking meter zones
4 as traffic conditions require.

5 SECTION 2. Ordinance No. 813-N.S. and Ordinance No.
6 880-N.S. are hereby expressly repealed.

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

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

13 The foregoing ordinance was introduced at a regular meet-
14 ing of the Council of the City of Modesto held on the 26 day of
15 March, 1952 by Councilman Mellis, who moved its
16 adoption and passage to print as aforesaid, which motion being duly
17 seconded by Councilman R. Adams, was upon roll call
18 carried and the ordinance ordered published by the following vote:

19 AYES: Councilmen: M. Adams, R. Adams, Annan, ~~Arata~~, Mellis and
20 Mayor Marks

21 NOES: Councilmen: None

22 ABSENT: Councilmen: Merrill and Arata

23 APPROVED


HARRY MARKS, Mayor

24 ATTEST:


REX E. GAILFUS, 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 March, 1952 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 2nd, 1952, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Merrill

APPROVED: 

HARRY MARKS, MAYOR

ATTEST: 

REX E. GAILFUS, CITY CLERK

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AN ORDINANCE AMENDING SECTION 105 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", AS THEREAFTER AMENDED, AND REPEALING ORDINANCE NO. 747-N.S. OF THE CITY OF MODESTO.

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

SECTION 1. Section 105 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", as amended, is hereby amended to read as follows:

Section 105. For every person conducting, carrying on or managing a street carnival, the sum of \$3.00 per day for each and every separate show, entertainment, game, merry-go-round, ferris wheel, device, amusement, vaudeville or dramatic performance, game of chance or skill, for which a separate charge is made for admission, seats or standing room, or to operate or play at such game of chance or skill; or if only one charge is made for admission, or seat, or standing room, or to play at any such game of chance or skill, the license fee per day shall be ascertained by multiplying the number of each of such shows, exhibitions and entertainments by the amount fixed herein for each separate exhibition, show or game where a separate charge is made.

For the purpose of this section, the words "street carnival" are defined to mean and include a group of two or more shows, entertainments, games, devices, amusements, vaudeville, dramatic or minstrel performances, or games, tricks, devices or wheels, the result of the operation of which is dependent upon chance or skill, and as a result of the operation of which things are representatives of value are given or paid, which are conducted in tents or temporary structures upon the public street, parks or upon vacant lots, not including circuses.

Provided that nothing in this section shall be construed to license or authorize the conduct of any gambling or any game or device prohibited by the laws of California or ordinances of the City.

Provided further that in addition to the other requirements of this ordinance, before any street carnival is opened for business, the person desiring to conduct, carry on or manage it shall obtain a permit from the City Council to do so. The Council shall not grant the requested permit unless the application and the Council's investigation shows that the carnival may be operated and conducted without endangering the public peace, health and safety. In granting the permit, the Council may impose such conditions as it deems necessary to protect the public peace, health and safety.

SECTION 2. Ordinance No. 747-N.S. is hereby expressly repealed.

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

SECTION 4. This ordinance shall be published in full at least once 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 2nd day of April, 1952 by Councilman Mellis, who moved its adoption and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis & Maryo Marks

NOES: Councilmen: None

ABSENT: Councilmen: Merrill

APPROVED: 
HARRY MARKS, Mayor

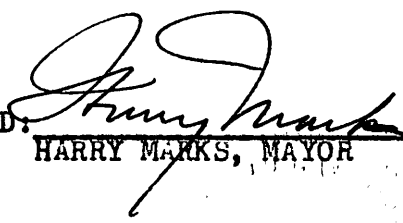
ATTEST: 
REX E. GALLFUS, City Clerk

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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 2nd day of April, 1952, 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, 1952, it was upon roll call so finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: Merrill

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS, CITY CLERK

CODE SEQ.
NO. 7-2.01
7-2.07

AN ORDINANCE REGULATING THE PLANTING, REMOVAL AND MAINTENANCE OF TREES AND SHRUBS IN OR UPON THE PUBLIC STREETS AND THOROUGHFARES OF THE CITY OF MODESTO, AND REPEALING ORDINANCE NO. 374-N.S AND SECTIONS 7 AND 8 OF ORDINANCE NO. 573-N.S. OF THE CITY OF MODESTO.

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

SECTION 1. DEFINITIONS.

(a) Public Street. "Public street", when used herein, shall include every way set apart for public travel in the City of Modesto, including the entire sidewalk area.

(b) Maintain. The words "maintenance" or "maintain", when used herein in reference to trees or shrubs shall include cutting, clipping, pruning, spraying, fertilizing, cultivating, propping, treating for disease or injury, and any other similar acts which promote the life, growth, health or beauty of such trees or shrubs.

SECTION 2. STREET TREE PLAN.

The Planning Commission, in cooperation with the Department of Public Works, shall prepare or have prepared and submit to the City Council for its adoption a street tree plan for the public streets of the City of Modesto, and recommend revisions thereto from time to time as conditions warrant. Said plan shall include the types, variety, location, and spacing of the trees and shrubs to be planted. Said plan shall include a map of the City which graphically portrays the street tree plan.

SECTION 3. ADMINISTRATION OF STREET TREE PLAN.

The Director of Public Works shall be responsible for the administration of the street tree plan adopted by the City Council and shall control the planting, removal, and maintenance of trees and shrubs in or upon the public streets of the City of Modesto in accordance with the provisions of said plan and this ordinance.

SECTION 4. PERMIT REQUIRED.

It shall be unlawful for any person, firm or corporation to plant, remove, or maintain, as that term is defined in this ordinance, any tree or shrub growing in any public street of the City of Modesto without first securing a written permit to do so from the Director of Public Works; provided, however, that no permit shall be granted by the

Director of Public Works authorizing the removal of any such tree without the prior approval of the City Council.

SECTION 5. APPLICATION FOR PERMIT.

Any person desiring to plant, remove or maintain any tree or shrub growing in any public street shall file a written application therefor with the Director of Public Works, which shall set forth the reasons for the request.

SECTION 6. ACTS PROHIBITED.

It shall be unlawful for any person, firm, or corporation to destroy or deface or mutilate any tree or shrub in or along any public street or to attach or place any rope, wire, sign, poster, handbill or other thing, to or on any tree growing in any public street of the City of Modesto or to cause or permit any wire, charged with electricity, to come in contact with any such tree or shrub.

SECTION 7. APPEALS.

Any person excepting to any denial, suspension or revocation by the Director of Public Works of a permit applied for or held by him pursuant to the provisions of this ordinance, may appeal in writing to the City Council by filing with the City Clerk a written notice of such appeal, setting forth the specific grounds thereof. Such notice must be filed within fourteen (14) days after notice of such action appealed from, but in no event later than thirty (30) days after date of such action. The City Clerk shall forthwith set said matter for hearing before the City Council and cause notice thereof to be given to the applicant not less than three (3) days prior to such hearing. At such hearing the appellant shall show cause, on the grounds specified in the Notice of Appeal, why the action excepted to should not be approved. The Council may continue such hearing from time to time, and its findings on the appeal shall be final and conclusive in the matter.

SECTION 8. ORDINANCES REPEALED.

Ordinance No. 374-N.S. and Sections 7 and 8 of Ordinance No. 573-N.S. of the City of Modesto are hereby expressly repealed.

SECTION 9. SEVERABILITY CLAUSE.

If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such

decision shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Modesto hereby declared that it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

SECTION 10. PENALTY CLAUSE.

It shall be unlawful for any person to violate any of the provisions of this ordinance or to cause, permit or suffer the same to be done; and any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued or permitted and upon conviction of any such violation, such person shall be punishable by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment for not more than six (6) months or by both such fine and imprisonment.

SECTION 11. EFFECTIVE DATE.

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

SECTION 12. PUBLICATION.

This ordinance shall be published in full at least once 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 2nd day of April, 1952 by Councilman Annan, who moved its adoption and passage to print, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and the ordinance ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Merrill

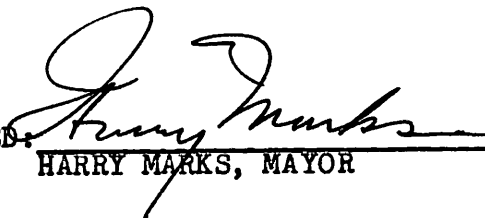
APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

1 FINAL ADOPTION CLAUSE

2 The foregoing ordinance, having been introduced and order-
3 ed printed and published at a regular meeting of the Council of the
4 City of Modesto held on the 2nd day of April, 1952, and subsequently
5 printed and published as required by the Charter of the City of
6 Modesto and coming on for final adoption at the regular meeting of
7 April 9, 1952, it was upon roll call so finally adopted by the
8 following vote:

9 Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and
10 Mayor Marks
11 Noes: Councilmen: None
12 Absent: Councilmen: Merrill

13 APPROVED: 
14 HARRY MARKS, MAYOR

15
16 ATTEST: 
17 REX E. GAILFUS, CITY CLERK
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AN ORDINANCE PROVIDING FOR THE SALE OF
OBSOLETE, USELESS AND UNCLAIMED PERSONAL
PROPERTY.

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

SECTION 1. The City Manager is hereby authorized and directed to sell the following described personal property of the City of Modesto, which said personal property has been found to be obsolete and of no use to the city, to-wit:

- 39 Storage Batteries
- 1 Mower Attachment, for small tractor
- 1 Disc - 6 ft.
- 400# Brass
- 450# Copper
- 2½ Tons Cast Iron
- 15 Tons Steel
- 50 Metal Drums, 50 Gal.
- 1 Refrigeration Unit
- 1 Soda Fountain
- 2 Fans with Motors
- 16 Light Fixtures (stage props)
- 1 Cash Register
- 16 Venetian Blinds
- 5 Pool Tables
- 3 Tennis Nets
- 2 Garbage Cans
- 1 Electric Centrifugal (34 bottle capacity)
- 31 Scarifier Teeth

SECTION 2. The City Manager is hereby authorized and directed to sell the following described personal property now in the possession of the City Police Department, which has been unclaimed for a period of at least six months, to-wit:

- 1 Man's Pocket Watch
- 14 Men's Wrist Watches, Assorted Makes
- 4 Lady's Wrist Watches, Assorted Makes
- 2 Rhinestone Pins
- 1 Blue Stone Bracelet
- 1 Red Stone Necklace
- 1 Blue Stone Cuff Link Set
- 1 Pencil Tie Clasp
- 17 Men's Rings, Assorted Stones
- 33 Lady's Rings, Assorted Stones
- 19 Lady's Rings, Diamond Engagement
- 7 Lady's Rings, Diamond Wedding
- 1 Lady's Ring, Unset
- 5 Lady's Rings, Diamond
- 14 Lady's Rings, Wedding
- 3 Box Cameras
- 2 Folding Cameras
- 1 Miniature Camera
- 1 Car Clock and Mirror
- 1 Lot Paper Hanger's Tools

1 4 Fog Lamps
 1 Car Radio
 2 1 Guitar and Case
 1 Doctor's Kit
 3 1 Bible, Leather Case
 1 Typewriter Case
 4 1 Lot of Mechanic's Tools
 2 Truck Jacks
 5 3 Lubricating Hand Guns
 25 Hub Caps, Assorted Makes
 6 12 Beauty Rims
 3 Pocket Knives
 7 1 Sport Jacket
 1 Wallet
 8 1 Hand Grip and Contents
 1 Zipper Bag and Contents
 9 1 Pair Ladies Shoes
 1 Lot of Miscellaneous Items
 10 2 Tires, 600 x 16
 1 Inner Tube
 11 1 Roll 3 ft. chicken wire
 12 Bicycles
 5 Bicycle Frames
 1 Lot Canned Foods (58 cans)
 13 1 Lot Soap, (12 bars, 11 bottles)
 1 Lot Groceries (8 jars, 4 cans, 1 bottle)
 14 1 Lot Canned Food (31 Cans)
 1 Lot Crisco, 16#
 15 1 Lot Coffee, Assorted, 27#
 1 Lot Canned Chicken
 16 1 Lot White Lace, 4 rolls
 1 Lot of Men's Clothes
 17 2 Black Ceramic Panthers

18 SECTION 3. The foregoing sales shall be made at public
 19 auction in the City of Modesto. The City Manager is hereby auth-
 20 orized to fix the time and place for said sales. At least five
 21 (5) days before the time fixed for each sale, the City Clerk shall
 22 cause notice thereof to be published once in the Modesto Bee, the
 23 official newspaper of the City of Modesto. Said notice shall set
 24 forth the time and place of the sale and the items of property to
 25 be offered for sale.

26 The sale shall be conducted by the City Manager or by
 27 such person as he may select for this purpose. All items of prop-
 28 erty not sold at said auction sales shall be disposed of in such
 29 manner as the City Manager deems to be in the best interest of the
 30 City.

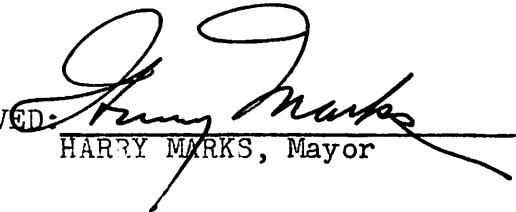
31 SECTION 4. This ordinance shall go into effect and be
 32 in full force and operation from and after fifteen (15) days after

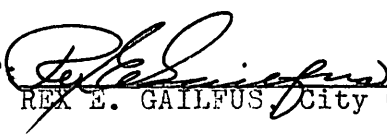
1 its final passage and adoption.

2 SECTION 5. This ordinance shall be published in full
3 at least once three days prior to its final adoption in the
4 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 9th
7 day of April, 1952 by Councilman Annan,
8 who moved its adoption and passage to print, which motion being
9 duly seconded by Councilman Arata, was upon
10 roll call carried and the ordinance ordered printed and published
11 by the following vote:

12 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and
13 Mayor Marks
14 NOES: Councilmen: None
15 ABSENT: Councilmen: Merrill

16 APPROVED: 
17 HARRY MARKS, Mayor

18 ATTEST: 
19 REX E. GAILFUS, City Clerk

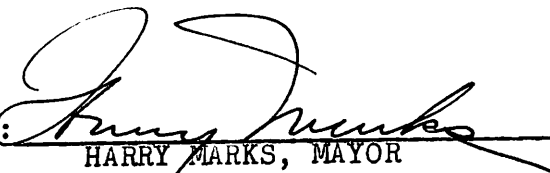
FINAL ADOPTION CLAUSE

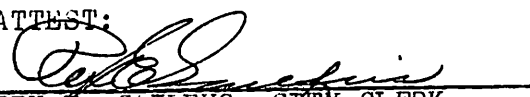
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16th day of April, 1952, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Annan, was upon roll call carried and the ordinance finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: Merrill

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS, CITY CLERK

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AN ORDINANCE AMENDING ORDINANCE NO. 934-N.S. ENTITLED, "AN ORDINANCE TO PROVIDE AN OFFICIAL PROPERTY NUMBERING SYSTEM FOR THE PROPERTIES AND PRINCIPAL BUILDINGS IN THE CITY OF MODESTO AND PRESCRIBING THE PENALTY FOR VIOLATION OF THE PROVISIONS OF SAID ORDINANCE" BY AMENDING SECTIONS 2, 3, AND 4 THEREOF.

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

SECTION 1. Sections 2, 3, and 4 of Ordinance No. 934-N.S. of the City of Modesto entitled, "An Ordinance to Provide an Official Property Numbering System for the Properties and Principal Buildings in the City of Modesto and Prescribing the Penalty for Violation of the Provisions of Said Ordinance" are hereby amended to read as follows:

Section 2. (a) All properties or parcels of land within the corporate limits of the City of Modesto shall hereafter be identified by reference to the official numbering system adopted herein. Such identification shall, however, in no way affect the legal description of property by lot and block number or by metes and bounds.

(b) Each principal building shall bear the number assigned to the frontage on which the front entrance is located. In case a building is occupied by more than one business or family dwelling unit, each separate front entrance of such principal building shall bear a separate number.

(c) Numerals indicating the official numbers for each principal building or each front entrance to such building shall be posted in a manner as to be visible from the street on which the property is located. Such numerals shall be not less than three (3) inches high and having a minimum width of stroke of one quarter ($\frac{1}{4}$) inch.

(d) A separate number shall be assigned for each twenty-five (25) feet of frontage; provided, however, that whenever the City Council finds that it is in the interests of the public convenience and necessity, it may, by resolution, designate blocks in which a separate number shall be assigned for each twelve and one-half ($12\frac{1}{2}$) feet of frontage.

(e) Odd numbers shall be assigned to properties on the North and West sides of any street and even numbers to properties on the East and South sides of any street; excepting in those blocks where a majority of the properties have already been assigned odd numbers on the East and South and even numbers on the North and West sides of the Street.

Section 3. The City Clerk shall be responsible

1 for allocating numbers and maintaining the
2 numbering system. In case of number changes,
3 the City Clerk shall send official notice to
4 each property owner and occupant involved,
5 specifying the old and new number and the
6 date upon which the new number will become
7 effective. In the performance of this respon-
8 sibility, he shall be guided by the provisions
9 of Section 2 of this ordinance, and by the
10 official map and all explanatory matter thereon.

11 Section 4. (a) Where number changes are re-
12 quired in residential areas in order to conform
13 with the street numbering system provided herein,
14 each property owner shall post his new number
15 within three (3) weeks from and after receipt
16 of official notice of said change.

17 (b) Where number changes are required in com-
18 mercial areas in order to conform with the
19 street numbering system provided herein, the
20 Council shall, by resolution, specify the date
21 when such new number shall become effective.
22 Upon receipt of official notice, each property
23 owner shall post his new number within three
24 (3) weeks from and after the effective date of
25 said change.

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

29 SECTION 3. This ordinance shall be published in full at
30 least once at least three (3) days prior to its final adoption in
31 the 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 on the 7th day of
May, 1952, by Councilman Mellis, who
moved its adoption and passage to print, which motion being duly
seconded by Councilman Annan, was upon roll call
carried by the following vote:

33 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
34 Merrill and Mayor Marks

35 NOES: Councilmen: None

36 ABSENT: Councilmen: None

37 ATTEST: REX E. GAILFUS, City Clerk

38 APPROVED: HARRY MARKS, Mayor

39 APPROVED AS TO FORM:

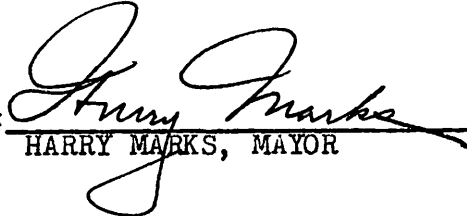
40 BY ALLEN GRIMES, City Attorney


1 The foregoing ordinance, having been printed and pub-
2 lished as required by the Charter of the City of Modesto, and coming
3 on for final consideration at the regular meeting of the Council,
4 of the City of Modesto held on the 14th day of May, 1952, Councilman
5 Mellis moved its final adoption which motion being duly seconded
6 by Councilman Merrill, was upon roll call carried and the ordinance
7 finally adopted by the following vote:

8 Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
9 and Mayor Marks

10 Noes: Councilmen: None

11 Absent: Councilmen: None

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13 APPROVED: 
 HARRY MARKS, MAYOR

14
15 ATTEST:
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17 REX E. GAILFUS, CITY CLERK

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AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY.

NOT SPECIAL CODE

WHEREAS, the City of Modesto acquired title to the following described property from Leo C. Hammett, who held title to the same on behalf of the Modesto Youth Organization, by Deed, dated March 4, 1952 and recorded on April 16, 1952 in Volume 1082, Page 272, Instrument No. 8987, of Official Records of the County of Stanislaus, State of California, to-wit:

All that certain real property, situate in the City of Modesto, County of Stanislaus, State of California, described as follows, to-wit:

Lots Twenty-one (21), Twenty-two (22), Twenty-three (23) and Twenty-four (24) in Block Twenty-two (22) of the City of Modesto, according to the Official Map thereof, filed in the Office of the Recorder of the County of Stanislaus, State of California, on December 21, 1942 in Volume 15 of Maps,

and

WHEREAS, said property was conveyed to the City of Modesto on the condition that the same be sold by the city and all funds derived from the sale thereof, less selling costs, be deposited in the special account, "L. J. Maddux Youth Recreation Center Building Fund" and be used for the purpose of helping to complete construction of the Youth Center Building, and

WHEREAS, the Greek Orthodox Church of Modesto, a corporation, has offered to pay the city the sum of Four Thousand Two Hundred (\$4,200.00) Dollars for the above described property, plus one-half of the selling costs, including the cost of the title insurance,

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

SECTION 1. That the City of Modesto sell and convey to the Greek Orthodox Church of Modesto the following described property:

All that certain real property, situate in the

1 City of Modesto, County of Stanislaus, State
2 of California, described as follows, to-wit:

3 Lots Twenty-one (21), Twenty-two (22), Twenty-
4 three (23) and Twenty-four (24) in Block Twenty-
5 two (22) of the City of Modesto, according to
6 the Official Map thereof, filed in the Office
7 of the Recorder of the County of Stanislaus,
8 State of California, on December 21, 1942 in
9 Volume 15 of Maps

10 for the consideration hereinabove set forth.

11 SECTION 2. The Mayor and the City Clerk of the City of
12 Modesto are hereby authorized and directed to execute a Deed con-
13 veying all of the right, title and interest of said City of Modesto
14 in and to said property to said Greek Orthodox Church of Modesto,
15 said Deed to be delivered to the said purchaser of the property
16 upon receipt of the purchase price.

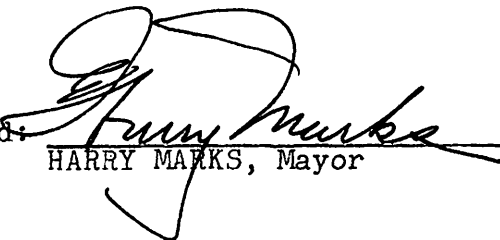
17 SECTION 3. That all of the funds received from the sale
18 of the above described property, less selling costs, be deposited
19 in the special account, "L. J. Maddux Youth Recreation Center
20 Building Fund" and be used to help complete the Youth Center
21 Building.

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

25 SECTION 5. This ordinance shall be published in full at
26 least once three days prior to its final adoption in the Modesto
27 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 21st
30 day of May, 1952, by Councilman M. Adams, who
31 moved its adoption and passage to print, which motion being duly
32 seconded by Councilman Arata, was upon roll call
carried and the ordinance ordered printed and published by the
following vote:

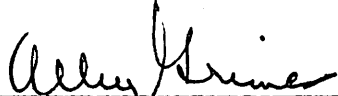
1 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and
2 NOES: Councilmen: None
3 ABSENT: Councilmen: Mellis

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5 Approved: 
HARRY MARKS, Mayor

6 ATTEST:

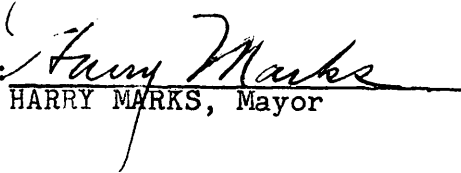
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8 By 
9 REX E. GAILFUS, City Clerk

10 APPROVED AS TO FORM:

11 By 
12 ALLEN GRIMES, City Attorney

13 The foregoing ordinance, having been printed and
14 published as required by the Charter of the City of Modesto, and
15 coming on for final consideration at the regular meeting of the
16 Council of the City of Modesto held on the 28th day of May,
17 1952, Councilman Arata moved its final adoption, which
18 motion being duly seconded by Councilman Annan, was
19 upon roll call carried and the ordinance finally adopted by the
20 following vote:

21 AYES: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and
22 NOES: Councilmen: None
23 ABSENT: Councilmen: R. Adams

24 APPROVED: 
25 HARRY MARKS, Mayor

26 ATTEST:

27
28 By 
29 REX E. GAILFUS, City Clerk

AN ORDINANCE APPROPRIATING AVIATION FUND MONEY FOR THE CONSTRUCTION OF A CAPITAL IMPROVEMENT AT THE MODESTO MUNICIPAL AIRPORT.

WHEREAS, the State of California has distributed to the City of Modesto, under Section 8357 of the Revenue and Taxation Code, funds which are restricted for expenditure for capital outlay for aviation or airport purposes; and

WHEREAS, the budget of the City of Modesto for the fiscal year 1951-1952 did not appropriate or authorize expenditure of any of the funds so received; and

WHEREAS, the city desires to expend the sum of Nine Hundred (\$900.00) Dollars for the construction of a warm-up mat at the Modesto Municipal Airport, which construction constitutes a capital improvement; and

WHEREAS, there is available in the Municipal Airport Gas Tax Fund monies in excess of Nine Hundred (\$900.00) Dollars for this purpose;

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

SECTION 1. The sum of Nine Hundred (\$900.00) Dollars, or so much thereof as may be necessary, is hereby appropriated from the Municipal Airport Gas Tax Fund of the City of Modesto for expenditure by the Airport Division of the Public Works Department for the construction of a warm-up mat at the Modesto Municipal Airport.

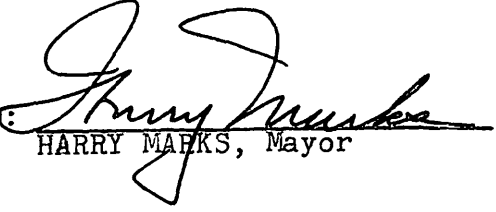
SECTION 2. This ordinance shall go into effect and be in full force and effect from and after fifteen (15) days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular

1 meeting of the Council of the City of Modesto held on the 21st
2 day of May, 1952, by Councilman M. Adams,, who moved its
3 adoption and passage to print, which motion being duly seconded
4 by Councilman Arata, was upon roll call carried and
5 the ordinance ordered printed and published by the following vote

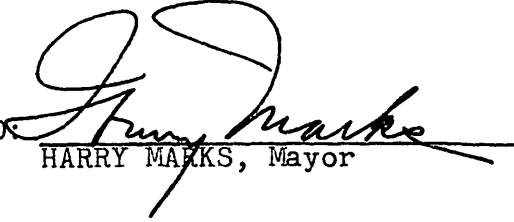
6 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill
and Mayor Marks
7 NOES: Councilmen: None
8 ABSENT: Councilmen: Mellis

9 APPROVED: 
HARRY MARKS, Mayor

11 ATTEST: 
12 REX E. GAILFUS, City Clerk

14 The foregoing ordinance, having been printed and publish
15 as required by the Charter of the City of Modesto, and coming on
16 for final consideration at the regular meeting of the Council of
17 the City of Modesto held on the 28th day of May, 1952,
18 Councilman M. Adams moved its final adoption, which motion
19 being duly seconded by Councilman Annan, was upon
20 roll call carried and the ordinance finally adopted by the follow-
21 ing vote:

22 AYES: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
23 NOES: Councilmen: None
24 ABSENT: Councilman: R. Adams

25 APPROVED: 
HARRY MARKS, Mayor

27 ATTEST: 
28 REX E. GAILFUS, City Clerk

NOT SPECIAL
IN CODE

AN ORDINANCE PROVIDING FOR THE SALE OF A CERTAIN WATER PIPE LINE, TOGETHER WITH APPURTENANCES, TO THE DEL ESTE WATER COMPANY, AND AUTHORIZING THE EXECUTION OF AN AGREEMENT IN CONNECTION THEREWITH.

WHEREAS, there has been submitted to the City Council of the City of Modesto a proposed agreement to be entered into between the City of Modesto, a municipal corporation of the State of California, and the Del Este Water Company, a corporation, and

WHEREAS, by the terms of said agreement the City of Modesto proposes to sell certain personal property to the Del Este Water Company and the Del Este Water Company proposes to buy the same, and

WHEREAS, it is the intention of the City Council to sell the said property as above set forth;

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

SECTION 1. That the City of Modesto shall sell to the Del Este Water Company for the sum of Nine Hundred (\$900.00) Dollars the following described property, to-wit:

That certain four (4") inch water pipe line located in Snowden Avenue and running from its connection with a twelve (12") inch water line owned by Buyer to the Modesto Municipal Airport, of the approximate length of 1,326 feet together with appurtenances.

SECTION 2. That that certain agreement covering the sale of said property, a copy of which is on file with the City Clerk of the City of Modesto and is hereby made a part hereof by reference as though set forth herein in full, be and the same is hereby accepted and adopted.

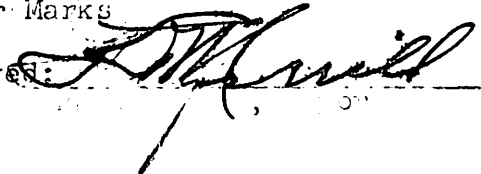
SECTION 3. That the City Manager and the City Clerk of the City of Modesto be and they are hereby authorized and empowered to sign said agreement upon this ordinance becoming effective.

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

1 SECTION 5. That this ordinance shall be published in
2 full at least once at least three (3) days prior to its final adop-
3 tion in the Modesto Bee, the official newspaper of the City of
4 Modesto.

5 The foregoing ordinance was introduced at a regular meet-
6 ing of the Council of the City of Modesto on the 4th day of June,
7 1952, by Councilman Arata, who moved its adoption and passage
8 to print, which motion being duly seconded by Councilman R. Adams,
9 was upon roll call carried by the following vote:

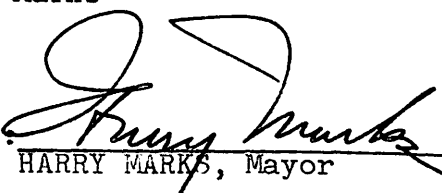
- 10 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mayor Pro
11 NOES: Councilmen: None
12 ABSENT: Councilmen: Mellis and Mayor Marks

13 Approved: 

14 ATTEST: 
15 REX E. GAILFUS, City Clerk

16
17 The foregoing ordinance, having been printed and published
18 as required by the Charter of the City of Modesto, and coming on
19 for final consideration at the regular meeting of the Council of
20 the City of Modesto held on the 11 day of June, 1952, Council-
21 man M. Adams moved its final adoption which motion being
22 duly seconded by Councilman Arata, was upon roll call
23 carried and the ordinance finally adopted by the following vote:

- 24 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
25 NOES: Councilmen: None
26 ABSENT: Councilmen: None

27 Approved: 
28 HARRY MARKS, Mayor

29 ATTEST: 
30 REX E. GAILFUS, City Clerk

1 AN ORDINANCE AMENDING ORDINANCE NO. 345-N.S.
 2 OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE
 3 REGULATING TRAFFIC UPON THE PUBLIC STREETS OF
 4 THE CITY OF MODESTO", AS AMENDED, BY AMENDING
 5 SECTION 20 (A) AND BY ADDING SUB-SECTION (c)
 6 TO SECTION 31, AND REPEALING ORDINANCES NOS.
 7 362-N.S., 376-N.S., 667-N.S., AND 1010-N.S.
 8 OF THE CITY OF MODESTO.

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

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

14 Section 20 (A). Traffic Control Through Certain
 15 Alleys. It shall be unlawful to drive any vehicle
 16 through the alleys between Ninth and Tenth Streets
 17 and between "L" and "H" Streets, being the alleys
 18 in Blocks 55, 56, 57, and 58 of the City of Modesto,
 19 according to the official map thereof, except in a
 20 southeasterly direction, or to stop or park any
 21 vehicle in said alleys, except upon the southwesterly
 22 or right hand side thereof and as near the property
 23 line as practicable.

24 ✓ It shall be unlawful to drive any vehicle through
 25 the alleys between Eleventh and Twelfth Streets
 26 and between "K" and "I" Streets, and between "H"
 27 and "G" Streets, being the alleys in Blocks 82, 84,
 28 and 85 of the City of Modesto, according to the
 29 official map thereof, except in a southeasterly
 30 direction, or to stop or park any vehicle in said
 31 alleys except upon the southwesterly or right hand
 32 side thereof and as near the property line as
 practicable.

It shall be unlawful to drive any vehicle through
 the alleys between Tenth and Eleventh Streets and
 between "K" and "G" Streets, being the alleys in
 Blocks 67, 68, 69, and 70 of the City of Modesto,
 according to the official map thereof, except in a
 northwesterly direction, or to stop or park any
 vehicle in said alleys except upon the northeasterly
 or right hand side thereof and as near the property
 line as practicable.

It shall be unlawful to drive any vehicle through
 the alleys between Twelfth and Thirteenth Streets
 and between "G" and "K" Streets, being the alleys
 in Blocks 92, 93, 94, and 95 of the City of Modesto,
 according to the official map thereof, except in a
 northwesterly direction, or to stop or park any
 vehicle in said alleys except upon the northeasterly
 or right hand side thereof and as near the property
 line as practicable.

It shall be unlawful to stop or park any vehicles in
 any of the said alleys for a longer period of time

1 than is necessary to load or unload such vehicle.

2 Said alleys are hereby declared to be one-way
3 alleys, and the entering of said alleys with a
4 vehicle or driving through the same with a
5 vehicle, except as stated in this ordinance,
6 or parking or leaving a vehicle standing in
7 said alleys, except as specified in this ordi-
8 nance, shall be a misdemeanor.

9 The Police Department shall erect signs at the
10 entrances to said alleys to the effect that they
11 are one-way alleys only and indicating the
12 direction from which alone they may be entered.

13 The Police Department shall also erect signs in
14 one-way alleys limiting loading and unloading
15 to the right hand side thereof.

16 SECTION 2. Section 31 of said Ordinance No. 345-N.S. of
17 the City of Modesto, as amended, is hereby amended by adding sub-
18 section (c) thereto to read as follows:

19 Section 31 (c). Loading and unloading in one-way
20 alleys shall be limited to the right hand side
21 thereof.

22 SECTION 3. Ordinances Nos. 362-N.S., 376-N.S., 667-N.S.
23 and 1010-N.S. of the City of Modesto are hereby expressly repealed.

24 SECTION 4. It shall be unlawful for any person to
25 violate any of the provisions of this ordinance or to cause, per-
26 mit or suffer the same to be done; and any person violating any of
27 the provisions of this ordinance shall be deemed guilty of a misde-
28 meanor and each such person shall be deemed guilty of a separate
29 offense for each and every day or portion thereof during which any
30 violation of any of the provisions of this ordinance is committed,
31 continued or permitted and upon conviction of any such violation,
32 such person shall be punishable by a fine of not more than Five
Hundred (\$500.00) Dollars or by imprisonment for not more than six
(6) months or by both such fine and imprisonment.

SECTION 5. This ordinance shall go into effect and be
in full force and operation from and after fifteen (15) days after
its final passage and adoption.

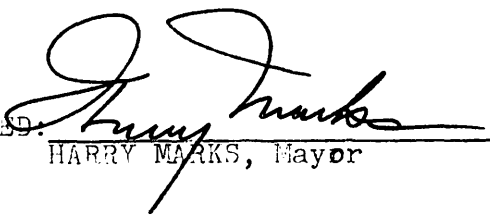
SECTION 6. This ordinance shall be published in full at

1 least once at least three (3) days prior to its final adoption in
2 the Modesto Bee, the official newspaper of the City of Modesto.

3 The foregoing ordinance was introduced at the regular
4 meeting of the Council of the City of Modesto held on the 18th
5 day of June, 1952, by Councilman M. Adams,, who moved its
6 introduction and passage to print, which motion being duly seconded
7 by Councilman Merrill, was upon roll call carried and
8 ordered printed and published by the following vote:

9 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
10 Merrill and Mayor Marks
11 NOES: Councilmen: None
12 ABSENT: Councilmen: None

12 APPROVED:


HARRY MARKS, Mayor

13 ATTEST: 
14 REX E. GAILFUS, City Clerk

15 FINAL ADOPTION CLAUSE

16 The foregoing ordinance, having been printed and published
17 as required by the Charter of the City of Modesto, and coming on
18 for final consideration at the regular meeting of the Council of
19 the City of Modesto held on the 25th day of June, 1952,
20 Councilman Merrill moved its final adoption, which
21 motion being duly seconded by Councilman Arata,, was
22 upon roll call carried and the ordinance finally adopted by the
23 following vote:

24 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
25 Merrill and Mayor Marks
26 NOES: Councilmen: None
27 ABSENT: Councilmen: None

27 APPROVED:


HARRY MARKS, Mayor

28 ATTEST: 
29 REX E. GAILFUS, City Clerk

AN EMERGENCY ORDINANCE APPROPRIATING FUNDS FOR PAYMENT OF THE USUAL CURRENT EXPENSES OF THE CITY OF MODESTO.

WHEREAS, the fiscal year of the City of Modesto ends on June 30, 1952, and

WHEREAS, there will be an interim period between June 30, 1952 and the adoption of the budget for the fiscal year beginning July 1, 1952 and terminating June 30, 1953, and

WHEREAS, the City Council desires to make an appropriation for the usual current expenses of the City, the City Council hereby declares this to be an emergency measure for preserving the public peace, health, or safety and is necessary to cover expenditures for the interim period above referred to,

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

SECTION 1. That the sum of \$250,000, or such portion thereof as may be necessary, is hereby appropriated for the payment of the customary and usual current expenses of the City of Modesto for the period commencing July 1, 1952, and continuing until the date of the adoption of the budget for the fiscal year 1952-53.

SECTION 2. That this ordinance shall go into effect and be in full force and operation as of the date of the introduction thereof, to-wit, as of July 2, 1952.

SECTION 3. That this ordinance shall be published in full at least once in the Modesto Journal and Valley Citizen, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of July, 1952, by Councilman Mellis who moved its adoption, which motion being duly seconded by Councilman Annan, was upon roll call carried by the

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NOT SPECIAL IN CODE

1 following vote:

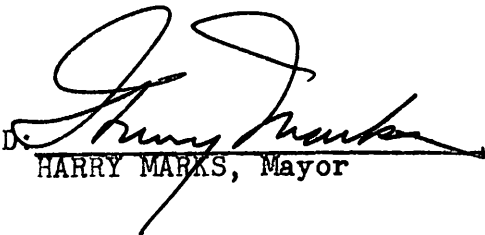
2 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
Merrill and Mayor Marks

3 NOES: Councilmen: None

4 ABSENT: Councilmen: None

5

6

APPROVED: 
HARRY MARKS, Mayor

7

8

ATTEST: 
REX E. GAILFUS, City Clerk

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Repealed
By Ord. 1134-11.

REPEALED BY
MUNICIPAL CODE

ORDINANCE NO. 1031-N.S.

AN ORDINANCE OF THE CITY OF MODESTO ESTABLISHING A PERSONNEL SYSTEM.

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

SECTION 1. Adoption of Personnel System. In order to establish an equitable and uniform procedure for dealing with personnel matters; to attract to municipal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness as determined by competitive test; and to provide a reasonable degree of security for qualified employees, the following personnel system is hereby adopted.

SECTION 2. Personnel Commission. The Personnel Commission of the City of Modesto is hereby established to consist of five (5) members who shall be appointed in accordance with and for the terms prescribed by Section 1102 of the Charter of the City of Modesto. The Commission shall function in all respects in accordance with the applicable provisions of Article XI of said Charter relating to appointive boards and commissions. The commission shall hold at least one (1) regular meeting each month.

SECTION 3. Duties of the Personnel Commission. The Personnel Commission shall have the power and be required to:

(a) Act in an advisory capacity to the Council and the City Manager on personnel administration.

(b) Recommend to the Council after a public hearing thereon, the adoption, amendment, or repeal of personnel rules and regulations.

(c) Hear appeals of any person in the classified service relative to any suspension, demotion, dismissal, disciplinary action, or alleged violation of this ordinance or the personnel rules and regulations and to certify its findings and recommendations as provided in this ordinance.

(d) Hold hearings and make any investigation which it

1 may consider desirable concerning the administration of personnel
2 in the municipal service and report its findings to the Council
3 and the City Manager. In the course of such investigation or hear-
4 ing it may examine witnesses under oath and compel their attendance
5 or production of evidence by subpoenas issued in the name of the
6 city and attested by the City Clerk. It shall be the duty of the
7 Chief of Police to cause all such subpoenas to be served and
8 refusal of a person to attend or to testify in answer to such a
9 subpoena shall subject the person to prosecution in the same manner
10 set forth by law for failure to appear before the Council in res-
11 ponse to a subpoena issued by the Council. Each member of the Per-
12 sonnel Commission shall have the power to administer oaths to wit-
13 nesses.

14 (e) Publish or post notices of tests for positions in
15 the classified service; receive applications therefor; conduct and
16 grade tests; certify to the person having the power of appointment
17 a list of all persons eligible for appointment to the appropriate
18 position in the classified service. The duties imposed upon the
19 Personnel Commission by this subdivision shall be performed by the
20 Director of Personnel for the Commission.

21 (f) Perform such other duties with reference to personnel
22 administration as the Council may require by ordinance or resolu-
23 tion.

24 SECTION 4. Director of Personnel. There is hereby
25 created the position of Director of Personnel. The City Manager
26 shall be ex officio Director of Personnel. The City Manager may
27 delegate any of the powers and duties conferred upon him as Dir-
28 ector of Personnel under this ordinance to any other officer or
29 employee of the city appointed by the City Manager, or he may
30 recommend to the City Council that any or all of such powers and
31 duties be performed under contract as provided in Section 20 of
32 this ordinance. The Director of Personnel or his designated

1 representative shall:

2 (a) Attend all meetings of the Personnel Commission.

3 (b) Administer all the provisions of this ordinance and
4 of the personnel rules not specifically reserved to the Council or
5 the Personnel Commission.

6 (c) Prepare and recommend the adoption, amendment, or
7 repeal of personnel rules and regulations. The City Attorney shall
8 approve the legality of such rules and regulations and revisions
9 and amendments thereto prior to their submission to the Council.

10 (d) Prepare and recommend a position classification plan,
11 including class specifications, and revisions of the plan.

12 (e) Prepare and recommend a plan of compensation, and
13 revisions thereof, covering all positions in the classified service.

14 SECTION 5. Classified and Unclassified Service. The
15 provisions of this ordinance shall apply to the classified service
16 which shall include all offices, positions, and employments in the
17 service of the city except:

18 (a) All elected offices.

19 (b) City Manager, City Attorney, City Clerk, City
20 Auditor, and all heads of departments.

21 (c) All members of boards and commissions.

22 (d) Persons employed as unskilled laborers.

23 (e) Positions in any class or grade created for a special
24 or temporary purpose for a period of not longer than ninety (90)
25 days in any one fiscal year.

26 (f) Persons employed to render professional, scientific,
27 technical or expert services of any occasional or exceptional char-
28 acter.

29 (g) Part-time employees paid on an hourly or per diem
30 basis.

31 SECTION 6. Adoption of Rules. The City Council shall
32 adopt, by resolution, personnel rules governing the following phases

- 1 of the personnel system:
- 2 (a) Preparation, installation, revision, and maintenance
 - 3 of a position classification plan covering all positions in the
 - 4 classified service, including minimum standards and qualifications
 - 5 for each class.
 - 6 (b) Preparation, revision, and administration of a plan
 - 7 of compensation directly correlated with the position classifica-
 - 8 tion plan, providing a maximum rate or a range of pay for each
 - 9 class.
 - 10 (c) Public announcement of all tests and the acceptance
 - 11 of applications for employment.
 - 12 (d) Preparation and conduct of tests and the establish-
 - 13 ment and use of resulting employment lists containing names of
 - 14 persons eligible for appointment.
 - 15 (e) Certification and appointment of persons from employ-
 - 16 ment lists, and making of temporary and emergency appointments.
 - 17 (f) Evaluation of employees during the probationary
 - 18 period.
 - 19 (g) Transfer, promotion, demotion, and reinstatement of
 - 20 employees in the classified service.
 - 21 (h) Separation of employees from the city service through
 - 22 lay-off, suspension, and dismissal.
 - 23 (i) Standardization of hours of work, attendance and
 - 24 leave regulations, working conditions, and the development of
 - 25 employee training, morale, and welfare.
 - 26 (j) Suitable provisions for orderly and equitable pre-
 - 27 sentations to the City Manager, the Personnel Commission, and to
 - 28 the City Council by employees relating to general conditions of
 - 29 employment.
 - 30 (k) Content, maintenance, and use of personnel records
 - 31 and forms.

32 SECTION 7. Appointments. Appointments to vacant

1 positions in the classified service shall be made in accordance
2 with the personnel rules. Appointments and promotions shall be
3 based on merit and fitness to be ascertained so far as practicable
4 by competitive test, which may be written, oral, practical demon-
5 stration, or a combination thereof, or any other form which will
6 test fairly the qualifications of the applicants. Appointments
7 shall be made by the City Manager, or by the officer in whom the
8 power to make appointments is vested by the Charter or by ordinance.

9 When an appointment is to be made to a vacancy in the
10 classified service, the person having the power of appointment
11 shall request and the Director of Personnel shall transmit the
12 names of all persons on the appropriate employment or promotional
13 list in the order in which such persons have been graded on the
14 examination. Any person whose name appears on such list may be
15 appointed to such vacancy.

16 In the absence of appropriate employment lists, a tem-
17 porary appointment may be made by the appointing authority of the
18 person meeting the minimum training and experience qualifications
19 for the position. An employment list shall be established within
20 six (6) months for any permanent position filled by temporary
21 appointment. The City Manager, with the approval of the City
22 Council, may extend the period for any temporary appointment.

23 No credit shall be allowed in meeting any qualification
24 or in the giving of any test or the establishment of any employment
25 or promotional lists, for service rendered under a temporary appoint-
26 ment.

27 During the period of suspension of any employee, or
28 pending final action on proceedings to review suspension, demotion,
29 or dismissal of any employee, the vacancy may be filled by the
30 appointing authority only by temporary appointment.

31 SECTION 8. Probationary Period. All regular appoint-
32 ments to the classified service, including promotional appointments,

1 shall be for a probationary period of six (6) months, except that
2 as to any class of position the rules may provide for an exten-
3 sion of the period for not more than an additional six (6) months.
4 During the probationary period, the employee may be rejected at
5 any time without right of appeal or hearing.

6 An employee rejected during the probationary period from
7 a position to which he has been promoted shall be reinstated to
8 the position from which he was promoted, unless he is dismissed
9 from the city service as provided in this ordinance and the rules.

10 An employee in the classified service promoted or trans-
11 ferred to a position not included in the classified service shall
12 be reinstated to the position from which he was promoted or trans-
13 ferred if, within six (6) months after such promotion or transfer,
14 action is taken to reject or dismiss him, unless he is discharged
15 in the manner provided in this ordinance and the personnel rules
16 for positions in the classified service.

17 SECTION 9. Status of Present Employees. Any person
18 holding a position included in the classified service who has not
19 been appointed to such position as a result of a competitive
20 examination and who, on the effective date of this ordinance,
21 shall have served continuously in such position for a period equal
22 to the probationary period prescribed in the rules for his class
23 shall assume regular status in the classified service in the posi-
24 tion held on such effective date without qualifying test; provided
25 the employee's department head submits and the City Manager
26 approves a certification that the employee's performance is satis-
27 factory and his retention is desirable from the standpoint of the
28 city service. Any such person for whom such certification is not
29 so submitted or approved shall be considered a temporary appointee
30 and shall be subject to the provisions of this ordinance and the
31 personnel rules governing temporary appointments.

32 Any person holding a position in the classified service

1 who has not been appointed to such position as a result of a com-
2 petitive examination and who, on the effective date of this ordi-
3 nance, shall have served in such position for less than the proba-
4 tionary period prescribed in the rules for his class shall be con-
5 sidered a temporary appointee and shall be subject to the provisions
6 of this ordinance and the personnel rules governing temporary
7 appointments; provided, however, that any such person holding a
8 position as a result of provisional promotion by the City Manager
9 shall be regarded as a probationer who is serving out the balance
10 of the probationary period for his class. The probation period
11 shall be computed from the date of original appointment to his
12 present position, whether or not he has since been appointed to
13 the position as a result of a competitive examination.

14 SECTION 10. Appointments Subject to Ordinance. The
15 Council, City Manager, and any other officer in whom is vested the
16 power to appoint, make transfers, promotions, demotions, reinstate-
17 ments, lay-offs, and to suspend or dismiss employees, shall retain
18 such power, subject to the provisions of the Charter and of this
19 ordinance and the personnel rules.

20 SECTION 11. Suspension. Any person holding a position
21 or employment in the classified service shall be subject to dis-
22 ciplinary suspension without pay by the appointing power, but such
23 suspensions shall not exceed a total of thirty (30) calendar days
24 in any fiscal year. A department head not having power of appoint-
25 ment may make disciplinary suspensions in accordance with the rules.

26 SECTION 12. Filing of Charges. Any permanent employee
27 in the classified service who has been demoted, dismissed, suspended,
28 or reduced in pay, shall be entitled to request a written statement
29 of the reasons for such action. Such a request must be made within
30 five (5) working days following the mailing of written notice to
31 the permanent employee at his last known address, and he shall have
32 five (5) additional working days within which to answer the charges
in writing. In the event the employee requests the statement and

1 prepares his written answer, copies of both shall be filed with
2 the Director of Personnel, who shall transmit them to the Per-
3 sonnel Commission. Within ten (10) days from the date of filing
4 his answer to the written charges, or in event such written
5 charges have not been made available to him within the time pre-
6 scribed, then within ten (10) days after the action taken to demote,
7 dismiss, or reduce the pay of the employee, he may file a written
8 demand with the Director of Personnel requesting a hearing before
9 the Personnel Commission. The Personnel Commission shall then
10 investigate the case and conduct a hearing as provided in this
11 ordinance and by the rules.
12 The provisions of this section shall not apply to reduc-
13 tions in pay which are a part of a general plan to reduce salaries
14 and wages.

15 SECTION 13. Right of Appeal. Any employee in the
16 classified service shall have the right to appeal to the Personnel
17 Commission relative to any disciplinary action, dismissal, demo-
18 tion, or alleged violation of this ordinance or the personnel
19 rules, except in instances where the right of appeal is prohibited
20 by this ordinance. Thereupon, the Commission shall make such in-
21 vestigation as it may deem necessary and within twenty (20) days
22 after the request for hearing was filed the Commission shall hold
23 a hearing. Hearings may be informally conducted and the rules of
24 evidence need not apply.

25 Within ten (10) days after concluding the hearing, the
26 Personnel Commission shall certify its findings and recommendations
27 to the City Manager, or to any other official from whose action
28 the appeal was taken, and to the employee affected. The City Mana-
29 ger, or other official from whose action the appeal was taken,
30 shall review the findings and recommendations of the Personnel Com-
31 mission and may then affirm, revoke, or modify the action taken,
32 as in his judgment seems warranted, and the action taken shall be
final.

1 SECTION 14. Abolition of Position. Whenever in the
2 judgment of the Council it becomes necessary in the interest of
3 economy or because the necessity for the position or employment in-
4 volved no longer exists, the Council may abolish any position or
5 employment in the classified service and lay off, demote, or trans-
6 fer the employee holding such position or employment without filing
7 written charges and without the right of appeal. If within one (1)
8 year an appointment is to be made to any position or employment in
9 any existing or new class having the same or substantially similar
10 qualifications and duties as the position abolished, the employee
11 laid off, demoted, or transferred shall have the right to such
12 appointment, unless he shall file a waiver in writing with the Dir-
13 ector of Personnel; or, if laid off, he shall fail to report to the
14 Director of Personnel within twenty (20) working days after notice
15 is mailed to his last known address.

16 SECTION 15. Political Activities Prohibited. No person
17 holding any position in the classified service or on an eligible
18 list shall:

19 (a) Seek or accept nomination, election, or appointment
20 as an officer of a political club or organization.

21 (b) Serve as a member of a committee of such club or
22 organization.

23 (c) Take an active part in any municipal or county
24 political campaign or contribute thereto in behalf of any candidates.

25 (d) Seek signatures to any petition seeking to advance
26 the candidacy of any person for any municipal or county office or
27 signatures to any other petition provided for by any law, except as
28 provided in Section 16 (e) hereof.

29 (e) Act as a worker at the polls or distribute badges,
30 pamphlets, dodgers, or handbills of any kind favoring or opposing
31 any candidate for election or nomination to a municipal or county
32 office.

1 SECTION 16. Activities Not Prohibited. This ordinance
2 does not prevent any officer, employee or person on an eligible
3 list from:

4 (a) Becoming or continuing to be a member of a political
5 club or organization.

6 (b) Attendance at a political meeting.

7 (c) Enjoying entire freedom from all interference in
8 casting his vote.

9 (d) Seeking or accepting election or appointment to pub-
10 lic office while on leave of absence.

11 (e) Seeking signatures to any initiative or referendum
12 petition directly affecting his rates of pay, hours of work,
13 retirement, civil service, or other working conditions.

14 (f) Distributing badges, pamphlets, dodgers, or handbills
15 or other participation in any campaign in connection with such
16 petition, if the activity is not carried on during hours of work,
17 or when he is dressed in the uniform required in any department of
18 the city government.

19 (g) Any other political activities not prohibited by
20 Section 15 of this ordinance.

21 SECTION 17. Solicitation of Contributions. No officer
22 or employee of the city, and no candidate for any city office, shall,
23 directly or indirectly, solicit any assessment, subscription, or
24 contribution, whether voluntary or involuntary, for any municipal
25 political purpose whatever, from anyone on the eligible lists or
26 holding any position in the classified service.

27 SECTION 18. Discrimination. Except as otherwise pro-
28 vided by the general laws of this state heretofore or hereafter
29 enacted, no person in the classified service, or seeking admission
30 thereto, shall be employed, promoted, demoted, or discharged, or
31 in any way favored or discriminated against because of political
32 opinion or affiliations or because of race or religious belief.

1 SECTION 19. Violation. The violation of any provision
2 of Sections 15, 16, 17, or 18 is ground for discharge of any
3 officer, or employee.

4 SECTION 20. Right to Contract for Special Service. The
5 City Manager shall consider and make recommendations to the City
6 Council regarding the extent to which the city should contract for
7 the performance of technical services in connection with the
8 establishment or operation of the personnel system. The Council
9 may contract with any qualified person or agency for the perform-
10 ance of all or any of the following responsibilities and duties
11 imposed by this ordinance:

12 (a) The preparation of personnel rules and subsequent
13 revisions and amendments thereof.

14 (b) The preparation of a position classification plan,
15 and subsequent revisions and amendments thereof.

16 (c) The preparation of a plan of compensation, and sub-
17 sequent revisions and amendments thereof.

18 (d) The preparation, conduct, and grading of competitive
19 tests and the certification of employment lists.

20 (e) Special and technical services of advisory or
21 informational character on matters relating to personnel administra-
22 tion.

23 SECTION 21. Appropriation of Funds. The Council shall
24 such appropriate/funds as are necessary to carry out the provisions of
25 this ordinance.

26 SECTION 22. Ordinances Repealed. Ordinances No. 602-N.S.
27 and all ordinances amending it are hereby repealed provided that
28 all proceedings under said ordinance No. 602-N.S. as amended,
29 heretofore instituted, are continued in full force and effect and
30 all acts of the Personnel Board appointed under said ordinance as
31 amended are hereby confirmed. All personnel rules and regulations,
32 or portions thereof, in force at the time this ordinance becomes

1 effective and not in conflict with or in consistent herewith, are
2 hereby continued in force until the same have been duly repealed,
3 amended, changed or superseded by proper authority. The members
4 of the Personnel Board holding office when this ordinance takes
5 effect shall continue to hold office as members of the Personnel
6 Commission created by this ordinance until their respective terms
7 of office shall expire and their successors shall be appointed and
8 qualified.

9 SECTION 23. Penalty for Violation. Any person, firm,
10 or corporation violating any of the provisions of this ordinance
11 or the personnel rules and regulations shall be deemed guilty of a
12 misdemeanor and upon a conviction thereof shall be punishable by a
13 fine or not more than Five Hundred (\$500.00) Dollars or by imprison-
14 ment for a period of not more than six (6) months or by both such
15 fine and imprisonment.

16 SECTION 24. Severability. If any section, subsection,
17 subdivision, sentence, clause, or phrase of this ordinance is for
18 any reason held to be unconstitutional, such decision shall not
19 affect the validity of the remaining portions of this ordinance.
20 The Council hereby declares that it would have passed this ordi-
21 nance, and each section, subsection, subdivision, sentence, clause,
22 and phrase thereof, irrespective of the fact that any one or more
23 sections, subsections, subdivisions, sentences, clauses, or phrases
24 be declared unconstitutional.

25 SECTION 25. Effective Date. This ordinance shall go
26 into effect and be in full force and operation from and after fifteen
27 (15) days after its final passage and adoption.

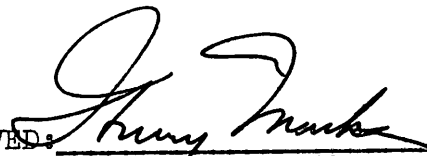
28 SECTION 26. Publication. This ordinance shall be
29 published in full at least once at least three (3) days prior to
30 its final adoption in the Modesto Journal and Valley Citizen, the
31 official newspaper of the City of Modesto.

1 The foregoing ordinance was introduced at the regular
2 meeting of the Council of the City of Modesto held on the 2nd
3 day of July, 1952, by Councilman Mellis, who moved its
4 introduction and passage to print, which motion being duly seconded
5 by Councilman Merrill, was upon roll call carried and
6 ordered printed and published by the following vote:

7 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis
Merrill and Mayor Marks

8 NOES: Councilmen: None

9 ABSENT: Councilmen: None

10 APPROVED: 
11 HARRY MARKS, Mayor

12 ATTEST: 
13 REX E. GAILFUS, City Clerk


14 FINAL ADOPTION CLAUSE

15 The foregoing ordinance, having been printed and pub-
16 lished as required by the Charter of the City of Modesto, and coming
17 on for final consideration at the regular meeting of the Council
18 of the City of Modesto held on the 16 day of July, 1952,
19 Councilman Annan moved its final adoption, which motion being
20 duly seconded by Councilman M. Adams, was upon roll call
21 carried and the ordinance finally adopted by the following vote:

22 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
23 Merrill and Mayor Marks

24 NOES: Councilmen: None

25 ABSENT: Councilmen: None

26 APPROVED: 
27 HARRY MARKS, Mayor

28 ATTEST: 
29 REX E. GAILFUS, City Clerk

SPECIAL
NOT IN CODE

ORDINANCE NO. 1032N. S.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
KNOWN AS CROWS LANDING ROAD INDUSTRIAL DISTRICT
TO THE CITY OF MODESTO.

3
4
5 WHEREAS, a petition dated the 15th day of September, 1951,
6 was filed with the City Council by Charles Tocalino, Teresa
7 Tocalino, Modesto Tallow Company by Charles Tocalino, President,
8 Abraham Arnopole, Rebecca Arnopole, Ralph Sanders, B. Zeff,
9 B. Zeff & Co., by B. Zeff, A. P. Anker by F. C. Shaw, Anker
10 Meat Company, a partnership by G. W. Taylor, F. C. Shaw, Henry
11 R. Meyer, and Ruel G. Frazier, as Partners thereof, for the
12 annexation of uninhabited territory to the City of Modesto under
13 the provisions of the Annexation of Uninhabited Territory Act
14 of 1939 as amended, and

15 WHEREAS, the City Council by resolution passed on the
16 10th day of October, 1951, set said petition for hearing for
17 the hour of 7:30 o'clock P.M. on the 14th day of November, 1951,
18 in the Council Chambers of the City Hall of the City of Modesto,
19 and

20 WHEREAS, at said time and place no objectors appeared to
21 oppose said petition, and

22 WHEREAS, it appears to the City Council and the City
23 Council so finds that a copy of the resolution giving notice
24 of the proposed annexation and fixing the time and place for
25 hearing objections to the proposed annexation was published
26 in newspapers of general circulation, to wit: the MODESTO
27 BEE, a newspaper published in the City of Modesto on October
28 16th and 23rd, 1951,; in the TURLOCK DAILY JOURNAL, a newspaper
29 published outside of the City of Modesto, but in the County of
30 Stanislaus, and on the same dates
31 for the time and in the manner required by law,
which publications were completed at least twenty (20) days

SPECIAL
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1 prior to the date set for the hearing, and that written
2 notice of the proposed annexation has been mailed by the
3 City Clerk of the City of Modesto/^{to}each person to whom land
4 within the territory proposed to be annexed is assessed in
5 the last equalized assessment roll available on the date
6 the proceedings were initiated, at the address as shown
7 thereon or as known to said Clerk, and to any person who has
8 filed his name and address and the designation of the lands
9 in which he has any interest, either legal or equitable, with
10 said Clerk, which notices were mailed not less than twenty
11 (20) days before the date set for the public hearing, and
12 that all the requirements of the Annexation of Uninhabited
13 Territory Act of 1939 as amended have been complied with,

14 NOW, THEREFORE, THE COUNCIL OF THE CITY OF MODESTO
15 DOES ORDAIN AS FOLLOWS:

16 SECTION 1. That the petition of Charles Tocalino, Teresa
17 Tocalino, Modesto Tallow Company by Charles Tocalino, President,
18 Abraham Arnopole, Rebecca Arnopole, Ralph Sanders, B. Zeff,
19 B. Zeff & Co. by B. Zeff, A. P. Anker by F. C. Shaw, Anker
20 Meat Company, a partnership by G. W. Taylor, F. C. Shaw,
21 Henry R. Meyer, and Ruel G. Frazier as Partners thereof, be
22 and the same is hereby granted and the territory described in
23 said petition is hereby annexed to and made a part of the
24 City of Modesto.

25 SECTION 2. That the area or territory so annexed, designat-
26 ed as Crows Landing Road Industrial Area is located in the
27 County of Stanislaus, State of California, and is contiguous
28 to the City of Modesto, is uninhabited territory within the
29 meaning of the Annexation of Uninhabited Territory Act
30 of 1939 as amended, and is more particularly described
31

1 as follows:

2 All that real property situate in the County of
3 Stanislaus, State of California, described as follows,
to-wit:

4 BEGINNING at a point on the Section line between
5 Sections 4 and 5, Township 4 South, Range 9 East, Mount
6 Diable Base and Meridian, in the center line of Crows
7 Landing Road, which point bears South 13.667 chains
8 from the Northeast corner of said Section 5; thence
9 North 89° 31' West 9.834 chains; thence North 1° 34'
10 West 6.144 chains; thence South 88° 26' West 10.40 chains,
11 more or less, to the center line of Tuolumne River and the
12 present boundary line of the City of Modesto, thence
13 Southerly along said line to a point which is due West
14 of the most Northerly corner of the lands described in
15 the Decree of Distribution had in the Matter of the
16 Estate of Herbert Meakin, also known as Herbert H.
17 Meakin, deceased, a certified copy of which Decree
18 being recorded on February 13, 1943 in Volume 765 of
19 Official Records, page 252, Stanislaus County Records;
20 thence East to said most Northerly corner; thence South
21 0° 30' East 257.1 feet; thence East, 555.26 feet; thence
22 North 0° 30' West 156.9 feet; thence South 89° 41'
23 East 852.74 feet to the East line of said Section 5,
24 Township 4 South, Range 9 East; thence North, along
25 said line, 2775.358 feet, more or less, to the point of
26 beginning.

27 SECTION 3. pursuant to Section 722 of the Charter of
28 the City of Modesto, this ordinance shall become effective immed-
29 iately upon its adoption and shall be in effect from and after
30 July 2, 1952.

31 SECTION 4. This ordinance shall be published in full at
32 least once in the Modesto Journal and Valley Citizen, the official
33 newspaper of the City of Modesto.

34 The foregoing ordinance was introduced at a regular meeting
35 of the Council of the City of Modesto held on the 2nd day of July,
36 1952 by Councilman R. Adams, who moved its adoption and passage
37 to print, which motion being duly seconded by Councilman Mellis
38 was upon roll call carried by the following vote:

39 Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill,
40 Noes: Councilmen: None and Mayor Marks
41 Absent: Councilmen: None

42 Approved: 
HARRY MARKS, MAYOR

43 ATTEST:
44 
45 REX. E. GAILFUS, CITY CLERK
46

City of Modesto AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1953 AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

Section 1. This ordinance shall be in full force and effect from and after the date of its passage.

WHEREAS, pursuant to the Charter of the City of Modesto a proposed budget has been submitted to the City Council by the City Manager; and the City Council has made such revisions as it has deemed advisable, and the City of Modesto has

WHEREAS, in accordance with the City Charter, a public hearing has been held upon the adoption of the proposed budget after due notice, as provided by law, and

WHEREAS, copies of the proposed budget have been available for inspection by the public at the office of the City Clerk,

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

Section 1. That the "Preliminary 1952-1953 Budget for the City of Modesto" presented by the City Manager to the City Council at its meeting held on July 2, _____, 1952, including any revisions heretofore made by the City Council, a copy of which budget is filed with the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1953, and the several amounts stated herein as proposed expenditures are hereby appropriated for the various objects therein described.

Section 2. That the City Council is authorized by resolution to transfer funds from one department to another department and to transfer and expend funds from the general reserve for specific purposes.

Section 3. That the City Manager is authorized to transfer funds within departmental budgets between the following classifications, to-wit: Salaries, operating expenses, and capital outlay; and to transfer and expend funds from the Contingency Fund for specific purposes.

Section 4. Pursuant to Section 722 of the Charter of the

NOT IN SPECIAL CODES

NOT IN SPECIAL CODES

1 City of Modesto, this ordinance shall take effect upon adoption
2 and shall be in full force and effect from and after July 23, 1952.

3 Section 5. This ordinance shall be published in full
4 in the Modesto Journal and Valley Citizen, the official newspaper
5 of the City of Modesto.

6 The foregoing ordinance was introduced at the regular
7 meeting of the Council of the City of Modesto held on the 23rd
8 day of July, 1952, by Councilman Annan, who moved its
9 adoption, which motion being duly seconded by Councilman Arata,
10 was upon roll call carried by the following vote:

11 AYES: Councilmen: M. Adams, R. Adams, Arata, Annan, Mellis, Merrill
12 and Mayor Marks
13 NOES: Councilmen: None
14 ABSENT: Councilmen: none

15 APPROVED:

Harry Marks
HARRY MARKS Mayor

16 ATTEST:

Rex E. Gailfus
17 REX E. GAILFUS, City Clerk
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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 AMENDED, BY ADDING SECTION 35A THERETO.

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

SECTION 1. 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 amended, is hereby amended to add Section 35A as follows:

Section 35A. Driving or Parking on Parks, Playgrounds and City Property. No person shall drive or park any motor vehicle upon any public park, playground or other city property except on streets, alleys, thoroughfares or parking lots and areas provided for such purposes.

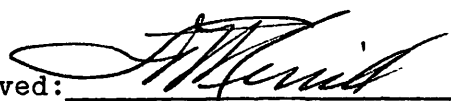
No person shall stop, stand or park a motor vehicle upon any public park, playground or other city property in such a manner as to block, obstruct or impede free access to and from said park or playground or city property.

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


SECTION 3. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 6th day of August, 1952, by Councilman Mellis, who moved its introduction and passage to print, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill
- NOES: Councilmen: None
- ABSENT: Councilmen: Mayor Marks


Approved: 
LYNDALL MERRILL,
Mayor Pro Tempore

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ATTEST: 
REX E. GAILFUS, City Clerk


The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20 day of August, 1952, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Mellis, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and
Mayor Pro Tempore Merrill
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Marks

Approved: 

LYNDALL MERRILL,
Mayor Pro Tempore

Attest:


REX E. GAILFUS, City Clerk

1 AN ORDINANCE AMENDING THE SUBSECTION ENTITLED,
2 "GENERAL CONSTRUCTION REQUIREMENTS AND REGULA-
3 TIONS:" OF SECTION 7 OF ORDINANCE NO. 506-N.S.
4 OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE
5 REGULATING THE INSTALLATION, REPAIR, OPERATION,
6 AND MAINTENANCE OF ELECTRICAL WIRING AND EQUIP-
7 MENT WITHIN THE CITY OF MODESTO, PROVIDING FOR
8 LICENSES, REGISTRATIONS, PERMITS, INSPECTIONS
9 AND APPROVAL OF ELECTRICAL WORK, THE PAYMENT OF
10 FEES THEREFOR AND PROVIDING FOR PENALTIES FOR
11 THE VIOLATION OF THIS ORDINANCE", AS AMENDED.

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

13 SECTION 1. The subsection entitled, "General Construc-
14 tion Requirements and Regulations" of Section 7 of Ordinance No.
15 506-N.S. of the City of Modesto entitled, "An Ordinance Regulating
16 the Installation, Repair, Operation, and Maintenance of Electrical
17 Wiring and Equipment within the City of Modesto, Providing for
18 Licenses, Registrations, Permits, Inspections and Approval of
19 Electrical Work, the Payment of Fees Therefor and Providing for
20 Penalties for the Violation of this Ordinance", as amended, is
21 hereby amended to read as follows:

22 GENERAL CONSTRUCTION REQUIREMENTS AND REGULATIONS:
23 Except as provided otherwise herein, all installa-
24 tions whereby electrical energy is to be utilized
25 shall be in strict conformity with the provisions
26 of the statutes of the State of California, the
27 Electrical Safety Orders issued by the Division of
28 Industrial Safety of the State of California,
29 revised February 26, 1951, and the "National
30 Electrical Code" (1951 Edition) published by the
31 National Board of Fire Underwriters.

32 Each of the above orders, hereby referred to, are
adopted and made a part of this ordinance as fully
as if set out at length herein. Compliance there-
with shall be prima facie evidence of compliance with
the most approved methods of construction.

Three copies of each of the above mentioned orders
and regulations shall be kept on file in the office
of the City Clerk, and/or in the office of the City
Electrician of the City of Modesto, California.

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

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

1 Modesto Journal and Valley Citizen
the ~~Modesto Bee~~, the official newspaper of the City of Modesto.

2 The foregoing ordinance was introduced at the regular
3 meeting of the Council of the City of Modesto held on the 6th
4 day of ^{August} ~~June~~, 1952, by Councilman R. Adams, who moved its
5 introduction and passage to print, which motion being duly seconded
6 by Councilman Arata, was upon roll call carried and
7 ordered printed and published by the following vote:

8 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and

9 NOES: Councilmen: None
Mayor Pro Tempore Merrill

10 ABSENT: Councilmen: Mayor Marks

11 APPROVED: 
~~HARRY MARKS, Mayor~~

12 ATTEST: 
13 REX E. GAILFUS, City Clerk

LYNDALL O. MERRILL, Mayor
Pro Tempore

14 FINAL ADOPTION CLAUSE

15 The foregoing ordinance, having been printed and pub-
16 lished as required by the Charter of the City of Modesto, and
17 coming on for final consideration at the regular meeting of the
18 Council of the City of Modesto held on the 20 day of August,
19 1952, Councilman M. Adams moved its final adoption,
20 which motion being duly seconded by Councilman Annan,
21 was upon roll call carried and the ordinance finally adopted by
22 the following vote:

23 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis
and Mayor Pro Tempore Merrill

24 NOES: Councilmen: None

25 ABSENT: Councilmen: Mayor Marks

26 APPROVED: 
~~HARRY MARKS, Mayor~~

27 ATTEST: 
28 REX E. GAILFUS, City Clerk

LYNDALL O. MERRILL, MAYOR
PRO TEMPORE

Repealed by
Ord 1116-N.S.

ORDINANCE NO. 1036 -N.S.

AN ORDINANCE CONTINUING IN EFFECT THE INTERIM
ZONING OF NEWLY ANNEXED TERRITORY AS PROVIDED
IN ORDINANCE NO. 927-N.S. OF THE CITY OF MODESTO.

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

SECTION 1. The land use districting regulations effected
by the provisions of sub-paragraphs (a) and (b) of Section 2 of
Ordinance No. 927-N.S. entitled, "An Ordinance Amending Ordinance
No. 700-N.S. and Providing for the Zoning of Newly Annexed Terri-
tory, Changing Uses Permitted, Providing for Zoning and Uses Per-
mitted in Residential Agriculture District and Repealing Ordinances
in Conflict Therewith", relating to the zoning of newly annexed
territory, are hereby continued in effect until repealed or super-
ceded.

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

SECTION 3. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 6th day of August, 1952, by Councilman M. Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Marks

APPROVED:


~~HARRY MARKS~~, Mayor Pro Tem.

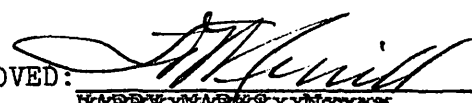
ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20 day of August, 1952, Councilman Mellis moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Annan, Mellis and
Mayor Pro Tempore Merrill
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Marks

APPROVED:


~~HARRY MARKS~~, Mayor
LYNDALL O. MERRILL,
Mayor Pro Tempore

ATTEST: 
REX E. GAILFUS, City Clerk

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 AMENDED, BY ADDING SECTION 32A THERETO.

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

SECTION 1. A new section entitled, "Section 32A" is hereby added to 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 amended, which said section shall read as follows:

Section 32A. Parking of Commercial Vehicles and Buses Prohibited in Residential Districts. No person shall park any vehicle designed or used for the transporting of commodities or materials which vehicle extends more than eight (8') feet to the rear of the driving compartment of said vehicle or any vehicle whose load extends more than eight (8') feet to the rear of the driving compartment thereof, upon any street, avenue, alley or thoroughfare within a residential district of the City of Modesto for any purpose other than to make a pickup or delivery.

For the purposes of this Section, a residential district shall mean any district which is classified as residential under the provisions of the Zoning Ordinances of the City of Modesto, heretofore or hereafter enacted.

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REPEALED

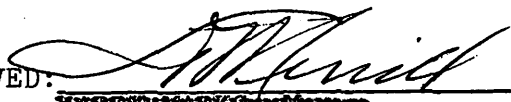
SECTION 2. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

SECTION 3. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 6th day of August, 1952, by Councilman Mellis, who moved its introduction and passage to print, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor
NOES: Councilmen: Pro Tempore Merrill
ABSENT: Councilmen: None
None
ABSENT: Councilmen: Mayor Marks

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
~~Mayor Marks~~
Lyndall O. Merrill, Mayor Pro Tempore

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20 day of August, 1952, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Mellis, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
and Mayor Pro Tempore Merrill
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Marks

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
Lyndall O. Merrill, Mayor Pro Tempore

SPECIAL
NOT IN CODE

ORDINANCE NO. 1038 -N.S.

AN ORDINANCE FIXING THE RATE OF TAXATION
IN AND FOR THE CITY OF MODESTO FOR THE
FISCAL YEAR 1952-1953.

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

4 SECTION 1. There is hereby levied upon the assessed
5 valuation of the property in the City of Modesto, County of Stan-
6 islaus, State of California, for the fiscal year beginning July 1,
7 1952 and ending June 30, 1953, the rates of taxation, hereinafter
8 specified, said rates being upon each One Hundred (\$100.00) Dollars
9 of the valuation according to the equalized assessment roll to-wit:

10 FOR THE GENERAL FUND \$1.00
11 On each One Hundred Dollars taxable valuation.

12 FOR THE BOND REDEMPTION AND INTEREST FUND

- 13 (a) Municipal Improvement Bonds of 1920 \$.032
(January)
- 14 (b) Municipal Improvement Bonds of 1923 \$.008
- 15 (c) Municipal Improvement Bonds of 1947 \$.12 .

16 BEING A TOTAL OF \$.16
17 For each One Hundred Dollars in valuation of property
18 taxable for the redemption of bonds and the payments of
interest thereon that shall accrue during said fiscal
year;

19 FOR THE LIBRARY FUND. \$.12
20 On each One Hundred Dollars taxable valuation;

21 THE AGGREGATE OF SAID SUMS TO-WIT \$1.28
22 On each One Hundred Dollars valuation as determined by
23 the equalized assessment rolls for the year 1952-53 on
24 all property taxable in the City of Modesto for said
25 purpose is hereby levied and apportioned to and shall
be paid into the above funds respectively of said City.
26 The rates above specified shall be in addition to those
27 required to be levied under the general laws of the
28 State of California for the purpose of paying principal
29 and interest on street improvements and interest on
30 street improvement bonds in local improvement districts.

31 SECTION 2. BE IT FURTHER PROVIDED that anything to the
32 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 annexed
to the City of Modesto, La Linda Tract, John Muir Park Tract, North-
wood Tract, Esgar Tract, Crane Tract and Campus Tract No. 2. Said

1 tax rate for said Southern Campus Tract, Hawkins Tract, that por-
2 tion of the Leslie-Hugh Tract annexed, La Linda Tract, John Muir
3 Park, Northwood Tract, Esgar Tract, Crane Tract and Campus Tract
4 No. 2, as aforesaid shall be and is hereby declared to be as
5 follows:

6 FOR THE GENERAL FUND \$1.00
7 On each One Hundred Dollars taxable valuation.

8 FOR THE BOND REDEMPTION AND INTEREST FUND

9 (a) Municipal Improvement Bonds of 1947 \$.12
10 For each One Hundred Dollars in valuation of property
11 taxable for the redemption of bonds and the payment of
12 interest thereon that shall accrue during said fiscal
13 year;

14 FOR THE LIBRARY FUND \$.12
15 On each One Hundred Dollars of taxable valuation;

16 THE AGGREGATE OF SAID SUMS TO-WIT \$1.24
17 On each One Hundred Dollars valuation, as determined by
18 the equalized assessment roll for the year 1952-53.

19 SECTION 3. BE IT FURTHER PROVIDED that anything to the
20 contrary heretofore set forth, there shall be and there is hereby
21 declared to be a different rate of taxation levied upon certain
22 property situate in the City of Modesto, to-wit: Leonardo Tract,
23 Brockett & Valk Tract, College Manor Tract No. 2, Blocks 821 to
24 823 inclusive of Campus Tract and lot 1 of the Ustick Tract, that
25 portion of lots 2 and 3 of the Rice Colony Tract annexed to the
26 City, Block 624 of the Leslie-Hugh Tract, lots 2 and 3 of the
27 Apricot Colony Tract, E. C. Melrose and Muir Garden Tract, Unin-
28 habited Territory Tract No. 1, portion of lot 3 of Rice Colony,
29 portion of Mission Grove, M & G Olivewood and all of the Falk
30 Tract, portion of the Evergreen Acres Tract, portion of the resub-
31 division of Thousand Oaks, Block 2173, lots 1 to 5 inc., lots 11
32 to 17 inclusive, portion of lot 18 of the Tatum Tract, lots 1 to 5
inclusive of Bodem Colony, Northwest quarter of lot 7 of Rice
Colony, lots 1 through 12 of Block 726 of the M & G Olivewood
Tract, including also the 7.5' alley immediately to the East bound-
ary of said lots; portion of lot 44 of Broughton Colony; portion

1 of Campus Tract No. 2 described as follows: Southwest quarter of
 2 the Southwest quarter and the South 10.00 feet of the Northwest
 3 quarter of the Southwest quarter of Section 20, Township 3 South,
 4 Range 9 East, M. D. B. & M.; portion of Las Palmas Tract, portion
 5 of the Weil Colony, first portion of the Sunset Acres Tract; and
 6 Second portion of the Sunset Acres Tract; a portion of Lots 2 and
 7 7 of the Rice Colony; Maze Court Addition; and Northwest Addition
 8 as aforesaid shall be and is hereby declared to be as follows:

9 FOR THE GENERAL FUND \$1.00
 10 On each One Hundred Dollars taxable valuation;
 11 FOR THE LIBRARY FUND \$.12
 12 On each One Hundred Dollars of taxable valuation;
 13 THE AGGREGATE OF SAID SUMS TO-WIT \$1.12
 14 On each One Hundred Dollars valuation, as determined
 15 by the equalized assessment roll for the year 1952-53.

14 SECTION 4. The tax rate upon said Southern Campus Tract;
 15 Hawkins Tract; that portion of the Leslie-Hugh Tract, now a portion
 16 of the City of Modesto; La Linda Tract; John Muir Park; Northwood
 17 Tract; Esgar Tract; Crane Tract; Campus Tract No. 2; Leonardo
 18 Tract; Brocket & Valk Tract; College Manor Tract No. 2; Blocks 821
 19 to 823 inclusive of Campus Tract and lot 1 of the Ustick Tract;
 20 that portion of lots 2 and 3 of the Rice Colony Tract annexed to
 21 the City; Block 624 of the Leslie-Hugh Tract; lots 2 and 3 of the
 22 Apricot Colony Tract; E. C. Melrose and Muir Garden Tract; Unin-
 23 habited Territory Tract No. 1; portion of lot 3 of Rice Colony;
 24 portion of Mission Grove, M & G Olivewood and all of the Falk
 25 Tract; portion of the Evergreen Acres Tract, portion of the resub-
 26 division of Thousand Oaks, Block 2173, lots 1 to 5 inc.; lots 11 to
 27 17 inclusive, portion of lot 18 of the Tatum Tract, lots 1 to 5
 28 inclusive of Bodem Colony, Northwest quarter of lot 7 of Rice Col-
 29 ony; lots 1 through 12 of Block 726 of the M & G Olivewood Tract,
 30 including also the 7.5' alley immediately to the East boundary of
 31 said lots; portion of lot 44 of Broughton Colony; portion of Campus
 32 Tract No. 2, described as follows: Southwest quarter of the


1 Southwest quarter and the South 10.00 feet of the Northwest quarter
2 of the Southwest quarter of Section 20, Township 3 South, Range 9
3 East, M. D. B. & M.; portion of Las Palmas^{Tract}, portion of the Weil
4 Colony; first portion of the Sunset Acres Tract; and Second portion
5 of the Sunset Acres Tract; a portion of Lots 2 and 7 of the Rice
6 Colony; Maze Court Addition; and Northwest Addition, is different
7 from the tax rate herein set for the balance of the property
8 within the City of Modesto by reason of the fact that said terri-
9 tory has been annexed to and made a part of the City of Modesto
10 and under a provision of the State law which does not permit the
11 said City to levy taxes, upon said annexed property for any past
12 bonded indebtedness owed by said City and incurred before said
13 territory became a part of said City.

14 SECTION 5. Pursuant to Section 722 of the Charter of
15 the City of Modesto, this ordinance shall take effect and be in full
16 force and operation as of the date hereof.

17 SECTION 6. This ordinance shall be published in full at
18 least once in the official newspaper of the City of Modesto.

19 The foregoing ordinance was introduced at a regular meet-
20 ing of the Council of the City of Modesto held on the 13th day of
21 August, 1952, by Councilman Arata who moved its adoption,
22 which motion being duly seconded by Councilman Annan,
23 was upon roll call carried by the following vote:

24 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis
25 NOES: Councilmen: None
26 ABSENT: Councilmen: Mayor Marks

27 Approved: 

28 LYNDALL MERRILL,
29 Mayor Pro Tempore

30 ATTEST: 
31 REX E. GAILFUS, City Clerk

AN ORDINANCE AMENDING ORDINANCE NO. 306-N.S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE PROVIDING FOR THE SUPERVISION AND REGULATION OF MOTOR BUSES OPERATING ON FIXED SCHEDULES AND OVER ESTABLISHED ROUTES WITHIN THE CITY OF MODESTO, PROVIDING FOR THE ISSUANCE OF PERMITS AND LICENSES FOR SUCH OPERATION OF MOTOR BUSES AND PROVIDING FOR THE PUNISHMENT OF VIOLATIONS OF THIS ORDINANCE" AS AMENDED, BY AMENDING SUBSECTION (b) OF SECTION 1 AND SECTION 4 THEREOF.

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

SECTION 1. Subsection (b) of Section 1 of Ordinance No. 306-N.S. of the City of Modesto entitled, "An Ordinance Providing for the Supervision and Regulation of Motor Buses Operating on Fixed Schedules and Over Established Routes within the City of Modesto, Providing for the Issuance of Permits and Licenses for Such Operation of Motor Buses and Providing for the Punishment of Violations of this Ordinance", as amended, is hereby amended to read as follows:

(b) The words "motor bus" shall mean and include any motor vehicle doing business on the streets of the City of Modesto, and conveying passengers or transporting parcels or packages within the city over fixed routes and on established schedules. Automobiles used exclusively as hotel buses and school buses, and taxicabs, and other automobiles or conveyances conveying passengers, parcels or packages for hire not over fixed route or on established schedules, are not to be deemed included in said term as used in this ordinance.

SECTION 2. Section 4 of said Ordinance No. 306-N.S. is hereby amended to read as follows:

Section 4. Notwithstanding anything to the contrary hereinabove, no license shall be issued hereunder except upon payment by the grantee, simultaneously with the issuance of the same, into the City Treasury of a license fee of Ten dollars (\$10.00), and the grantee of any such permit and license hereunder shall pay into the City Treasury of the City of Modesto monthly from and after the date of issuance of such license, an amount equal to two (2%) percent of the gross revenue derived from the operation of any and all motor buses by such grantee under the authority of such permit and license for the period hereinafter defined. In the event that a licensee under this ordinance operates both within and without the City, licensee shall pay to the City two (2%) per cent of the gross receipts derived from the transportation of passengers entirely within the City, plus a percentage of the gross receipts derived from the transportation of passengers into and out of the City, based upon the proportion of route miles within the City as compared with the total route miles of said licensee.

The said money shall be paid to the City Tax Collector, and said Tax Collector may at his option receive and accept as correct and conclusive the statements submitted

by the grantee of such license or permit as to its gross revenue for the respective period covered by each respective payment made hereunder; but the said collector may at his option cause an audit to be made of the books of said grantee, at the expense of said grantee, to determine the correctness of said statement. Such statement shall be submitted by the grantee in brief form with each payment made as above provided. The period for which each of the said monthly payments shall be made, as aforesaid, shall be the period commencing with the time of the original issuance of said license, in case of the first payment so to be made, and shall continue until a date one month subsequent thereto, and as to all subsequent payments made, the period to be covered thereby shall be the period commencing with the end of the time or period represented by the last preceding payment and continuing until a date one month subsequent thereto. Payments shall be made within ten days after their accrual as aforesaid.

SECTION 3. The provisions of this ordinance shall apply to the payment of all license fees required by the provisions of paragraph 4 of Ordinance No. 306-N.S., as hereby amended, commencing from and after the date of the last payment of fees pursuant to said ordinance by each of said companies, respectively.

SPECIAL
NOT IN CODE

ORDINANCE NO. 1040 -N.S.

1 AN ORDINANCE PROVIDING FOR THE LEASE OF
2 CERTAIN CITY OWNED PROPERTY TO THE DAVE
3 WILSON NURSERY AND AUTHORIZING THE EXECU-
4 TION OF AN AGREEMENT IN CONNECTION THERE-
5 WITH.

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

7 SECTION 1. The City of Modesto hereby leases to Dave
8 Wilson and Isabel Wilson and John Wynne and Betty Ann Wynne, indi-
9 vidually, and doing business as the Dave Wilson Nursery, the
10 following described property situate in the County of Stanislaus,
11 State of California, and particularly described as follows:

12 All that portion of the northeast quarter of
13 Section 34, Township 3 South, Range 9 East,
14 Mount Diablo Base and Meridian, particularly
15 described as follows:

16 Beginning at the northeast corner of said
17 Section 34, then running South 00° 15' East,
18 along the east line of Section 34, a distance
19 of 2061.88 feet; thence North 89° 50' West,
20 40.00 feet to a point on the west line of a
21 county road, as said line is described in
22 dedication deed now of record in Volume 665,
23 of Official Records, at page 476, in the
24 office of the County Recorder of Stanislaus
25 County, California, said point being the true
26 point of beginning of this description; thence
27 continuing north 89° 50' West, 1381.85 feet;
28 thence on a tangent curve to the right having
a radius of 200.00 feet, central angle of 33°
57', tangent of 61.05 feet, a distance of
118.51 feet; thence North 53° 53' West, 1338.64
feet more or less to a point in the west line
of the northeast quarter of Section 34; thence
south 00° 14' east along the said west line of
said quarter section, 1361.72 feet to the
southwest corner of the said northeast quarter
section; thence south 89° 50' east along the
south quarter section line of said northeast
quarter section, 2598.54 feet more or less to
a point which is 40.00 feet westerly from the
southeast corner of said northeast quarter of
said section 34; thence north 00° 15' West along
a line parallel to, and 40.00 feet, measured at
right angles, from, the east line of said Sec-
tion 34, a distance of 580 feet to the true
point of beginning of this description, con-
taining 44.97 acres, more or less;

29 in accordance with the terms and conditions as set forth in that
30 certain agreement covering the lease of said property, a copy of
31 which is on file in the office of the City Clerk in the City of
32 Modesto. The terms and conditions of said lease are hereby

1 accepted and approved.

2 SECTION 2. The City Manager and the City Clerk of the
3 City of Modesto be and they are hereby authorized and empowered
4 to sign said agreement on behalf of the city upon this ordinance
5 becoming effective.

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

SECTION 4. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 20th day of August, 1952, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Annan, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill
- NOES: Councilmen: None
- ABSENT: Councilmen: Mayor Marks

APPROVED: 
~~HARRY MARKS, Mayor~~

Lyndall O. Merrill, Mayor Pro Tempore

ATTEST: 
~~ANNE M. COLLINS, City Clerk~~
ANNE M. COLLINS, Acting City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 3rd day of September, 1952, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Annan, was upon roll call carried and the ordinance finally adopted by the following vote:

- AYES: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill
- NOES: Councilmen: None
- ABSENT: Councilmen: M. Adams and Mayor Marks

APPROVED: 
~~HARRY MARKS, Mayor~~
Lyndall O. Merrill, Mayor Pro Tempore

ATTEST: 
REX E. GAILFUS, City Clerk

4-4.101
4-4.105
4-4.201
4-4.301
4-4.304
4-4.401
4-4.404
4-4.501
4-4.502
4-4.601
4-4.605
4-4.701
4-4.703
4-4.801
4-4.805
4-4.901
4-4.903

AN ORDINANCE PROVIDING REGULATIONS FOR THE SUBDIVISION OF LAND IN THE CITY OF MODESTO, COUNTY OF STANISLAUS, STATE OF CALIFORNIA, FOR THE PREPARATION AND PRESENTATION OF SUBDIVISION MAPS THEREOF, PROVIDING A PENALTY FOR VIOLATION OF THE PROVISIONS THEREOF, AND REPEALING ORDINANCE NO. 720 N.S., OF THE CITY OF MODESTO AS AMENDED.

In order to promote the:

- a. public health, safety, convenience and general welfare,
- b. orderly growth and development of the City,
- c. conservation, protection and proper use of land, and
- e. adequate provision for circulations, utilities, and services,

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

SECTION 1. GENERAL PROVISIONS

1.1 Purpose. This ordinance is for the purpose of adopting subdivision regulations, under the authority of and in accordance with the provisions of Chapter 2, Part 2 of Division 4 of the Business and Professions Code, and any future amendments thereto, referred to herein as the Subdivision Map Act, and in addition to any other regulations provided by law.

1.2 Ordinance No. 720 N.S. Repealed. Ordinance No. 720 N.S. entitled "An ordinance prescribing subdivision regulations to be observed in the City of Modesto by subdividers of land and persons filing maps of subdivisions of land," adopted February 23, 1944 and all amendments thereto is hereby repealed. The repeal of such ordinance shall not affect any agreement, contract, or bond executed pursuant to such ordinance, or any rights of action accrued thereunder.

1.3 Powers and Duties of Planning Commission

1.31 The Modesto City Planning Commission, hereinafter referred to as the Planning Commission, is hereby designated as the Advisory Agency with respect to subdivisions as provided in the Subdivision Map Act.

1.32 The Planning Commission shall have all the powers and duties with respect to tentative, record of survey, and final maps, and the procedure relating thereto, which are specified by law and by this ordinance.

1.4 Illegal to Sell Until Ordinance Complied With. It shall be unlawful for an individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity, as a principal, agent, or otherwise to offer to sell, to contract to sell, or to sell any subdivision of land or any part thereof in the City of Modesto unless and until all the requirements hereinafter provided have been complied with. This shall not be construed to prohibit the sale of any lot or parcel of land which is of record as a lot or parcel of land on the effective date of this ordinance.

SECTION 2. DEFINITIONS

2.1 Except as otherwise provided in this Section, all terms used in this ordinance which are defined in the Subdivision Map Act are used in this ordinance as so defined, unless from the context hereof it clearly appears that a different meaning is intended.

2.2 "Shall" is mandatory. "May" is permissive.

2.3 "Owner" is the individual, firm, association, syndicate, co-partnership or corporation having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same under this ordinance, and while used here in the masculine gender and singular number it shall be deemed to mean the feminine and neuter gender and plural number wherever required.

2.4 "Subdivider" shall mean any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this Ordinance to effect a subdivision of land hereunder for himself or for another and while used here in the masculine gender and singular number it shall be deemed to mean and include the feminine or neuter gender and the plural number wherever required.

2.5 "Subdivision" shall mean improved or unimproved land or lands divided or proposed to be divided for the purpose of sale or lease into parts less than twenty acres in size whether immediate or future.

2.6 "Lot" shall mean a parcel or portion of land separated from other parcels or portions by description as on a subdivision or record of survey map or by metes and bounds for purpose of sale, lease, or separate use.

SECTION 3 GENERAL REGULATIONS AND DESIGN

3.1 Requirements for Streets and Highways

3.11 The Street and Highway design shall conform both in width and alignment to any Master Plan of Streets and Highways approved by the City Council and the right-of-way for any such street or highway indicated on such Master Plan shall be dedicated.

3.12 The Street and Highway design shall conform to any proceedings affecting the subdivision, which may have been initiated by the City Council upon initiation by other legally constituted bodies of the County, City or State. If a parcel of land to be subdivided includes a portion of the right-of-way to be acquired for a public freeway or parkway, and the City Council shall determine the boundaries of the right-of-way to be acquired, the subdivider shall either dedicate or withhold from subdivision all the area included in said right-of-way.

3.2 General Conditions of Design. The following general conditions of design shall apply:

3.21 Streets and Highways

(a) Relationship to Existing Streets. The street system in the proposed subdivision shall relate functionally to the existing streets in the area adjoining the subdivision.

(b) Center Lines. The center lines of all streets wherever practicable shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred feet.

(c) Intersections. Each street intersection or interception shall be as near to a right angle as is practicable.

(d) Dead End Streets. No dead end street shall be more than six hundred feet in length. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead end streets may be approved without a turn-around. In all other cases a turn-around having a minimum radius of forty feet or a comparable area in another form shall be required separated to the depth of one lot from the exterior boundary line or other topographical feature of the subdivision.

(e) Curve Radius. The center line curve radius on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval of the City Engineer.

(f) Intersection Corner Rounding. At street intersections, the block corners shall be rounded at the property line with a curve having a radius of not less than ten feet. A greater curve radius may be required if streets intersect other than at right angles.

(g) Street Names. All names shall be as approved by the Planning Commission. Duplication of existing names will not be allowed unless the streets are obviously in alignment with existing streets and not so far removed as to be confusing.

(h) Part Width Streets. In case of a part width street, a minimum of forty feet along and adjacent to a boundary of the subdivision, will be required, except in cases in which proper deed or instrument of dedication to the City of Modesto duly executed by the owner or owners of the adjacent lands, be filed with the map of the subdivision, granting sufficient land to make a street of the required full width. The words "part width streets" shall be lettered on the map following the name of such streets.

(i) Width of Streets and Highways. Streets and Highways not shown on any Master Street and Highway Plan or not affected by proceedings initiated by the City Council shall not be of less width than those set forth hereunder. Increased widths may be required when streets are to serve commercial property or when probable traffic conditions warrant such. Approval or determination of street or highway classification shall be made by the Planning Commission.

(1) Major Streets and highways—minimum right of way: ninety feet.

(2) Secondary streets or highways—minimum right of way: sixty feet. The Planning Commission may require up to ninety feet where the street may become of major importance in the future.

(3) Local streets—minimum right of way: sixty feet, provided that local access streets, which are not through streets and which are entirely within a subdivision, may have a minimum right of way of fifty feet may be approved by the Planning Commission.

(4) Cul-de-sac or dead end streets and service roads when no longer than 600 feet in length—minimum right of way: fifty feet.

3.22 Alleys

(a) Alleys shall be a minimum of twenty feet in width.

(b) Where alleys are located behind potential commercial frontage, the minimum width shall be thirty feet with adequate provision for ingress and egress.

(c) Where two alleys intersect, ten foot corner cutoffs measured along the property lines from the point of intersection, will be required.

(d) Alleys shall be so laid out and aligned as to provide reasonable access for utilities and other services.

3.23 Blocks

(a) Acre or Large Lot Subdivisions. Where a parcel is first subdivided into small farms or acre tracts, the blocks shall be of such size and shape and be so divided as to provide for the opening of primary and secondary highways and for the ultimate extension and opening of minor streets and alleys at such intervals as will permit a subsequent division of any parcel into lots of normal size.

(b) Block Lengths. Block lengths shall not exceed one thousand feet unless existing conditions warrant a variance. Long blocks are desirable adjacent to heavily travelled streets in order to reduce the number of intersections.

(c) Block Widths. Blocks shall be of sufficient width to permit the platting of two tiers of lots of normal depth.

3.24 Lots

(a) The side lines of all lots wherever practicable shall be at right angles to the center line of the street.

(b) No lot shall be divided by a county, city, school or any other taxing district boundary line.

(c) Lot Widths and Depths. The size and shape of each lot shall be in conformance to the zoning regulations effective in the area of the proposed subdivision. Residential lots shall be not less than fifty feet in width nor less than eighty feet in depth provided that corner lots shall be not less than sixty feet in width to permit structures to conform to the building line of each street. In no case shall the depth of the lot be greater than three times the average width of the lot. Under certain conditions as commercial areas, dead end streets or unusual topographic conditions, the Planning Commission may grant exceptions.

(d) Building Lines. Building setback lines shall be indicated by dotted lines on the Subdivision Map, as required by the Planning Commission.

(e) Suitability of Lots. All lots shall be suitable for the purpose for which they are intended to be sold. No land subject to flooding or deemed by the Planning Commission to be uninhabitable shall be platted for residential occupancy.

3.25 Easements

(a) For Utilities. The subdivider shall grant easements for overhead wire lines at the rear of all lots, except where alleys are provided and in contiguous locations to permit anchorage, line continuity and ingress and egress. Easements shall be granted for public utility use along lot lines where necessary for extension of sewer, drainage, or utility lines.

(b) For Planting. Where streets are less than sixty feet in width, additional easements for planting may be required.

(c) Dedication. Dedication of easements shall be for the purpose of installing and maintaining utilities, planting strips and for other public purposes as may be ordered or directed by the City Council.

3.26 Service Roads and Off-Street Parking

(a) Commercial Frontage on Major Street. When the front of any lots proposed for commercial usage front on any major street or highway, the subdivider shall be required to dedicate and improve a service road to provide ingress to and egress from such lots or in lieu thereof, if approved, by the Planning Commission, the subdivider may dedicate for public use and improve, an area approved by the Planning Commission and adjacent to such lots, for off-street parking purposes.

(b) Frontage on a Freeway. When any lots front on an existing or proposed freeway, state highway or parkway, the subdivider shall dedicate and improve a service road at the front of such lots, unless such is already existent as a part of such freeway or parkway. In addition to any requirement for a service road, the Planning Commission may require adequate off-street parking areas for all lots proposed for commercial usage.

3.27 Water Courses

The subdivider shall, subject to riparian rights, dedicate a right of way for storm drainage purposes conforming substantially with the lines of any natural water course or channel, stream or creek that traverses the subdivision, or at the option of the subdivider, provide by dedication, further and sufficient easements or construction, or both, to dispose of such surface and storm waters.

3.28 Sewage Disposal

Provision shall be made for adequate sewerage to be installed in accordance with the provisions of the applicable laws of the City.

3.29 Parks and Playgrounds

(a) The Planning Commission may require the subdivider to withhold or dedicate suitable areas for parks, suitable areas for parks,

playgrounds, school and other public building sites that will be necessary for the use of the population which is intended to occupy the subdivision under the plan of proposed property use therein. In all cases, the Planning Commission shall suggest to the subdivider such measures as will preserve and enhance the scenic values of the City of Modesto and the conditions making for excellence of residential, commercial or industrial development.

(b) Separating Park Strips. Separating park strips controlling the access to public ways or which will not prove taxable for special improvements, will not be approved unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case except in which the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the City under conditions approved by the Planning Commission.

3.3 Deed Restrictions

A copy of the deed restrictions applicable to the subdivision shall be filed with the Planning Commission at the time of filing the final map.

3.4 Master Plan

In all respects, the subdivision will be considered in relation to the Master Plan of the City, or any part thereof, or preliminary plans made in anticipation thereof.

SECTION 4. TENTATIVE MAPS FOR SUBDIVISIONS OF MORE THAN FOUR PARCELS AND ALL SUBDIVISIONS WHERE STREETS OR PUBLIC IMPROVEMENTS ARE REQUIRED

4.1 Filing and Departmental Approval

4.1.1 Number and Time of Filing. Twelve copies of a tentative map and statement of the proposed subdivision of any land shall be filed with the Planning Commission at least fifteen days prior to the meeting of the Commission at which consideration is desired.

4.1.2 Acceptance. The representative of the Planning Commission authorized to receive such maps shall examine any such map upon presentation and shall not accept such map unless the same is in full compliance with the law and of this ordinance as to form, the data, information and other matters required to be shown thereon or furnished therewith. The tentative map shall not be considered as filed until stamped, signed and dated by said representative.

4.1.3 Distribution. The Planning Commission shall transmit copies of such tentative map to the City Engineer; Chief Engineer of the Modesto Irrigation District; District Manager of the Pacific Gas and Electric Company; District Manager of the Pacific Telephone and Telegraph Company and such other department heads or agencies as it deems advisable, and if a state highway is concerned, to the District Engineer of the Division of Highways, Department of Public Works, State of California.

4.1.4 Departmental Action. The department or agency receiving a copy of the map shall notify, within ten days of receipt thereof, the Planning Commission of particulars which do not conform to requirements coming within its authorized scope. If a reply is not received prior to the meeting at which consideration of the map is made, it will be assumed that the map does conform to the requirements of the department concerned.

4.2 Form of Tentative Map

4.21 Preliminary Sketches. Prior to the preparation and submission of a tentative map, subdividers may present preliminary plans or sketches of the proposed subdivision for discussion with the Planning Commission or its staff.

4.22 Size and Scale. Tentative maps shall be eighteen by twenty six inches in size and to a scale of one inch equals one hundred feet for large areas, and to a scale of one inch equals fifty feet for small areas unless otherwise approved by the Planning Commission.

4.23 Information Required. Every tentative map shall be clearly and legibly reproduced and shall contain the following information:

(a) A key or location map on which shall be shown the general area including adjacent property, subdivisions and roads.

(b) The tract name or number, date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.

(c) Name and address of record owner or owners.

(d) Name and address of the subdivider.

(e) Name and business address of the person who prepared the map.

(f) Acreage of proposed tract to the nearest tenth of an acre.

(g) Sufficient elevations or contours to determine the general slope of the land and the high and low point thereof.

(h) The locations, names, widths and grades of all roads, streets, highways and ways in the proposed subdivision or to be offered for dedication.

(i) The locations, names and existing width of all adjoining and contiguous highways, streets and ways.

(j) Locations and size of all pipe lines and structures used in connection therewith.

(k) Location and character of all existing and proposed public utilities.

(l) The widths, location and purpose of all existing and proposed easements.

(m) Lot lay-out, demensions of each lot and lot numbers.

(n) The outline of any existing buildings to remain in place and their locations in relation to existing or proposed street and lot lines.

(o) Location of all trees proposed to remain in place, standing within the boundaries of proposed public rights-of-way.

(p) Location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of all water courses.

(q) Typical cross section showing proposed street improvements.

4.3 Statement Required. A statement shall be presented by the subdivider in written form accompanying the map and shall contain the following information:

4.31 Improvements and public utilities proposed to be made or installed and of the time at which such improvements are proposed to be completed.

4.32 Proposed plan for drainage.

4.33 Provision for sewerage and sewage disposal.

4.34 Provision for proposed water supply.

4.35 Public areas proposed.

4.36 Type and location of street lighting proposed.

4.37 Proposed building set back lines and width of side yards.

4.38 Justification and reasons for any exceptions to provisions of this ordinance, or for any amendments to the zoning ordinance which may be requested in conjunction with the subdivision proposed.

4.39 A copy of any restrictive covenants proposed shall be attached to the owner's statement.

4.4 Action on Tentative Map

4.41 Action by Planning Commission. The Planning Commission shall determine whether the tentative map is in conformity with the provisions of law and of this Ordinance and upon that basis within thirty days after the filing of the tentative map, approve, conditionally approve or disapprove the same and shall report such action direct to the subdivider and shall also transmit to the City Engineer a copy of the tentative map, and a copy of the resolution setting forth the action of the Planning Commission thereon.

4.42 Information to be Furnished to City Engineer. Subsequent to the approval by the Planning Commission of the tentative map of any subdivision, the subdivider shall furnish the following information to the City Engineer and shall receive his authorization prior to construction of any of the improvements or preparation of the final map.

(a) Typical cross sections and proposed final finished grades of all roads, streets and highways in the proposed new subdivision, together with a profile showing the relation between finished grade and existing ground elevations.

(b) Proposed length, size and type of any pipes, culverts, or structures necessary for drainage, erosion control or the public safety, with plans and specifications therefor.

(c) Any information required by the conditional approval of the Planning Commission.

(d) Elevations shall be referred to the Modesto City Datum.

4.43 The subdivider or his responsible representative shall be present at the time set for the consideration of the tentative map.

SECTION 5 SKETCH MAPS FOR SUBDIVISIONS OF LESS THAN FIVE PARCELS

5.1 Filing and Departmental Approval Where Streets or Public Improvements are Involved.

5.11 Four copies of a sketch map and statement of the proposed subdivision of any land into four or less lots shall be filed with the Planning Commission at least five days prior to the meeting at which consideration is desired.

5.12 Every sketch map shall be clearly and legibly reproduced on sheets of good paper or cloth eight and one half inches wide by eleven inches long, and shall contain the following information:

- (a) Date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.
- (b) Name and address of record owner or owners.
- (c) Name and address of the subdivider if other than owner.
- (d) Name and business address of the person who prepared the map, if other than owner.
- (e) Approximate acreage of proposed tract.
- (f) Locations, names and existing width of all adjoining and contiguous highways, streets and ways.
- (g) Locations and size of all pipe lines and structures used in connection therewith.
- (h) Location and character of all existing public utilities.
- (i) The widths, location and purpose of all existing and proposed easements.
- (j) Lot lay-out, demensions of each lot and lot numbers.
- (k) The outline of any existing buildings to remain in place and their locations in relation to existing or proposed street and lot lines.

5.2 Filing and Departmental Approval Where Streets and Public Improvements Are Not Involved.

5.21 When the proposed subdivision contains four or less number of lots and no dedications or public improvements are required, said subdivision shall be considered first by the Subdivision Committee. Said Committee shall be composed of an appointee member of the Planning Commission, the City Engineer or a deputy thereof, and the Director of Planning. The appointee member of the

subdivision Committee shall be named by the Chairman of the Planning Commission. Said Committee shall meet on call of the Secretary of the Planning Commission and shall keep records of its activities, which records shall be a public record and shall be made available to the entire membership of the Planning Commission. The Committee may find, when all lots front upon a dedicated and accepted City street of adequate width, that the procedure for a final map is unnecessary in which case copies of the sketch map shall be forwarded to the City Assessor, the County Assessor and the City Engineer. In all other cases a tentative map prepared in accordance with Section 4 of this ordinance shall be filed with the Planning Commission, and all other provisions of this ordinance shall apply.

SECTION 6 FINAL MAP

6.1 Filing

6.11 Filing Within One Year of Tentative Approval. The subdivider or his agent may file a final map within one year after the approval or conditional approval of the tentative map. In any case where a final map or record of survey map is not filed within one year after approval of the tentative map, and where no extension of time has been granted, a new tentative map shall be required.

6.12 Checking fees. A tracing of the final map shall be filed with the City Engineer together with a checking fee of \$15.00 plus \$.50 per lot payable to the City Treasury, no part of which shall be returnable, at least thirty days prior to the meeting of the City Council at which approval is expected.

6.13 Filing of Traverse Sheets. At the time of the filing of the final map with the City Engineer the subdivider shall also file therewith Traverse sheets showing traverse closures and the computation of all distances, angles, and courses shown on the final map. The traverse of the boundaries of the tract and of lots and blocks shall close within a limit of error of one in five thousand.

6.14 Report and Guarantee of Clear Title. The final map shall be accompanied by a report prepared by a duly authorized title company naming the persons whose consent is necessary to the preparation and recordation of said map and to the dedication of the streets, alleys and other public places shown on the map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to said subdivision. At the time of recording the approved said map, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the City of Modesto showing that the persons (naming them) consenting to the preparation and recordation of said map and offering for dedication the streets, alleys, and other public places shown thereon are all the persons necessary to pass clear title to said subdivision and to the dedications shown thereon.

6.2 Form of Final Map

6.21 Legibility and Size.

(a) The final map shall be clearly and legibly drawn upon tracing cloth of good quality. All lines, letters, figures, certifications, acknowledgements and signatures shall be made in black waterproof india ink, except that affidavits, certificates and acknowledgements may be legibly stamped or printed upon the map with black opaque ink. The map shall be so made and shall be in such condition when filed that good legible prints and negatives can

be made therefrom. The size of each sheet shall be eighteen by twenty six inches leaving an entirely blank margin of one inch.

(b) When the final map consists of more than two sheets, a key map showing the relation of the sheets shall be placed on sheet one. Every sheet comprising the map shall bear the scale, north point, legend, sheet number, and number of sheets comprising the map.

6.22 Title. The final map shall contain a title consisting of the name of the tract and a subtitle or general description of all the property being subdivided with reference to maps which have been previously recorded. In no case shall the title be the same, or so nearly the same as to cause confusion, as a name of any existing city, town, tract or subdivision of land of which a map has been previously recorded.

6.23 Distances and Bearings. Sufficient data must be shown to determine readily the bearing and length of every lot line, block line and boundary line. Dimensions of lots shall be given as total dimensions, corner to corner, and shall be shown in feet and hundredths of a foot. Lots containing one acre or more shall show total acreage to nearest hundredth. Bearing and lengths of straight lines, and radii and arc length for all curves as may be necessary to determine the location of the centers of curves and tangent points shall be shown.

6.24 Boundary References and Monuments

(a) The final map shall show clearly any stakes, monuments or other evidence found on the ground to determine the boundaries of the tract. The corners of adjoining subdivisions or portions thereof shall be identified by lot and block numbers, subdivision name and proper ties shown.

(b) Whenever the City Engineer has established the center line of a street or alley, adjacent to or in the proposed subdivision, the data shall be shown on the final map indicating all monuments found and making reference to a field book or map. If the points were reset by ties, the course and detail of relocation data used shall be stated.

(c) The map shall show the location and description of ~~all~~ monuments and bench marks found or placed in making the survey of the subdivision with proper reference sufficient for relocation.

6.25 Information Required. In addition, the final map shall be prepared in full compliance with the following requirements:

(a) High Water Line. The line of high water shall be shown in any case where the subdivision is adjacent to a stream, channel or any body of water.

(b) Flood Areas. The boundaries of any areas within the proposed subdivision which are subject to inundation by water shall be shown.

(c) Boundary of Subdivision. The boundary of the subdivision shall be designated by a blue border one eighth inch in width applied to the reverse side of the tracings. Such border shall not interfere with the legibility of figures or other data.

(d) Right of Way Dimensions. The center lines and side lines of all streets, the total widths of all streets, the widths each side of the center line, the widths of any portion of a street being dedicated, and the widths of existing dedications, and the widths of all railroad, irrigation District or other right of ways shall be shown.

(e) Building Lines. Building setback lines shall be indicated by broken lines of the same width as the lines denoting street boundaries and shall be properly designated.

(f) Easements. The map shall show the side lines of all easements to which the lots are subject. Such easements must be clearly labeled and identified and if already of record, the record references given. If any easement is not definitely located of record, a statement of such easement must appear on the title sheet. Easements for storm drain, sewers and other purposes shall be denoted by fine broken lines. The width of the easement and the lengths and bearings of the lines thereof and sufficient ties thereto to definitely locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificate of dedication.

(g) City Boundaries. City boundary lines crossing or bounding the subdivision shall be clearly designated and referenced.

(h) Block Numbers. Block numbers shall be assigned by the office of the Planning Commission. The numbers shall be solid and of sufficient size and thickness to stand out, and shall be so placed as not to obliterate any figure and shall not be enclosed in any design. Each block in its entirety shall be shown on one sheet. Where adjoining blocks appear on separate sheets, the street adjoining both blocks shall be shown on both sheets complete with center line and property line data.

(i) Lot Numbers. Lot numbers shall begin with number "1" in each block and shall be consecutive with no omissions or duplications.

(j) Other data. The map shall also show all other data that is or may be required by law.

(k) Disposition of Lots. The final map shall particularly define, delineate and designate all lots intended for sale or reserved for private purposes, all parcels offered for dedication for any purpose, public or private, with all dimensions, boundaries and courses clearly shown and defined in every case.

(l) Reversion to Acreage. Maps filed for the purpose of reverting subdivided land to acreage shall be conspicuously so designated under the title "The Purpose of This Map Is a Reversion to Acreage."

6.3 Certificates and Tax Bond

6.31 The following certificates and acknowledgements and others required by law shall appear on the final map; such certificates may be combined where appropriate.

(a) Certificate by Parties Holding Title. A certificate signed and acknowledged by all parties having any title interest in the land

subdivided, consenting to the preparation and recordation of said map, provided however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map.

(1) Rights of way, easements or other interest, none of which can ripen into a fee.

(2) Rights of way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and which signature it is impossible or impractical to obtain. In this case, a reasonable statement of the circumstances preventing the procurement of the signature shall be set forth on the map.

(3) Any subdivision map including land originally patented by the United States or the State of California, under patent reserving interest to either or both of these entities, may be recorded under the provision of this Ordinance without the consent of the United States or the State of California thereto, or to dedication made thereon.

(b) Dedication Certificate. A certificate signed and acknowledged as above offering for dedication all parcels of land shown on the final map and intended for any public use, except those parcels other than streets which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants and servants.

(c) Engineer's Certificate. A certificate by the Civil Engineer or Licensed Surveyor responsible for the survey and final map. The signature of such Civil Engineer or Surveyor, unless accompanied by his seal, must be attested.

(d) Certificates for execution by each of the following:

- (1) City Engineer.
- (2) Secretary of the Planning Commission
- (3) City Clerk
- (4) County Recorder

(e) Certificate Restricting Traffic, if Required. A certificate prohibiting traffic over the side lines of a major highway, parkway, street or freeway, when and if the same is required under Section 3.12 hereof.

(f) Certificates Regarding Tax Liens.

(1) Prior to the filing of the final map with the governing body, the subdivider shall file with the Clerk of the Board of Supervisors of Stanislaus County, a certificate from the official, computing redemptions in the County or any municipal corporation in which any part of the subdivision is located, showing that, according to the records of his office, there are no

liens against the subdivision or any part thereof for unpaid State, County, municipal or local taxes or special assessments collected as taxes except taxes or special assessments not yet payable.

(2) As to taxes or special assessments collected as taxes not yet payable, the subdivider shall file with the Clerk of the Board of Supervisors mentioned, a certificate by each proper officer giving his estimate of the amount of taxes and assessments which are a lien but which are not yet payable.

(3) Whenever any part of the subdivision is subject to a lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the owner or subdivider executes and files with the Board of Supervisors, a good and sufficient bond to be approved by said Board and by its terms made to inure to the benefit of the County and conditioned upon the payment of all State, County, municipal and local taxes and all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable bonds in the same amount, and of the kind approved for securing deposits of public money.

6.4 Action on Final Map

6.41 Approval of Planning Commission. The Secretary of the Planning Commission upon receiving the final map from the subdivider or his agent shall examine the same to determine whether said map conforms with the tentative map and with all changes and requirements imposed as a condition to the acceptance of said tentative map by the Planning Commission. If it is determined that the final map does not conform, the subdivider shall be advised of the changes or additions that must be made before the final map can be certified by the Secretary of the Planning Commission. If the subdivider is not satisfied with the determination made by the Secretary of the Planning Commission he may appeal in writing, within ten days, to the Planning Commission. If it is determined that the map is in conformity, the Secretary of the Planning Commission shall certify approval thereon.

6.42 Approval by City Engineer. Upon approval by the Secretary of the Planning Commission, the final map and other data shall be submitted to the City Engineer, who shall examine and determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any approved alterations thereof, that all provisions of the law and of this Ordinance applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct. If the City Engineer shall determine that full conformity therewith has been made, he shall so certify on said map. In the event a subdivision is partly in the City and partly outside the City, the County Surveyor and the City Engineer shall enter into an agreement by and with the consent of their respective governing bodies, providing that the County Surveyor may perform the duties of the City Engineer or vice versa, or providing for an apportionment between them of said duties. The County Surveyor or the City Engineer, when by such agreement all such duties devolve upon either one, may after his performance thereof make the aforesaid certification upon said map and, when by such agreement said duties are apportioned between the County Surveyor and City Engineer, it shall be sufficient, if each shall, after the performance thereof, make a certification on said map, touching the duties performed by each. When all certificates required on the final map have been signed, except the approval certificate of the City Council, the City Engineer shall transmit said map to the City Clerk.

(a) At its first regular meeting following the filing of the final map with the City Clerk, the City Council shall consider said map, the plan of subdivision, and the offers of dedication. The City Council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this Ordinance or by law are not completed before the filing of the final map, the City Council may enter into an agreement with the subdivider for posting a bond or cash deposit as provided in Sub-section 6.31 (3) of this Ordinance. In such case, when the agreement and bond or deposits have been approved by the City Attorney as to form, and by the City Engineer as to sufficiency, the City Council may consider the final map.

(b) The City Council shall approve said map if it is determined to be in conformity to the requirements of this ordinance. The City Council shall disapprove said map if it is determined to be not in conformity to this ordinance and shall advise the subdivider of its disapproval, and the reason or reasons therefor. Within thirty days the subdivider may file with the Planning Commission a map altered to conform to the requirements of the City Council and to the procedures specified under Section 6.4 of this Ordinance.

6.44 Action by City Clerk. The City Clerk upon the approval of the final map, the receipt of the necessary recording fee, and after the signatures and seals have been affixed, shall transmit the map to the County Recorder who shall record the same. No map shall have any force or effect until the same has been approved by the City Council, and no title to any property described in any offer of dedication shall pass until recordation of the final map.

6.45 Distribution. Immediately subsequent to the recordation of the final map the subdivider thereof shall furnish, at his own expense, copies of the final map and affidavit sheet as follows:

One reproduction of the final map and affidavit sheet on cloth to each of the following: County Assessor, County Recorder, County Surveyor and City Engineer, and to the City Planning Commission such blue line prints of the map as the commission may require for distribution to City and County offices.

6.5 Agreement and Bond for Improvements

6.51 Provisions of Agreement

(a) Prior to the approval by the City Council of the final map, the subdivider shall execute and file an agreement between himself and the City, specifying the period within which he shall complete all improvement work to the satisfaction of the City Engineer, and providing that if he shall fail to complete such work within such period the City may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the City Engineer, and reimbursement of the City by the subdivider for the cost of such inspection.

(b) Such agreement may also provide:

- (1) For the construction of the improvements in units
- (2) For an extension of time under conditions therein specified.

(3) For progress payments to the subdivider or his order from any deposit money which the subdivider may have made in lieu of providing a surety bond, as provided by the next succeeding section; provided, however, that no such progress payment shall be made for more than ninety percent of the value of any

(4) For the financing and construction of any or all of such improvements under an appropriate special assessment act proceedings, in which case the subdivider shall agree, in writing, to initiate, and so far as may be in his power, to consummate such proceedings, within such time as may be prescribed by the Council.

6.52 Performance Bond. The subdivider shall also file with the aforesaid agreement, to insure his full and faithful performance thereof, a bond in an amount deemed sufficient by the City Engineer to cover the cost of said improvements, engineering, inspection, fees and incidental expenses. Such bond shall be executed by a surety company authorized to transact a surety business in the State of California and must be satisfactory to and be approved by the City Attorney as to form. In lieu of said bond, the subdivider may deposit with the City Clerk a sum of money in an amount fixed as aforesaid by the City Engineer.

6.53 Forfeiture of Surety. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this Ordinance and the City shall have to complete same, or if the subdivider shall fail to reimburse the City for the cost of inspection, engineering, fees and incidental expenses, the City shall call on the surety for reimbursement, or shall appropriate, from any cash deposits, funds for reimbursement. In any such case, if the amount of surety bond or cash deposit shall exceed all cost and expense incurred by the City, it shall release the remainder of such bond or cash deposit and if the amount of the surety bond or cash deposit shall be less than the cost and expense incurred by the City, the subdivider shall be liable to the City for such difference.

6.54 Release of Surety. No extension of time, progress payments from cash deposits, or release of surety bond or cash deposit shall be made except upon certification by the City Engineer that work covered thereby has been satisfactorily completed, and upon approval of the City Council.

SECTION 7. OTHER MAPS

7.1 Record of Survey Map

(a) A record of survey map of any subdivision shall conform to such requirements of a final map as set forth in the Subdivision Map Act and this ordinance, except insofar as the required certificates thereon differ, as specified in said Map Act.

(b) In the case of a Record of Survey covering any division of land specified in the Subdivision Map Act as not being included in the definition of a "subdivision", said survey shall conform in tentative and final form to all provisions for a tentative and final map as outlined in this ordinance and as specified in the Subdivision Map Act except a tax bond shall not be required for the filing of a Record of Survey Map. All design and construction standards, improvements and improvement bonds shall be required as outlined in this Ordinance. An appropriate act of dedication for parcels intended for public use shall be made prior to the recordation of any Record of Survey Map as required by this section.

7.2 Reversion to Acreage Maps

A final map may be filed for the purpose of showing as acreage land previously subdivided into numbered or lettered parcels. No tentative map shall be required and if sufficient record data exists from which an accurate map may be compiled, no survey nor certificate of any surveyor or engineer shall be required, except

the certificate of the City Engineer certifying to the correctness of the map. A guarantee of title shall be presented following the procedure set forth in Section 6.14 hereof.

7.3 Resubdivision of an Existing Subdivision

In the event an existing subdivision is resubdivided such that the street alignment, lot design or drainage shall be changed, then the area constitutes a new subdivision and the procedures for filing a tentative and final map as outlined in this ordinance apply.

SECTION 8. IMPROVEMENTS

8.1 Standards and Approval

8.11 All improvements hereinafter mentioned shall conform to those required in the "Standard Specifications" prepared by the City Engineer, recommended by the Planning Commission, and adopted by the City Council, copies of which are on file in the office of the Planning Commission and the City Engineer.

8.12 Improvement work shall not be commenced until plans and profiles for such work have been submitted to and approved by the City Engineer. Such plans may be required before approval of the final map. All such plans and profiles shall be prepared in accordance with requirements of the City Engineer.

8.13 All required improvements shall be constructed under the inspection of and to approval of the City Engineer.

8.14 All utilities shall be installed in alleys in so far as is practicable. Where such utilities are not installed in alleys but are installed within a street right of way, consideration shall be given to placing them underground if any lots front upon such lines.

(a) All underground utilities, sanitary sewers and storm drains installed in streets, service roads, or highways shall be constructed prior to the surfacing of such street, service roads, or highways. Wherever practicable, consideration shall be given to laying service connections for all underground utilities and sanitary sewers to such length as will obviate the necessity for disturbing the street improvements.

8.2 General Requirements

The subdivider shall install improvements in accordance with the general requirements set forth in this section.

8.21 Streets and Alleys

(a) All streets and highways shall be graded and paved to cross sections and grades approved by the City Engineer. The subdivider shall improve the extension of all subdivision streets, highways, or public ways to the intercepting paving line of any city street, county road, or state highway.

(b) All alleys shall be graded and oiled to cross sections and grades approved by the City Engineer.

8.22 Structures. Structures or conduits shall be installed, as deemed necessary by the City Engineer, for drainage, access and/or public safety. Such structures or conduits to be placed to grades and to be of a design and size approved by the City Engineer.

8.23 Curbs and Gutters. Curbs and gutters shall be installed to grades, cross section, layout and location approved by the City Engineer.

8.24 Sidewalks. Sidewalks shall be installed along all major thoroughfares, along the frontage of all business properties and may be required in other locations where sidewalks are deemed necessary by the Planning Commission.

8.25 Sewage Disposal.

(a) Sanitary sewer facilities connecting with the existing city system shall be installed to serve each lot when connection to such system is available. Sewers shall be installed to grades, location, design and sizes approved by the City Engineer, in accordance with the provisions of applicable laws of the City.

(b) When connection to a sanitary system is not available, septic tanks may be permitted for lots of not less than 10,000 square feet in area, providing that a letter is submitted from the City Health Department certifying that field investigation has shown that ground slopes and soil conditions will allow for satisfactory disposal by this method with the lot arrangement and sizes as shown on the map of the proposed subdivision.

8.26 Water. Water mains connecting with existing city or public utility system shall be installed to serve each lot when connection to such system is available. In the latter case, when it is proposed that water will be supplied by a private water company, the subdivider shall submit a letter from the governing body of such water system showing the ability of the system to serve the proposed subdivision and evidence that a satisfactory agreement has been entered into for connection to that system. Water mains shall then be installed to grades, location, design, and sizes approved by the City Engineer and the engineer of the governing body of the water system.

8.27 Street Lights. The purchase of pendant street lighting standards, underground cables, and all materials and appurtenances necessary. There shall be at least one electrolier at each intersection, and intermediate electroliers not more than six hundred and sixty (660) feet apart in blocks exceeding six hundred and sixty (660) feet in length.

8.28 Railroad Crossings. Provision shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the California State Public Utilities Commission for the establishment and improvement of such crossing. The cost of such railroad crossing improvement shall be borne by the subdivider.

8.3 Parks and Playgrounds

At the time of approval of the final map of any subdivision of more than four parcels there shall be paid to the City of Modesto, as a fee for such approval, the sum of \$100 per acre of subdivided land exclusive of public streets, alleys, or other rights of way shown on such subdivision map. Said fee shall be

placed in a special fund to be known and designated as the "Park and Recreation Facilities Fund." Funds derived from said fees and paid into said fund shall thereafter be used and expended exclusively for the acquisition and development of park and recreational facilities for the City of Modesto. This fee, or a fair portion thereof shall be waived by the City Council in all cases where the subdivider has at the time of, or prior to, the filing of the final map dedicated to the City, and the City Council has accepted such dedication, sufficient land to provide adequate recreational facilities for the persons for which the proposed subdivision is designed and provided that the location and size of such area conforms with the master plan for parks and recreation of the City or preliminary plans made in anticipation thereof.

8.4 Monuments

8.41 Permanent monuments of a type to be approved by the City Engineer shall be set at each corner and angle point in the exterior boundaries of the subdivision except where such monuments already exist in their proper positions. Similar monuments shall be set on street and alley center lines or offsets thereto at all street intersections, beginnings and ends of curves, angle points or as otherwise directed by the City Engineer. A monument approved by the City Engineer shall also be set at each lot corner.

8.42 Permanent elevation bench-marks of a type approved by the City Engineer and referred to the Modesto City datum shall be set at each street intersection in the curb return or other location approved by the City Engineer.

8.43 Any monument or bench-mark, as required by this Ordinance, that is disturbed or destroyed before acceptance of all improvements shall be replaced by the subdivider.

8.44 Monuments and bench-marks shall be set before submission of the final map for City Council approval unless exception is approved by the City Engineer.

8.5 Preliminary Sketches of Proposed Subdivisions

Subdividers are encouraged to consult with the staff of the Planning Commission for technical advice and procedure prior to the filing of a tentative map. Preliminary sketches of the area involved may be submitted and discussed. However, such a preliminary sketch is not to be construed as a tentative map. Where only a portion of a larger area is to be subdivided at this time and the balance planned for future subdivision, the Planning Commission may require a map showing the proposed street layout within the entire area. Such a map is not a tentative map but is to be used as a guide for the tentative map under consideration and future maps of that area.

SECTION 9 EXCEPTIONS

9.1 Application

9.11 Findings Required. The Planning Commission may recommend that the City Council authorize conditional exceptions to any of the requirements and regulations set forth in this Ordinance. Application for any such exception shall be made by a certified petition of the subdivider, stating fully the grounds of the application and the facts relied upon by the petitioner. Such petition shall be filed with the tentative map of the subdivision. In order for the property referred to in the petition to come within the provisions of this section, it shall

be necessary that the Planning Commission shall find the following facts with respect thereto:

(a) That there are special circumstances or conditions affecting said property.

(b) That the exception is necessary for the preservation and enjoyment of a substantial property right of the petitioner.

(c) That the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity in which said property is situated.

9.2 Planning Commission Action

9.21 In recommending such exceptions, the Planning Commission shall secure substantially the objectives of the regulations to which the exceptions are granted, as to light, air, and the public health, safety, convenience and general welfare.

9.22 In recommending the authorization of any exception under the provisions of this section, the Planning Commission shall report to the City Council its findings with respect thereto and all facts in connection therewith, and shall specifically and fully set forth the exceptions recommended and the conditions designated.

9.3 City Council Action

9.31 Upon receipt of such report the City Council may by resolution authorize the Planning Commission to approve the tentative map with the exceptions and conditions the City Council deems necessary to substantially secure the objectives of this Ordinance.

SECTION 10 ACTION BY INTERESTED PERSONS

When any provision of the Subdivision Map Act or of this ordinance requires the execution of any certificate or affidavit or the performance of any act by a person in his official capacity who is also a subdivider or an agent or employee thereof, such certificate or affidavit shall be executed or such act shall be performed by some other person duly qualified therefor and designated so to act by the City Council .

SECTION 11 THE SUBDIVISION MAP ACT

The provisions of this ordinance shall be in addition to and shall be considered as supplementing the provisions of the "Subdivision Map Act" of the State of California.

SECTION 12 VALIDITY

If any section, sub-section, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council of the City of Modesto, County of Stanislaus, State of California, hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause and phrase thereof,

irrespective of the fact that any one or more other sections, sub-sections, clauses or phrases be declared invalid or unconstitutional.

SECTION 13 PENALTIES

Any offer to sell, contract to sell or sale contrary to the provisions of this ordinance shall be a misdemeanor, and any person, firm, corporation, partnership or co-partnership, upon conviction thereof, shall be punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for a period of not more than six months, or by both such fine and imprisonment, except that nothing herein contained shall be deemed to bar any legal equitable, or summary remedy to which the City of Modesto or other political subdivision, or any person, firm, corporation, partnership, or co-partnership may otherwise be entitled, and the City of Modesto or any other political subdivision or person, firm, corporation, partnership or co-partnership may file a suit in the Superior Court of the County of Stanislaus to restrain or enjoin any attempted or proposed subdivision or sale in notation of this ordinance.

SECTION 14 EFFECTIVE DATE

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

SECTION 15 PUBLICATION

This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 27th day of August, 1952, by Councilman Mellis, who moved its introduction and passage to print, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Mayor Pro Tempore Merrill

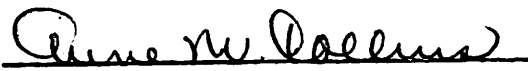
NOES: Councilmen: None

ABSENT: Councilmen: Mayor Marks

APPROVED:


Lyndall O. Merrill, Mayor Pro Tempore

ATTEST:


Anne M. Collins, Acting City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of September, 1952, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Mellis, was upon roll call carried and the ordinance finally adopted by the following vote:

Ayes: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor
Pro Tempore Merrill

Noes: Councilmen: None


Absent: Councilmen: M. Adams and Mayor Marks

APPROVED:



Lyndall O. Merrill, Mayor
Pro Tempore

ATTEST:


Rex E. Gailfus, City Clerk

Repealed
by Ord. 10842 N.S.

AN ORDINANCE AMENDING ORDINANCE NO. 959-N.S., AS AMENDED, ENTITLED, "AN ORDINANCE FIXING THE TIME AND PLACE OF HOLDING REGULAR MEETINGS OF THE COUNCIL OF THE CITY OF MODESTO, PRESCRIBING THE MANNER IN WHICH SPECIAL MEETINGS MAY BE CALLED AND REPEALING ORDINANCE NO. 2-N.S. AND ORDINANCE NO. 604-N.S." BY AMENDING SECTION 1 THEREOF AND REPEALING ORDINANCE NO. 1020-N.S.

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

SECTION 1. Section 1 of Ordinance No. 959-N.S. of the City of Modesto entitled, "An Ordinance Fixing the Time and Place of Holding Regular Meetings of the Council of the City of Modesto, Prescribing the Manner in Which Special Meetings May be Called and Repealing Ordinance No. 2-N.S. and Ordinance No. 604-N.S., as amended by Ordinance No. 1020-N.S. of the City of Modesto is hereby amended to read as follows:

Section 1. Regular meetings of the City Council shall be held on the first, second, third and fourth Wednesday of each month. The meetings held on the first and third Wednesday shall commence at the hour of 4 p. m., and the meetings held on the second and fourth Wednesday shall commence at the hour of 7:30 p. m.

SECTION 2. Ordinance No. 1020-N.S. of the City of Modesto is hereby repealed.

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REPEALED BY
MUNICIPAL CODE

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

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

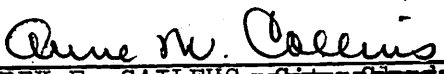
The foregoing ordinance was introduced at the regular meeting of the Council of the City of Modesto held on the 27th day of August, 1951, by Councilman R. Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mellis, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Marks

APPROVED: 
~~HARRY MARKS, Mayor~~
Lyndall O. Merrill, Mayor
Pro Tempore

ATTEST: 
~~REX E. GAILFUS, City Clerk~~
Anne M. Collins, Acting City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of September, 1952, Councilman Mellis moved its final adoption, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill

NOES: Councilmen: None

ABSENT: Councilmen: M. Adams and Mayor Marks

APPROVED: 
~~HARRY MARKS, Mayor~~
Lyndall O. Merrill, Mayor Pro
Tempore

ATTEST: 
REX E. GAILFUS, City Clerk

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AN ORDINANCE AMENDING ORDINANCE NO. 772-N.S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE LICENSING THE CARRYING ON OF CERTAIN BUSINESS, TRADES, CALLINGS AND OCCUPATIONS IN THE CITY OF MODESTO, CALIFORNIA, FOR THE PURPOSE OF RAISING MUNICIPAL REVENUES, AND PROVIDING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF" BY ADDING A NEW SECTION ENTITLED 22A THERETO.

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

SECTION 1. Section 22A is hereby added to Ordinance No. 772-N.S. of the City of Modesto entitled, "An Ordinance Licensing the Carrying on of Certain Business, Trades, Callings and Occupations in the City of Modesto, California, for the Purpose of Raising Municipal Revenues, and Providing Penalties for the Violation of the Provisions Hereof" to read as follows:

Section 22A. The provisions of this ordinance shall not apply to any admissions to athletic games or contests or other places providing facilities for physical exercise, operated or conducted by any elementary or secondary school, or agency or instrumentality thereof, if the proceeds therefrom inure exclusively to the benefit of such elementary or secondary school, or agency or instrumentality thereof.

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. It shall be prospective and not retroactive in its application.

SECTION 3. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 10th day of September, 1952, by Councilman Mellis, who moved its introduction and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: R. Adams, Arata, Mellis and Mayor Pro Tempore Merrill

NOES: Councilmen: Annan

ABSENT: Councilmen: M. Adams and Mayor Marks

APPROVED:


~~HARRY MARKS, Mayor~~

Lyndall O. Merrill, Mayor Pro Tempore

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 24 day of Sept., 1952, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Mellis, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: ~~M.~~ Adams, R. Adams, Arata, Mellis, Merrill

NOES: Councilmen: Annan and Mayor Marks

ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

O. 2-4.701-
2-4.104

1 AN ORDINANCE RELATING TO OFFICIAL BONDS
2 AND DETERMINING THE CHARACTER AND AMOUNT
3 OF SAID BONDS.

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

9-10-52

6 SECTION 1. The following public officers of the City of
7 Modesto shall, before entering upon the duties of their respective
8 offices, execute to the City of Modesto, a corporate surety bond
9 in the following penal sums, conditioned upon the faithful per-
10 formance of their respective duties, to-wit:

11 City Clerk and City Auditor, a bond in the penal sum of \$25,000.00;
12 Director of Finance, a bond in the penal sum of \$50,000.00.

13 SECTION 2. All officers and employees of the Police
14 Department of the city shall be covered under a faithful perform-
15 ance blanket position bond in the penal sum of \$10,000 per officer
16 or employee; and all other officers and employees of the city,
17 except those covered in Section 1 hereof, shall be covered under
18 an honesty blanket position bond in the penal sum of \$10,000 per
19 officer or employee.

20 SECTION 3. All bonds shall be executed by a responsible
21 corporate surety, shall be approved as to form by the City Attorney
22 and shall be filed with the City Clerk. Premiums on official bonds
23 shall be paid by the city.

24 SECTION 4. Ordinance No. 714-N.S. and all ordinances
25 or parts of ordinances in conflict with this ordinance are hereby
26 repealed.

27 SECTION 5. The Council of the City of Modesto hereby
28 finds and declares that the foregoing ordinance is necessary as
29 an emergency measure for preserving the public peace, health and
30 safety. Unless the foregoing ordinance is adopted at once, the


1 lack of proper bond coverage will jeopardize the financial security
2 of the city.

3 SECTION 6. Pursuant to Section 722 of the Charter of
4 the City of Modesto, this ordinance shall take effect and be in
5 full force and operation as of the date hereof.

6 SECTION 7. This ordinance shall be published in full in
7 the Modesto Journal and Valley Citizen, the official newspaper of
8 the City of Modesto.

9 The foregoing ordinance was introduced at a regular meet-
10 ing of the Council of the City of Modesto held on the 10th day of
11 September by Councilman Mellis, who moved its adoption
12 and passage to print, which motion being duly seconded by Council-
13 man R. Adams, was upon roll call carried and the ordinance
14 ordered printed and published as above by the following vote:

- 15 AYES: Councilmen: R. Adams, Annan, Arata, Mellis, Mayor Pro Tempore
Merrill
- 16 NOES: Councilmen: None
- 17 ABSENT: Councilmen: M. Adams and Mayor Marks

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19 Approved: 
20 LYNDALL MERRILL, Mayor
Pro Tempore

21 Attest: 
22 REX E. GAILFUS, City Clerk

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26 *Amended 10-27-1976*
27 *by Ord. 1550-C.S.*

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29 *Amended 10-09-1984*
30 *by Ord. 2295 C.S.*

ORDINANCE NO. 1045 -N.S.

AN ORDINANCE REPEALING SUBSECTION (a) OF
SECTION 15 OF ORDINANCE NO. 10-N.S. OF THE
CITY OF MODESTO.

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

SECTION 1. Subsection (a) of Section 15 of Ordinance
No. 10-N.S. of the City of Modesto is hereby repealed.

REPEALED BY
MUNICIPAL CODE

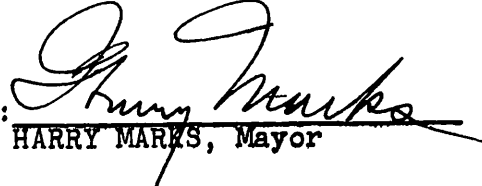
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SECTION 2. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

SECTION 3. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 24th day of September, 1952, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: None

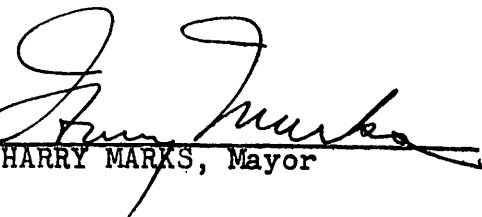
APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of October, 1952, Councilman R Adams moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

- AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

REPEALED BY
MUNICIPAL CODE

CODE SEC.
NO. 2-3.20/
2-3.2031

AN ORDINANCE ESTABLISHING THE OFFICE OF
DIRECTOR OF FINANCE, DEFINING THE DUTIES
THEREOF AND CREATING A DEPARTMENT OF FINANCE
FOR THE CITY OF MODESTO.

The Council of the City of Modesto does ordain as follow

SECTION 1. DIRECTOR OF FINANCE. POWERS AND DUTIES.

There shall be a Director of Finance who shall have charge of the
administration of the financial affairs of the City under the dir-
ection of the City Manager. The Director of Finance shall be ex-
officio Assessor, Tax Collector and Treasurer of the City of Modest

The Director of Finance shall perform the following duties:

(a) Prepare annually for the City Manager a proposed bud-
get of the City for the ensuing fiscal year;

(b) Supervise and be responsible for the disbursement of
all public monies and have control over all expenditures to insure
that budget appropriations are not exceeded;

(c) Maintain a general accounting system for the City
government and each of its offices, departments and agencies;

(d) Require reports of the receipts and disbursements
from each receiving and expending agency of the City government to
be made daily or at such intervals as he may require;

(e) Submit to the City Manager a monthly statement of all
receipts and disbursements in sufficient detail to show the exact
financial condition of the City; and submit to the City Manager,
as of the end of each fiscal year, a complete financial statement
and report for the preceding year;;

(f) Collect all taxes, assessments, utility charges,
license fees and other revenues of the City or for whose collection
the City is responsible, and receive all taxes or other money
receivable by the City;

(g) Have custody of all public funds belonging to or
under the control of the City or of any office, department or agen
of the City government, and deposit all funds coming into his hand

1 in such depositories as he may select in compliance with all pro-
2 visions of the State Constitution and laws of the State governing
3 the handling, depositing and securing of public funds;

4 (h) Invest public funds belonging to or under the control
5 of the City or of any office, department or agency of the City
6 government in compliance with all provisions of the State consti-
7 tution and laws of the State governing the investment of public
8 funds;

9 (i) Supervise the keeping of current inventories of all
10 property of the City;

11 (j) Procure materials, supplies and services for the City;

12 (k) Estimate, plan and program the City's financial act-
13 ivities;

14 (l) Perform such duties as are required by law of the
15 City Treasurer, City Assessor and City Tax Collector; and

16 (m) Perform such other duties as the City Manager may
17 direct.

18 SECTION 2. ACTING DIRECTOR OF FINANCE. In the case of
19 the absence or disability of the Director of Finance, the City Mana-
20 ger shall designate a person to perform the duties and exercise the
21 powers of the Director of Finance.

22 SECTION 3. FINANCE DEPARTMENT. A Finance Department is
23 hereby created which shall be under the direction and control of the
24 Director of Finance, subject to the general administrative direction
25 of the City Manager. The Director of Finance, subject to the appro-
26 val of the City Manager, shall organize and maintain such divisions
27 in said department as, in his judgment, the operations may require,
28 and shall be responsible for the general supervision and control
29 of all divisions of said department.

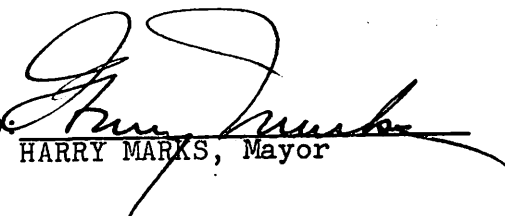
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SECTION 4. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

SECTION 5. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 1st day of October, 1954, by Councilman Merrill, who moved its introduction and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Mellis

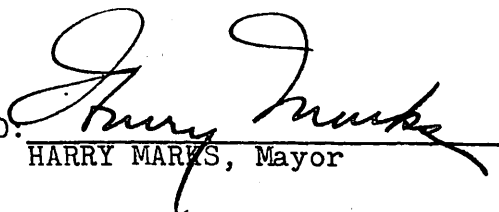
APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of October, 1954, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Mellis, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

1 AN ORDINANCE PROHIBITING THE BLOCKING OF
2 STREETS BY THE OPERATION OF TRAINS, MAKING
3 THE VIOLATION OF SAID ORDINANCE A MISDE-
MEANOR AND PROVIDING PENALTIES FOR SAID
VIOLATION IN THE CITY OF MODESTO.

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

5 SECTION 1. No person shall operate any train or train of
6 cars, or permit the same to remain standing, so as to block the
7 movement of traffic upon any street in the City of Modesto for a
8 period of time longer than five (5) minutes.

9 SECTION 2. The word "person" as used herein includes
10 every natural person, firm, copartnership, association or corpora-
11 tion.

12 SECTION 3. It shall be unlawful for any person to viol-
13 ate any provisions of this ordinance or to fail to comply with any
14 of the requirements of said ordinance. Any person violating any of
15 the provisions or failing to comply with any of the requirements of
16 this ordinance shall be guilty of a misdemeanor. Any person con-
17 victed of a misdemeanor under the provisions of this ordinance,
18 shall be punishable by a fine of not more than Five Hundred (\$500.00
19 Dollars, or by imprisonment in the county jail for a period not ex-
20 ceeding six (6) months, or by both such fine and imprisonment.

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

SECTION 5. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 1st day of October, 195 , by Councilman R. Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Annan, Merrill and
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Mellis

APPROVED: HARRY MARKS, Mayor

ATTEST: REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the _____ day of _____, 195 , Councilman _____ moved its final adoption, which motion being duly seconded by Councilman _____, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen:
NOES: Councilmen:
ABSENT: Councilmen:

APPROVED: HARRY MARKS, Mayor

ATTEST: REX E. GAILFUS, City Clerk

Nothing in this ordinance shall apply to the granting of permits by the Council to any railroad for the construction of spur, lead or side tracks along or across any street, avenue or highway in the City for the purpose of connecting the facilities of any industry with the line of any railroad.

CODE SEC.
NO. 11-2.01 -
11-2.22

AN ORDINANCE ESTABLISHING THE PROCEDURE FOR GRANTING PUBLIC UTILITY FRANCHISES AND SETTING FORTH THE ADDITIONAL TERMS AND CONDITIONS THAT SHALL OR MAY BE INCLUDED IN A FRANCHISE PURSUANT TO THE APPLICABLE PROVISIONS OF THE CHARTER OF THE CITY OF MODESTO AND PROVIDING REMEDIES AND PENALTIES FOR OPERATING WITHOUT A FRANCHISE.

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

SECTION 1. FRANCHISES TO OPERATE. No person, firm or corporation shall exercise in the City of Modesto any franchise right or privilege mentioned in Article XIV of the City Charter, except insofar as he or it may be entitled to do so by direct authority of the Constitution of the State of California or of the United States, unless he or it shall have obtained a grant therefor in accordance with the provisions of this ordinance and of the applicable provisions of the Charter. Nothing in this ordinance contained shall be construed to invalidate any lawful franchise heretofore granted, nor to necessitate the obtaining of a new franchise for a use for which a franchise holder shall have a valid unexpired franchise.

SECTION 2. APPLICATION FOR FRANCHISE. An applicant for any franchise shall file with the Council a verified application which shall state (a) the name of the applicant, (b) the purpose and term, whether definite or indeterminate, for which the franchise is desired, (c) the amounts or percentages, if any, applicant, if granted the franchise, will pay to the City during the life of such franchise, (d) any limitations as to time, place or type of services proposed by applicant, and (e) any other terms or conditions that applicant may desire, including surrender of existing franchises, or parts thereof, or claims to such franchises, or proposals to settle any litigation or controversies between applicant and the City.

The Council may require such other information as it deems necessary.

SECTION 3. DEPOSIT TO ACCOMPANY APPLICATION. Every application for a franchise shall be accompanied by a cash deposit of not less than Five Hundred Dollars (\$500.00), or by a certified check for said

amount, payable to the City, as a fundout of which to pay all expenses connected with such application. In the event that the Council deems the sum of Five Hundred Dollars (\$500.00) insufficient to pay said expenses, it may, by resolution, require the applicant to make an additional deposit in an amount sufficient to cover the estimated expenses.

The deposit of the applicant shall be retained until the acceptance of the franchise and the filing of any bond or other security required, or until the Council determines not to grant the franchise. Whereupon the remainder, if any, of the amount deposited shall be returned after the payment therefrom of all expenses incurred by the City in connection with the advertising, engineering, clerical work and awarding of such franchise.

In the event that the amount of the deposit is insufficient to pay the expenses incurred by the City in connection with the advertising, engineering, clerical work and processing of such franchise, the applicant shall be held liable for such costs as are in excess of the amount deposited, and it shall be the duty of the Director of Finance to collect the amount of such expenses which are in excess of the deposit from the applicant to whom the franchise is granted.

SECTION 4. APPLICATION TO BE REFERRED TO CITY MANAGER FOR RECOMMENDATION AND REPORT. Every application made to the Council for a franchise mentioned in this ordinance shall, before any action is taken thereon, be referred by the Council to the City Manager for his recommendation and report.

If, in the judgment of the City Manager, the franchise applied for should not be granted, he shall so report stating the reasons therefor; and if, in his judgment, such franchise should be granted, he shall recommend the terms and conditions upon which the same should be granted.

SECTION 5. PROCEDURE TO GRANT. Upon receipt of the City Manager's recommendation, the Council, if it desires to consider the granting of the franchise, shall pass a resolution declaring its intention to consider the application, stating the character of the franchise, setting forth a notice of the day, hour and place when and where any and all persons may appear before the Council and be heard thereon, and directing

the City Clerk to publish said notice in the official newspaper at least once within ten (10) days after the passage of said resolution. The time fixed for such hearing shall be not less than fifteen (15) days nor more than sixty (60) days after the date of the passage of said resolution.

Such notice shall state the name of the applicant, the character of the franchise, its term, whether definite or indeterminate, any amounts or percentages grantee shall pay to the City during the life of such franchise, any limitations as to time, place or type of service proposed, together with a general statement of the other major provisions of the proposed franchise, and that copies of the proposed franchise may be obtained at the office of the City Clerk.

The Council may, in its discretion, as a part of said notice, advertise for competitive bids for the purchase of said franchise.

SECTION 6. PROTESTS MAY BE FILED. At any time not later than the hour set for the hearing, any person interested may make written protest stating objections against the granting of such franchise. Such protests must be signed by the protestant and be delivered to the City Clerk.

SECTION 7. HEARING. At the time set for the hearing, the Council shall proceed to hear the matter and all persons shall be given opportunity to present their arguments. The Council may adjourn said hearing from time to time.

Any franchise granted shall be by ordinance adopted in the manner prescribed by the Charter for the enactment of ordinances.

SECTION 8. GRANTEE TO ACCEPT FRANCHISE. Any franchise granted hereunder shall not become effective until written acceptance thereof shall have been filed by the grantee thereof with the City Clerk. Such acceptance shall be filed within ~~ten (10) days~~ ^{thirty (30) days} after the ordinance granting the franchise becomes effective unless the time is extended by the Council.

Unless otherwise provided therein any
SECTION 9. GRANT TO BE IN LIEU OF ALL OTHER FRANCHISES. / ~~any~~
franchise granted by the City with respect to a particular utility service shall be in lieu of all other franchises, rights, or privileges then owned by the grantee for the furnishing of that particular utility

or service within the limits of the City as they now or may hereafter exist and by acceptance of any franchise hereunder the grantee shall be deemed to have waived and abandoned all other franchises, rights, and privileges then owned by the grantee for the furnishing of that particular utility or service within the limits of the City as they now or may hereafter exist. The provisions of this section shall not apply to any franchise, right or privilege obtained by direct authority of the Constitution of the State of California or of the United States.

SECTION 10. FRANCHISE CONDITIONS. By its acceptance of any franchise, the grantee shall covenant and agree to perform and be bound by each and all of the terms and conditions imposed by the Charter, this ordinance, and the franchise.

SECTION 11. BOND OR SECURITY. The Council may require the grantee of any franchise to provide such bond or other security as it deems the public interest requires.

SECTION 12. TERM OF FRANCHISE. Every franchise shall be either a fixed term not to exceed twenty (20) years, or for an ~~inter~~indeterminate period. If for a fixed term, the franchise shall state the term for which it is granted.

SECTION 13. INDETERMINATE FRANCHISE. A franchise grant may be indeterminate, that is, it may provide that it shall endure in full force and effect until the same, with the consent of the appropriate state or federal agency, shall be voluntarily surrendered or abandoned by its possessor, or until the State of California, or some municipal or public corporation, duly authorized by law, shall purchase by voluntary agreement or shall condemn and take, under the power of eminent domain, the property actually used and useful in the exercise of such franchise, or until the franchise shall be forfeited for non-compliance with its terms by the possessor thereof, or until it is terminated in any other manner that may be specified in the franchise grant. Every indeterminate franchise shall set forth the terms and conditions under which it may be terminated.

SECTION 14. FRANCHISE PAYMENTS AND OBLIGATIONS. No new franchise shall be granted except upon the condition that a sum equivalent to at least two (2%) per cent of the gross annual receipts of the utility

derived from the furnishing within the City of the utility service for which the franchise is awarded shall be paid to the City. As part of the consideration for the granting of each franchise, the grantee shall agree to pay the purchase price, if any, for said franchise as set forth in the franchise, and to make any franchise payments fixed by the Council, and the grantee shall also agree to perform all covenants and agreements set out in said franchise to be performed by the grantee.

The Council shall have the right to recognize that extensions of service, betterment of services, surrendering of existing franchises or parts thereof, settling litigation between the grantee and the City, or the performance by grantee of franchise obligations, may be considerations (other than the franchise payment) of benefit to the City and its inhabitants, and in determining the amount of adequate consideration for the franchise or the amount of any franchise payments to be paid by a grantee, the Council shall have the right to give weight to such factors.

Where the Council has fixed a percentage of gross receipts to be paid for the exercise of grantee's franchise, and where the operations of the grantee extend beyond the territorial boundaries of the City, the Council shall have the right to allocate such percentage payments so that such grantee shall pay only for its operations, for which a franchise is required, within the City.

The Council may likewise in the case of communication companies collecting tolls for both local and out of city business, interurban transportation companies and other companies as to which practical difficulties may arise as to the segregation between local and other tolls, fares or charges, provide for an allocation as between such local and other tolls, fares or charges. In franchises covering operations as to which the requirement of payment of a percentage of gross receipts is not practical, the Council shall fix a basis for computing the franchise payments to be paid by grantee which will provide an equivalent sum.

SECTION 15. DUTIES OF THE GRANTEE. Every franchise shall be subject to the following conditions:

(a) The grantee shall construct, install and maintain all

tracks, pipes, tubes, conduits, poles, wires, instrumentalities and appurtenances in accordance and in conformity with all of the lawful ordinances, rules and regulations theretofore or thereafter adopted by said Council in the exercise of its police powers, and, as to State Highways, subject to the provisions of general laws relating to the location, construction and maintenance of such facilities therein.

(b) The grantee shall pay to the City on demand the cost of all repairs to public property made necessary by or proximately resulting from any operations of the grantee under such franchise, ordinary wear and tear excepted.

(c) The grantee shall indemnify and hold harmless the City and its officers and employees from any and all liability for damages proximately resulting from any operations under such franchise.

(d) The grantee shall permit such examination of its records by the City as the City deems material to the determination of the performance of the franchise obligations and shall make such reports as the franchise may specify.

SECTION 16. RELOCATION OF FACILITIES. In the discretion of the Council, the grantee of any franchise may be required to move or relocate any facilities installed, used and maintained under the franchise if and when made necessary by any lawful change of grade, alignment or width of any public street, way, alley or place, including the construction of any bridge, tube, subway, viaduct or other highway structure, or any lawful public work of a governmental character by such municipality. The Council shall have the right to allocate the expense of such moving or relocation between the City and the grantee of a franchise, except where the exclusive jurisdiction thereover is in the Public Utilities Commission.

SECTION 17. PAVING STREETS. The grantee of any franchise under the terms of which the grantee is entitled to maintain rails or tracks in, along, or across any public place for the purpose of transporting passengers or freight thereover shall grade or regrade, pave or repave, construct or reconstruct all that portion of the street, highway, or public place which is between the rails as well as an area two (2)

feet outside of and parallel to the rails and, if such track is located within a distance of eighteen (18) feet or less from center line to center line from any other track owned by such grantee, then also the portion of the street, highway, or public place lying between such separate tracks; and shall keep the same in good repair, flush with the street and with good crossings. Such street work shall be done with the same kind of material as is used in the remaining portion of the street, highway, or public place or such other materials as are approved by the City and in a manner satisfactory to the City; provided, however, that when, in the opinion of the City the space between the rails and tracks of the grantee and two (2) feet on each side thereof or any portion of the same is not required for purposes other than railway traffic, the same need not be constructed in like manner as the remainder of the street or public place, but shall be treated in such manner as the City may direct.

SECTION 18. REMOVAL OF FACILITIES. Upon the cessation of the use of any of the hereinafter enumerated facilities or the expiration or termination of the franchise, the grantee shall, unless requested not to do so by the City, remove all rails, ties, poles, wires, pipes, conduits, and all other appurtenances and shall reconstruct the streets and public places in good condition with the same kind of material as is used in the remaining width of each particular street or public place, or such other materials as are approved by the City; provided, however, that if the area from which the facilities are to be removed has not been required by the Council to be paved in like manner as the remainder of the street or public place, the grantee shall only be required to restore the area to the same condition that existed prior to such removal, or to a condition satisfactory to the City which does not increase the expense of such restoration to the grantee. All such work shall be done to the satisfaction of the City.

SECTION 19. PURCHASE BY CITY. Every franchise shall reserve to the City the right to purchase the property of grantee either at an agreed price or a price to be determined in a manner to be prescribed in the grant, to the extent that such purchase may be authorized or permitted by law.

SECTION 20. ASSIGNMENT OR TRANSFER. No transfer, assignment or lease of any franchise shall have any validity unless and until:

(a) The grantee shall have duly executed a good and sufficient instrument making such transfer, assignment or lease, and a duplicate original thereof shall have been filed in the office of the City Clerk.

(b) An ordinance of the City consenting to such transfer, assignment or lease shall have been duly adopted and become effective.

(c) The transferee, assignee, lessee or vendee shall duly execute and file in the office of the City Clerk a good and sufficient instrument accepting such transfer, assignment or lease, assuming all the obligations of the grantee under the franchise.

(d) The transferee, assignee, lessee, or vendee shall duly execute and file in the office of the City Clerk of the City a good and sufficient instrument surrendering to the City all franchises, rights and privileges, which the transferee, assignee, lessee, or vendee would have been required to surrender under the provisions thereof, if such transferee, assignee, lessee, or vendee had been the original grantee thereof.

Provided, however, that the terms of the foregoing clauses (a), (b), (c) and (d) of this section shall not apply to any mortgage or deed of trust made in good faith by the grantee, or by any person, firm or corporation under a transfer, assignment or lease made in full accordance with the provisions of this section; but the terms of said clauses (a), (c) and (d) shall apply and the terms of said clause (b) shall not apply to any buyer at a sale under any mortgage or deed of trust.

SECTION 21. REMEDIES OF THE CITY. If any person, firm or corporation shall exercise a right or privilege for which he or it is required by the Charter to obtain a franchise without having first obtained such franchise from the City, the City may establish by ordinance the reasonable amount or percentage that such person, firm or corporation shall pay to the City for the exercise of such right or privilege within the City for which a franchise is required, and if such person, firm or corporation shall thereafter fail to pay to the City on demand such amount or percentage which has^{*}been so established by ordinance, the City shall have the right to enforce the payment thereof from such person,

firm or corporation. If the grantee of any franchise shall fail or refuse to comply with any of the provisions or conditions set out in this or any franchise ordinance enacted by the Council, the City may declare a forfeiture, and/or may sue such person, firm or corporation for damages for such non-compliance, and/or may exercise any other rights or remedies provided by law.

As a separate and alternate remedy, if the grantee of any franchise shall fail or refuse to comply with any of the provisions, conditions, obligations or duties set out in this or any franchise ordinance enacted by the Council, the City may notify said grantee in writing to perform said obligations or duties. In the event that the grantee shall fail to comply with said notice within thirty (30) days, the City may, at its option, proceed to perform the obligations or duties itself. All costs incurred by the City thereby shall become a charge against the grantee of the franchise. If the grantee fails or refuses to pay the amount of such costs within thirty (30) days from the date that such costs are submitted to said grantee in writing, the City may proceed to collect such costs by an action at law.

SECTION 22. SPECIAL PERMIT. When the Council shall find that an emergency exists and that public convenience and necessity require it, and that by reason of such emergency the operation or performance of a utility service should be permitted before the securing of a franchise under this ordinance is possible, the Council, by resolution, may grant to any applicant for a franchise under the ordinance a special permit to operate in the City of Modesto.

No such special permit shall be granted for a period in excess of six (6) months; provided, however, that the Council may, by resolution, extend the term of such a special permit for such periods not to exceed six (6) months each as the public convenience and necessity may require.

Such special permit shall only be granted to an applicant for a franchise under this ordinance, and after the filing of the application for a franchise as in this ordinance provided.

An application for a special permit shall be filed in writing with the Council setting forth such information as will permit action

thereon.

All such special permits shall be granted under the express condition that if a franchise is not granted and accepted, all work done under such special permit shall be removed immediately at applicant's expense and the streets or alleys or other public places affected by such work shall be placed in as good condition as before such work was done, all to the satisfaction of the City.

The Council may require, as a condition to the granting of such special permits, that a bond of a kind and in an amount determined by it shall be furnished by applicant conditioned upon the faithful performance of the terms and conditions of the permit and further conditioned that applicant shall prosecute diligently to completion all work thereunder including removal work as hereinbefore provided.

Applications for permits under this section shall be referred to the City Manager for recommendation and report in the manner provided in Section 4 hereof.

SECTION 23. PENALTY FOR EXERCISING RIGHTS WITHOUT FRANCHISE.

In addition to any other remedies that the City may have, any person, firm or corporation exercising any right or privilege for which a franchise is required, without possessing a valid and existing franchise therefor, or violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding Five Hundred Dollars (\$500.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person, firm, or corporation shall be deemed guilty of a separate offense for each day during any portion of which said person, firm or corporation exercises any privilege for which a franchise is required, without possessing a valid existing franchise therefor, and shall be punishable therefor as provided for in this ordinance.

SECTION 24. SEVERABILITY. If any section, sub-section, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Council of the City of Modesto hereby declares that it would have passed this ordinance and each section,

Sub-section, clause and phrase thereof irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

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

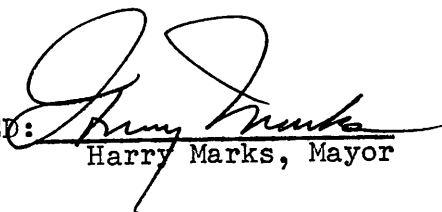
SECTION 26. PUBLICATION. This ordinance shall be published in full at least once at least three days prior to its final adoption in the Modesto Journal and Valley Citizen, the official newspaper of the City of Modesto.


The foregoing ordinance was introduced at the regular meeting of the Council of the City of Modesto held on the 19th day of November, 1952, by Councilman Mellis, who moved its introduction and passage, to print, which motion being duly seconded by Councilman Annan, was upon roll call carried and ordered printed and published by the following:

AYES: Councilmen; M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

NOES: Councilmen: None.

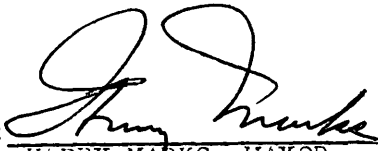
ABSENT: Councilmen: None.

APPROVED: 
Harry Marks, Mayor

ATTEST: 
Rex E. Gailfus, City Clerk

1 The foregoing ordinance was amended at the regular
2 meeting of the Council of the City of Modesto held on the 14th day
3 of January, 1953 by Councilman Merrill, who moved its amendment and
4 re-publication, which motion being duly seconded by Councilman Arata
5 was upon roll call carried and ordered re-printed and re-published by
6 the following vote:

7 Ayes: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks
8 Noes: Councilmen: None
9 Absent: Councilmen: Annan

10
11 APPROVED: 
HARRY MARKS, MAYOR

12
13 ATTEST: 
14 REX E. GAILFUS, CITY CLERK

15
16 FINAL ADOPTION CLAUSE

17 The foregoing ordinance, having been printed and published
18 as required by the Charter of the City of Modesto, and coming on
19 for final consideration at the regular meeting of the Council of
20 the City of Modesto held on the 28th day of January, 1953, Council-
21 man R. Adams moved its final adoption, which motion being duly
22 seconded by Councilman Merrill, was upon roll call carried and the
23 ordinance finally adopted by the following vote:

24 Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks
25 Noes: Councilmen: None
26 Absent: Councilmen: Annan and Mellis

27 APPROVED: 
28 HARRY MARKS, MAYOR

29 ATTEST: 
30 REX E. GAILFUS, CITY CLERK
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REPEALED BY
MUNICIPAL CODE

AN ORDINANCE AMENDING SECTION 3 OF ORDINANCE NO. 1039-N.S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE AMENDING ORDINANCE NO. 306-N.S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE PROVIDING FOR THE SUPERVISION AND REGULATION OF MOTOR BUSES OPERATING ON FIXED SCHEDULES AND OVER ESTABLISHED ROUTES WITHIN THE CITY OF MODESTO, PROVIDING FOR THE ISSUANCE OF PERMITS AND LICENSES FOR SUCH OPERATION OF MOTOR BUSES AND PROVIDING FOR THE PUNISHMENT OF VIOLATIONS OF THIS ORDINANCE', AS AMENDED, BY AMENDING SUBSECTION (b) OF SECTION 1 AND SECTION 4 THEREOF".

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

SECTION 1. Section 3 of Ordinance No. 1039-N.S. entitled, "AN ORDINANCE AMENDING ORDINANCE NO. 306-N.S. OF THE CITY OF MODESTO ENTITLED, 'AN ORDINANCE PROVIDING FOR THE SUPERVISION AND REGULATION OF MOTOR BUSES OPERATING ON FIXED SCHEDULES AND OVER ESTABLISHED ROUTES WITHIN THE CITY OF MODESTO, PROVIDING FOR THE ISSUANCE OF PERMITS AND LICENSES FOR SUCH OPERATION OF MOTOR BUSES AND PROVIDING FOR THE PUNISHMENT OF VIOLATIONS OF THIS ORDINANCE' AS AMENDED, BY AMENDING SUBSECTION (b) OF SECTION 1 AND SECTION 4 THEREOF" is hereby amended to read as follows:

Section 3. The provisions of this ordinance shall apply to the payment of all license fees required by the provisions of Section 4 of Ordinance No. 306-N.S., as hereby amended, effective from and after August 1, 1952.

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

SECTION 3. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 26 day of November, 1952, by Councilman R. Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill
Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Annan

APPROVED: HARRY MARKS, Mayor

ATTEST: REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of December, 1952, Councilman Annan moved its final adoption; which motion being duly seconded by Councilman M. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: HARRY MARKS, Mayor

ATTEST: REX E. GAILFUS, City Clerk

CODE SEC.
NO. 4-3.01
4-3.22

ORDINANCE NO. 1050 -N.S.

AN ORDINANCE REGULATING THE MOVING OF BUILDINGS
IN THE CITY OF MODESTO AND REPEALING ORDINANCE
NO. 37-N.S.

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

SECTION 1. PERMIT REQUIRED. It shall be unlawful for
any person to move or cause to be moved any building in, into,
through, or from the City of Modesto without first obtaining a
permit therefor from the Director of Public Works. Such permit
shall be known as a "House Moving Permit".

SECTION 2. APPLICATION FOR PERMIT. Any person desiring
such a permit shall file with the Director of Public Works an
application therefor in writing on a form to be furnished by the
city for that purpose.

Such application shall specify the following:

- (a) The character and size of the building to be moved;
- (b) The reasons for such moving;
- (c) The use, purpose and occupancy for which said building or structure is to be used;
- (d) The location from which and to which said building is to be moved;
- (e) A plot plan showing the proposed location of the building upon the property to which said building is to be moved, provided said location is in the city;
- (f) The streets on, over or through which it is desired to move said building;
- (g) Whether the building conforms to the zoning laws in the location to which it is to be moved.

SECTION 3. INVESTIGATION. Upon the filing of the application, the Director of Public Works shall cause the Building Inspector to investigate the building and report to him the results of such investigation, together with recommended action thereon.

SECTION 4. WHEN PERMIT SHALL BE DENIED. No permit shall be issued to move any building or structure which, in the opinion

1 of the Director of Public Works: (1) is so constructed or in such
2 condition as to be dangerous; (2) is infested with pests or insani-
3 tary; (3) if it is a dwelling or habitation, is unfit for human
4 habitation; (4) is so dilapidated, defective, unsightly or in such
5 a condition of deterioration or disrepair that its relocation at
6 the proposed site would cause appreciable harm to or be materially
7 detrimental to the property or improvements in the district within
8 a radius of 1000 feet from the proposed site; (5) if the proposed
9 use is prohibited by the zoning laws of the city; (6) if the
10 structure is of a type prohibited at the proposed location by any
11 law or ordinance of the City of Modesto; or (7) if the moving of
12 the building or structure causes unreasonable damage to the trees,
13 plants and shrubs on and along the public streets.

14 Provided, however, that if the condition of the building
15 or structure, in the judgment of the Director of Public Works,
16 admits of practicable and effective repair, the permit may be
17 issued upon the terms and conditions as set forth in Section 5.

18 SECTION 5. TERMS AND CONDITIONS OF PERMIT. When a
19 House Moving Permit is granted, such terms and conditions as may
20 be deemed reasonable and proper may be imposed, including, but not
21 limited to, the public streets, or other public property in the
22 City of Modesto on, over, or through which the building or struct-
23 ure shall be moved, and the requirements of changes, alterations,
24 additions or repairs to be made to or upon the building or struct-
25 ure, to the end that the relocation thereof will not be materially
26 detrimental or injurious to public safety or to public welfare or
27 to the property and improvements, or either, in the district to
28 which it is to be moved.

29 Such terms and conditions shall be written upon the per-
30 mit or appended in writing thereto.

31 SECTION 6. ESTIMATE OF COST AND DEPOSIT. The applicant
32 must also deposit with the City Clerk a sum sufficient to cover the

1 cost to the City of Modesto, as estimated by the Director of Publ
2 Works, of trimming, moving, removing or re-planting of trees and/
3 or shrubs, and of moving, removing, or displacing any pole or
4 other structure, supporting any wires, cables or other equipment
5 belonging to the City of Modesto or the cutting, displacing or
6 changing the location of any wire, cable or other equipment upon
7 said poles or structures belonging to the City of Modesto.

8 SECTION 7. LIABILITY INSURANCE. Every person, firm or
9 corporation moving a building in the City of Modesto shall file
10 with the City Clerk a liability insurance policy issued by a sol-
11 vent corporation holding a certificate of authority to do insuranc
12 business in the State of California, which policy shall conform in
13 all respects to the requirements of this section.

14 In lieu of filing the insurance policy herein referred
15 to, a certificate of insurance issued by an insurance corporation
16 may be filed. The certificate must show that a policy meeting the
17 requirements of this section has been issued, and shall set forth
18 the expiration date of said policy.

19 The liability policy required under this section shall
20 insure the person, firm or corporation moving a building against
21 loss from the liability imposed by law for injury to, or death of,
22 any person, or damage to any property growing out of the moving of
23 such building, to the amount or limit of \$50,000 exclusive of
24 interest and costs, on account of injury to, or death of, any one
25 person, and, subject to the same limit as respects injury to or
26 death of one person, of \$100,000 exclusive of interest and costs,
27 on account of moving any one building resulting in injury to or
28 death of more than one person, and of \$25,000 for damage to proper
29 of others, resulting from moving any one building.

30 SECTION 8. PERMIT FEE. A permit fee in the sum of \$12
31 shall be paid to the City Clerk upon the issuance of each House
32 Moving Permit.

1 SECTION 9. ISSUANCE OF PERMIT. The Director of Public
2 Works shall approve the issuance of a House Moving Permit when all
3 the necessary requirements and conditions of this ordinance have
4 been complied with. It then shall be the duty of the City Clerk
5 to issue the permit.

6 SECTION 10. SUSPENSION OR REVOCATION OF PERMIT. The
7 Director of Public Works, at any time, for sufficient cause, may
8 revoke or suspend any permit granted under this ordinance.

9 SECTION 11. CONTROL AND SUPERVISION. Every building
10 which is moved on, over, or through any public street, way or park
11 in the City of Modesto shall be under the control of the Director
12 of Public Works and every such building shall be moved in a care-
13 ful manner and the work shall be prosecuted with diligence and to
14 the satisfaction and approval of said Director of Public Works.
15 This section in no way relieves the person having charge of the
16 moving of any building of his obligation to furnish proper super-
17 vision.

18 SECTION 12. 36 TO 48 HOUR NOTICE REQUIRED. Notice must
19 be given by the person to whom the permit is issued, or his repre-
20 sentative, to both the Department of Public Works and the Police
21 Department of the City of Modesto not less than thirty-six (36)
22 hours nor more than forty-eight (48) hours before the actual work
23 of moving a building or structure is to commence.

24 SECTION 13. DEFAULT IN PERFORMANCE OF CONDITIONS.
25 Whenever a default has occurred in the performance of any term or
26 condition of any permit, written notice thereof shall be given to
27 the permittee by the Director of Public Works, said notice to state
28 the work to be done, the estimated cost thereof, and the period of
29 time deemed to be reasonably necessary to complete such work. After
30 receipt of such notice, the permittee must, within the time therein
31 specified, either cause the work to be done or pay over to the City
32 Clerk of the City of Modesto the estimated cost of doing the work,

1 as set forth in the notice, plus ten (10%) per cent of said esti-
2 mated cost. Upon receipt of notice from the City Clerk that the
3 permittee has deposited such money, the Director of Public Works
4 shall cause the required work to be performed and completed.

5 If the permittee defaults, the City shall have the option,
6 in lieu of completing the work required, to demolish the building
7 or structure and to clear, clean and restore the site or sites.

8 SECTION 14. APPROVAL OF ROUTE. The streets over which
9 any building or structure is to be moved must be approved by the
10 Director of Public Works and the Chief of Police.

11 SECTION 15. MOVED BUILDING OR STRUCTURE TO BE PLACED ON
12 FOUNDATION WITHIN SIXTY (60) DAYS. It shall be unlawful for any
13 person, firm, association, or corporation, either as mover or the
14 one causing the moving to be done, as owner of the real property,
15 or as owner of the building or structure, to permit any building
16 or structure which has been moved ~~and which has a floor area in~~
17 ~~excess of six hundred twenty five (625) square feet~~ to remain upon
18 any real property in the City of Modesto for more than sixty (60)
19 days unless said building or structure is attached to the ground
20 by a proper foundation as required by the Uniform Building Code of
21 the City of Modesto.

22 SECTION 16. OBSTRUCTING STREETS. No person owning or
23 having charge of the moving of any building, into, on, over, through,
24 or from any public streets, ways or parks in the City of Modesto,
25 shall permit said building to remain in any one location on any
26 such street, way or park for a period longer than twenty-four (24)
27 hours except by written permission obtained from the Chief of Police,
28 or to obstruct traffic on any railroad.

29 SECTION 17. LIGHTS AND BARRICADES. The person having
30 charge of the moving of any structure shall maintain proper lights
31 and barricades whenever such structure is on any public street,
32 way or park, during the hours of darkness.

1 SECTION 18. WIRES AND STRUCTURAL SUPPORTS. In the event
2 that the moving of any building for which a permit shall have been
3 granted hereunder makes it necessary to move, remove or displace
4 any pole or other structure supporting the wires, cables or other
5 equipment of any public utility or of the City of Modesto, or to
6 cut, displace or change the location of any wire, cable or other
7 equipment upon said poles or structure, the person to whom such
8 permit has been granted, or his authorized representative, shall
9 obtain permission in writing from the owner or owners of such pole
10 or structure and/or the wires, cables or other equipment thereon,
11 and shall notify such owner or owners at least forty-eight (48)
12 hours prior to the time that the moving of such building will nec-
13 essitate the removal of such obstructions.

14 The person to whom said permit is granted shall not at
15 the expiration of said time of notice or at any time, cut, move or
16 in any way disturb such public utility or City property; and such
17 work shall be done only by the authorized workmen of the utility
18 or the City of Modesto, whichever is the owner.

19 The person to whom said permit is granted shall pay to
20 said public utility, or to said City of Modesto, as the case may
21 be, any and all costs or expense for the removal, rearrangement
22 and/or replacement of any pole or structural support of wires,
23 cables or equipment and/or of the equipment thereon or of any dam-
24 age to such property.

25 SECTION 19. TREES, PLANTS AND SHRUBS. In the event that
26 the moving of any building for which a permit shall have been
27 granted hereunder makes it necessary to trim, move, remove or
28 replant any tree, plant or shrub belonging to or under the control
29 of the City of Modesto, the person to whom such permit has been
30 granted, or his authorized representative, shall notify the Director
31 of Public Works at least forty-eight (48) hours prior to the time
32 that the moving of such building will necessitate the removal of

1 such obstructions.

2 The person to whom said permit is granted shall not at
3 the expiration of said time of notice or at any time, trim, move,
4 remove, replant or otherwise disturb such trees, plants, or shrubs;
5 and such work shall be done only by the authorized workmen of the
6 City of Modesto unless otherwise approved and so ordered by the
7 Director of Public Works.

8 The person to whom said permit is granted shall pay to
9 said City of Modesto any and all costs or expense for the trimming,
10 moving, removing or replanting of any trees, plants or shrubs or
11 of any damage thereto.

12 SECTION 20. REPAIRS TO PUBLIC PROPERTY. In the event
13 that the moving of any building for which a permit shall have been
14 granted hereunder causes damage to the public streets and/or other
15 public property, in addition to any other remedies the City may
16 have, the Director of Public Works may cause such damage to be
17 repaired and the cost thereof shall be deducted from the deposit
18 required by Section 6 hereof, or he may require the person to whom
19 such a permit has been granted, or his authorized representative,
20 upon written notification from the Director of Public Works to
21 make all necessary repairs to such streets and/or property; pro-
22 vided, however, that should said person to whom said permit has
23 been granted, and to whom said notice has been given, or his auth-
24 orized representative, fail to make said necessary repairs within
25 the period of time designated in said written notice, said Director
26 of Public Works may cause such necessary repairs to be made and the
27 cost thereof deducted from the deposit required by Section 6 hereof.

28 SECTION 21. REFUNDING OF DEPOSITS. When the moving of
29 any building for which a permit has been granted is completed, and
30 all damage to public streets and/or other public property has been
31 repaired to the satisfaction of the Director of Public Works and
32 all costs of repairing damage and/or performing other work as in

1 the ordinance provided have been paid, the deposit as required by
2 Section 6 hereof, or such portion thereof then remaining unused
3 under the provisions of this ordinance shall be refunded upon sur-
4 render of the deposit receipt representing the said money so
5 deposited. Should the cost, however, of repairing damages and/or
6 performing other work as in this ordinance provided, exceed the
7 total amount of money deposited, the person to whom said permit
8 was granted shall be held liable for the amount of damage and/or
9 other costs which are in excess of the amount deposited, and it
10 shall be the duty of the City Clerk, upon receipt of a request
11 from the Director of Public Works, to collect such part of the
12 claim which is in excess of the deposit from the person to whom the
13 permit was granted.

14 SECTION 22. APPEALS. Any person excepting to any denial,
15 suspension or revocation of a permit applied for or held by him
16 pursuant to the provisions of this ordinance, or to any action
17 taken by any official of the City of Modesto concerning such per-
18 mit, may appeal in writing to the City Council by filing with the
19 City Clerk a written notice of such appeal, setting forth the
20 specific grounds thereof. Such notice must be filed within four-
21 teen (14) days after notice of such action appealed from, but in
22 no event later than thirty (30) days after date of such action.
23 The City Clerk shall forthwith set said matter for hearing before
24 the City Council and cause notice thereof to be given to the appli-
25 cant not less than five (5) days prior to such hearing. At such
26 hearing the appellant shall show cause, on the grounds specified
27 in the Notice of Appeal, why the action excepted to should not be
28 approved. The Council may continue such hearing from time to time,
29 and its findings on the appeal shall be final and conclusive in
30 the matter.

31 SECTION 23. PENALTY. It shall be unlawful for any per-
32 son to violate any of the provisions of this ordinance, or any

1 permit issued pursuant thereto, or to cause, permit or suffer the
2 same to be done; and any person violating any of the provisions of
3 this ordinance or any permit issued thereunder shall be deemed
4 guilty of a misdemeanor and each such person shall be deemed guilty
5 of a separate offense for each and every day or portion thereof
6 during which any violation of any of the provisions of this ordi-
7 nance or such permit is committed, continued or permitted and upon
8 conviction of any such violation, such person shall be punishable
9 by a fine of not more than Five Hundred (\$500.00) Dollars or by
10 imprisonment for not more than six (6) months or by both such fine
11 and imprisonment.

12 SECTION 24. VALIDITY. If any section, sub-section, sen-
13 tence, clause or phrase of this ordinance is, for any reason, held
14 to be unconstitutional, such decision shall not affect the validity
15 of the remaining portions of this ordinance. The Council of the
16 City of Modesto hereby declares that it would have passed this
17 ordinance and each section, sub-section, sentence, clause or
18 phrase thereof, irrespective of the fact that any one or more sec-
19 tions, sub-sections, sentences, clauses or phrases be declared
20 unconstitutional.

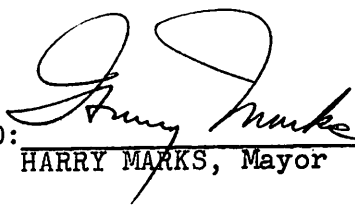
21 SECTION 25. REPEAL. Ordinance No. 37-N.S. and all
22 ordinances amendatory thereof are hereby repealed.
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SECTION 26. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

SECTION 27. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 26th day of November, 1952, by Councilman R. Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Annan

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of December, 1952, Councilman M. Adams moved its final adoption, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

CODE SEC.
NO. 3-1.202
3-1.222

ORDINANCE NO. 1051 -N.S.

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AN ORDINANCE PRESCRIBING REGULATIONS FOR FIRE PREVENTION AND LIFE SAFETY IN CONNECTION WITH HAZARDOUS MATERIALS AND PROCESSES, PRESCRIBING A PENALTY FOR VIOLATION THEREOF, AND REPEALING CERTAIN ORDINANCES.

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

SECTION 1. That certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Modesto, being marked and designated "Suggested Fire Prevention Ordinance", 1947 Edition, as recommended by the National Board of Fire Underwriters, which said ordinance prescribes regulations for fire prevention and life safety in connection with hazardous materials and processes, as hereinafter amended, deleted, and added to, be and the same is hereby adopted by reference.

SECTION 2. Section 101 of Part 1 is amended to read as follows:

Section 101. A Bureau of Fire Prevention in the Fire Department of the City of Modesto is hereby established which shall be operated under the supervision of the Chief of the Fire Department.

The Chief of the Fire Department shall designate an officer or member of the Fire Department as Chief of the Bureau of Fire Prevention, who shall hold this office at the pleasure of the Chief of the Fire Department.

The Chief of the Fire Department may detail such other members of the fire department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors, who, when such employment is authorized, shall be selected in accordance with the provisions of the City Charter and ordinances governing the personnel system of the City.

SECTION 3. Section 108 of Part 1 is amended to read as follows:

Section 108. The service of such orders as mentioned in Sections 104, 105, 106 and 107 may be made upon the owner, occupant or other person responsible for the conditions, either by delivering a copy of same personally or by delivering the same to and leaving it with any person in charge of the premises, or in case no such person is found upon the premises, by affixing a copy thereof in a conspicuous place on the door to the entrance of the said premises. Whenever it may be necessary

1 to serve such an order upon the owner of premises
2 such order may be served either by delivering to and
3 leaving with the said person a copy of the said order,
4 or, if such owner is absent from the jurisdiction of
5 the officer making the order, by mailing such copy
6 to the owner's last known post office address.

7 If buildings or other premises are owned by one
8 person and occupied by another under lease or otherwise,
9 the orders issued in connection with the enforcing of
10 this ordinance shall apply to the occupant above,
11 except where the rules or orders require the making
12 of additions to or changes in the premises themselves,
13 such as would immediately become real estate and be
14 the property of the owner of the premises; in such
15 cases the rules or orders shall affect the owner
16 and not the occupant unless it is otherwise agreed
17 between the owner and the occupant.

18 Any such order shall forthwith be complied with by
19 the owner or occupant of such premises or building.
20 If such order is made by the Chief of the Bureau of
21 Fire Prevention or one of the Inspectors, such
22 owner or occupant may within twenty-four hours appeal
23 to the Chief of the Fire Department, who shall,
24 within five days, review such order and file his
25 decision thereon, and unless by his authority the order
26 is revoked or modified it shall remain in full force
27 and be complied with within the time fixed in said
28 order or decision of the Chief of the Fire Department.

29 SECTION 4. Section 109 of Part 1 is amended to read as
30 follows:

31 Section 109. The Bureau of Fire Prevention shall
32 investigate the cause, origin and circumstances
of every fire occurring in the city involving loss
of life or injury to person or by which property
has been destroyed or damaged and, so far as possible,
shall determine whether the fire is the result of
carelessness or design. Such investigations shall be
begun immediately upon the occurrence of such a fire,
and if it appears to the officer making such an
investigation that such fire is of suspicious origin,
the Chief of the Fire Department shall be immediately
notified of the facts; he shall take charge immediately
of the physical evidence, shall notify the proper
authorities designated by law to pursue the
investigation of such matters, and shall further
cooperate with the authorities in the collection
of evidence and in the prosecution of the case.
Every fire shall be reported in writing to the
Bureau of Fire Prevention within two days after
the occurrence of the same, by the officer in
whose jurisdiction such a fire has occurred.
Such report shall be in such form as shall be
prescribed by the Chief of the Fire Department,
and shall contain a statement of all facts relating
to the cause, origin and circumstances of such
fire, injury to persons, and extent of the damage
thereof, and the insurance upon such property,
and such other information as may be required.

1 SECTION 5. Section 113 of Part 1 is amended to read as

2 follows:

3 Section 113. The annual report of the Bureau of
4 Fire Prevention shall be made on or before the
5 first day of August and transmitted to the City Man-
6 ager; it shall contain all proceedings under this
7 ordinance, with such statistics as the Chief of the
8 Fire Department may wish to include therein; the
9 Chief of the Fire Department shall also recommend
10 any amendments to the ordinances which, in his
11 judgment, shall be desirable.

8 SECTION 6. Section 117 of Part 1 is amended to read as

9 follows:

10 Section 117. A permit shall constitute permission
11 to establish, maintain, store or handle materials,
12 or to conduct processes, which produce conditions
13 hazardous to life or property. Such permit does not
14 take the place of any license required by law. It
15 shall be for an indefinite period, not transferable,
16 and any change in use or occupancy of premises shall
17 require a new permit.

18 A license shall be the authority issued by the City
19 on approval of the Bureau of Fire Prevention, inde-
20 pendently or jointly in connection with any other
21 municipal authority, for the conducting of a busi-
22 ness, trade, occupation or calling.

18 SECTION 7. Section 120 of Part 1 is amended to read as

19 follows:

20 Section 120. The Director of Public Works, the
21 Chief of the Fire Department and the Chief of the
22 Bureau of Fire Prevention shall act as a Committee
23 on determination, and specify and recommend to the
24 City Manager for submission to the Council any new
25 materials, processes or occupancies, and trades which
26 shall require permits, in addition to those now
27 enumerated in this ordinance. The Chief of the
28 Bureau of Fire Prevention shall post such list in a
29 conspicuous place in his office.

25 SECTION 8. Sections 301 through 305, inclusive, of Part
26 3 are deleted.

27 SECTION 9. Section 301 is added to said Fire Prevention
28 Ordinance to read as follows:

29 Section 301. It shall be unlawful for any person
30 or persons, firm, company, corporation or associa-
31 tion either as principal or agent or employee to
32 store, manufacture, sell or discharge within the
City of Modesto any of the following fireworks:

Pyrotechnics or fireworks containing phosphorous,

1 sulphocyanide, mercury, chlorate of potash and
2 sulphur or chlorate of potash and sugar;

3 Firecrackers, salutes and other explosive articles
4 of similar nature;

5 Blank cartridges;

6 Sky rockets, including all devices which rise in the
7 air during discharge;

8 Roman candles, including all devices discharging
9 balls of fire into the air;

10 Chasers, including all devices which dart or travel
11 about the surface of the ground during discharge;

12 Snakes, boa constrictors and snake nests, contain-
13 ing bichloride of mercury;

14 All articles for pyrotechnic display, which contain
15 gunpowder;

16 Articles commonly known as son-of-a-gun, devil-on-
17 the rock, crackit sticks and automatic torpedoes
18 which contain arsenic;

19 Explosives known as devil-on-the-walk, or any other
20 article of similar character which explodes through
21 means of friction, and all other similar fireworks,
22 unless otherwise designated;

23 Toy torpedoes of all kinds except those specifically
24 designed for use only with toy pistol paper caps con-
25 taining not more than twenty five hundredths grain
26 of explosive compound to each paper cap;

27 Such other fireworks as may be designated as danger-
28 ous by the State Fire Marshal.

29 SECTION 10. Section 302 is added to said Fire Prevention

30 Ordinance to read as follows:

31 Section 302. All of the provisions of Sections
32 12500, 12503, 12504, 12507, 12508, 12509, 12509a
and 12509b of the Health and Safety Code of the
State of California as now existing or as hereafter
amended insofar as the same apply to municipalities
are hereby adopted and made a part of this ordinance
as though fully set forth herein.

33 SECTION 11. Section 801.1 is added to Part 8 to read as
34 follows:

35 Section 801.1. Any person, firm or corporation
36 keeping, storing or maintaining butane or other
37 liquified petroleum gases in quantities greater
38 than 400 gallons (water capacity) is hereby pro-
39 hibited from keeping the same in any portion of
40 the city limits of the City of Modesto, save and
41 except within the boundaries of the hereinafter
42

1 described property:

2 Beginning at a point at the intersection of the
3 center lines of 9th Street and B Streets; thence
4 northeasterly along the said center line of B
5 Street, and the said center line of B Street,
6 extended and produced to its intersection with the
7 westerly property line of Morton Boulevard, extended
8 and produced; thence southerly along the said
9 westerly property line of Morton Boulevard, extended
10 and produced, and the said westerly property line of
11 Morton Boulevard, to its intersection with the south-
12 erly property line of the said Morton Boulevard,
13 extended and produced; thence easterly along the said
14 southerly property line of Morton Boulevard, extended
15 and produced to its intersection with the center line
16 of Beard Brook; thence southeasterly along the said
17 center line of Beard Brook, to its intersection with
18 a line which is extended and produced from a line
19 which is 500 feet southerly from, and parallel with
20 the said southerly property line of Morton Boulevard;
21 thence westerly along the said line which is extended
22 and produced from the line which is 500 feet southerly
23 from and parallel with the said southerly property
24 line of Morton Boulevard, and continuing along the
25 said line which is 500 feet southerly from and par-
26 allel with the said southerly property line of Morton
27 Boulevard, to the center line of the Southern Pacific
28 Railroad main line track, which is located northeast-
29 erly from the northeasterly property line of 7th
30 Street; thence northwesterly along the said center
31 line of the Southern Pacific Railroad main line track,
32 to its intersection with the southeasterly property
line of E Street, extended and produced; thence north-
easterly along said southeasterly property line of
E Street, extended and produced, to a point which is
175 feet southwesterly from the southwesterly property
line of 9th Street; thence southeasterly along a
line which is 175 feet southwesterly from and parallel
with the said southwesterly property line of 9th
Street, to its intersection with the said center
line of B Street; thence northeasterly along the said
center line of B Street, to the point of beginning.

SECTION 12. Subsection (a) of Section 904 of Part 9 is
amended to read as follows:

Section 904 (a) For the storage or handling of a
total quantity of Class I liquids in excess of one
gallon in any dwelling, apartment house or tenement,
and in excess of five gallons in any other building,
and in excess of five gallons outside of any building.

SECTION 13. Section 905 of Part 9 is deleted from said
Fire Prevention Ordinance.

SECTION 14. Section 908.1 is added to Part 9 to read as
follows:

Section 908.1. The use of gasoline stoves and other

1 similar fuel burning appliances using highly
2 flammable liquids for cooking, lighting or
3 heating, is hereby prohibited in the City of
4 Modesto.

5 SECTION 15. Section 951 of Part 9 is amended to read
6 as follows:

7 Section 951. Except as otherwise permitted in
8 this ordinance, the storage of flammable liquids shall
9 be outside buildings, in underground tanks or
10 tanks above ground tanks; except that the storage in
11 tanks above ground and outside buildings is
12 prohibited within the following limits: Fire
13 zones # 1 and 2, as described in Ordinance No.
14 826-N.S. of the City of Modesto, as now exist-
15 ing or as hereafter amended, any land near
16 streams, rivers, canals, or other waterways
17 which would carry burning liquid, or any land
18 that may be below the flood stage of any water-
19 way, any mercantile or congested district, or
20 any district or area when, in the opinion of the
21 Chief of the Fire Department, a hazard to other
22 property would be involved. Provided that for
23 existing tanks within such limits, which are
24 properly safeguarded and do not involve a hazard
25 to other property, a permit shall be granted.

26 SECTION 16. Section 972 of Part 9 is amended to read
27 as follows:

28 Section 972. An open galvanized iron vent pipe
29 arranged for proper draining, or an automatically
30 operated vent, shall be provided for every tank
31 which may contain flammable vapor. The lower end
32 of the vent pipe shall not extend through the top
into the tank for a distance of more than one inch.

Capacity of Tank, Gallons	Diameter of Vent
0 to 500	1 $\frac{1}{4}$ inch
501 to 3,000	1 $\frac{1}{2}$ inch
3,001 to 10,000	2 inch
10,001 to 25,000	2 $\frac{1}{2}$ inch
25,001 to 50,000	3 inch
50,001 to 100,000	3 $\frac{1}{2}$ inch
100,001 to 150,000	4 inch
150,001 to 400,000	5 inch
400,001 to 1,000,000	6 inch
Over 1,000,000	two 6 inch

33 Vent openings, for tanks exceeding 1,000 gallons
34 capacity, excepting those on underground tanks
35 containing Class III liquids, shall be provided
36 with approved flame arresters. Vent openings and
37 vent pipes shall be of sufficient size to prevent
38 abnormal pressure in the tank during filling, and,
39 except automatically operated vents, shall be not
40 smaller than 1 $\frac{1}{4}$ -inch pipe size. Arresters shall
41 be accessible for examination and repair. Vent
42 pipes shall be provided with weatherproof hoods

1 and terminate outside of building not less than
2 two feet, measured horizontally and vertically,
3 from any window or other building opening and
4 sufficiently above ground to prevent obstruction
5 from snow or ice; for Class I and II liquids the
6 vent terminal shall be so elevated and located as
7 not to endanger adjoining buildings.

8 Each tank shall have a separate vent.

9 SECTION 17. Section 986 of Part 9 is amended to read as
10 follows:

11 Section 986. All trucks used for the transportation
12 of flammable liquids in bulk quantity exceeding 100
13 gallons shall be inspected by the Chief of the Bureau
14 of Fire Prevention, and unless certified by him as
15 to their compliance with this ordinance, they shall not
16 be operated on the streets of the City of Modesto
17 provided that this certification shall not be required
18 for trucks bearing the license or approval of the
19 Interstate Commerce Commission; or the license or
20 approval of the State Highway Department; or to trucks
21 transporting flammable liquids in drums, cans, and
22 other containers of less than 60 gallons individual
23 capacity.

24 No truck transporting flammable liquids or empty
25 trucks used for the transportation of flammable
26 liquids shall be left unattended on any street, high-
27 way, avenue or alley. Provided that this will not
28 prevent a driver from the necessary absence from the
29 truck in connection with the delivery of his load,
30 except during actual discharge of the liquid when
31 some responsible person must be present at the vehicle;
32 nor shall it include stops for meals during the day
33 or at night if the ~~truck is parked at a location~~
34 ~~of parking~~ truck is parked at a location which has been
35 approved by the Chief of the Fire Prevention Bureau.
36 The Chief of the Fire Prevention Bureau may permit
37 trucks containing flammable liquids or empty trucks
38 used for the transportation of flammable liquids
39 to be parked in open parking lots or on private
40 property. They shall not be parked or garaged in
41 buildings other than those specifically approved
42 for such storage by the Chief of the Bureau of Fire
43 Prevention.

44 Tanks shall be constructed of open hearth or blue
45 annealed steel, or other suitable material of a
46 strength equivalent to the following table:

47 Aggregate 48 Capacity (Gallons)	49 Minimum Thickness of Steel, U. S. Standard	50 Head
51 Up to 600	52 14 gauge	53 14 gauge if bilged, otherwise 54 12 gauge
55 600 to 1200	56 12 gauge	57 12 gauge if bilged, otherwise 58 10 gauge
59 Over 1200	60 10 gauge	61 8 gauge

62 Tanks, exceeding 1200 gallons in capacity, may be
constructed with 12 gauge shells and 10 gauge heads,

1 provided they are sub-divided into compartments
2 of 600 gallons or less.

3 Shell and head joints shall be welded, riveted
4 and welded, brazed or riveted and brazed, riveted
5 and calked, or made tight by some equally satis-
6 factory process.

7 Each compartment of the completed tank shall be
8 tested and proven tight at 5 pounds minimum pres-
9 sure. Fill openings shall be 4 inches minimum
10 diameter.

11 Tanks used for Class I liquids larger than 1500
12 gallons capacity shall be subdivided by double
13 bulkheads into compartments, none of which shall
14 exceed 1200 gallons capacity.

15 All tank vehicles shall be equipped with pneumatic
16 rubber tires on all wheels.

17 Each tank compartment shall be provided with a
18 suitable operating vent, and, in addition thereto
19 emergency venting facilities not less than 1-29/32
20 inches internal diameter for a 600-gallon compart-
21 ment, and of corresponding size and capacity for
22 larger tanks, to prevent rupture of the tank from
23 such internal pressures as may be created by ex-
24 posure fires. Tank dome covers shall not be re-
25 moved or loosened except while tank truck is being
26 filled.

27 All draw-off valves or faucets shall have discharge
28 end threaded or otherwise so designed as to permit
29 of tight connection with hose extending to fill-pipe.

30 Every tank truck shall be provided with properly
31 attached rear steel bumpers. The rear bumpers or
32 chassis extension shall be so arranged as to ade-
quately protect the draw-off valve or faucets in
case of collision.

Each compartment of a gravity discharge tank truck
for Class I liquids shall be equipped with a reliable
and efficient shut-off valve located inside the shell
of the tank in the compartment outlet, and except
during delivery operations such valves shall be
automatically kept closed, or shall be so inter-
locked with delivery operation that it will be mech-
anically closed when delivery operations are completed.

The operating mechanism for such valves shall be pro-
vided with a secondary control, remote from the tank
filling parts and discharge faucets for use in event
of accidents or fire during delivery operations, and
such control mechanism shall be provided with a
fusible section which will cause valves to close
automatically in case of fire.

In every case there shall be provided between the
shut-off valve seat and discharge faucet a shear
section which will break under strain and leave the
shut-off valve seat intact.

1 Tanks, chassis, axles and springs shall be
2 metallicallly connected.

3 During the filling operation metallic contact
4 shall be maintained between the fill pipe and
5 the tank truck.

6 The foregoing provisions shall also apply to the
7 construction and operation of trailers and semi-
8 trailers. All trailers shall be firmly and securely
9 attached to the towing vehicle by means of suitable
10 draw-bars, supplemented by safety chains.

11 Every trailer shall be equipped with a reliable
12 system of brakes with reliable provisions for
13 operation from the driver's seat of the vehicle
14 drawing it.

15 Each trailer shall be provided with side lights
16 and a tail light.

17 Every tank truck and trailer shall be equipped with
18 at least one approved hand fire extinguisher of a
19 type suitable for extinguishing oil fires.

20 SECTION 18. Section 1805 of Part 18 is amended to read
21 as follows:

22 Section 1805. (a) In rooms accommodating more
23 than fifty persons, required exit doorways, other
24 than those normally used for entrance, shall be plainly
25 marked by approved exit signs, sufficiently illum-
26 inated when the floor area is occupied, to be read-
27 ily distinguished.

28 (b) Directional signs, as required, shall be placed
29 on walls or otherwise displayed in conspicuous
30 locations to direct occupants to exits.

31 SECTION 19. Section 1806 of Part 18 is amended to read
32 as follows:

33 Section 1806. (a) Required exit ways shall be
34 kept adequately lighted at all times that the
35 building served thereby is occupied.

36 (b) Where the number of persons exceeds fifty
37 in any room the artificial lighting of the room
38 and of exit ways therefrom shall be by electri-
39 city so arranged and supplied that interruption
40 of supply to any one lighting branch circuit
41 will not result in extinguishment of all the
42 lights in the room or all the lights along any
43 exit way.

44 SECTION 20. Section 2105 of Part 21 is amended to read
45 as follows:

46 Section 2105. The storage of empty packing cases,
47 boxes, barrels or other similar combustible containers

1 is forbidden without a permit except in the open.
2 Provided, however, that no permit shall be required
3 for the storage within a manufacturing or other
4 establishment of sufficient packing cases, boxes,
5 barrels, or other similar containers to properly
6 carry on its operations, but such storage shall be
7 orderly and not so located as to endanger exit from
8 the building. Storage in the open of packing cases,
9 boxes, barrels or other similar combustible con-
10 tainers shall not be more than twenty feet in height,
11 and shall be so located, with respect to other build-
12 ings, as not to constitute a hazard. All such stor-
13 age shall be in a compact and orderly manner.

14 SECTION 21. Sections 2801, 2802 and 2803 of Part 28 are
15 deleted.

16 SECTION 22. The following ordinances or parts of ordi-
17 nances are hereby expressly repealed:

18 Ordinance No. 109;
19 Section 2 of Ordinance No. 165;
20 Section 2, Part B, Section 11 and Section 12 of
21 Ordinance No. 10-N.S.;

- 22 Ordinance No. 126-N.S.;
- 23 Ordinance No. 198-N.S.;
- 24 Ordinance No. 303-N.S.;
- 25 Ordinance No. 366-N.S.;
- 26 Ordinance No. 507-N.S.;
- 27 Ordinance No. 608-N.S.;
- 28 Ordinance No. 823-N.S.;
- 29 Ordinance No. 940-N.S.;
- 30 Ordinance No. 1017-N.S.

31 SECTION 23. If any section, subsection, sentence, clause
32 or phrase of this ordinance is for any reason held to be unconsti-
33 tutional, such decision shall not affect the validity of the remain-
34 ing portions of this ordinance. The Council of the City of
35 Modesto hereby declares that it would have passed this ordinance
36 and each section, subsection, sentence, clause and phrase thereof
37 irrespective of the fact that any one or more sections, subsections,
38 sentences, clauses or phrases be declared unconstitutional.

39 SECTION 24. Any person, firm, corporation, or associa-
40 tion who, either as principal, owner, agent, servant or employee,
41 violates any of the provisions of this ordinance or fails to com-
42 ply therewith, or who shall violate or fail to comply with any
43 order or regulation made thereunder, or who shall build in viola-
44 tion of any detailed state ent of specifications or plans sub-

1 mitted and approved thereunder, or any certificate or permit
2 issued thereunder, shall severally for each and every such viola-
3 tion and noncompliance respectively, be guilty of a misdemeanor
4 and upon conviction thereof shall be punished by a fine not exceed-
5 ing Five Hundred (\$500.00) Dollars or by imprisonment in the County
6 Jail of Stanislaus County, California, for a period not exceeding
7 six months, or by both such fine and imprisonment. The imposition
8 of one penalty for any violation of this ordinance shall not excuse
9 the violation, or permit it to continue, and all such persons
10 shall be required to correct or remedy such violations or defects
11 within a reasonable time.

12 SECTION 25. All ordinances and parts of ordinances
13 inconsistent herewith are hereby expressly repealed.

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SECTION 26. 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 27. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 26th day of November, 1952, by Councilman R. Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mellis, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Annan

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of December, 1952, Councilman Mellis moved its final adoption, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

AN ORDINANCE PROVIDING FOR THE LEASE OF CERTAIN CITY OWNED PROPERTY TO JAMES C. SORENSEN AND AUTHORIZING THE EXECUTION OF AN AGREEMENT IN CONNECTION THEREWITH.

The Council of the City of Modesto does ordain as follows

SECTION 1. The City of Modesto hereby leases to James

C. Sorensen, an individual, the following described property situated in the County of Stanislaus, State of California, and particularly described as follows:

Approximately six (6) acres on the Northwest end of the runway of the Modesto Municipal Airport;

in accordance with the terms and conditions as set forth in that certain agreement covering the lease of said property, a copy of which is on file in the office of the City Clerk in the City of Modesto. The terms and conditions of said lease are hereby accepted and approved.

SECTION 2. The City Manager and the City Clerk of the City of Modesto be and they are hereby authorized and empowered to sign said agreement on behalf of the city upon this ordinance becoming effective.

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SPECIAL NOT IN CODE

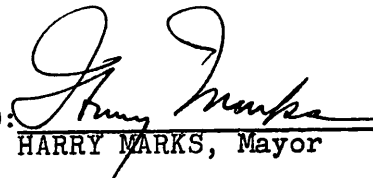
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SECTION 3. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

SECTION 4. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 26th day of November, 1952, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, ~~Annan~~, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Annan

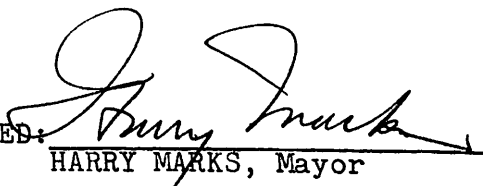
APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of December, 1952, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

4-6.101
 4-6.201-1
 4-6.216
 4-6.301-2
 4-6.307
 4-6.401-3
 4-6.404
 4-6.501-4
 4-6.504
 4-6.601-5
 4-6.609
 4-6.701-6
 4-6.708
 4-6.801-7
 4-6.803
 4-6.901-8
 4-6.902

AN ORDINANCE REGULATING THE USE AND OPERATION OF TAXICABS UPON THE PUBLIC STREETS OF THE CITY OF MODESTO: PROVIDING FOR DRIVER'S PERMITS, AND AUTHORIZING THE COUNCIL TO HOLD PUBLIC HEARINGS AND TO GRANT OR DENY APPLICATIONS FOR OWNER'S CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICABS: REGULATING THE RATES OF FARES TO BE CHARGED FOR USE OF TAXICABS: PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. DEFINITIONS. Unless otherwise expressly stated, whenever used in this ordinance, the following terms shall respectively be deemed to mean;

(a) STREET. Any place commonly used for the purpose of public travel.

(b) OWNER. Every person, firm or corporation having use or control of any passenger-carrying automobile or motor-propelled vehicle, as herein defined, whether as owner, lessee or otherwise.

(c) DRIVER. Every person in charge of, or operating, any passenger-carrying or motor-propelled vehicle, as herein defined, either as agent, employee, or otherwise, of owner, as owner, or under the direction of the owner, as herein defined.

(d) TAXIMETER. Any mechanical instrument, appliance, device, or machine, by which the charge for hire of a passenger-carrying vehicle is mechanically calculated either for distance traveled or time consumed, or both, and upon which instrument, appliance, device, or machine such charge is indicated by figures.

(e) TAXICAB. Every automobile or motor-propelled vehicle of a distinctive color or colors, such as is in common usage in this country for taxicabs, and/or operated at rates per mile, or for wait-time, or for both, and equipped with a taximeter, used for the transportation of passengers for hire over the public streets of the City of Modesto and not over a defined route, and irrespective of whether the operations extend beyond the boundary limit of said City, and such vehicle is routed under the direction of such

1 passenger, or of such persons hiring the same.

2 (f) COUNCIL. The Council of the City of Modesto.

3 (g) PERSON. Any individual, partnership, association,
4 corporation or other organization owning, operating or proposing to
5 operate any taxicab within the City of Modesto.

6 (h) NUMBER. The singular number includes the plural,
7 and the plural, the singular.

8 SECTION 2. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESS-
9 ITY.

10 (a) Certificate Required. No person shall engage in the
11 business of operating any taxicab within the City of Modesto with-
12 out first having obtained a certificate of public convenience and
13 necessity from the Council.

14 (b) Application for Certificate. All persons applying to
15 the Council for a certificate for the operation of one or more
16 taxicabs shall file with the Council a sworn application therefor
17 on forms provided by the Council stating as follows:

18 (1) The name and address of the owner or person
19 applying.

20 (2) The number of vehicles actually owned and the
21 number of vehicles actually operated by such owner on the date of
22 application, if any.

23 (3) The number of vehicles for which a certificate
24 of public convenience and necessity is desired.

25 (4) The make, type, year of manufacture and passenger
26 seating capacity of each taxicab for which application for a certi-
27 ficate of public convenience and necessity is made.

28 (5) The make and type of taximeter intended to be
29 installed on each taxicab for which application for certificate is
30 made.

31 (6) A description of the proposed color scheme,
32 insignia, trade style and/or any other distinguishing characteristics

1 of the proposed taxicab design.

2 (7) Such other information as the Council may require.

3 (c) Requirement for Certificate. No certificate shall
4 be granted until the Council shall after hearing declare by resolu-
5 tion that the public convenience and necessity require the proposed
6 taxicab service.

7 (d) Public Hearing. In determining whether the public
8 convenience and necessity require the operation of a taxicab for
9 which application is made, the Council shall hold such public hear-
10 ing as may be necessary to determine that fact.

11 (e) Investigation by Chief of Police. Before any appli-
12 cation is acted upon, the Chief of Police shall cause an investiga-
13 tion to be made and shall report his findings, in writing, to the
14 Council on the following:

15 (1) The demand of the public for additional taxicab
16 service.

17 (2) The adequacy of existing mass transportation and
18 taxicab service.

19 (3) The financial responsibility and experience of
20 the applicant.

21 (4) The number, kind and type of equipment and the
22 color scheme to be used.

23 (5) The effect which such additional taxicab service
24 may have upon traffic congestion and parking.

25 (6) Whether the additional taxicab service will
26 result in a greater hazard to the public.

27 (7) Such other relevant facts as the Council may deem
28 advisable or necessary.

29 (f) Decision of Council. Having declared that the public
30 convenience and necessity require the additional taxicab service,
31 the Council shall grant certificates of public convenience and
32 necessity to those persons applying therefor who in its opinion

1 are entitled thereto. The Council shall in its discretion deter-
2 mine the number of certificates to be granted to any applicant.

3 No certificate shall be issued to any person who shall
4 not have fully complied with all of the requirements of this ordi-
5 nance necessary to be complied with before the commencement of the
6 operation of the proposed service.

7 (g) Effect on Present Permits. The provisions of this
8 section shall not affect the number of taxicabs operating with
9 valid permits on the effective date hereof.

10 (h) Present Operators. Nothing contained in this ordi-
11 nance shall be construed to invalidate any lawful certificate of
12 public convenience and necessity heretofore granted to any person
13 to operate a taxicab within the City, nor to necessitate any holder
14 of such a certificate to make an application for a new certificate
15 by reason of the provisions of this ordinance.

16 (i) Transfer of Certificate. No certificate of public
17 convenience and necessity may be sold, assigned, mortgaged or
18 otherwise transferred without the consent of the Council. The
19 Council may grant or deny, or impose such conditions with respect
20 to the transfer of a certificate of public convenience and necess-
21 ity as it may deem to be in the best interests of the public safety
22 and general welfare.

23 (j) Cancellation of Certificates. After the service for
24 which a certificate is granted hereunder is discontinued, or if the
25 person sells or discontinues his or its business for a period of
26 forty-five (45) days, the certificates granted hereunder shall be
27 automatically cancelled and shall be re-issued only in accordance
28 with the provisions of this section.

29 (k) Replacement of Taxicabs After Transfer of Certificate
30 Except as otherwise provided in accordance with subsection (i)
31 hereof, whenever an owner sells or transfers title to a taxicab for
32 which a certificate has been granted and within thirty (30) days

1 after such sale or transfer purchases other taxicabs, the Council
2 shall, as a matter of right, upon written request of applicant
3 within thirty (30) days of such purchase, issue a new certificate
4 for the operation of no greater number of taxicabs than those sold
5 or transferred, provided said owner has complied with all the pro-
6 visions of this ordinance.

7 (l) Destruction of Taxicabs. Any owner whose taxicab for
8 which a certificate has been granted has been destroyed in any man-
9 ner, will, as a matter of right, upon written application to the
10 Council within thirty (30) days after such destruction, be issued
11 a new certificate for the operation of no greater number of taxi-
12 cabs than those so destroyed, provided said owner has complied
13 with all the provisions of this ordinance.

14 (m) Suspension and Revocation of Certificate. Certificates
15 may be suspended or revoked by the Council at any time in case:

16 (1) The Council finds the owner's past record to be
17 unsatisfactory.

18 (2) The owner fails to operate the taxicab in accord-
19 ance with the provisions of this ordinance.

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

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

25 (n) Surrender of Certificate. Certificates which shall
26 have been suspended or revoked by the Council shall forthwith be
27 surrendered to the Clerk of the Council, and the operation of any
28 taxicab covered by such certificates shall cease and be unlawful.
29 Any owner who shall permanently retire any taxicab from taxicab
30 service and not replace same within forty-five (45) days thereof,
31 shall immediately surrender any certificate granted for the opera-
32 tion of such taxicab to the Clerk of the Council, and said owner
may not secure additional certificates for the operation of any

1 taxicab without having first made application therefor in the man-
2 ner provided in this ordinance.

3 (o) Additional Vehicles. Any owner holding a certificate
4 of public convenience and necessity to operate one or more motor
5 vehicles for hire as provided in this ordinance who desires to add
6 to the number of such vehicles shall do so only upon obtaining,
7 from the Council, a certificate therefor, which shall be granted
8 only upon application made in the same manner and under the same
9 proceedings as are required in this ordinance in the instance of
10 obtaining the original certificate.

11 (p) Substitute Vehicles. Any owner holding a certificate
12 to operate one or more motor vehicles for hire as provided in this
13 ordinance, who desires to substitute a different vehicle for a
14 vehicle operated under such certificate, shall do so only upon
15 obtaining, from the Chief of Police, permission therefor, which
16 shall be granted only upon written application setting forth the
17 particulars of such proposed substitution, and upon otherwise com-
18 plying with the requirements of this ordinance.

19 SECTION 3. RATES OF FARE.

20 (a) Taxicabs. It shall be unlawful for any owner or
21 driver to operate any taxicab in the City of Modesto unless such
22 vehicle is equipped with a taximeter of such type, style and design
23 as may be approved by the Chief of Police, and it shall be the duty
24 of every owner operating a taxicab to keep such taximeter in per-
25 fect condition so that said taximeter will, at all times, correctly
26 and accurately indicate the correct charge for the distance trav-
27 eled and waiting time, and such taximeter shall be at all times
28 subject to inspection by the Chief of Police, and said Chief of
29 Police is hereby authorized at his instance or upon complaint of
30 any person to investigate or cause to be investigated such taximeter,
31 and upon the discovery of any inaccuracy in said meter to remove or
32 cause to be removed such vehicle equipped with such taximeter from

1 the streets of the City of Modesto until such time as said taxi-
2 meter shall have been correctly adjusted.

3 Taxicabs not equipped with meters operating in the City
4 of Modesto on the date this ordinance is adopted, shall be equipped
5 with new meters as soon as their delivery can be obtained.

6 (b) Operation of Taximeter. Every such taximeter shall
7 register the charge to nearest ten (10¢) cents and be equipped with
8 a flag or other mechanical device with the words, "For Hire"
9 printed or stamped thereon, and said flag shall be so attached and
10 connected to the mechanism of said taximeter as to cause said
11 mechanism to operate when said flag is in a position other than
12 upright and indicate that the taxicab is not for hire, and which
13 said flag shall, when moved forward or downward, start the opera-
14 tion of said taximeter so that the same will operate in the manner
15 defined in this ordinance.

16 (c) Unlawful Practices. It shall be unlawful for any
17 driver of a taxicab while carrying passengers to display the flag
18 or device attached to such taximeter in such a position as to
19 denote that such vehicle is for hire or is not employed, or to have
20 such flag or other attached device in such a position as to prevent
21 said taximeter from operating, and it will be unlawful for any
22 driver to throw such flag or other device of a taximeter into a
23 position which causes said taximeter to record when such vehicle
24 is not actually employed or to fail to throw said flag or other
25 device on such taximeter into a non-recording position each time a
26 passenger is discharged and a fare collected.

27 (d) Basis of Charges. All charges for transportation of
28 passengers in taxicabs operated in the City of Modesto must be
29 based on the charges indicated on said taximeter, and it shall be
30 unlawful for any owner, driver or operator of any taxicab to charge
31 any passenger any sum in excess of the sum indicated on said taxi-
32 meter.

1 (e) Location of Taximeter. The taximeter shall be so
2 placed in said taxicab that the reading dial showing the amount to
3 be charged shall be well-lighted and readily discernible by the
4 passenger riding in such taxicab.

5 (f) Posting of Fares. There shall be displayed in the
6 passenger compartment of each taxicab in full view of the passenger
7 a card not less than two inches by four inches (2" x 4") in size,
8 which shall have plainly printed thereon the name of the owner or
9 the fictitious name under which said owner operates, the business
10 address and telephone number of said owner, the rated capacity of
11 the taxicab, and a correct schedule of the rates to be charged for
12 conveyance in said vehicle.

13 (g) Rates. No owner or driver of a taxicab shall charge
14 a greater sum for the use of a taxicab than in accordance with the
15 following rates:

16 (1) Mileage Rates:

17 35¢ for the first one-half mile or fraction
18 thereof;
19 10¢ for each additional one-fourth mile or
fraction thereof.

20 (2) Waiting Time:

21 5¢ for each minute of waiting time or frac-
22 tion thereof.

23 (3) Trunks:

24 \$1.00 for each trunk.

25 (4) Hand Baggage:

26 10¢ for each piece of hand baggage in excess
27 of fifty (50#) pounds.

28 (5) Extra Passengers:

29 No charge shall be made for extra passengers.
30 This applies only to those passengers whose
31 point of pick-up and point of destination are
32 the same.

(h) Non-Metered Rates. For all taxicabs not equipped
with meters operating in the City of Modesto for such length of
time as such operation may be legal and while they are not equipped

1 with taximeters, it shall be unlawful for the owner or driver of
2 any taxicab as defined in Section 1 of this ordinance to fix or
3 charge or collect a rate in excess of the rates as set forth in
4 that certain printed document in pamphlet form, three (3) copies of
5 which are on file in the office of the City Clerk in the City of
6 Modesto, each being designated "Modesto Taxi Rates, Effective July
7 5, 1947", and each consisting of nineteen (19) pages, and setting
8 forth and fixing the rates to be charged by taxis or taxicabs
9 licensed by the City of Modesto.

10 SECTION 4. TAXICAB SPECIFICATIONS AND EQUIPMENT.

11 (a) Vehicles Which May Be Licensed as Taxicabs. No
12 vehicle shall be granted a certificate unless it conforms with all
13 the provisions of this ordinance.

14 (b) Inspection of Taximeters. Taximeters placed upon
15 taxicabs, to replace broken or faulty meters, shall, under no con-
16 dition, be operated more than twenty-four (24) hours prior to being
17 inspected, tested, approved, and sealed by the Chief of Police.

18 (c) Number. Each taxicab shall bear a number on the
19 outside of the vehicle at such places and of the type and design
20 prescribed by the Chief of Police.

21 (d) Signs. All taxicabs or other vehicles employed in
22 the City of Modesto for the purpose of transporting passengers for
23 hire, except vehicles operating from a fixed terminal over regular
24 routes, shall be equipped with and carry a sign in the rear and on
25 the front part of said vehicle bearing the word "Taxi", the letters
26 of which may be either Block or Gothic type and not less than three-
27 fourths ($3/4$ ") of an inch in height, together with the telephone
28 number of the concern, company, corporation or association owning
29 said taxicab, which said telephone number shall be in numerals
30 either Block or Gothic type not less than two (2") inches in height,
31 with stems or lines one-fourth ($1/4$ ") of an inch in height; in the
32 event such taxicab is an extra or spare cab not in regular use and

1 being substituted for one of the taxicabs regularly licensed here-
2 under, such taxicab must be identified in addition to the foregoing
3 signs by a card, placard or sign affixed to the rear and to the
4 front of said taxicab in like letters of either Block or Gothic
5 type at least five (5") inches high containing the word "Extra"
6 or "Spare".

7 SECTION 5. MAINTENANCE.

8 (a) Inspection of Taxicabs. Before a certificate is
9 issued to any owner, the taxicab for which such certificate is
10 requested shall be delivered to a place designated by the Council
11 for inspection, and the Council shall designate agents to inspect
12 such taxicab, its equipment and taximeter to ascertain whether
13 such taxicab complies with the provisions of this ordinance.

14 (b) Right of Entry. The Chief of Police of the City of
15 Modesto, or any member of the Police Department under his direction,
16 shall have the right, at any time after displaying proper identifi-
17 cation, to enter into or upon any certificated taxicab for the pur-
18 pose of ascertaining whether or not any of the provisions of this
19 ordinance are being violated.

20 (c) Unsafe Taxicabs. Any taxicab which is found, after
21 any such inspection, to be unsafe or in any way unsuitable for
22 taxicab service shall be immediately ordered out of service, and
23 before again being placed in service shall be placed in a safe con-
24 dition.

25 (d) Cleaning. The interior of every taxicab shall be
26 thoroughly cleaned at least once in every twenty-four (24) hours.

27 SECTION 6. OPERATING REGULATIONS.

28 (a) Direct Route To Be Used. Any driver employed to
29 transport passengers to a definite point shall take the most direct
30 route possible that will carry the passenger to his destination
31 safely and expeditiously.

32 (b) Receipt. Every driver shall, if requested, give a

1 correct receipt upon payment of the correct fare.

2 (c) Disputes. All disputes as to fare shall be deter-
3 mined by the officer in charge of the Police Station. Failure to
4 comply with such determination shall subject the offending party
5 to a charge of misdemeanor.

6 (d) Refusal to Pay Fare Unlawful. It shall be unlawful
7 for any person to refuse to pay the lawful fare as fixed herein of
8 any of the vehicles regulated by this ordinance after employing or
9 hiring the same, and any person so doing shall be guilty of a mis-
10 demeanor.

11 (e) Crusing Prohibited. Unoccupied taxicabs shall not
12 be operated over public streets in search of, or soliciting,
13 prospective passengers for hire.

14 (f) Capacity. No driver of any taxicab shall accept,
15 take into his vehicle or transport any larger number of passengers
16 than the rated seated capacity of his vehicle.

17 (g) Control of Taxicab. Whenever any taxicab is occupied
18 by a passenger, the driver shall not permit any other person to
19 occupy, or ride, in said taxicab, except with the consent of the
20 original passenger.

21 (h) Unpaid Fares Prohibited. No driver of any taxicab
22 shall accept, take into his vehicle, or transport any person as an
23 unpaid fare.

24 (i) Taxicab To Be Attended. It shall be unlawful for any
25 taxicab to remain standing in any established taxicab stand, unless
26 said cab is attended by a driver or operator, except when assisting
27 passengers to load or unload, or when answering his telephone.

28 SECTION 7. TAXICAB DRIVER'S LICENSES.

29 (a) Driver's Permit Required. It shall be unlawful for
30 any person to drive or operate any of the vehicles mentioned in
31 Section 1 of this ordinance without first obtaining a permit in
32 writing so to do from the Chief of Police.

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

4 (b) Application Blank. Applicants for such permits shall
5 file applications therefor with the Chief of Police upon blanks to
6 be furnished by the City.

7 (c) Information Required. Said permit shall be in the
8 form of a card which shall bear signatures, photograph and finger-
9 prints of the applicant. Such cards shall be issued in duplicate
10 and one copy with the fingerprints, photograph and signature of
11 the applicant shall be placed on file with the Police Department of
12 the City of Modesto, and the other card shall be conspicuously
13 displayed in the cab of the permittee during all times such cab is
14 operated.

15 (d) Filing of Permit. Said permit shall be filed with
16 the Chief of Police as part of the application for license.

17 (e) Eligibility for Permit. No permit shall be issued
18 to any of the following persons:

19 (1) Any person under the age of twenty-one (21) years.

20 (2) Any person not a citizen of the United States or
21 who has not lawfully declared his intention to become such.

22 (3) Any person who has been convicted of a felony or
23 a crime involving moral turpitude.

24 (4) Any person who has been convicted of driving a
25 vehicle recklessly or while under the influence of intoxicating
26 liquors or narcotics.

27 (5) Any person not possessing a valid chauffeur's
28 license, issued by the State of California.

29 (f) Residence Required. No applicant may obtain a permit
30 to drive or operate any of the vehicles mentioned in this ordinance
31 unless and until he shall have been a continuous resident of the
32 City of Modesto for at least thirty (30) days immediately preceding

1 the date of said application, provided, however, that a temporary
2 permit only may be granted for a period not to exceed sixty (60)
3 days after which time said license may be made permanent if, after
4 investigation, said applicant is found to be a fit and proper
5 person.

6 (g) Knowledge of Regulations. Each applicant for a
7 permit shall be examined by a person designated by the Chief of
8 Police as to his knowledge of the provisions of this ordinance,
9 the traffic regulations, and the geography of the City, and if
10 the result of the examination be unsatisfactory, he shall be re-
11 fused a permit.

12 (h) Revocation and/or Renewal of Operator's Permits.
13 The Chief of Police may revoke or refuse to renew an operator's
14 license if the driver or applicant has since the granting of this
15 permit:

16 (1) Been convicted of a felony or a crime involving
17 moral turpitude; pandering; using, possession, selling or trans-
18 porting narcotics; or imparting information for obtaining narcotics.

19 (2) Been convicted of driving recklessly or while
20 under the influence of liquors or narcotics.

21 (3) Had his State driver's or chauffeur's license
22 revoked or suspended.

23 (4) Had two (2) or more convictions of any of the
24 offenses set forth in Sections 510 and/or 511 of the Vehicle Code
25 of the State of California and amendments thereto, or any combina-
26 tion of either or any of said offenses, occurring during any con-
27 tinuous period not exceeding twelve (12) months.

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

31 (6) Violated any of the provisions of this ordinance.

32 SECTION 8. TAXICAB STANDS.

1 (a) Designation of Stands. The Council may by resolution
2 locate and designate taxicab stands, which stands when so estab-
3 lished shall be aporopriately designated "Taxis Only"; such stands
4 and the permits heretofore issued and hereafter issued to any per-
5 son, individual, company or association are non-transferable.

6 The number of stands to which each person operating taxi-
7 cabs shall be entitled shall be in the discretion of the Council.

8 The fee to be paid to the City of Modesto for each taxi-
9 cab stand shall be as follows: There shall be no charge for the
10 first stand; for each additional stand there shall be paid to the
11 City of Modesto a fee of Fifteen and no/100 (\$15.00) Dollars per
12 month, payable in advance at the beginning of each month.

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

17 (b) Parking of Taxicabs. It shall be unlawful for the
18 owner, driver or operator of any taxicab to allow said taxicab to
19 remain parked anywhere in the central business district while wait-
20 ing employment, except in a regularly established taxicab stand;
21 provided, however, that:

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

24 (2) Taxicabs may park in any off-street parking fac-
25 ility except while waiting employment.

26 (3) Between the hours of 10 o'clock P. M. and 8
27 o'clock A. M. of the following day, taxicabs may stop, stand or
28 park in any place where the parking of vehicles is otherwise per-
29 mitted.

30 Whenever a taxicab which is not awaiting employment is
31 parked along the City streets, or on an off-street parking lot, it
32 shall display a sign with letters at least three (3") inches in

1 height, indicating that the taxicab is "Not For Hire".

2 (c) Use of Taxicab Stands at Passenger Depots. The
3 driver or operator of any certificated taxicab may use any vacant
4 taxicab stand located in front of a passenger depot for the pur-
5 pose of loading or unloading passengers.

6 SECTION 9. PUBLIC LIABILITY INSURANCE.

7 (a) Insurance Required. It shall be unlawful to operate
8 any vehicle, as defined in Section 1 of this ordinance, unless
9 there shall be filed and deposited with the City Clerk of the
10 City of Modesto, a policy of insurance executed and delivered by a
11 company authorized to carry on an insurance business in the State
12 of California the financial responsibility of which company shall
13 theretofore have been approved by the City Clerk, by the terms of
14 which said insurance company assumes responsibility for injuries
15 to persons caused by the operation of said vehicle in the follow-
16 ing amounts, to-wit:

17 \$25,000.00 for death or injuries to any one person in
18 any one accident;

19 \$50,000.00 for death or injuries to two or more persons
20 in any one accident;

21 \$10,000.00 for damage to property of others resulting
22 from any one accident.

23 Certificates of insurance will be accepted for a period
24 not to exceed one hundred eighty (180) days during which time the
25 owner shall file the original policy of insurance as hereinbefore
26 provided.

27 (b) Cancellation of Policy. The policy of insurance
28 shall contain a provision against cancellation except upon ten (10)
29 days prior written notice thereof to the Council.

30 SECTION 10. SEVERABILITY. If any section, subsection,
31 subdivision, sentence, clause or phrase of this ordinance is for
32 any reason held to be unconstitutional, such decision shall not

1 affect the validity of the remaining portions of this ordinance.
2 The Council hereby declares that it would have passed this ordinance
3 and each section, subsection, subdivision, sentence, clause, and
4 phrase thereof, irrespective of the fact that any one or more
5 sections, subsections, subdivisions, sentences, clauses, or phrases
6 be declared unconstitutional.

7 SECTION 11. VIOLATIONS AND PENALTIES. Any person, firm
8 or corporation violating any of the provisions of this ordinance
9 shall be deemed guilty of a misdemeanor, and upon conviction there-
10 of, shall be punished by forfeiture of his permit, and by a fine
11 not exceeding Five Hundred (φ500.00) Dollars or by such forfeiture
12 and imprisonment in the County Jail for not more than six (6)
13 months, or by both such forfeiture, fine and imprisonment. For
14 the purpose of this ordinance, it shall be considered that each
15 day during which any provision of this ordinance is violated shall
16 constitute a separate and distinct offense.

17 SECTION 12. ORDINANCES REPEALED. Ordinance Nos.
18 719-N.S., 753-N.S., 824-N.S. and 854-N.S. are hereby expressly
19 repealed.
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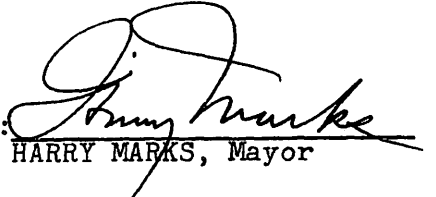
SECTION 13. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

SECTION 14. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of December, 1952, by Councilman Merrill, who moved its introduction and passage to print, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor
NOES: Councilmen: Marks
None
ABSENT: Councilmen: Annan

APPROVED:


HARRY MARKS, Mayor

ATTEST:

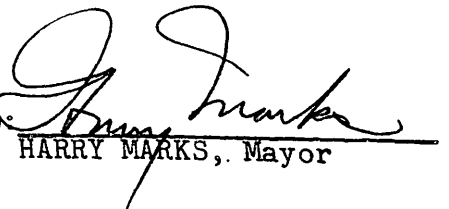

REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of December, 1952, Councilman M. Adams moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: R. Adams

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

1 AN ORDINANCE AMENDING ORDINANCE NO. 891-N.S.
2 OF THE CITY OF MODESTO, ENTITLED, "AN ORDI-
3 NANCE PRESCRIBING RULES AND REGULATIONS FOR
4 THE USE AND CONDUCT OF MODESTO MUNICIPAL AIR-
5 PORT, DECLARING VIOLATIONS OF SAID RULES AND
6 REGULATIONS TO BE A MISDEMEANOR AND PROVIDING
7 PUNISHMENT THEREFOR, AND FIXING LANDING, RENTAL
8 AND OTHER FEES TO BE PAID FOR USING SAID AIR-
9 PORT AND PROVIDING FOR THE COLLECTION OF SAID
10 FEES AND REPEALING ORDINANCES NO. 321-N.S., 328-N.S.,
11 519-N.S., 795-N.S., and 800-N.S. OF THE CITY OF
12 MODESTO", AS AMENDED, BY AMENDING ITEM 6 OF
13 SECTION 2 THEREOF, AND REPEALING ORDINANCE NO.
14 998-N.S.

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

16 SECTION 1. Item 6 of Section 2 of Ordinance No. 891-N.S.
17 of the City of Modesto entitled, "An Ordinance Prescribing Rules
18 and Regulations for the Use and Conduct of Modesto Municipal Air-
19 port, Declaring Violations of said Rules and Regulations to be a
20 Misdemeanor and Providing Punishment Therefor, and Fixing Landing,
21 Rental and Other Fees to Be Paid for Using Said Airport and Pro-
22 viding for the Collection of Said Fees and Repealing Ordinances
23 No. 321-N.S., 328-N.S., 519-N.S., 795-N.S., and 800-N.S. of the
24 City of Modesto", as amended, is hereby amended to read as
25 follows:

26 Item 6: Hangars and/or leantos: \$6.00 per month, per space.

27 SECTION 2. Ordinance No. 998-N.S. of the City of
28 Modesto is hereby repealed.

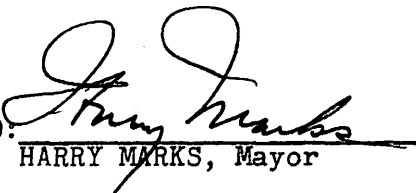
29 SECTION 3. The effective date of this ordinance shall
30 be January 1, 1953.
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The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 1952, by Councilman Mellis, who moved its introduction and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: R. Adams

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

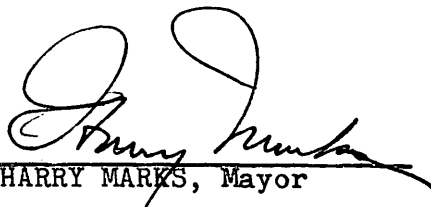
FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the ^{adjourned}/~~regular~~ meeting of the Council of the City of Modesto held on the 23 day of December, 1952, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Annan and Mellis

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

CODE SEC.
NO. 8-2.301
8-2.3041

ORDINANCE NO. 1055 -N.S.

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AN ORDINANCE OF THE CITY OF MODESTO AUTHORIZING THE TRANSFER TO AND THE ASSUMPTION AND DISCHARGE BY OFFICERS OF THE COUNTY OF STANISLAUS OF CERTAIN FUNCTIONS OF THE CITY RELATING TO THE ASSESSMENT OF PROPERTY FOR PURPOSES OF AD VALOREM TAXATION, AND EQUALIZATION OF SUCH ASSESSMENTS, THE COLLECTION OF TAXES LEVIED FOR MUNICIPAL PURPOSES, THE SALE OF PROPERTY FOR NON-PAYMENT OF TAXES LEVIED FOR MUNICIPAL PURPOSES, AND THE REDEMPTION OF PROPERTY FROM SALES FOR EITHER OF SAID PURPOSES, AND REPEALING ORDINANCE NO. 396-N.S. OF SAID CITY, AND ORDINANCES ALIENATORY THEREOF, INsofar AS IN CONFLICT HEREWITH.

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

SECTION 1. TRANSFER OF DUTIES. The duties of the City Council, Assessor, Tax Collector, Auditor, Director of Finance and City Clerk of the City of Modesto with respect to the assessment of property in said City for the purpose of ad valorem taxation thereof, to the equalization and correction of such assessments, to the collection, payment and enforcement of such taxes hereafter becoming a lien, to the sale of property for non-payment of such taxes levied for municipal purposes, and to the redemption of such property from sale or other penalties for non-payment of the municipal taxes of said City, shall be performed by the officers of the County of Stanislaus charged respectively with the performance of duties of the same character as the officers of said City whose duties are to be performed by such County officers. All duties now being performed by the above mentioned City officers which are not specifically transferred by the provisions of this ordinance shall continue to be performed in accordance with the applicable laws of the City.

SECTION 2. PRIOR TAXES. All taxes of said City that shall have been levied prior to the effective date of this ordinance, including delinquent taxes, shall be collected, the payment thereof enforced in the same manner and upon the same penalties, and property sold for the non-payment thereof and redeemed from such sale in the same manner and under the same conditions as provided by the laws in force in said City at the time of the

1 taking effect of this ordinance; and the officers of said City as
2 now provided under the Charter and any ordinance thereof, shall
3 collect and enforce the payment of such taxes, including delin-
4 quent taxes, and do any and all things that may be necessary in
5 the sale of property for the non-payment of such taxes and in the
6 redemption thereof from such sale.

7 SECTION 3. COMPENSATION. The amount of compensation
8 to be charged by and paid to the County of Stanislaus for the
9 performance of services herein contemplated shall be fixed by
10 agreement between the Board of Supervisors of Stanislaus County
11 and the Council of the City of Modesto.

12 SECTION 4. REPEALS. Ordinance No. 396-N.S. of the
13 City of Modesto, entitled, "An Ordinance Providing for Property
14 Taxes in and for the City of Modesto and Providing a System for
15 the Assessment, Levy and Collection Thereof, and Further Providing
16 for the Collection of Public Improvement Assessments and Other
17 Purposes in Said City", and all ordinances amendatory thereof, are
18 hereby repealed only to the extent that the same are in conflict
19 with this ordinance, the express intention being that all of the
20 provisions of said ordinances shall remain in effect insofar as
21 the same relate or apply to the collection of assessments for
22 municipal improvements heretofore or hereafter levied and the
23 collection of taxes heretofore levied or installments thereof
24 heretofore becoming due, and of all proceedings subsequent to any
25 levy heretofore made and the officers of said City charged with
26 any duty pertaining thereto by said Ordinance No. 396-N.S., as
27 amended, shall be obligated to act and perform with respect to
28 any such matters as in said ordinances provided.

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SECTION 5. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

SECTION 6. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of December, 1952, by Councilman Mellis, who moved its introduction and passage to print, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the ~~regular~~^{adjourned} meeting of the Council of the City of Modesto held on the 23 day of December, 1952, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Annan and Mellis

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

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ORDINANCE NO. 1056 -N.S.

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY FOR USE AS A CITY PARK.

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

SECTION 1. The purchase of the following described real property from Lem Crook and Nora Crook for the sum of Fifteen Thousand and no/100 (\$15,000.00) Dollars for use as a city park is hereby approved:

The following described land situated in the County of Stanislaus, State of California, to-wit:

Lot 18 of WEIL COLONY, excepting therefrom the East thirty feet thereof, according to the Map thereof filed in the office of the County Recorder of Stanislaus County, State of California, on March 17, 1908 in Vol. 3 of Maps, Page 37.

SECTION 2. The City Manager is hereby authorized and directed to sign the Escrow Agreement on behalf of the City for the purchase of the hereinabove described property.

SECTION 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety, and shall take effect immediately.

The following is a statement of the facts showing its urgency:

The property described above is being acquired by the City of Modesto for the purpose of establishing a park. Unless the transaction is completed without delay, the City of Modesto may be deprived of the opportunity to purchase the aforesaid property for the sum indicated.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of December, 1952 by Councilman Annan, who moved its adoption and passage to print. The motion being duly seconded by Councilman Mellis, it was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

- AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: None

ATTEST: [Signature]
WEX E. GAILLUS, City Clerk

APPROVED: [Signature]
HARRY MARKS, Mayor

AN ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY BY THE CITY OF MODESTO FROM THE MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA.

WHEREAS, the hereinafter described real property, known as the former John Muir School site situate, lying and being in the City of Modesto, Modesto Irrigation District, County of Stanislaus, California, consisting of approximately 4½ acres, is the property of the Modesto City School District of Stanislaus County, California, and

WHEREAS, the Board of Education of said school district has indicated that said real property is no longer needed for educational purposes, and

WHEREAS, said Board of Education, by resolution duly adopted, has offered to sell said property to the City of Modesto for the net sum of Eighteen Thousand (\$18,000.00) Dollars, cash, in lawful money of the United States of America, and

WHEREAS, the City desires to purchase said property for use as a park and recreational area,

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

SECTION 1. The purchase of the following described real property from the Modesto City School District of Stanislaus County, California, for the sum of Eighteen Thousand (\$18,000.00) Dollars, plus escrow charges and incidental expenses, is hereby approved.

Said real property is described as follows:

The following described land situate in the City of Modesto, Modesto Irrigation District, County of Stanislaus, State of California, to-wit:

Lots 1 to 48 in Block 603 of the City of Modesto, as per map filed on March 18, 1920, in Vol. 10 of Maps, Stanislaus County Records, also that portion of Castle Street adjacent to Lots 1 to 12 on the West and Lots 13 to 24 on the East; that portion of Auburn Street adjacent to Lots 25 to 36 on the West and Lots 37 to 48 on the East and that portion of the Alley adjacent to Lots 13 to 24 on the West and Lots 25 to 36 on the East, as said

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1 Streets and alley are shown on the map herein-
2 above referred to, heretofore abandoned by
3 order of the City Council of the City of Modesto
4 by Resolution No. 389-S.P., dated August 8,
5 1923, a certified copy of which was recorded
6 on February 16, 1929, in Vol. 318 of Official
7 Records, page 343, as Instrument No. 2214.
8 (The above described property is also shown
9 on the Official Maps of the City of Modesto
10 filed on March 3, 1930, in Vol. 12 of Maps,
11 and on July 15, 1938 in Vol. 13 of Maps and
12 on December 21, 1942, in Vol. 15 of Maps of
13 Stanislaus County Records as all of Block 603
14 including the above streets and alley abandoned).

15 SECTION 2. The City Attorney is hereby authorized and
16 directed to sign an escrow agreement on behalf of the City for the
17 purchase of the hereinabove property.
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SECTION 3. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

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

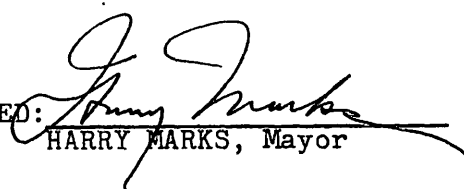
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of January, 1953, by Councilman R. Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Merrill, and

Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Mellis

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 21st day of January, 1953, Councilman Mellis moved its final adoption, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

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AN ORDINANCE REGULATING THE ISSUANCE OF PERMITS FOR THE CONSTRUCTION OF SPUR TRACKS FOR THE PURPOSE OF CONNECTING INDUSTRIES WITH ANY LINE OF RAILROAD.

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

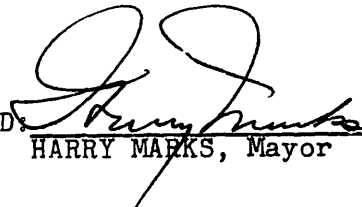
SECTION 1. SPUR TRACK PERMITS. The Council may issue permits from time to time for the construction of spur, lead or side tracks over, across or along streets, and the operation of engines and cars thereof, for the purpose of connecting industries requiring spur track service with any line of railroad, upon such terms and conditions, and subject to such regulations as may be set forth in such permits. All such permits may be granted by resolution and shall be revocable at the pleasure of the Council.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 1953, by Councilman M. Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Annan

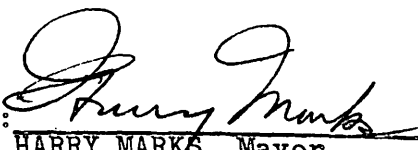
APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of January, 1953, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Annan and Mellis

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

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AN ORDINANCE AMENDING ORDINANCE NO. 1053-N.S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE REGULATING THE USE AND OPERATION OF TAXICABS UPON THE PUBLIC STREETS OF THE CITY OF MODESTO: PROVIDING FOR DRIVER'S PERMITS, AND AUTHORIZING THE COUNCIL TO HOLD PUBLIC HEARINGS AND TO GRANT OR DENY APPLICATIONS FOR OWNER'S CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICABS: REGULATING THE RATES OF FARES TO BE CHARGED FOR USE OF TAXICABS: PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH", BY AMENDING SUBSECTION (b) OF SECTION 3 THEREOF.

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

SECTION 1. Subsection (b) of Section 3 of Ordinance No. 1053-N.S. of the City of Modesto, entitled, "AN ORDINANCE REGULATING THE USE AND OPERATION OF TAXICABS UPON THE PUBLIC STREETS OF THE CITY OF MODESTO: PROVIDING FOR DRIVER'S PERMITS, AND AUTHORIZING THE COUNCIL TO HOLD PUBLIC HEARINGS AND TO GRANT OR DENY APPLICATIONS FOR OWNER'S CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY TO OPERATE TAXICABS: REGULATING THE RATES OF FARES TO BE CHARGED FOR USE OF TAXICABS: PROVIDING A PENALTY FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE: REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH", is hereby amended to read as follows:

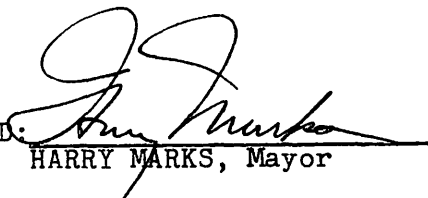
Section 3. Rates of Fare. (b) Operation of Taximeter. Every such taximeter shall register the charge to nearest ten (10¢) cents and be equipped with a flag or other mechanical device, and said flag shall be so attached and connected to the mechanism of said taximeter as to cause said mechanism to operate when said flag is in a position other than upright, and which said flag shall, when moved forward or downward, start the operation of said taximeter so that the same will operate in the manner defined in this ordinance.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14th day of January, 1953, by Councilman Merrill, who moved its introduction and passage to print, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Annan

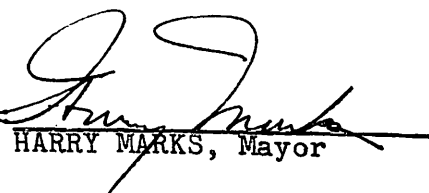
APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28 day of January, 1953, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Annan and Mellis

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

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SPECIAL
NOT IN CODE

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH R. H. MOULTON & COMPANY TO PROVIDE FINANCIAL ASSISTANCE IN CONNECTION WITH THE ISSUANCE OF GENERAL OBLIGATION BONDS TO FINANCE THE ENLARGEMENT, EXTENSION AND IMPROVEMENT OF THE SEWAGE DISPOSAL SYSTEM OF THE CITY OF MODESTO.

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

SECTION 1. That the City of Modesto enter into an agreement with R. H. MOULTON & COMPANY whereby the said firm agrees to serve as financial consultants to the City of Modesto in connection with the issuance of General Obligation Bonds to finance the enlargement, extension and improvement of the sewage disposal system of the City of Modesto in accordance with the terms and conditions of that certain agreement, a copy of which is attached hereto, and marked Exhibit "A".

SECTION 2. That the City Manager and City Clerk are hereby authorized and directed to execute the aforesaid agreement for and on behalf of said City of Modesto as its corporate act and deed, and under its corporate name and seal.

SECTION 3. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety. Unless the foregoing ordinance is adopted without delay, it will not be possible to submit a proposition to the electorate at the general election to be held on April 14, 1953 for the issuance of bonds to enlarge, extend and improve the sewage disposal facilities. Unless said bond issue is submitted at said election the public health will be jeopardized. As an emergency ordinance, this ordinance shall take effect and be in full force and operation as of the date hereof as provided in Section 722 of the Charter of the City of Modesto.

SECTION 4. This Ordinance shall be published in full

AGREEMENT

This Agreement, made and entered into in the City of Modesto, County of Stanislaus, State of California, this _____ day of February, 1953, by and between the CITY OF MODESTO, a municipal corporation of the State of California, first party, hereinafter called CITY, and the firm of R. H. MCULTON & COMPANY, financial consultants, San Francisco, California, hereinafter called FINANCIAL COUNSEL, second party,

W I T N E S S E T H:

WHEREAS, the Council of the City of Modesto is planning to hold a sewer bond election on April 14, 1953, and

WHEREAS, the City of Modesto desires to employ financial consultants to assist it by providing financial assistance in connection with the issuance of general obligation bonds to finance the enlargement, extension and improvement of the sewage disposal system of the City of Modesto, and

WHEREAS, the Council of the City of Modesto, on the 28th day of January, 1953, adopted Ordinance No. 1060-N.S., authorizing the City to enter into an agreement with financial counsel,

NOW, THEREFORE, it is mutually understood and agreed by and between the parties hereto as follows:

1. Financial Counsel hereby agree to act as financial consultants to the City in connection with the marketing aspects of general obligation bonds proposed to be issued to finance improvements to the sewage disposal system of the City of Modesto in order that the lowest possible rate or rates of interest may be obtained.

2. Financial Counsel agree to prepare proposed schedules of bond maturities designed to provide maximum flexibility and serial retirements which will best suit the needs of City.

Financial Counsel agree to make these schedules sufficiently comprehensive so as to enable City to sell a portion or all of the bonds as soon after the election as is possible, providing the bonds are approved at the bond election, or to sell at different times as the money is necessary. Said schedules if so requested by the City shall provide for redemption of bonds prior to maturity.

3. Financial Counsel agree to work with the City Attorney, the City's consulting engineers and Bond Counsel in order to coordinate legal, financial and engineering phases of the improvement project.

4. Financial Counsel agree to compile and arrange to print an attractive and comprehensive prospectus which will contain City's financial statement and a history of City's operations of the present sewage disposal system. Said prospectus shall reflect amounts accruing to the City from the present and contemplated sewer charges and demonstrate their relation to debt service on the proposed bond issue as well as the presently outstanding general obligation bonds of City.

5. Financial Counsel agree to arrange for wide distribution of said prospectus to interested business institutions throughout the United States well in advance of the date of the sale of any bonds. Financial Counsel agree to lend their best efforts to the distribution of all essential information in order that any prospective bidder or purchaser will have all the pertinent data pertinent to bidding for or buying the bonds.

6. It is understood between the parties hereto that City intends to employ Messrs. Orrick, Dahlquist, Neff & Herrington, Attorneys at Law, as Bond Counsel.

7. City agrees to make available to Financial Counsel such records of the operations of the City as Financial Counsel

may desire. City further agrees to furnish Financial Counsel with copies of all ordinances heretofore or hereafter adopted by the City relating to sewer charges.

8. It is agreed that Financial Counsel shall have the same right to bid for bonds as any other bidder at public sale notwithstanding their employment by City under this agreement.

9. In consideration of the services to be performed by Financial Counsel as herein set forth, City agrees to pay Financial Counsel a fee of ONE THOUSAND FIVE HUNDRED and no/100ths (\$1,500.00) DOLLARS together with actual costs of printing and distribution of the prospectus, which latter sum shall not exceed the maximum amount of EIGHT HUNDRED and no/100ths (\$800.00) DOLLARS for five hundred (500) copies. Such compensation shall be paid in two installments as follows, to-wit: The first in the amount of FIVE HUNDRED and no/100ths (\$500.00) DOLLARS shall be due and payable upon the completion of the preparation of the prospectus; the balance shall be payable when the City has received payment from the sale of the initial portion of the bonds. It is understood and agreed that in the event that the incurring of the bonded indebtedness is not approved by the electorate, no compensation other than the aforementioned sum of FIVE HUNDRED and no/100ths (\$500.00) DOLLARS shall be due or payable to Financial Counsel for services rendered under this agreement.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, first party, has caused this agreement to be executed in duplicate by its City Manager and attested by its City Clerk, under authority of an ordinance of the City Council so authorizing, and second party has caused this agreement to be executed in duplicate the day and year first above written.

APPROVED AS TO FORM:

By Allen Criles
ALLEN CRILES, City Attorney

CITY OF MODESTO, a municipal corporation, first party

By Ross Miller
ROSS MILLER, City Manager

ATTEST:

By W. Callens
W. CALLENS, City Clerk

R. H. MOULTON & COMPANY,
second party

By

AN ORDINANCE AUTHORIZING THE EXECUTION OF AN AGREEMENT WITH ORRICK, DAHLQUIST, NEFF AND HERRINGTON FOR LEGAL ASSISTANCE IN PREPARING GENERAL OBLIGATION BOND ELECTION PROCEEDINGS AND CERTIFYING TO THE VALIDITY OF ANY BONDS AUTHORIZED AT SUCH ELECTION.

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

SECTION 1. That the City of Modesto enter into an agreement with the firm of ORRICK, DAHLQUIST, NEFF AND HERRINGTON, Attorneys at Law, San Francisco, California, whereby the said firm agrees to prepare the legal proceedings necessary for the calling and holding of a bond election to be held on April 14, 1953, and to issue an approving opinion covering the validity of any bonds authorized at said election in accordance with the terms and conditions of that certain agreement, a copy of which is attached hereto, and marked Exhibit "A".

SECTION 2. That the City Manager and City Clerk are hereby authorized and directed to execute the aforesaid agreement for and on behalf of said City of Modesto as its corporate act and deed, and under its corporate name and seal.

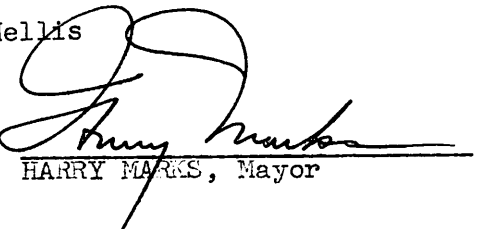
SECTION 3. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety. Unless the foregoing ordinance is adopted without delay, it will not be possible to submit a proposition to the electorate at the general election to be held on April 14, 1953 for the issuance of bonds to enlarge, extend and improve the sewage disposal facilities. Unless said bond issue is submitted at said election the public health will be jeopardized. As an emergency ordinance, this ordinance shall take effect and be in full force and operation as of the date hereof as provided in Section 722 of the Charter of the City of Modesto.

SECTION 4. This Ordinance shall be published in full

1 in the Modesto Journal and Valley Citizen, the official newspaper
2 of the City of Modesto.

3 The foregoing ordinance was introduced at a regular
4 meeting of the Council of the City of Modesto held on the 28
5 day of January, 1953, by Councilman M. Adams,
6 who moved its adoption and passage to print, which motion being
7 duly seconded by Councilman R. Adams, was
8 upon roll call carried and the ordinance ordered printed and pub-
9 lished as above by the following vote:

- 10 AYES: Councilmen: M. Adams, R. Adams, Arata, Merrill and
Mayor Marks
11 NOES: Councilmen: None
12 ABSENT: Councilmen: Annan and Mellis

13
14 APPROVED: 
HARRY MARKS, Mayor

15
16 ATTEST: 
REX E. GAILPUS, City Clerk

AGREEMENT

This Agreement, made and entered into in the City of Modesto, County of Stanislaus, State of California, this _____ day of February, 1953, by and between the CITY OF MODESTO, a municipal corporation of the State of California, first party, hereinafter called CITY, and the firm of ORRICK, DAHLQUIST, NEFF AND HERRINGTON, Attorneys at Law, San Francisco, California, hereinafter called BOND COUNSEL, second party,

W I T N E S S E T H:

WHEREAS, the Council of the City of Modesto is planning to hold a sewer bond election on April 14, 1953, and

WHEREAS, the City of Modesto desires to employ Bond Counsel to prepare the bond proceedings and to render an opinion certifying to the validity of the bonds, and

WHEREAS, the Council of the City of Modesto, on the 28th day of January, 1953, adopted Ordinance No. 1061-N.S., authorizing the City to enter into an agreement with Bond Counsel,

NOW, THEREFORE, it is mutually understood and agreed by and between the parties hereto as follows:

1. Bond Counsel hereby agree to prepare all legal proceedings necessary for the calling and holding of a bond election on April 14, 1953, to be consolidated with the General Municipal Election to be held on that date or on any other date determined by the Council, for the purpose of submitting to the qualified electors of the City of Modesto a proposition for the incurring of general obligation bonded indebtedness of the approximate amount of Two Million Dollars for the enlargement, extension and improvement of the sewage disposal system of the City of Modesto.

2. Bond Counsel further agree to prepare the legal proceedings necessary for the issuance and sale of the bonds and to issue a preliminary approving opinion and a final approving opinion covering the validity of the bonds and certifying that the bonds are

a binding obligation of the City of Modesto.

3. In consideration of the services to be performed by Bond Counsel as herein set forth, City agrees to pay Bond Counsel a fee of Two and no/100ths (\$2.00) Dollars per each One Thousand and no/100ths (\$1,000.00) Dollars principal amount of bonds actually sold; provided, however, that the total fee will in no event exceed the sum of Four Thousand and no/100ths (\$4,000.00) Dollars, nor be less than the sum of One Thousand and no/100ths (\$1,000.00) Dollars even though the bonds are not approved by the electors.

4. The payment of the amounts provided for in Section 3 shall be made as follows: If the bonds are authorized at said election, payment shall be made within thirty (30) days after the rendition of a final approving opinion on the bonds actually sold. If the bonds are not authorized at the election, the fee is to be paid within thirty (30) days after the election.

5. It is understood and agreed that the services to be rendered by Bond Counsel do not include services required in connection with litigation involving the bond election, taxpayer suits or election contests, or any other unusual or unexpected services.

IN WITNESS WHEREOF, the City of Modesto, a municipal corporation, first party, has caused this agreement to be executed in duplicate by its City Manager and attested by its City Clerk, under authority of an ordinance of the City Council so authorizing, and second party has caused this agreement to be executed in duplicate the day and year first above written.

APPROVED AS TO FORM:

By Allen Grimes, City Attorney

ATTEST:

By Rex E. Gailfus, City Clerk

CITY OF MODESTO, a municipal corporation, first party

By Rose Hilmer, City Manager

ORRICK, DAHLQUIST, WELF & HERRINGTON, second party

By _____

AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THE CITY OF MODESTO: PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTIONS OF FEES THEREFOR: DECLARING AND ESTABLISHING FIRE DISTRICTS: PROVIDING PENALTIES FOR THE VIOLATION THEREOF: AND REPEALING ORDINANCE NO. 827-N.S. AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

CODE SEC
NO. 9-101-4
9-1.15

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The Council of the City of Modesto does ordain as

follows:

SECTION 1. That certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Modesto, being marked and designated as "Uniform Building Code, 1952 Edition, published by the Pacific Coast Building Officials Conference", which said code provides for proper regulations for erecting, constructing, enlarging, altering, repairing, removing, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings or structures in the City of Modesto and providing for the issuance of permits and collections of fees therefor, declaring and establishing fire districts, providing penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Building Code of the City of Modesto.

SECTION 2. Ordinance No. 827-N.S. of the City of Modesto and all other ordinances and parts of ordinances in conflict therewith are hereby repealed.

SECTION 3. That the name, "Modesto" and/or "California" be inserted in the appropriate places provided therefor in each and every section of said Code wherein the City or the State is left blank.

SECTION 4. That Section 205 of said Code be amended to read as follows:

Section 205. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge,

1 alter, repair, move, improve, remove, convert or
2 demolish, equip, use, occupy or maintain any
3 building or structure in the city, or cause the
4 same to be done, contrary to or in violation of
5 any of the provisions of this Code.

6 Any person, firm or corporation violating any of
7 the provisions of this Code shall be deemed
8 guilty of a separate offense for each and every
9 day or portion thereof during which any violation,
10 of any of the provisions of this Code is committed,
11 continued or permitted, and upon the conviction of
12 any such violation, such person shall be punish-
13 able by a fine of not more than Five Hundred
14 (\$500.00) Dollars or by imprisonment in the County
15 Jail of the County of Stanislaus for not more than
16 six (6) months, or by both such fine and imprison-
17 ment.

18 SECTION 5. That the term "Alley" as defined in Section
19 402 of said Code be amended to read as follows:

20 Section 402. Alley. Alley is any public space,
21 public park or thoroughfare less than twenty-six
22 (26') feet but not less than ten (10) feet in width
23 which has been dedicated or decided for the public
24 for public use.

25 SECTION 6. That a new Section 505 (d) be added to said
26 Code which Section 505 (d) shall read as follows:

27 Section 505 (d). The area specified in Section
28 505 (a) may be increased one hundred (100%) per
29 cent in area for one-story buildings of Group G
30 occupancies, providing the construction of the
31 floor is Type I.

32 SECTION 7. That Section 602 (a) of said Code be
amended to read as follows:

Section 602 (a). Buildings housing Group A occu-
pancies shall front directly upon at least one
public street not less than twenty-six (26')
feet in width in which front shall be located
the main entrance and exit of such building.
The main assembly floor shall be located at or
near the adjacent ground level.

Exterior walls or parts of walls, except on
street fronts, which are less than five (5')
feet from adjacent property lines shall have
no openings therein. Openings in exterior
walls, except on street fronts, which are less
than ten (10') feet from adjacent property
lines, shall be protected by Class "E" or "F"
fire doors or windows.

SECTION 8. That Section 703 of said Code be amended
to read as follows:

1 Section 703. All buildings housing Group B
2 occupancies shall front directly upon at least
3 one public street, not less than twenty-six
4 (26') feet in width, in which front shall be
5 located the main entrance of such building.

6 Exterior walls or parts of walls except on
7 street fronts which are less than five (5')
8 feet from adjacent property lines, shall have
9 no openings therein, shall be of not less
10 than four-hour fire-resistive construction,
11 and shall be constructed as specified in Parts
12 V, VI and VII of this Code. Walls five (5')
13 feet or more but less than ten (10') feet from
14 adjacent property lines, except street fronts,
15 shall be not less than two-hour fire-resistive
16 construction.

17 Exception: When any portion of a Division 4
18 occupancy is less than ten (10') feet from
19 adjacent property line, such portion shall have
20 exterior walls of not less than one-hour fire-
21 resistive construction, with openings protected
22 by Class "E" or "F" fire doors or windows.

23 Openings in exterior walls of Division 1, 2
24 and 3, except on street fronts, which are less
25 than ten (10') feet from adjacent property lines,
26 shall be protected by Class "E" or "F" fire doors
27 or windows.

28 For regulating adjacent buildings on the same
29 property, see Section 504.

30 SECTION 9. That Section 803 of said Code be amended to
31 read as follows:

32 Section 803. Group C occupancies shall front
directly upon at least one public street, not
less than twenty-six (26') feet in width, in
which front shall be located at least one
required exit.

Exterior walls or parts of walls, except on
street fronts, which are less than three (3')
feet from adjacent property lines shall have
no openings therein and shall be of not less
than four-hour fire-resistive construction.
Walls which are three (3') feet or more but
less than ten (10') feet from adjacent prop-
erty lines, except street fronts, shall be
of not less than two-hour fire-resistive
construction. All openings in exterior walls,
except on street fronts, which are less than
ten (10') feet, from adjacent property lines
shall be protected by Class "E" or "F" fire
doors or windows.

For regulating adjacent buildings on the same
property, see Section 504.

SECTION 10. That a new Section 909 be added to said

1 Code which Section 909 shall read as follows:

2 Section 909. (1) Transoms, over doors and
3 doors in Group D and H buildings shall be
4 of solid wall panel not less than one-half
($\frac{1}{2}$ ")/thickness. Glass is not permitted.
inch

5 (2) No hallway, stairway and/or corridor in
6 Group D and H buildings shall be painted
7 with oil paints or similar inflammable paints.

8 SECTION 11. That a new Section 1309 be added to said
9 Code which Section 1309 shall read as follows:

10 Section 1309. Audible fire warning signals
11 shall be placed in all halls and corridors
12 in all Group H buildings. The warning signals
13 shall be constructed so as to be clearly heard
14 throughout the floor area it serves. No signal
15 shall be installed until approved by the Fire
16 Chief. Alarm signals shall be run from each
17 floor to the main lobby desk. Employees shall
18 be instructed in the use of fire warning signals
19 and fire extinguishing appliances.

20 SECTION 12. That Section 1603 (b) of said Code be
21 amended to read as follows:

22 Section 1603 (b). Buildings or structures of
23 Type 4 or Type 5 construction having an area
24 greater than seventy-five hundred (7500) square
25 feet shall not be erected, constructed or moved
26 within or into Fire Zone No. 2 and such build-
27 ings shall have all exterior walls of not less
28 than one-hour fire-resistive construction;
29 provided that when such ground floor area
30 exceeds five thousand (5,000) square feet, a
31 two-hour fire-resistive wall without openings
32 shall be constructed. When the exterior walls
are less than three (3') feet from adjacent
property lines or less than six (6') feet from
buildings on the same property or less than six (
(6') feet from alleys the exterior walls shall
be of not less than four-hour fire-resistive
construction.

SECTION 13. That Section 1802 of said Code be amended
to read as follows:

Section 1802. The height of Type I buildings
as defined herein and as set forth in Tables
No. 5 C and 5 D of Section 506 shall be limited
to one hundred fifty (150') feet. See Section
507 for additional height limitations.

SECTION 14. That Section 3206 of said Code be amended
to read as follows:

Section 3206. All buildings shall have access

1 provided to the attic space by means of a
2 stairway or permanent ladder or a scuttle.
3 The openings provided through the ceiling
4 for such access into the attic space shall
5 not be less than twenty-two inches by
6 thirty inches (22" x 30") and shall be
7 located in the hallway or corridor of all
8 Type III and V buildings three stories or
9 more in height.

6 Type III or V buildings, one or two stories
7 in height shall have scuttle holes into the
8 attic space which are not less than eighteen
9 (18") inches square.

8 In wood frame or other types of incombustible
9 roof construction where ceilings occur the
10 attic space or spaces between ceilings and
11 the underside of roofs shall be divided into
12 horizontal areas of not more than twenty-five
13 hundred (2500) square feet with not less than
14 one-hour fire-resistive construction of
15 approved incombustible materials where parti-
16 tions are installed. The separation shall be
17 directly over the lower partition. All open-
18 ings through these partitions shall be pro-
19 tected by self-closing doors of the same
20 thickness and materials as the partitions.

15 SECTION 15. Section 6003 and Section 6004 are hereby
16 deleted from said Code.

17 SECTION 16. Chapter 51 of the Appendix to said Code
18 entitled, "Heat Producing Appliances", is hereby added to and
19 included in said Code.
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SECTION 16.1. That Section 1604 of said Code be

amended to read as follows:

Section 1604. (a) GENERAL. Any building or structure complying with requirements of this Code may be erected, constructed, moved within or into Fire Zone No. 3.

(b) ROOFS. Roofs of such buildings shall be covered only with a "Fire-Retardent" roofing as specified in Section 3204. See Section 104(f) for repairs.

EXCEPTION: Roof coverings on buildings in Fire Zone No. 3 separated by at least twelve (12') feet from other buildings may be "Ordinary", as specified in Section 3204."

Section 16.2 That Section 1704 of said Code be

amended to read as follows:

Section 1704. Roof coverings shall be "fire-Retardent" except as otherwise permitted by Section 1604 (b)

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

4 SECTION 18. This ordinance shall be published in full at
5 least once ~~at~~ least three (3) days prior to its final adoption in
6 the Modesto Journal and Valley Citizen, the official newspaper of
7 the City of Modesto.

8 The foregoing ordinance was introduced at a regular meeting
9 of the Council of the City of Modesto held on the 28th day of
10 January, 1953, by Councilman M. Adams, who moved its introduction
11 and passage to print, which motion being duly seconded by Councilman
12 R. Adams, was upon roll call carried and ordered printed and pub-
13 lished by the following vote:

14 Ayes: Councilmen: M. Adams, R. Adams, Arata, Merrill and Mayor
15 Marks
16 Noes: Councilmen: None
17 Absent: Councilmen: Annan and Mellis

18 The foregoing ordinance was amended, prior to its printing
19 and publication, at a regular meeting of the Council of the City
20 of Modesto held on the 4th day of February by Councilman Merrill
21 who moved its amendment and passage to print, which motion being
22 duly seconded by Councilman M. Adams, was upon roll call carried and
23 ordered printed and published in full, as amended by the following
24 vote:

25 Ayes: Councilmen: M. Adams, R. Adams, Mellis, Merrill and Mayor
26 Marks
27 Noes: Councilmen: None
28 Absent: Councilmen: Annan and Arata

29 APPROVED: 
HARRY MARKS, MAYOR

30 ATTEST: 
REX E. GAILFUS, CITY CLERK

31 Effe:
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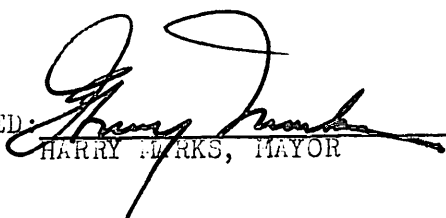
FINAL ADOPTION CLAUSE

The foregoing ordinance having been printed and published as required by the Charter of the City of Modesto and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of February, 1953 Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GILFUS, CITY CLERK

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AN ORDINANCE AMENDING ORDINANCE NO. 1062-N.S. OF THE CITY OF MODESTO ENTITLED "AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THE CITY OF MODESTO: PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTIONS OF FEES THEREFOR: DECLARING AND ESTABLISHING FIRE DISTRICTS: PROVIDING PENALTIES FOR THE VIOLATION THEREOF: AND REPEALING ORDINANCE NO. 827-N.S. AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith", BY DELETING SECTIONS 16.1 and 16.2 THEREFROM.

REPEALED BY
MUNICIPAL CODE

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

SECTION 1. That Sections 16.1 and 16.2 be deleted from Ordinance No. 1062-N.S. of the City of Modesto entitled: "AN ORDINANCE REGULATING THE ERECTION, CONSTRUCTION, ENLARGEMENT, ALTERATION, REPAIR, MOVING, REMOVAL, DEMOLITION, CONVERSION, OCCUPANCY, EQUIPMENT, USE, HEIGHT, AREA AND MAINTENANCE OF ALL BUILDINGS AND/OR STRUCTURES IN THE CITY OF MODESTO: PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTIONS OF FEES THEREFOR: DECLARING AND ESTABLISHING FIRE DISTRICTS: PROVIDING PENALTIES FOR THE VIOLATION THEREOF: AND REPEALING ORDINANCE NO. 827-N.S. AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith".

SECTION 2. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public health, morals, safety, and general welfare.

SECTION 3. As an emergency ordinance, this ordinance shall take effect and be in full force and operation as of the date of its adoption, and shall remain effective for a period of one hundred twenty (120) days from the day of its adoption.

SECTION 4. This ordinance shall be published in full in the Modesto Journal and Valley Citizen, the official newspaper of the City of Modesto.

The foregoing emergency ordinance was introduced at

1 a regular meeting of the Council of the City of Modesto, held on
2 the 18th day of February, 1953, by Councilman M. Adams,
3 who moved its adoption and passage to print, which motion being
4 duly seconded by Councilman Annan, was upon roll
5 call carried and the ordinance ordered printed and published as
6 above by the following vote:

7 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
8 NOES: Councilmen: None Merrill and Mayor Marks
9 ABSENT: Councilmen: None

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11 APPROVED: 
HARRY MARKS, Mayor

12
13 ATTEST: 
14 REX E. GAILFUS, City Clerk

15 Effective Date: February 18, 1953
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SPECIAL
NOT IN CODE

ORDINANCE NO. 1064-N.S.

AN ORDINANCE CALLING A SPECIAL MUNICIPAL BOND ELECTION IN THE CITY OF MODESTO FOR THE PURPOSE OF SUBMITTING TO THE ELECTORS OF SAID CITY THE MEASURE OF INCURRING A BONDED INDEBTEDNESS OF SAID CITY FOR THE ACQUISITION, CONSTRUCTION AND COMPLETION OF THE FOLLOWING MUNICIPAL IMPROVEMENT, TO WIT: MUNICIPAL SEWAGE AND INDUSTRIAL WASTE / DISPOSAL SYSTEM IMPROVEMENT; DECLARING THE ESTIMATED COST OF SAID MUNICIPAL IMPROVEMENT, THE AMOUNT OF THE PRINCIPAL OF SAID INDEBTEDNESS TO BE INCURRED THEREFOR, AND THE MAXIMUM RATE OF INTEREST TO BE PAID THEREON; MAKING PROVISION FOR THE LEVY AND COLLECTION OF TAXES; FIXING THE DATE OF SAID ELECTION, THE MANNER OF HOLDING THE SAME, PROVIDING FOR NOTICE THEREOF, AND CONSOLIDATING SAID SPECIAL MUNICIPAL BOND ELECTION WITH THE GENERAL MUNICIPAL ELECTION TO BE HELD ON APRIL 14, 1953.

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

SPECIAL
NOT IN CODE

THE COUNCIL OF THE CITY OF MODESTO DOES ORDAIN

as follows:

Section 1. That a special municipal bond election be and is hereby ordered and will be held in said City of Modesto on Tuesday, the 14th day of April, 1953, at which election shall be submitted to the qualified electors of said City the question of incurring a bonded indebtedness of said City for the object and purpose set forth in the following measure, to wit:

<u>MEASURE A:</u> (Municipal Sewage and Industrial Waste Disposal System Im- provement)	Shall the City of Modesto incur a bonded indebtedness in the principal amount of \$2,450,000.00 for the acquisition, construction and completion of the following municipal improvement, to wit: Improvement of the municipal sewage and industrial waste disposal system, including enlargement and extension of the present sewage and industrial waste disposal plant, industrial and sanitary sewers, pumps, machinery, equipment, apparatus, lands, easements, rights of way, storm by-passes, and other works, property or structures necessary or convenient for improvement of the municipal sewage and industrial waste disposal system of the City of Modesto?
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The estimated cost of the municipal improvement set forth in said measure is the sum of \$ 2,450,000.00 and the amount of the indebtedness proposed to be incurred for said municipal improvement is the sum of \$ 2,450,000.00 .

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

(a) Said special municipal bond election shall be held and conducted, and the votes thereat canvassed, and the returns thereof made, and the result thereof ascertained and determined as herein provided; and in all particulars not prescribed by this ordinance, said election shall be held as provided by law for the holding of municipal elections in said City.

(b) All persons qualified to vote at municipal elections in said City of Modesto upon the date of the election herein provided for shall be qualified to vote upon the measure submitted at said special municipal bond election.

(c) The polls at the polling places hereinafter designated shall be opened at seven o'clock A.M. of said day of election and shall be kept open continuously thereafter until seven o'clock P.M. of said day of election, when the polls shall be closed (except as provided in Section 5734 of the Elections Code), and the election officers shall thereupon proceed to canvass the ballots cast thereat.

(d) Said special municipal bond election hereby called shall be and is hereby consolidated with the General Municipal Election to be held in said City of Modesto on April 14, 1953, all as required by and pursuant to law; and the election precincts, polling places and officers of election within said City of Modesto for said special municipal bond election hereby called shall be the same as those selected and designated by the Council of the City of Modesto for said General Municipal Election by its Resolution entitled: "RESOLUTION AND ORDER OF THE COUNCIL OF THE CITY OF MODESTO PROVIDING FOR A GENERAL MUNICIPAL ELECTION TO BE HELD ON TUESDAY, APRIL 14, 1953, AND DESIGNATING PRECINCTS AND POLLING PLACES AND APPOINTING MEMBERS OF PRECINCT BOARDS FOR SAID GENERAL MUNICIPAL ELECTION," passed and adopted on February 18, 1953, to which resolution reference is hereby specifically made for a designation of the precincts, polling places and officers of the special municipal bond election hereby called.

(e) Only one form of ballot shall be used at said General Municipal Election and said special municipal bond election hereby consolidated therewith, which, in addition to all other

matters required by law to be printed thereon, shall state the measure set forth in Section 1 hereof. Each voter, to vote for the measure hereby submitted and for incurring said bonded indebtedness set forth in said measure shall stamp a cross (X) in the blank space opposite the word "YES" on the ballot to the right of said measure, and to vote against said measure and against incurring said indebtedness shall stamp a cross (X) in the blank space opposite the word "NO" on the ballot to the right of said measure. On absent voters' ballots the cross (X) may be marked with pen or pencil.

(f) The returns of said election shall be made out and signed by the election officers and shall be by them deposited with the City Clerk, together with the ballots cast at said election; and this Council shall meet at its usual meeting place and canvass said returns on Tuesday, the 21st day of April, 1953 (being the first Tuesday after said election), at the hour of eight o'clock P.M., and declare the result of said election.

Section 3. Said Council proposes to issue and sell bonds of said City of Modesto in the amount and for the object and purpose specified in said measure if two-thirds of the qualified electors voting on such measure at said special municipal bond election shall vote in favor of said measure. Said bonds shall be negotiable in form and of the character known as serial, and shall bear interest at a rate not to exceed five (5) per cent. per annum, payable semi-annually (except that interest for the first year after the date of said bonds may be made payable at the end of said year); provided, that said bonds may be issued and sold in accordance with law as the Council may determine, and either at a premium or on the basis of the lowest net interest cost to said City, but in no event for less than the par value thereof

and accrued interest to date of delivery. Provision is hereby made for the payment of the principal of and interest on said bonds as follows: The Council of the City of Modesto shall, at the time of fixing the general tax levy and in the manner for such general tax levy provided, levy and collect annually each year until said bonds are paid, or until there shall be a sum in the treasury of said City set apart for that purpose to meet all sums coming due for principal and interest on such bonds, a tax sufficient to pay the annual interest on such bonds as the same becomes due, and also such part of the principal thereof as shall become due before the proceeds of a tax levied at the time for making the next general tax levy can be made available for the payment of such principal; provided, however, that if the earliest maturity of said bonds is more than one year after the date of issuance thereof (if, as provided by law, the time of payment of such bonds may be legally postponed), such tax shall be levied and collected at the time and in the manner aforesaid annually each year sufficient to pay the interest on such indebtedness as it falls due, and also to constitute a sinking fund for the payment of the principal thereof on or before maturity. Said tax shall be in addition to all other taxes levied for municipal purposes, and shall be collected at the same time and in the same manner as other municipal taxes are collected and be used for no other purpose than the payment of said bonds and accruing interest.

Section 4. The City Clerk of the City of Modesto is hereby directed, upon the passage and adoption of this ordinance, to publish the same once a week for two (2) weeks in The Modesto Journal and Valley Citizen, which is a newspaper of general circulation published less than six (6) days a week in said City of Modesto and such publication shall constitute notice of said election. No other notice of the election hereby called need be given.

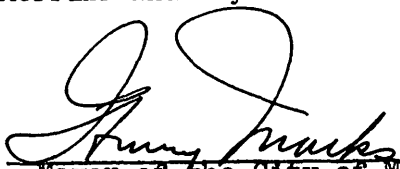
Section 5. This ordinance shall be forthwith entered upon the minutes of this Council and in the Ordinance Book of said City. This ordinance, being an ordinance calling and ordering an election, shall take effect from and after its final passage and approval.

PASSED AND ADOPTED this 18th day of February, 1953, by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks


NOES: Councilmen: None

ABSENT: Councilmen: None



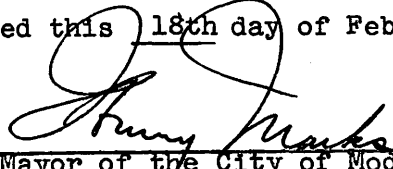
Mayor of the City of Modesto,
California

Attest:



City Clerk

The foregoing ordinance is presented to me for approval and is hereby approved this 18th day of February, 1953.



Mayor of the City of Modesto,
California

CLERK'S CERTIFICATE

I, REX E. GAILFUS, City Clerk of the CITY OF MODESTO, California, do hereby certify that the foregoing ordinance is a full, true and correct copy of an ordinance introduced and read at a regular meeting of the Council of said City duly and regularly held on the 18th day of February, 1953, and said ordinance thereafter duly passed and adopted by vote of at least two-thirds of all of the members of said Council, at said meeting of said City Council duly and regularly held at the regular meeting place thereof on said 18th day of February, 1953, of which meeting all of the members of said Council had due notice, as follows:


AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Melliks
Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

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

WITNESS my hand and the seal of the City of Modesto,
this 19th day of Feb., 1953.



City Clerk of the City of Modesto,
California

SPECIAL
NO 7
IN CODE

ORDINANCE NO. 1065 -N.S.

AN ORDINANCE APPROPRIATING ADDITIONAL
REVENUES OF THE 1952-53 FISCAL YEAR
NOT HERETOFORE APPROPRIATED.

WHEREAS, it is now anticipated that revenues to be received during the 1952-53 fiscal year from property taxes will amount to THREE HUNDRED SEVENTY THOUSAND and no/100ths (\$370,000.00) DOLLARS, rather than Three Hundred Fifty Thousand and no/100ths (\$350,000.00) Dollars as set forth in the "Preliminary 1952-53 Budget for the City of Modesto", and

WHEREAS, it is now anticipated that revenues to be received during the 1952-53 fiscal year from sales taxes will amount to TWO HUNDRED FIFTY-THREE THOUSAND and no/100ths (\$253,000.00) DOLLARS rather than Two Hundred Forty Thousand and no/100ths (\$240,000.00) Dollars as set forth in the "Preliminary 1952-53 Budget for the City of Modesto",

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

SECTION 1. The sum of THIRTY-THREE THOUSAND and no/100ths (\$33,000.00) DOLLARS, not heretofore appropriated, is hereby appropriated to the General Reserve of the City of Modesto.

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

SECTION 3. This ordinance shall be published in full in the Modesto Journal and Valley Citizen, 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 18th day of February, 1953, by Councilman M. Adams, who

1 moved its adoption, which motion being duly seconded by Council-
2 man Arata , was upon roll call carried by
3 the following vote:
4

5 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis
Merrill and Mayor Marks

6 NOES: Councilmen: None

7 ABSENT: Councilmen: None

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9 APPROVED: 
HARRY MARKS, Mayor

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11 ATTEST: 
REX E. GAILFUS, City Clerk

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Repealed by
Ord 1113-N.S.

ORDINANCE NO. 1066 -N. S.

AN ORDINANCE AMENDING ORDINANCE NO. 302-N.S., AS AMENDED, OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE REGULATING AND RELATING TO THE CONSTRUCTION, ERECTION, MAINTENANCE AND USE OF BILLBOARDS IN THE CITY OF MODESTO, AND LICENSING AND REGULATING THE OCCUPATION OF MAINTAINING BILLBOARDS AND OUTDOOR ADVERTISING, PROVIDING PENALTIES FOR THE VIOLATION OF THE SAME, AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH", BY ADDING SECTION 1.1 THERETO.

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

SECTION 1. Ordinance No. 302-N.S. of the City of Modesto, entitled, "AN ORDINANCE REGULATING AND RELATING TO THE CONSTRUCTION, ERECTION, MAINTENANCE AND USE OF BILLBOARDS IN THE CITY OF MODESTO, AND LICENSING AND REGULATING THE OCCUPATION OF MAINTAINING BILLBOARDS AND OUTDOOR ADVERTISING, PROVIDING PENALTIES FOR THE VIOLATION OF THE SAME, AND REPEALING ALL ORDINANCES OR PARTS THEREOF IN CONFLICT THEREWITH", as amended, is hereby amended by adding a new section thereto to read as follows:

Section 1.1. Exemptions. The provisions of this ordinance shall not apply to substantial and permanent wall signs, or painted wall signs, as defined herein, which do not exceed fifteen (15) square feet in area, provided that:

- (1) Wall signs shall have a surface or facing of incombustible material, except that combustible structural trim may be used thereon.
- (2) Wall signs shall be safely and securely attached to the building walls. If they are erected on concrete or masonry building walls, they shall be attached to the building wall by means of metal anchors, bolts or expansion screws embedded in said wall, provided, however, that such signs may rest in or be bolted to strong, heavy metal brackets or saddles, each of which shall be securely fixed to the wall as herein provided.
- (3) No wall sign shall project more than four (4") inches from the structure which supports it or be attached to a wall at a height of less than ten (10') feet above the sidewalk or ground.
- (4) In no case shall any wall sign be secured with wire or strips of wood; nails may be used only to attach such signs to wood surfaces.
- (5) No wall sign shall cover solely or partially any wall opening, nor project beyond the ends or top of the wall to which it is attached.
- (6) Wall signs shall be designed and constructed to withstand a wind pressure of not less than thirty (30#) pounds per square foot of area.

(7) No more than ten (10%) per cent of the building wall area of any one side of a building shall be covered with wall signs exempted by this section.

(8) Such signs shall be subject to the provisions of Section 11 of this ordinance.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 1953, by Councilman Merrill, who moved its introduction and passage to print, which motion being duly seconded by Councilman Annan, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25 day of March, 1953, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor
EFFECTIVE DATE: April 9-1953

ATTEST: 
REX E. GAILFUS, City Clerk

REPEALED BY
MUNICIPAL CODE

1 AN ORDINANCE OF THE CITY OF MODESTO
2 REPEALING ORDINANCE NO. 598-N.S. OF THE
3 CITY OF MODESTO ENTITLED, "AN ORDINANCE
4 PROHIBITING PARKING AT THE SOUTHWEST
5 CORNER OF MORRIS AND MCHENRY AVENUES IN
6 THE CITY OF MODESTO".

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

9 SECTION 1. Ordinance No. 598-N.S. of the City of
10 Modesto entitled, "AN ORDINANCE PROHIBITING PARKING AT THE
11 SOUTHWEST CORNER OF MORRIS AND MCHENRY AVENUES IN THE CITY OF
12 MODESTO" is hereby repealed.
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SECTION 2. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of April, 1953, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15 day of April, 1953, Councilman Annan moved its final adoption, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 30, 1953

SPECIAL
NOT IN CODE

ORDINANCE NO. 1068 -N. S.

AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR USE DURING THE 1952-53 FISCAL YEAR.

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

5 SECTION 1. The following revenues to be received dur-
6 ing the 1952-53 fiscal year from the sources indicated, not here-
7 tofore appropriated, are hereby appropriated to the Public Works
8 Department, Water Division:

<u>Source</u>	<u>Amount</u>
Water Sales	\$25,000.00
Water Taps and Connections	<u>5,000.00</u>
Total	\$30,000.00

13 to be expended for the following purposes:

14 CAPITAL OUTLAY:

Wells and pump	\$11,000.00
Water Lines and Hydrant Extensions	<u>19,000.00</u>
Total	\$30,000.00

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

21 SECTION 3. This ordinance shall be published in full in
22 the Modesto Journal and Valley Citizen, the official newspaper of
23 the City of Modesto.

24 The foregoing ordinance was introduced at a regular
25 meeting of the Council of the City of Modesto, held on the 15th
26 day of April, 1953, by Councilman Annan, who
27 moved its adoption, which motion being duly seconded by Council-
28 man Merrill, was upon roll call carried and the
29 ordinance adopted by the following vote:

30 AYES: Councilmen: M. Adams, R. Adams, Annan, Araca, Mellis,
31 Merrill and Mayor Marks

32 NOES: Councilmen: None
ABSENT: Councilmen: None

ATTEST: [Signature]
HEX E. GAILFUS, City Clerk

APPROVED: [Signature]
HARRY MARKS, Mayor

SPECIAL
NOT IN CODE

CODE SEC:
NO. 11-1.01
11-1.13

ORDINANCE NO. 1069 -N.S.

AN ORDINANCE PROVIDING FOR THE ADMINISTRATION OF THE WATER DEPARTMENT OF THE CITY OF MODESTO, ESTABLISHING RULES AND REGULATIONS AND FIXING RATES TO BE CHARGED FOR THE WATER SERVICE.

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

SECTION 1. Management and System. The management, control, and care of the municipal water system of the City of Modesto shall be vested in the Director of Public Works under the general direction of the City Manager.

SECTION 2. Administration of Funds. The Director of Finance shall be in charge of the collection of all monies that may become due the city for water services and shall pay the same into the City Treasury and account for the same in the same manner as he pays into the Treasury and accounts for other funds received by him in his official capacity.

SECTION 3. Water Services. General. Water from the municipal water works shall be delivered to the consumers thereof both within and without the corporate limits of the City of Modesto in accordance with the terms of this ordinance and not otherwise. The City of Modesto will furnish the service complete from its main to the property line, in case of an alley, and to the curb line, if the service is from a street main. The owner shall furnish and install all piping on his premises to the city connection. In case of metered services, the city will furnish all meters from 5/8" to 2" inclusive in size, and after their installation, they shall be maintained by the city. If a meter larger than 2" is required, it must be of a type approved by the Director of Public Works, and must be paid for by the consumer and installed at his own expense, including a meter box and steel cover. A valve must be installed on the outlet side of all meters. The Director of Public Works shall have the authority to check the meters, paid for by the consumer, and he shall have the authority to order the maintenance of such meters in proper working conditions, such maintenance charges to be borne by the consumer.

SECTION 4. Installation and Connection Costs.

(a) Territory within the city prior to July 1, 1947.

The following schedule of costs shall be paid by consumers for service connections in areas located within the city prior to July 1, 1947:

3/4" service	\$12.50
1" service	18.75
1½" service	25.00
2" service	31.25

For installations by the city for service larger than 2", the city shall charge cost, plus ten (10%) per cent.

(b) Territory annexed after July 1, 1947. In addition to the charges required by sub-section (a) above, for all water services in territories annexed to the City of Modesto after July 1, 1947, the minimum installation charge shall be \$75.00 for each water connection to serve an area containing not more than 7,000 square feet, and an additional ½¢ for each foot in excess of 7,000 square feet so serviced.

(c) Territory outside the city. In addition to the charges required by sub-section (a) above, for all water services in territory outside the city limits, the minimum installation charge shall be \$150.00 for each water connection to serve an area containing no more than 7,000 square feet, and an additional ½¢ for each square foot in excess of 7,000 square feet so serviced.

SECTION 5. Metered Services Required. All consumers outside the city limits shall have meters installed and shall pay the rates therefor hereinafter specified for services within the corporate city limits.

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

meters and shall be charged for water on the metered rate as hereinafter specified.

Swimming pools or bathing pools, now in existence or hereafter constructed, shall be metered. If such pools are on residential property, they may be on a separate connection. The connection fee shall be as provided for other metered connections. Such pools shall not be filled or refilled through flat rate water services.

SECTION 6. Charges for Metered Water Serviced. All water delivered through the meter shall be charged as follows:

For the first 6,000 cubic feet per bi-monthly period, \$1.35 per 1,000 cubic feet. For the next 60,000 cubic feet per bi-monthly period, \$1.12½ per 1,000 cubic feet. For the next 34,000 cubic feet per bi-monthly period, \$1.05 per 1,000 cubic feet. For all over 100,000 cubic feet per bi-monthly period, 45¢ per 1,000 cubic feet; provided however, that in any event, the following minimum rates shall be charged and paid:

<u>Size of Meter</u>	<u>Cubic Feet for Minimum Rate</u>	<u>Bi-Monthly Rate</u>	<u>Cubic Feet</u>
5/8 and 3/4"		\$ 4.50	3,333
1"		6.00	4,444
1¼"		7.50	5,555
1½"		7.50	5,555
2"		9.00	6,800
3"		12.00	9,466
4"		16.50	13,466
6"		24.00	20,133
8"		30.00	25,466

Independent fire sprinkler systems used as stand-by service shall pay a minimum of one-half of the above minimum meter rate.

If a meter shall be found out of order, the bi-monthly charge shall be determined by the Director of Finance based upon previous water consumption.

If a consumer has more than one meter, a separate minimum charge will be made for each meter as well as the amount of water

registered for each meter. Compound meters, however, shall be construed to be a single meter.

The rate for any person, firm or corporation using temporary meters for any purpose which are installed for less than one year shall be \$1.50 per 1,000 cubic feet, plus a \$3.00 installation charge. When a meter is not installed, a minimum rate of \$7.50 per bi-monthly period shall be charged.

Charges for metered services will be due and payable when billed and no advance or partial payments of such charges will be accepted by the city without the consent of the Director of Finance.

SECTION 7. Charges for Flat Rate Services. Each dwelling unit shall be considered as a separate service. Water will be delivered to dwelling houses on flat or unmetered rates as follows:

<u>Lot Area</u>	<u>Bi-Monthly</u>
3,500 square feet or less	\$5.25
3,501 to 7,000 square feet	6.00
7,001 to 10,500 square feet	6.75
10,501 to 14,000 square feet	7.50
14,001 to 17,500 square feet	8.25 9.00
17,501 to 21,000 square feet	9.00 10.50
For each 3,500 square feet, or fraction thereof, over 21,000	.75 1.50

When water is turned on at any time between the beginning and end of the bi-monthly period, the amount that shall be charged shall be as follows:

First ten days	Bi-monthly rate
Next fifteen days	3/4 bi-monthly rate
Next fifteen days	1/2 bi-monthly rate
Next fifteen days	1/4 bi-monthly rate

Remainder of period, full bi-monthly rate, which shall be credited to the succeeding bi-monthly period.

No partial payments of the above charges will be accepted by the city. A five (5%) per cent discount will be made in all billing on a flat rate paid one year in advance.

SECTION 8. Special Situations. Anything to the contrary herein stated notwithstanding, the City Council of the City of Modesto shall have the power to establish by agreement or resolution the rates to be charged for providing water services to government agencies, including school districts, and to any person, firm or corporation outside the corporate limits of the City of Modesto at rates different than those heretofore set forth and on a basis that is fair and equitable to all the parties concerned.

SECTION 9. Charges for Circuses and Carnivals. The rate to be charged for circuses in the City of Modesto shall be \$25.00 per day for each day during which water is furnished.

The rate to be charged for carnivals in the City of Modesto shall be \$25.00 per week or fraction thereof.

SECTION 10. Deposits for Water Service. An advance deposit of \$10.00 will be required for each service, whether metered or flat rate, except that such deposit shall not be required where the consumer owns real property within the city.

SECTION 11. Rules and Regulations. The following additional rules and regulations for the use of water are hereby established.

(a) Consumers on the flat or unmetered rate shall not be permitted to waste water. The city shall have the right, after notifying the occupant in writing of such waste, to install a meter at the consumer's expense, if waste continues.

(b) All water services installed shall have an independent wheel valve and an approved box and cover within 2 feet of the city service valve, and a wheel valve where the service pipe enters the house and/or structure. No water distribution system shall be so connected so as to contaminate the city water supply either by cross connection or otherwise.

(c) Each dwelling must have a separate service from the city line and shall be separately charged therefor, except that two or more dwellings on the same lot or adjoining lots as shown by the official map which are under the same ownership may be connected with the same meter service.

(d) Water bills for services on a flat rate shall be issued on a bi-monthly basis and shall include the service of the months immediately preceding and following the first of the month in which they are issued. The water bills are due and payable upon presentation, and if they are not paid at the end of the month in which they are billed, the service shall be subject to being disconnected after notice to the user. If disconnected, the service shall not again be connected until the amount of the delinquent balance, plus a charge of \$2.50 for reconnecting, is paid.

(e) Water bills for metered services shall be issued for the two months immediately preceding the date of the meter reading and shall be due and payable upon presentation. If they remain unpaid at the close of the month in which they are billed, the service shall be subject to being disconnected after notice to the user. If disconnected, the service shall not be connected until the amount of the delinquent bill, plus a charge of \$2.50 for reconnecting, is paid.

(f) No person, firm or corporation shall supply water in any way for use outside of the premises to which the service is assigned or appurtenant, unless by special permission from the Director of Public Works.

(g) The water charges herein specified will be charged against vacant or untenanted buildings unless notice of the vacancy and a request for discontinuance of service is made to the office of the City Finance Department.

(h) No charge shall be made for water service to churches.

(i) Access to service connection and water meters must be provided at all times.

(j) All persons, firms or corporations must keep the service pipes in good order at their own expense and may be held liable for damages which may result from their failure to do so. When leaky faucets or fixtures are discovered and not immediately repaired, the water service may be withdrawn. A city inspector or authorized employee of the Water Department shall be admitted at all reasonable hours to

all parts of any premises supplied with water, except the interior of dwellings, but including the meter box, to see that the regulations contained in this ordinance are observed and complied with.

(k) It shall be unlawful for any person, firm or corporation to interfere with the city service lines, valves or meters or to construct a by-pass around a meter or service.

(l) Owners of property will be held responsible for water used on their premises, although payments will be accepted from tenants. In case the tenants do not pay in accordance with the provisions of this ordinance, the service may be discontinued and shall not be restored until the delinquent water charges, including the cost of water delivered as well as the cost of reconnecting service, shall have been paid.

(m) All unpaid accounts for water delivered at any premises shall be a lien against the real property.

(n) All sprinkler systems installed for the irrigation of lawns and flowers shall be so designed and installed that the water shall not be sprayed or permitted to be sprayed over or upon a sidewalk. Portable sprinklers will not be permitted on the sidewalk, nor may they be placed in such a manner as to spray the water upon sidewalks or so as to prevent pedestrians from using the sidewalks at all times without being struck or wet by the spray from the sprinkler.

SECTION 12. Interpretation of Ordinance. The Director of Public Works is hereby empowered to make interpretations of this ordinance whenever a question may arise as to the necessity for, type of, manner or method in which materials or meters shall be installed. Said interpretation shall be in writing, a copy thereof shall be filed in the office of the Director.

SECTION 13. Records. The Director of Public Works shall keep complete records of all permits issued and other official work performed under the provisions of this ordinance.

SECTION 14. Violations and Penalties. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be

punished by a fine not to exceed Five Hundred (\$500.00) Dollars or by imprisonment in the County Jail for a period not to exceed six (6) months or by both such fine and imprisonment.

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

SECTION 15. Ordinances Repealed. The following ordinances are hereby expressly repealed: Ordinance No. 830-N.S., Ordinance No. 859-N.S., Ordinance No. 871-N.S., Ordinance No. 890-N.S. and Ordinance No. 958-N.S.

SECTION 16. Effective Date. This ordinance shall go into effect and be in full force and operation from and after June 1 1953.

SECTION 17. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 22nd day of April, 1953 by Councilman R. Adams, who moved its adoption and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

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The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the City of Modesto held on the 6th day of May, 1953, Councilman Arata, moved its final adoption, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill
Noes: Councilmen: None
Absent: Mayor Marks

APPROVED 
LYNDAL O. MERRILL, Mayor
Pro Tempore

ATTEST: 
REX E. GAILFUS, CITY CLERK

Effective Date June 1, 1953

*Amended by
1092-N.S.*

AN ORDINANCE PROVIDING FUNDS FOR THE OPERATION, MAINTENANCE, ENLARGEMENT AND EXTENSION OF THE SEWERAGE SYSTEM OF THE CITY OF MODESTO, AND FIXING FEES AND ESTABLISHING REGULATIONS GOVERNING THE FURNISHING OF SEWAGE DISPOSAL FACILITIES AND SERVICES, FIXING PENALTIES FOR THE VIOLATION OF ANY OF THE PROVISIONS OF THIS ORDINANCE, AND REPEALING CERTAIN ORDINANCES IN CONFLICT HEREWITH

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

CODE SEC:
NO. 5-6.101-
5-6.111

SECTION 1. Definitions. Unless the context requires a different

meaning, the following terms shall be defined as follows:

(a) Apartment: A building or portion thereof containing three or more dwelling units.

(b) Dwelling Group: Two or more buildings on any one lot, containing three or more dwelling units.

(c) Dwelling Unit: A suite of one or more rooms which is occupied by or intended to be occupied by one family doing its own cooking.

(d) Duplex: A building containing two dwelling units.

(e) Lot: A parcel of land consisting of one or more contiguous lots of record in one ownership.

SECTION 2. Sewer Service Charges. Each person, firm or corporation owning property within the corporate limits of the City of Modesto shall pay a charge for domestic sewage service to the City in accordance with the following rates:

(a) In all areas within the City Limits as of July 1, 1950, the monthly sewer service charges for dwelling units shall be:

✓ Each single family dwelling on a lot	\$.85
One additional dwelling on the same lot	.50
Each dwelling unit in a duplex	.65
Each dwelling unit in an apartment building or dwelling group	.50

(b) In areas annexed to the City after July 1, 1950, the monthly sewer service charges for dwelling units shall be:

Each single family dwelling on a lot	\$1.10
One additional dwelling unit on the same lot	.65
Each dwelling unit in a duplex	.85
Each dwelling unit in an apartment building or dwelling group	.65

(c) In all areas within the City Limits as of July 1, 1950, monthly sewer service charges per fixture for hotels, motels, boarding and rooming houses, restaurants, canneries, industrial plants, places of amusement and other commercial establishments shall be as follows:

<u>Fixture</u>	<u>First 5</u>	<u>6 to 20</u>	<u>Over 20</u>	<u>Other</u>
Restaurant and soda fountain				
Seats or chairs	\$.05 ea.	\$.03 ea.	\$.02 ea.	
Lavatory	.05 ea.	.03 ea.	.02 ea.	
Showers or bathtub	.10 ea.	.05 ea.	.03 ea.	
Toilets	.15 ea.	.10 ea.	.05 ea.	
Kitchen sink	.10 ea.	.05 ea.	.03 ea.	
First urinal				\$.20 ea.
Additional urinals				.10 ea.
Garbage disposal unit				.30 ea.
Washracks (motor vehicle) (non-automatic)				.90 ea.

Charges for any fixture not itemized herein which discharges wastes into the sewerage system shall be on a comparable basis as determined by the Director of Finance.

The minimum monthly charge shall be fifty (50¢) cents.

(d) In all areas annexed to the City after July 1, 1950, monthly sewer service charges per fixture for hotels, motels, boarding and rooming houses, restaurants, canneries, industrial plants, places of amusement and other commercial establishments shall be as follows:

<u>Fixture</u>	<u>First 5</u>	<u>6 to 20</u>	<u>Over 20</u>	<u>Other</u>
Restaurant and soda fountain				
Seats or chairs	\$.05 ea.	\$.03 ea.	\$.02 ea.	
Lavatory	.05 ea.	.03 ea.	.02 ea.	
Showers or bathtubs	.10 ea.	.05 ea.	.03 ea.	
Toilets	.15 ea.	.10 ea.	.05 ea.	
Kitchen Sink	.10 ea.	.05 ea.	.03 ea.	
First urinal				\$.25 ea.
Additional Urinals				.15 ea.

<u>Fixture</u>	<u>First 5</u>	<u>6 to 20</u>	<u>Over 20</u>	<u>Other</u>
Garbage Disposal Unit				\$.40 ea.
Washracks (Motor Vehicle) (non-automatic)				1.20 ea.

Charges for any fixture not itemized herein which discharges wastes into the sewerage system shall be on a comparable basis as determined by the Director of Finance.

The minimum monthly charge shall be sixty-five (65¢) cents.

(f) No charge shall be made for service to schools or churches.

SECTION 3. Special Situations. Anything to the contrary herein stated notwithstanding, the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged for furnishing sewer services to governmental agencies, and to any person, firm or corporation outside of the corporate limits of the City of Modesto, at rates different than those heretofore set forth and on a basis that is fair and equitable to all the parties concerned.

SECTION 4. Area of Servicing. The charges specified herein for domestic sewage service shall be made to all property, except vacant lots, for which the collection laterals are installed whether or not said property is connected to said sewerage system.

SECTION 5. Effective Dates of Charges. (a) Charges for sewer service on property on which buildings are hereafter constructed for which collection laterals are available shall begin on the first of the month following completion or occupancy of the building, whichever date shall occur first.

(b) Charges for sewer services on property for which collection laterals must be constructed before service can be rendered shall begin on the first of the month following the expiration of ninety (90) days after installation of said collection lateral within one hundred (100') feet of the building to be served; provided, however, that if a connection is made to said sewer lateral within the ninety (90) day period, the charge for sewer service shall begin on the first day of the month following such connection.

SECTION 6. Payment of Charges. On premises serviced with City water, the charge for sewer service shall be added to the charge for water service and payment of the total amount must be made in accordance with Ordinance No. 1069 -N.S. regulating the payment of water service charges.

Delinquent payment of sewer service charges shall be treated in the same manner as delinquency in payment of water charges as specified in Ordinance No. 1069 -N.S. relating to charges for water services. Discounts for advance payment of sewer service charges shall be made in the same manner as discounts for advance payments of water service charges in accordance with Ordinance No. 1069 -N.S. relating to water service charges.

On premises not served with City water, the billing of services and discount for advance payments shall be made insofar as practicable in accordance with the provisions of Ordinance No. 1069 -N.S. relating to charges for flat rate water services; or, if not practicable, they shall be as determined by the Director of Finance.

SECTION 7. Report of Fixtures on Commercial and Industrial Properties. The owner, or his authorized agent, of each piece of property used for commercial or industrial purposes for which sewer services are furnished or desired shall advise the Director of Finance of the number and type of fixtures upon the premises. Such information shall be submitted within thirty (30) days after receipt of a form therefor, to be furnished by the Director of Finance. The Director of Finance shall determine the proper sewer service charges for the premises and the property owner shall be billed accordingly.

SECTION 8. Rules and Regulations. (a) No person, firm or corporation shall discharge or allow the discharge of or dump sanitary sewage or other waste material into the sanitary sewerage system of the City except in compliance with the terms of and upon payment of the fees provided in this ordinance.

~~*~~ (b) All persons, firms, or corporations shall keep their house sewer connections in good order at their own expense and

shall be liable for damages which may result from their failure to do so. A City inspector shall be admitted at all reasonable hours to all parts of any premises connected with the sewerage system for purposes of checking the fixtures and establishment of service charges as herein provided.

(c) There shall be a separate connection to the sewerage system for each building served except that when authorized by the Director of Public Works, two or more buildings on the same lot, as defined in this ordinance, may be served by the same sewer connection.

(d) Permits for sewer connections shall be obtained in accordance with the provisions of the Plumbing Code of the City of Modesto.

SECTION 9. Extension of Sewer Laterals. Any person, firm, or corporation within the City Limits may connect his property to the City sewerage system upon construction at his own expense of the house sewer line connecting the property serviced to the collection lateral, and making provision for paying the cost of constructing said collection lateral, under one of the following conditions:

(a) Sewer laterals may be financed by the formation of assessment districts and sale of improvement bonds in accordance with existing state laws governing the formation of such districts and sale of such bonds.

(b) Should the owner or owners of any subdivision, tract, or area, within the City of Modesto, whether developed or undeveloped, elect to make private arrangements for the construction of collection laterals to serve such subdivision, tract, or area, he may do so in accordance with plans and specifications prepared by a registered engineer, at his own expense, and by employing a licensed contractor to perform the work. The owner or owners shall reimburse the City of Modesto for costs incurred by it in inspection and supervision.

(c) Upon payment of sewer lateral charges to the City as specified in Section 10 of this ordinance.

SECTION 10. Sewer Lateral Charges.

(a) Areas in the City Limits as of May 1, 1940.

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

(b) Areas annexed to the City after May 1, 1940 but before July 1, 1950.

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

(2) In areas annexed to the City after May 1, 1940 but before July 1, 1950, where sewer laterals do not exist, the City of Modesto will construct collection lateral lines less than twelve (12") inches in diameter, to serve an area of one block or more upon the payment of the sewer lateral charges specified in subsection (b) (1), provided that the nearest boundary of said area is not more than two hundred fifty (250') feet from the nearest existing collection lateral or trunk line of adequate capacity. Where the distance between the nearest existing collection lateral or trunk line of adequate capacity in the nearest point of service within said area is greater than two hundred fifty (250') feet, the owner or owners of said area shall pay the cost of installation of said collection lateral for all of the distance in excess of two hundred fifty (250') feet. The construction of sewer laterals by the City will be started as soon as practicable after receipt of the sewer lateral charges for all of the building sites within one or more blocks, as provided above.

(c) Areas annexed to the City on or after July 1, 1950.

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

(2) In areas annexed to the City on or after July 1, 1950, where sewer laterals do not exist, the City of Modesto will construct collection lateral lines less than twelve (12") inches in diameter, to serve an area of one block or more upon the payment of the sewer lateral charges specified in subsection (c) (1), provided that the nearest boundary of said area is not more than two hundred fifty (250') feet from the nearest existing collection lateral or trunk line of adequate capacity. Where the distance between the nearest existing collection lateral or trunk line of adequate capacity in the nearest point of service within said area is greater than two hundred fifty (250') feet, the owner or owners of said area shall pay the cost of installation of said collection lateral for all of the distance in excess of two hundred fifty (250') feet. The construction of said sewer laterals will be started as soon as practicable after receipt of the sewer lateral charges for all of the building sites within one or more blocks, as provided above.

(d) Payments for sewer lateral charges will not be accepted and installation of collection laterals will not be undertaken in any area which cannot be served until trunk sewers (lines twelve (12") inches or more in diameter) are installed.

SECTION 11. Domestic Sewer Service Fund. All monies collected by the City of Modesto for sewer service charges as herein set forth shall be placed in the "Domestic Sewer Service Fund", and shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sewage facilities, and to repay principal and interest on bonds issued for the construction or reconstruction of such sewage facilities; provided, however, that such revenues shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk, interceptor and outfall sewers. All funds now deposited in the "Sewer Service Fund" shall be transferred to the "Domestic Sewer Service Fund" and shall be used for the purposes authorized by this Section.

SECTION 12. Sewer Lateral Fund. All monies collected by the City of Modesto for sewer lateral charges herein specified shall be deposited in the "Sewer Lateral Fund" and shall be expended for the construction of sewer lateral facilities. All funds now deposited in the "Sewer Connection Fund" shall be transferred to the "Sewer Lateral Fund" and shall be expended for said purposes.

SECTION 13. Violations and Penalties. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred Dollars (\$500.00), or by imprisonment in the County Jail for a period not to exceed six (6) months or by both such fine and imprisonment.

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

SECTION 12. Ordinances Repealed. The following ordinances are hereby expressly repealed: Ordinance No. 624-N.S., Ordinance No. 937-N.S., Ordinance No. 947-N.S., Ordinance No. 965-N.S. and Ordinance No. 966-N.S.

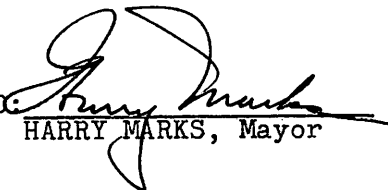
SECTION 13. Effective Date. This ordinance shall go into effect and be in full force and operation from and after June 1, 1953.

SECTION 14. Publication. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, 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 22nd day of April, 1953, by Councilman Merrill, who moved its adoption and passage to print, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and the ordinance ordered printed and published as above by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
HARRY MARKS, Mayor

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the City of Modesto held on the 6th day of May, 1953, Councilman ARATA, moved its final adoption, which motion being duly seconded by Councilman ANNAN, was upon roll call carried and the ordinance finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill


Noes: Councilmen: None

Absent: Mayor Marks

APPROVED


LYNDALL G. MERRILL, Mayor
Pro Tempore

ATTEST:


REX E. GAILFUS, CITY CLERK

Effective Date June 1, 1953

NOT SPECIAL IN CODE

AN ORDINANCE APPROPRIATING ADDITIONAL REVENUES FOR USE DURING THE 1952-1953 FISCAL YEAR.

WHEREAS, it is now anticipated that the following additional revenues, not heretofore appropriated, will be received during the 1952-1953 fiscal year from the sources indicated, to-wit:

Advance hangar rental income	\$4,800.00
Lease income (Wilson lease)	<u>1,600.00</u>
Total	\$6,400.00

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

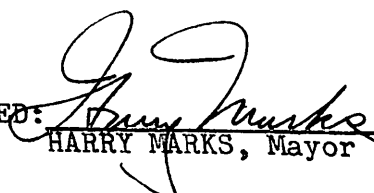
SECTION 1. The sum of Six Thousand Four Hundred (\$6,400.00) Dollars, not heretofore appropriated, is hereby appropriated to the Public Works Department, Airport Division, to be used for capital outlay purposes.

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

SECTION 3. This ordinance shall be published in full in the Modesto Journal and Valley Citizen, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1953, by Councilman Mellis, who moved its adoption, which motion being duly seconded by Councilman R. Adams, was upon roll carried by the following vote:

- AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

NOT SPECIAL IN CODE

SPECIAL
NOT IN CODE

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE CLOVERFIELD-COLLEGE VILLAGE ADDITION TO THE CITY OF MODESTO.

WHEREAS, petition was filed with the City Clerk by WILLIAM F. BECKETT, SR., WILLIAM F. BECKETT, JR., and DALTON P. ELLIS on December 31, 1952 to annex to the City of Modesto under the provisions of Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described, and designated as the Cloverfield-College Village Addition, situated in the County of Stanislaus, State of California and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 14th day of January, 1953, set said petition for hearing at the hour of 4:30 o'clock P.M. on the 18th day of February, 1953 in the Council Chambers of the City Hall of the City of Modesto, and

WHEREAS, at said time and place, no objectors appeared to oppose said petition, and

WHEREAS, it appears to the City Council and the City Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, towit: the Modesto Journal and Valley Citizen, a newspaper published in the City of Modesto, on January 15th and 22nd, 1953; in the Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on January 16th and 23rd, 1953, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk,

SPECIAL
NOT IN CODE

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

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

9 SECTION 1. That the petition of WILLIAM F. BECKETT,
10 SR., WILLIAM F. BECKETT, JR., and DALTON P. ELLIS be and the same
11 is hereby granted and the territory described in the said petition
12 is hereby annexed to and made a part of the City of Modesto.

13 SECTION 2. That the area or territory so annexed,
14 designated as Cloverfield-College Village Addition, is located in
15 the County of Stanislaus, State of California, is contiguous to
16 the City of Modesto, is uninhabited territory within the meaning
17 of the Annexation of Uninhabited Territory Act of 1939, as amended,
18 and is more particularly described as follows:

19 That portion of Lots 11, 12, 13 and 16
20 of the Fresno Tract, according to the
21 map thereof filed in Volume 1 of Maps
22 at page 76, March 14, 1903, Records of
23 Stanislaus County, California and more
24 particularly described as follows:

25 Beginning at the Northeasterly corner
26 of the existing limits of the City of
27 Modesto at the intersection of the east
28 line of Carlton Avenue and the South
29 line of a 40 ft. road known as Granger
30 Avenue; thence northerly along the east
31 line of Carlton Avenue extended 20 ft.
32 to the center line of said Granger Avenue;
thence Easterly along the said center line
of Granger Avenue 270 ft. to a point 60 ft.
west of the east line of said Lot 11;
thence northerly along a line 60 ft. west
of the east line of said Lot 11; 1046.42
ft. to the south line of said Lot 12;
thence northerly along a line 60 ft. west
of the east line of said Lot 12, 1591.51
ft. to the north line of said Fresno Tract;
thence Westerly along the said north line
of the Fresno Tract 1917.88 ft. to the
north west corner of said lot 16; thence
southerly along the west line of said

1 Lot 16, 1577.29 feet to a point on the
2 north line of the county road known as
3 Briggsmore Avenue; thence along said
4 north line of Briggsmore Avenue easterly
5 1318.08 feet to the intersection thereof
6 with the west line of said Lot 12; thence
7 along said west line of Lot 12 Southerly
8 70 feet to the northerly line of Lot 11;
9 thence along the west line of Lot 11 and
10 said west line extended 1048.14 feet to the
11 said south line of Granger Avenue and
12 the existing limits of the City of Mo-
13 desto; thence along said limits of the
14 City of Modesto easterly 330 feet to
15 the point of beginning.


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

20 SECTION 4. Pursuant to Section 722 of the Charter
21 of the City of Modesto, this ordinance shall become effective im-
22 mediately upon its adoption.

23 SECTION 5. This ordinance shall be published in
24 full at least once in the Modesto Journal and Valley Citizen, the
25 official newspaper of the City of Modesto.

26 The foregoing ordinance was introduced and adopted
27 at a regular meeting of the Council of the City of Modesto held
28 on the 6th day of May, 1953, by Councilman Annan, who
29 moved its introduction and adoption and passage to print, which
30 motion being duly seconded by Councilman Arata, was
31 upon roll call carried by the following vote:

32 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis
Mayor Pro Tempore Merrill
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Marks

APPROVED: 
LYNDALL O. MERRILL,
Mayor Pro Tempore

ATTEST: 
R. E. GAILFUS, City Clerk

AN ORDINANCE AUTHORIZING THE SALE OF
CERTAIN REAL PROPERTY BELONGING TO
THE CITY OF MODESTO.

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WHEREAS, the Council of the City of Modesto, in a regular meeting held on the 25th day of March, 1953, adopted a resolution declaring its intention to sell the following described real property, belonging to the City of Modesto, situate in the City of Modesto, County of Stanislaus, State of California, to-wit:

Lots Nine (9), Ten (10), Eleven (11) and Twelve (12), in Block 588 of the City of Modesto, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on December 21, 1942, in Volume 15 of Maps

and,

WHEREAS, said Council directed the City Clerk to cause a copy of said resolution to be published in full at least once not less than fifteen (15) days before the date of a public meeting at which sealed proposals and oral bids to purchase said property would be received and considered, in the Modesto Journal and Valley Citizen, the official newspaper of the City of Modesto, and

WHEREAS, said Clerk caused said resolution to be published as directed, the Affidavit of Publication is now on file in the Clerk's office, and

WHEREAS, the Council finds that due and legal notice has been given in the premises pursuant to the resolution of this body, and

WHEREAS, this Council met at 8:30 P. M. on the 22nd day of April, 1953, at its regular place of meeting, at which time sealed proposals were received for the purchase of said real property, and

WHEREAS, this Council caused all bids received pursuant to the aforesaid resolution to be opened, and examined at said time

1 and place, and

2 WHEREAS, this Council found and declared the bid of
3 Dr. Ivan A. Hull in the sum of Six Thousand Two Hundred Fifty
4 (\$6,250.00) Dollars to be the highest responsible written bid
5 received, and

6 WHEREAS, upon call for oral bids, the highest oral bid
7 was received from Dr. George S. Feher in the amount of Nine
8 Thousand Two Hundred Fifty (\$9,250.00) Dollars, and

9 WHEREAS, upon a call for further oral bids, none were
10 received, and

11 WHEREAS, the aforesaid oral bid exceeded by at least
12 five (5%) per cent the highest of said written proposals sub-
13 mitted to this Council, and

14 WHEREAS, said Dr. George S. Feher deposited the sum
15 of One Thousand (\$1,000.00) Dollars with the Clerk of this Council,
16 and

17 WHEREAS, said bid of Dr. George S. Feher conforms to
18 all terms and conditions specified in said resolution of inten-
19 tion of this Council to sell said real property,

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

22 SECTION 1. The Council finds and hereby declares that
23 the said proposal of Dr. George S. Feher is the highest and most
24 satisfactory proposal presented to this Council to purchase the
25 hereinabove described real property.

26 SECTION 2. The said proposal of said Dr. George S.
27 Feher, in the sum of Nine Thousand Two Hundred Fifty (\$9,250.00)
28 Dollars be, and the same is hereby accepted and in consideration
29 thereof, said herein before described property shall be sold
30 and conveyed to Dr. George S. Feher, and pursuant to such sale
31 and conveyance, the Mayor of the City of Modesto be and he is
32 hereby authorized and directed to execute for and on behalf of

1 the City of Modesto a deed conveying all of its right, title
2 and interest in and to said real property hereinabove described
3 and to deliver the same to said Dr. George S. Feher, upon
4 receipt of the sum of Nine Thousand Two Hundred Fifty (\$9,250.00)
5 Dollars, in payment of the purchase price of said property.

6 SECTION 3. That the deposit of One Thousand (\$1,000.00)
7 Dollars from said Dr. George S. Feher be retained by this Council
8 pursuant to the provisions of the aforementioned resolution of
9 intention of this Council to sell said real property until the
10 aforesaid purchase price shall have been paid.

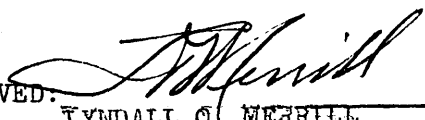
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SECTION 4. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

SECTION 5. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1953, by Councilman Mellis, who moved its introduction and passage to print, which motion being duly seconded by Councilman R. Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and
Mayor Pro Tempore Merrill
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Marks


APPROVED: 
LYNDALL O. MERRILL
Mayor Pro Tempore

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20 day of May, 1953, Councilman M. Adams moved its final adoption, which motion being duly seconded by Councilman Mellis, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: Annan and Merrill

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 4, 1953

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY FOR USE BY THE CITY OF MODESTO.

WHEREAS, the City of Modesto desires to acquire a parcel of real property as a site for the location of a sewage pumping plant, and

WHEREAS, Chester DeMartini has offered to sell a site to the City suitable for such purpose for the net sum of One Thousand Nine Hundred and no/100ths (\$1,900.00) Dollars, with the incidental expenses incurred in the acquisition of said property to be paid by City, and

WHEREAS, a deed has been prepared conveying such property to the City of Modesto, which deed is in proper legal form, and

WHEREAS, title search to such property has been made, and it appears therefrom that good title to said property will be conveyed to the City of Modesto upon acceptance of such deed,

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

SECTION 1. The purchase of the following described real property from Chester DeMartini and Lucy B. DeMartini for the sum of One Thousand Nine Hundred and no/100ths (\$1,900.00) Dollars for use as a site for the location of a sewage pumping plant is hereby approved:

A portion of Lot 19 of Maze Ranch Subdivision, filed in Maps of the Stanislaus County Records on March 19, 1909 in Volume 4 at Page 18 described as follows:

Commencing at the Northeast corner of Lot 19 on the centerline of "2" Avenue, now known as Emerald Avenue; thence South 0° 31' 30" East 809.61 feet along the centerline of Emerald Avenue to its intersection with the north line of Modesto Irrigation District Lateral No. 4; thence North 85° 52' 30" West 20.07 feet along the North line of Modesto Irrigation District Lateral No. 4 to the West line of Emerald Avenue and the true point of beginning of this description; thence continuing along the North line of Lateral No. 4 N. 85° 52' 30" West 100.33 feet; thence North 0° 31' 30" West 85.89 feet parallel to Emerald Avenue; thence North 89° 28' 30" East 100.00

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1 feet perpendicular to Emerald Avenue to the
2 West line of Emerald Avenue; thence South 0°
3 31' 30" East 94.00 feet along the West line
of Emerald Avenue to the true point of begin-
ning.

4 SECTION 2. The City of Modesto hereby accepts the deed
5 from Grantor conveying the above described property to the City
6 of Modesto and does hereby authorize the City Clerk to record
7 said deed with the Recorder of Stanislaus County.


8 SECTION 3. The City Auditor is hereby authorized and
9 directed to draw a warrant on the "1953 Sewer Improvement Fund"
10 in the sum of ONE THOUSAND NINE HUNDRED and no/100ths (\$1900.00)
11 DOLLARS, payable to Chester DeMartini and Lucy M. DeMartini, and
12 deliver the same to the Stanislaus County Title Company, to be
13 delivered to seller upon the receipt by City of a deed in proper
14 legal form, conveying said property to the City.

SECTION 34 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 45 This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1953, by Councilman R. Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Pro Tempore Merrill
- NOES: Councilmen: None
- ABSENT: Councilmen: Mayor Marks

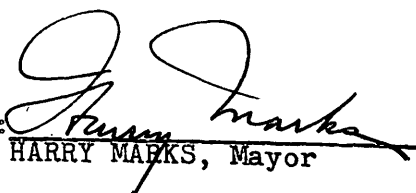
APPROVED: 
~~HARRY MARKS, Mayor~~
 Lyndall O. Merrill
 Mayor Pro Tempore

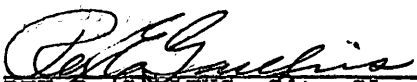
ATTEST: 
 REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20 day of May, 1953, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

- AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis and Mayor Marks
- NOES: Councilmen: None
- ABSENT: Councilmen: Annan and Merrill

APPROVED: 
 HARRY MARKS, Mayor

ATTEST: 
 REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 4, 1953

NOT SPECIAL IN CODE

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS THE BARHAM-ROOSEVELT ADDITION TO THE CITY OF MODESTO.

WHEREAS, petition was filed with the City Clerk by CHESTER BARHAM on March 4, 1953 to annex to the City of Modesto under the provisions of Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described, and designated as the BARHAM-ROOSEVELT ADDITION, situate in the County of Stanislaus, State of California and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 15th day of April, 1953, set said petition for hearing at the hour of 4:30 P.M. on the 20th day of May, 1953 in the Council Chambers of the City Hall of the City of Modesto, and

WHEREAS, at said time and place, no objectors appeared to oppose said petition, and

WHEREAS, it appears to the City Council and the City Council so finds that a copy of the resolution giving notice of the proposed annexation and fixing the time and place for hearing objections to the proposed annexation was published in newspapers of general circulation, towit: the Modesto Journal and Valley Citizen, a newspaper published in the City of Modesto, on April 16th and 23rd, 1953; in the Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on April 17th and 24th, 1953, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designa-

1 tion of the lands in which he has any interest, either legal or
2 equitable, with said Clerk, which notices were mailed not less
3 than twenty (20) days before the date set for public hearing, and
4 that all the requirements of the Annexation of Uninhabited Terri-
5 tory Act of 1939, as amended, have been complied with.

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

8 SECTION 1: That the petition of CHESTER BARHAM be
9 and the same is hereby granted and the territory described in
10 the said petition is hereby annexed to and made a part of the
11 City of Modesto.

12 SECTION 2. That the area or territory so annexed,
13 designated as the Barham-Roosevelt Addition, is located in the
14 County of Stanislaus, State of California, is contiguous to the
15 City of Modesto, is uninhabited territory within the meaning of
16 the Annexation of Uninhabited Territory Act of 1939, as amended,
17 and is more particularly described as follows:

18 That portion of Lots 2, 3, 17, 18 and 19 of
19 Weil Colony, according to the map thereof
20 filed in Volume 3 of Maps at Page 37, Stan-
21 islaus County Records, and more particularly
22 described as follows:

23 Beginning at a Northeasterly corner of the
24 existing City limit of the City of Modesto,
25 at the intersection of the East line of
26 Carlton Avenue and the South line of the
27 forty foot road known as Granger Avenue;
28 thence Northerly along the East line of said
29 Carlton Avenue extended, which is also the
30 West line of the above mentioned Lot 3 of
31 Weil Colony according to the Map or Plat of
32 Roosevelt Center on file in the office of
the County Recorder of Stanislaus County,
California, twenty feet to the center line
of Granger Avenue; thence Easterly along the
center line of Granger Avenue to a point
thirty feet, more or less, East of the North-
west corner of said Lot 2 of Weil Colony;
thence Southerly along a line thirty feet,
more or less, East of and parallel to the
West line of Lots 2 and 19 of Weil Colony
which is the East right-of-way line of the
Tidewater Southern Railroad and continuing
South on this same line to the North line of
Orangeburg Avenue; thence Westerly along said

1 North line of Orangeburg Avenue 30 feet, more
2 or less; thence southerly at right angles to
3 Orangeburg Avenue 40 feet; thence Westerly
4 along the South line of Orangeburg Avenue to
5 the existing City limits line of the City of
6 Modesto; thence Westerly and Northerly along
7 the existing limits of the City of Modesto
8 to the point of beginning.

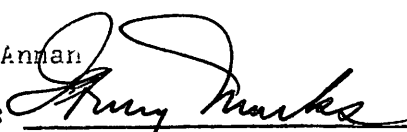
9 SECTION 3. Said territory shall be subject to munici-
10 pal taxes to pay any indebtedness or liability of the City of
11 Modesto authorized or existing at the time of the adoption of
12 this ordinance.


13 SECTION 4. Pursuant to Section 722 of the Charter of
14 the City of Modesto, this ordinance shall become effective immed-
15 iately upon its adoption.

16 SECTION 5. This ordinance shall be published in full
17 at least once in the Modesto Journal and Valley Citizen, the
18 official newspaper of the City of Modesto.

19 The foregoing ordinance was introduced and adopted
20 at a regular meeting of the Council of the City of Modesto held
21 on the 20 day of May, 1953, by Councilman M. Adams, who
22 moved its introduction and adoption and passage to print, which
23 motion being duly seconded by Councilman Arata, was
24 upon roll call carried by the following vote:

- 25 AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis and
26 Mayor Marks
27 NOES: Councilmen: None
28 ABSENT: Councilmen: Merrill and Annan

29 APPROVED: 
30 HARRY MARKS, Mayor

31 ATTEST: 
32 REX E. GAILFUS, City Clerk

1 AN ORDINANCE ANNEXING UNINHABITED TERRITORY
 2 KNOWN AS THE TSCHANTZ-VAN HORN ADDITION TO
 3 THE CITY OF MODESTO.

4 WHEREAS, a petition was filed with the City Clerk by
 5 LIONEL R. VANHORN, RUTH L. VANHORN, ORVAL TSCHANTZ and GUDRUN O.
 6 TSCHANTZ on March 19th, 1953 to annex to the City of Modesto under
 7 the provisions of Annexation of Uninhabited Territory Act of 1939,
 8 as amended, certain uninhabited territory, hereinafter described,
 9 and designated as the Tschantz-Van Horn Addition, situate in the
 10 County of Stanislaus, State of California and contiguous to the
 11 City of Modesto, and

12 WHEREAS, the City Council by resolution adopted on
 13 the 15th day of April, 1953, set said petition for hearing at the
 14 hour of 4:15 o'clock P.M. on the 20th day of May, 1953, in the
 15 Council Chambers of the City Hall of the City of Modesto, and

16 WHEREAS, at said time and place, no objectors appeared
 17 to oppose said petition, and

18 WHEREAS, it appears to the City Council and the City
 19 Council so finds that a copy of the resolution giving notice of
 20 the proposed annexation and fixing the time and place for hearing
 21 objections to the proposed annexation was published in newspapers
 22 of general circulation, towit: the Modesto Journal and Valley
 23 Citizen, a newspaper published in the City of Modesto, on April
 24 16th and 23rd, 1953; in the Ceres Courier, a newspaper published
 25 outside the City of Modesto, but in the County of Stanislaus, on
 26 April 17th and 24th, 1953, for the time and in the manner required
 27 by law, which publications were completed at least twenty (20)
 28 days prior to the date set for hearing; that written notice of
 29 the proposed annexation has been mailed by the City Clerk of the
 30 City of Modesto to each person to whom land within the territory
 31 proposed to be annexed was assessed on the last equalized assess-
 32 ment roll available on the date the proceedings were initiated,
 at the address as shown thereon, or as known to said Clerk, and

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

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

9 SECTION 1. That the petition of LIONEL R. VANHORN,
10 RUTH L. VANHORN, ORVAL TSCHANTZ and GUDRUN O. TSCHANTZ be, and
11 the same is hereby granted and the territory described in the
12 said petition is hereby annexed to and made a part of the City
13 of Modesto.

14 SECTION 2. That the area or territory so annexed,
15 designated as the Tschantz-Van Horn Addition, is located in the
16 County of Stanislaus, State of California, is contiguous to the
17 City of Modesto, is uninhabited territory within the meaning of
18 the Annexation of Uninhabited Territory Act of 1939, as amended,
19 and is more particularly described as follows:

20 All that portion of Lot 43 of the Broughton
21 Colony as per map filed on March 17, 1904 in
22 Vol. 1 of Maps, Page 78, Stanislaus County
23 Records described as follows:

24 Commencing at the Southeast corner of Lot 43
25 of the Broughton Colony, said point being at
26 the intersection of Morris Avenue and Coffee
27 Road, said point also being the centerline of
28 Morris Avenue and Coffee Road; thence continue
29 along centerline of Morris Avenue South 89°
30 $57'$ West a distance of 310.00 feet; thence
31 South $0^{\circ} 53'$ West 30.00 feet to the South line
32 of Morris Avenue, said point being the true
point of beginning of this description; thence
along said South line South $89^{\circ} 57'$ West a dis-
tance of 174.86 feet to the East boundary line
of the City of Modesto; thence along said East
boundary line North $0^{\circ} 53'$ West a distance of
191.35 feet; thence leaving the East boundary
line of the City of Modesto run South $89^{\circ} 59'$
 $15''$ East a distance of 174.86 feet to the East
line of property deeded to Anton and Katharine
Flori in Volume 514 at Page 268 of Official
Records as filed in the Stanislaus County

1 Recorders Office; thence along said East line
2 of Fiori property South 0° 53' East 131.20
3 feet; thence continue South 0° 53' East a
4 distance of 60.00 feet to the point of begin-
5 ning.

6 SECTION 3. Said territory shall be subject to municipi-
7 pal taxes to pay any indebtedness or liability of the City of
8 Modesto authorized or existing at the time of the adoption of
9 this ordinance.

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

13 SECTION 5. This ordinance shall be published in full
14 at least once in the Modesto Journal and Valley Citizen, the of-
15 ficial newspaper of the City of Modesto.

16 The foregoing ordinance was introduced and adopted at
17 a regular meeting of the Council of the City of Modesto held on
18 the 20 day of May, 1953, by Councilman Mellis, who
19 moved its introduction and adoption and passage to print, which
20 motion being duly seconded by Councilman R. Adams, was
21 upon roll call carried by the following vote:

- 22 AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis and
23 Mayor Marks
24 NOES: Councilmen: None
25 ABSENT: Councilmen: ~~Merrill and Annan~~

26 APPROVED: *Harry Marks*
27 HARRY MARKS, Mayor
28 ATTEST: *Rex E. Gailfus*
29 REX E. GAILFUS, City Clerk

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AN ORDINANCE PROHIBITING BEGGING IN PUBLIC
STREETS OR PLACES IN THE CITY OF MODESTO.

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

SECTION 1. No person shall beg, or practice begging, or
solicit contributions for himself, either by oral, written, or
implied asking or request, in the City of Modesto

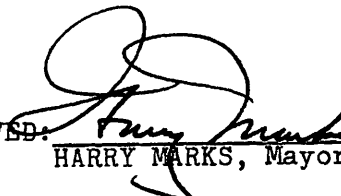
SECTION 2. Any person, firm or corporation violating
any of the provisions of this ordinance shall be deemed guilty of
a misdemeanor, and upon conviction thereof, shall be punished by
a fine not exceeding Five Hundred and no/100ths (\$500.00) Dollars
or by imprisonment in the County Jail of the County of Stanislaus
for not more than six (6) months, or by both such fine and impris-
onment.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of June, 1953, by Councilman Merrill, who moved its introduction and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

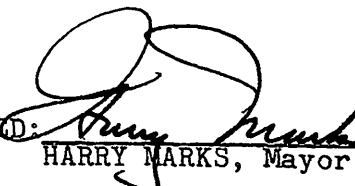
APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of July, 1953, Councilman M. Adams moved its final adoption, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 16-1953

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AN ORDINANCE AMENDING ORDINANCE NO. 891-N.S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE PRESCRIBING RULES AND REGULATIONS FOR THE USE AND CONDUCT OF MODESTO MUNICIPAL AIRPORT, DECLARING VIOLATIONS OF SAID RULES AND REGULATIONS TO BE A MISDEMEANOR AND PROVIDING PUNISHMENT THEREFOR, AND FIXING LANDING, RENTAL AND OTHER FEES TO BE PAID FOR USING SAID AIRPORT AND PROVIDING FOR THE COLLECTION OF SAID FEES AND REPEALING ORDINANCES NO. 321-N.S., 328-N.S., 519-N.S., 795-N.S. AND 800-N.S. OF THE CITY OF MODESTO", AS AMENDED, BY ADDING ITEM 17 TO SECTION 2 OF SAID ORDINANCE.

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

SECTION 1. Section 2 of Ordinance No. 891-N.S. of the City of Modesto, as amended, entitled, "An Ordinance Prescribing Rules and Regulations for the Use and Conduct of Modesto Municipal Airport, Declaring Violations of Said Rules and Regulations to Be a Misdemeanor and Providing Punishment Therefor, and Fixing Landing, Rental and Other Fees to Be Paid for Using Said Airport and Providing for the Collection of Said Fees and Repealing Ordinances No. 321-N.S., 328-N.S., 519-N.S., 795-N.S. and 800-N.S. of the City of Modesto", is hereby amended by adding Item 17 thereto to read as follows:

Item 17: Transient Commercial Services. Any person, firm, or corporation engaging in a commercial enterprise, temporarily based at Modesto Municipal Airport, shall pay to the City of Modesto a license fee in the sum of One Hundred Fifty and no/100ths (\$150.00) Dollars, payable in advance.

Each such operator shall also pay to the City an additional sum of Ninety and no/100ths (\$90.00) Dollars per month, or any portion thereof, payable in advance, for the privilege of using the airport and its facilities.

An operator shall be considered as "temporarily based" at Modesto Municipal Airport within the meaning of this ordinance, unless said operator maintains an office at said airport and intends to engage in business from said base for a consecutive period of not less than six (6) months in duration.

The requirements of this Item may be modified or waived by action of the City Council during such times as are declared by it to be periods of public emergency.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of June, 1953, by Councilman R. Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mellis, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of July, 1953, Councilman M. Adams, moved its final adoption, which motion being duly seconded by Councilman Mellis, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 16, 1953

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN
REAL PROPERTY BELONGING TO THE CITY OF MODESTO.

WHEREAS, the Council of the City of Modesto, at a regular
meeting held on the 3rd day of June, 1953, adopted a resolution
declaring its intention to sell the following described real
property, belonging to the City of Modesto, situate^d in the City
of Modesto, County of Stanislaus, State of California, to-wit:

Lots 21 to 24 inclusive, in Block 36 of the
City of Modesto, according to the Official Map
thereof, filed in the Office of the County
Recorder of Stanislaus County, California, on
December 21, 1942, in Vol. 15 of Maps,

and,

WHEREAS, said Council directed the City Clerk to cause
a copy of said Resolution to be published in full at least once
not less than five (5) days before the date of a public meeting
at which sealed proposals and oral bids to purchase said property
would be received and considered, in the Modesto Journal and
Valley Citizen, the official newspaper of the City of Modesto, and

WHEREAS, said Clerk caused said resolution to be pub-
lished as directed, the Affidavit of Publication is now on file
in the Clerk's office, and

WHEREAS, the Council finds that due and legal notice
has been given in the premises pursuant to the Resolution of this
body, and

WHEREAS, this Council met at 4:30 P. M. on the 17th day
of June, 1953, at its regular place of meeting, at which time
sealed proposals were received for the purchase of said real
property, and

WHEREAS, this Council caused all bids received pursuant
to the aforesaid Resolution to be opened and examined at said time
and place, and

WHEREAS, this Council found and declared the bid of
the Veterans of Foreign Wars of the United States, Modesto Post

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1 3199, hereinafter referred to as Purchaser, in the sum of One
2 Thousand Five Hundred (\$1,500.00) Dollars to be the highest
3 responsible written bid received, and

4 WHEREAS, upon call for oral bids, the highest oral bid
5 was received from Purchaser in the amount of Two Thousand Four
6 Hundred (\$2,400.00) Dollars, and

7 WHEREAS, upon a call for further oral bids, none were
8 received, and

9 WHEREAS, the aforesaid oral bid exceeded by at least
10 five (5%) per cent the highest of said written proposals sub-
11 mitted to this Council, and

12 WHEREAS, said Purchaser deposited the sum of Two Hundred
13 Fifty (\$250.00) Dollars with the Clerk of this Council, and

14 WHEREAS, said bid of Purchaser conforms to all terms and
15 conditions specified in said Resolution of Intention of this
16 Council to sell said real property,

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

19 SECTION 1. The Council finds and hereby declares that
20 the said proposal of Purchaser is the highest and most satis-
21 factory proposal presented to this Council to purchase the herein-
22 above described real property.

23 SECTION 2. The said proposal of said Purchaser, in the
24 sum of Two Thousand Four Hundred (\$2,400.00) Dollars be, and the
25 same is hereby accepted and in consideration thereof, said herein
26 before described property shall be sold and conveyed to Purchaser,
27 and pursuant to such sale and conveyance, the Mayor of the City
28 of Modesto be and he is hereby authorized and directed to execute
29 for and on behalf of the City of Modesto a deed conveying all of
30 its right, title and interest in and to said real property
31 hereinabove described and to deliver the same to said Purchaser,
32 upon receipt of the sum of Two Thousand Four Hundred (\$2,400.00)

1 Dollars, in payment of the purchase price of said property.

2 SECTION 3. That the deposit of Two Hundred Fifty
3 (\$250.00) Dollars from said Purchaser be retained by this Council
4 pursuant to the provisions of the aforementioned Resolution of
5 Intention of this Council to sell said real property until the
6 aforesaid purchase price shall have been paid.

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

SECTION 5. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Journal and Valley Citizen, the official newspaper of the City of Modesto.


The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24 day of June, 1953, by Councilman M. Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman H. Arata, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of July, 1953, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

effective date of Ord. July 23, 1953

AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN TERRITORY KNOWN AS "NORTH CENTRAL ADDITION" TO THE CITY OF MODESTO.

3 WHEREAS, certain proceedings have been instituted under
4 the Annexation Act of 1913 and other laws pertaining to annexation
5 for the purpose of submitting to the qualified electors residing
6 in certain territory hereinafter described, and generally desig-
7 nated as "North Central Addition", the question whether or not
8 said territory shall be annexed to, incorporated in, and made a
9 part of said City of Modesto, and whether or not the property in
10 said territory shall, after such annexation, be subjected to taxa-
11 tion equally with the property within the City of Modesto to pay
12 the entire bonded indebtedness of the City of Modesto for the
13 acquisition, construction or completion of municipal improvements
14 outstanding or authorized at the date of said election, and

15 WHEREAS, the City Council finds that each and every and
16 all of the requirements of law pertaining to said annexation pro-
17 ceedings and the election in said territory have been fully com-
18 plied with,

19 THE COUNCIL OF THE CITY OF MODESTO DOES ORDAIN AS FOLLOWS:

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

24 All that certain real property situated in the
25 County of Stanislaus, State of California, des-
cribed as follows:

26 Beginning at the Northeasterly corner of the
27 existing limits of the City of Modesto at the
28 intersection of the South line of Fairmont Avenue
29 with the West line of McHenry Avenue, said point
30 being 25 feet West of the East line of Section
31 20, Township 3 South, Range 9 East, Mount Diablo
32 Base and Meridian; thence along said West line
of McHenry Avenue, 25 feet Westerly and parallel
to said East line of Section 20, North 2310 feet,
more or less, to the intersection thereof with
the South line of Orangeburg Avenue as said
McHenry and Orangeburg Avenues are shown on map
of Mensinger Tract No. 4 recorded in Volume 14

1 of Maps at Page 68, Records of Stanislaus County;
2 thence along the Southerly boundary of said Orange-
3 burg Avenue Westerly 635.19 feet to the Easterly
4 boundary of Mensinger Tract No. 2 according to
5 the map thereof filed in Volume 11 of Maps at
6 Page 30, Records of Stanislaus County; thence
7 along the Easterly boundary of said Mensinger
8 Tract No. 2, Southerly 10 feet to the Southerly
9 line of Orangeburg Avenue as shown on said Map
10 of Mensinger Tract No. 2.; thence along said
11 Southerly line of Orangeburg Avenue Westerly
12 659.59 feet to the Westerly boundary of said
13 Mensinger Tract No. 2 and the Easterly boundary
14 of Monaco Tract as said Monaco Tract is shown
15 on the Map thereof filed in Volume 11 of Maps
16 at Page 67, Records of Stanislaus County; thence
17 continuing along the Southerly line of Orangeburg
18 Avenue as shown on said map of Monaco Tract West-
19 erly 660.00 feet to the intersection thereof with
20 the centerline of Enslin Avenue, said centerline
21 of Enslin Avenue being the Westerly line of said
22 Monaco Tract and the Easterly line of the James
23 Tract as said James Tract is shown on the map
24 thereof filed in Volume 11 of Maps at Page 68,
25 Records of Stanislaus County; thence continuing
26 along the Southerly line of Orangeburg Avenue
27 as shown on said map of James Tract Westerly
28 660.00 feet to the intersection thereof with the
29 Westerly line of said James Tract said Westerly
30 line being also the Easterly line of the right
31 of way of the Tidewater Southern Railroad and
32 the North-South 1/4 section line of said Section
20; thence along said 1/4 section line North 10
feet to a point 20 feet South of the centerline
of Orangeburg Avenue said centerline being the
Northerly East-West 1/4 1/4 section line of said
Section 20; thence Westerly at a distance 20
feet Southerly and parallel with said centerline
of Orangeburg Avenue to a point on the Westerly
line of said right of way of the Tidewater Southern
Railroad said point also being the Northeast corner
of Block 6050 of the City of Modesto; thence along
the existing limits of the City of Modesto as
follows: Southerly to the South line of Griswold
Avenue, Easterly to the East line of Magnolia
Avenue, Northerly to the South line of Fairmont
Avenue, and Easterly to the point of beginning,

be, and the same is hereby approved.

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

SECTION 3. The Clerk of the City of Modesto is hereby

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

7 SECTION 4. That the said territory hereinabove described
8 shall, after such annexation, be subjected to taxation equally
9 with the property within the City of Modesto to pay the entire
10 bonded indebtedness of the City of Modesto for the acquisition,
11 construction or completion of municipal improvements outstanding
12 or authorized at the date of the election held to determine
13 whether or not said property shall be annexed to the City.

14 SECTION 5. Pursuant to Section 722 of the Charter of
15 the City of Modesto, this Ordinance shall take effect and be in
16 full force and operation as of the date hereof.

17 SECTION 6. This Ordinance shall be published in full in
18 the Modesto Journal and Valley Citizen, the official newspaper of
19 the City of Modesto.

20 The foregoing Ordinance was introduced at a regular
21 meeting of the Council of the City of Modesto held on the 24th
22 day of June, 1953, by Councilman D. Mellis, who moved
23 its adoption and passage to print, which motion being duly
24 seconded by Councilman R. Adams, was upon roll call
25 carried and the Ordinance ordered printed and published as above
26 by the following vote:

27 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
28 NOES: Councilmen: None Merrill and Mayor Marks
29 ABSENT: Councilmen: None

30 APPROVED: 

HARRY MARKS, Mayor

31 ATTEST: 
32 REX E. GAILFUS, City Clerk

AN ORDINANCE APPROPRIATING FUNDS FOR PAYMENT OF THE USUAL CURRENT EXPENSES OF THE CITY OF MODESTO.

WHEREAS, the fiscal year of the City of Modesto ended on June 30, 1953, and

WHEREAS, there will be an interim period between June 30, 1953 and the adoption of the budget for the fiscal year beginning July 1, 1953 and terminating June 30, 1954, and

WHEREAS, the City Council desires to make an appropriation for the usual current expenses of the City to cover expenditures for the interim period above referred to,

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

SECTION 1. That the sum of \$250,000.00, or such portion thereof as may be necessary, is hereby appropriated for the payment of the customary and usual current expenses of the City of Modesto for the period commencing July 1, 1953, and continuing until the adoption of the budget for the fiscal year 1953-54.

SECTION 2. That this ordinance is an appropriation ordinance and shall go into effect and be in full force and operation as of the date of its adoption, to-wit, July 1, 1953, but shall be superseded upon the adoption of the budget for the 1953-54 fiscal year.

SECTION 3. That this ordinance shall be published in full at least once in the Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 1953, by Councilman Arata, who moved its adoption, which motion being duly seconded by Councilman H. Adams, was upon roll call carried by the

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1 following vote:

2 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

3 NOES: Councilmen: None

4 ABSENT: Councilmen: None

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6 APPROVED: 
HARRY MARKS, Mayor

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8 ATTEST: 
9 REX E. GAILFUS, City Clerk

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ORDINANCE NO. 1082 -N.S.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
KNOWN AS THE LA SOMBRA ADDITION TO THE CITY
OF MODESTO.

3 WHEREAS, a petition was filed with the City Clerk by
4 Wilbur E. Grant and Mrs. Florence Fields on May 25, 1953 to annex
5 to the City of Modesto under the provisions of Annexation of
6 Uninhabited Territory Act of 1939, as amended, certain uninhabited
7 territory, hereinafter described and designated as the La Sombra
8 Addition, situate in the County of Stanislaus, State of California
9 and contiguous to the City of Modesto, and

10 WHEREAS, the City Council by resolution adopted on the
11 27th day of May, 1953 set said petition for hearing at the hour
12 of 4:15 o'clock P. M. on the 1st day of July, 1953, in the Council
13 Chambers of the City Hall of the City of Modesto, and

14 WHEREAS, at said time and place no objectors appeared to
15 oppose said petition, and

16 WHEREAS, it appears to the City Council and the City
17 Council so finds that a copy of the resolution giving notice of
18 the proposed annexation and fixing the time and place for hearing
19 objections to the proposed annexation was published in newspapers
20 of general circulation, to-wit: The Modesto Journal and Valley
21 Citizen, a newspaper published in the City of Modesto, on May 28,
22 1953 and June 4, 1953; in the Hughson Chronicle, a newspaper
23 published outside the City of Modesto, but in the County of
24 Stanislaus, on May 29, 1953 and June 5, 1953, for the time and
25 in the manner required by law, which publications were completed
26 at least twenty (20) days prior to the date set for hearing; that
27 written notice of the proposed annexation has been mailed by the
28 City Clerk of the City of Modesto to each person to whom land
29 within the territory proposed to be annexed was assessed on the
30 last equalized assessment roll available on the date the proceed-
31 ings were initiated, at the address as shown thereof, or as known
32 to said Clerk, and to any person who has filed his name and address

N 072 IN CODE SPECIAL

1 and the designation of the lands in which he has any interest,
2 either legal or equitable, with said Clerk, which notices were
3 mailed not less than twenty (20) days before the date set for
4 public hearing, and that all the requirements of the Annexation
5 of Uninhabited Territory Act of 1939, as amended, have been com-
6 plied with,

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

9 SECTION 1. That the petition of Wilbur E. Grant and
10 Mrs. Florence Fields be, and the same is hereby granted and the
11 territory described in the said petition is hereby annexed to and
12 made a part of the City of Modesto.

13 SECTION 2. That the area or territory so annexed, desig-
14 nated as the LaSombra Addition, is located in the County of Stan-
15 islaus, State of California, is contiguous to the City of Modesto,
16 is uninhabited territory within the meaning of the Annexation of
17 Uninhabited Territory Act of 1939, as amended, and is more parti-
18 cularly described as follows:

19 All that certain real property situate in the
20 County of Stanislaus, State of California, being
21 a portion of Block 259 of Las Palmas Village as
filed in Volume 14, page 16 of Maps, Stanislaus
County Records, particularly described as follows:

22 Beginning at the Northwest corner of said Las
23 Palmas Village, thence easterly along the center-
24 line of La Sombra S. 89° 54' 30" E. 174.30 feet,
25 thence S. 0° 05' 30" W. 30 feet, thence S. 89°
26 54' 30" E. 124.30 feet, thence S. 0° 49' E.
27 143.87 feet, thence N. 89° 54' 30" W. 120 feet,
thence N. 0° 49' W. 3894 feet, thence N. 89° 54'
30" W. 178.59 feet, thence N. 0° 49' 30" W. 134.93
feet to the point of beginning being a portion of
La Sombra, Lots 19, 20, 21, 22, 23 and a portion
of Lots 17 and 18.

28 SECTION 3. Said territory shall be subject to municipal
29 taxes to pay any indebtedness or liability of the City of Modesto
30 authorized or existing at the time of the adoption of this ordi-
31 nance.

32 SECTION 4. Pursuant to Section 722 of the Charter of

1 the City of Modesto, this ordinance shall become effective
2 immediately upon its adoption.

3 SECTION 5. This ordinance shall be published in full
4 at least once in the Modesto Tribune , the official newspaper of
5 the City of Modesto.

6 The foregoing Ordinance was introduced and adopted at
7 a regular meeting of the Council of the City of Modesto held on
8 the 1st day of July, 1953, by Councilman Annan, who
9 moved its introduction and adoption and passage to print, which
10 motion being duly seconded by Councilman Arata, was
11 upon roll call carried by the following vote:

12 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
Merrill and Mayor Marks

13 NOES: Councilmen: None

14 ABSENT: Councilmen: None

15 APPROVED:


16 HARRY MARKS, Mayor

17 ATTEST: 
18 REX E. GAILFUS, City Clerk

CODE SEC.
NO. 6-7.304
6-7.311

ORDINANCE NO. 1083 -N.S.

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AN ORDINANCE AMENDING ORDINANCE NO. 514-N.S. OF THE CITY OF MODESTO ENTITLED, "AN ORDINANCE REGULATING THE BUSINESS OF DEALING IN USED MOTOR VEHICLES, DEFINING A USED MOTOR VEHICLE DEALER, PROVIDING FOR THE LICENSING OF SUCH DEALERS, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE" BY AMENDING SECTION 4 THEREOF AND BY ADDING SECTION 10A THERETO.

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

SECTION 1. Section 4 of Ordinance No. 514-N.S. of the City of Modesto entitled, "AN ORDINANCE REGULATING THE BUSINESS OF DEALING IN USED MOTOR VEHICLES, DEFINING A USED MOTOR VEHICLE DEALER, PROVIDING FOR THE LICENSING OF SUCH DEALERS, AND PROVIDING PENALTIES FOR THE VIOLATION OF THIS ORDINANCE", is hereby amended to read as follows:

Section 4. Upon receipt of such application, the City Clerk shall refer it to the Director of Finance, who shall cause such investigation of the applicant's business and moral character, and of the premises at which said applicant proposes to conduct his business, to be made as he deems necessary for the protection of the public welfare.

(1) If, as a result of such investigation, the applicant's character or business responsibility, and/or the premises at which applicant proposes to conduct said business, is found to be unsatisfactory, the Director of Finance shall endorse on such application his disapproval and the reasons for same, and shall notify the applicant that his application is disapproved and that no permit and license will be issued.

(2) If, as a result of such investigation, the applicant's character and business responsibility, and the premises at which applicant proposes to conduct said business, are found to be satisfactory, and the applicant has fully complied with all of the requirements of this ordinance necessary to be complied with preliminary to the granting of a permit, the Director of Finance shall endorse on such application his approval, and execute a permit ~~addressed to the applicant for the carrying on of~~ the business applied for at the address indicated.

SECTION 2. A new section entitled, "Section 10A" is hereby added to said Ordinance No. 514-N.S. which said section shall read as follows:

Section 10A. Any person excepting to any denial of a permit applied for by him pursuant to the provisions of this ordinance may appeal in writing

1 to the City Council by filing with the City Clerk
2 a written notice of such appeal, setting forth the
3 specific grounds thereof. Such notice must be
4 filed within fourteen (14) days after notice of
5 such action appealed from, but in no event later
6 than thirty (30) days after date of such action.
7 The City Clerk shall forthwith set said matter for
8 hearing before the City Council and cause notice
9 thereof to be given to the applicant not less than
10 five (5) days prior to such hearing. At such hear-
11 ing the appellant shall show cause, on the grounds
12 specified in the Notice of Appeal, why the action
13 excepted to should not be approved. The Council
14 may continue such hearing from time to time, and
15 its findings on the appeal shall be final and con-
16 clusive in the matter.

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

SECTION 4. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Tribune ~~Journal and Valley Citizen~~, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of July, 1953, by Councilman Annan, who moved its introduction and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of July, 1953, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Annan, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

Effective date July 30-1953

AN ORDINANCE PROVIDING THE TIME, PLACE AND PROCEDURE FOR CONDUCTING MEETINGS OF THE CITY COUNCIL OF THE CITY OF MODESTO

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

SECTION 1. REGULAR MEETINGS. (a) Time. Regular meetings of the City Council shall be held on the first, second, third and fourth Wednesday of each month. The meetings held on the first and third Wednesday shall commence at the hour of 4 o'clock P. M., and the meetings held on the second and fourth Wednesday shall commence at the hour of 7:30 o'clock P. M. Meetings of the Council for the purpose of canvassing election returns not held on a regular Council meeting date shall commence at the hour of 4 o'clock P. M.

(b) Place. All meetings of the Council shall be convened in the Council Chambers of the City Hall, 717 - 10th Street, Modesto, California. If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the Presiding Officer of the Council.

(c) Public. All meetings of the Council shall be open to the public.

SECTION 2. SPECIAL MEETINGS. A special meeting may be ordered at any time by the Mayor whenever in his opinion the public business may require it, or upon the written request of any three (3) members of the Council. Whenever a special meeting shall be called, written notice of such meeting shall be delivered personally or by mail by the City Clerk to each member of the Council and to each local newspaper of general circulation, radio or television station requesting notice in writing. Such notice must be delivered at least twenty-four (24) hours before the time of such meeting as specified in the notice. The order shall specify the time and place of the special meeting, and the business to be transacted. No other business shall be considered at such meetings by the Council.

SECTION 3. AGENDA. In order to facilitate the orderly conduct of the business of the Council, the City Clerk shall be notified no later than 2 o'clock P. M. of the Tuesday immediately preceding a regular Council meeting of all reports, communications, ordinances, resolutions,

contract documents or other matters to be submitted to the Council at such meeting. Immediately thereafter the City Clerk shall arrange a list of such matters according to the Order of Business and furnish each member of the Council, the City Manager, and the City Attorney with a copy of the same prior to the Council meeting and as far in advance of the meeting as time for preparation will permit. No matters not included on the agenda may be presented to the Council without obtaining the unanimous consent of the Council, except as hereinafter provided.

SECTION 4. THE PRESIDING OFFICER. The Mayor shall be the President of the Council and shall preside at all its meetings and perform such other duties consistent with his office as may be imposed by the Council or by vote of the people. He shall be entitled to, and must vote, but shall possess no veto power. He shall be recognized as the official head of the City for all ceremonial purposes, by the courts for the purpose of serving civil process, and by the Governor for military purposes. In the time of public danger or emergency, he may, with the consent of the Council, take command of the police, maintain order and enforce laws.

The Mayor shall preserve strict order and decorum at all regular and special meetings of the Council. He shall state every question coming before the Council, call for the vote, announce the decision of the Council on all subjects and decide all questions of order, subject, however, to an appeal to the Council, in which event a majority vote of the Council shall govern and conclusively determine such question of order. He shall sign all ordinances adopted by the Council during his presence. In the event of the absence of the Mayor, the Mayor Pro Tempore shall sign ordinances as then adopted.

SECTION 5. CALL TO ORDER. The Mayor, or in his absence, the Vice-Mayor, shall take the chair precisely at the hour appointed for the meeting, and shall immediately call the Council to order. In the absence of the Mayor or Vice-Mayor, the City Clerk, or the Acting City Clerk, shall call the Council to order, whereupon a temporary chairman shall be elected by the members of the Council present. Upon the arrival of the Mayor or Vice-Mayor, the temporary chairman shall immediately relinquish the chair upon the conclusion of the business immediately before the Council.

SECTION 6. ROLL CALL. Before proceeding with the business of the Council, the City Clerk or his deputy shall call the roll of the members, and the names of those present shall be entered in the minutes.

SECTION 7. QUORUM. A majority of the members of the Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

SECTION 8. ORDER OF BUSINESS. Promptly at the hour set by law on the day of each regular meeting, the members of the Council, the City Clerk, City Attorney and City Manager shall take their regular stations in the Council Chambers, and the business of the Council shall be taken up for consideration and disposition in the following order, except that with the unanimous consent of the Council, matters may be taken up out of order:

1. Roll Call.
2. Pledge of Allegiance to the Flag.
3. Invocation.
4. Approval of minutes of previous meeting.
5. Petitions, remonstrances and communications.
6. Bids.
7. Hearings.
8. Introduction and adoption of ordinances.
9. Unfinished business.
10. New business.
11. Reports.
12. Miscellaneous.
13. Adjournment.

SECTION 9. READING OF THE MINUTES. Unless the reading of the minutes of a Council meeting is requested by a member of the Council, such minutes may be approved without reading if the Clerk has previously furnished each member with a copy thereof.

SECTION 10. RULES OF DEBATE. (a) Presiding Officer May Debate and Vote. The Mayor or such other member of the Council as may be presiding may move, second and debate from the chair, subject only to such limitations of debate as are by these rules imposed upon all members. He shall not be deprived of any of the rights and privileges of a Councilman by

reason of his acting as the Presiding Officer.

(b) Getting the Floor. Every member desiring to speak shall address the Chair, and, upon recognition by the Presiding Officer, shall confine himself to the question under debate, avoiding all personalities and indecorous language.

(c) Interruptions. A member, once recognized, shall not be interrupted when speaking unless it be to call him to order, or as herein otherwise provided. If a member, while speaking, be called to order, he shall cease speaking until the question of order be determined, and, if in order, he shall be permitted to proceed.

(d) Privilege of Closing Debate. The Councilman moving the adoption of an ordinance or resolution shall have the privilege of closing the debate.

(e) Motion to Reconsider. A motion to reconsider any action taken by the Council may be made only on the day such action was taken. It may be made either immediately during the same session, or at a recessed or adjourned session thereof. Such motion must be made by one of the prevailing side, but may be seconded by any member, and may be made at any time and have precedence over all other motions or while a member has the floor; it shall be debatable. Nothing herein shall be construed to prevent any member of the Council from making or remaking the same or any other motion at a subsequent meeting of the Council.

(f) Remarks of Councilman. A Councilman may request, through the Presiding Officer, the privilege of having an abstract of his statement on any subject under consideration by the Council entered in the minutes. If the Council consents thereto, such statement shall be entered in the minutes.

(g) Synopsis of Debate. The Clerk may be directed by the Presiding Officer, with consent of the Council, to enter in the minutes a synopsis of the discussion on any question coming regularly before the Council.

(h) Rules of Order. Except as otherwise provided in this Ordinance, "Robert's Rules of Order, Revised, 75th Anniversary Edition", shall govern the conduct of the meetings of the City Council.

SECTION 11. ADDRESSING THE COUNCIL. Any person desiring to address the Council at a meeting shall first secure the permission of the Presiding Officer so to do; provided, however, that under the following headings of business, any qualified and interested person shall have the right to address the Council upon obtaining recognition by the Presiding Officer:

(a) Written Communications. Interested parties or their authorized representatives may address the Council by written communications in regard to matters then under discussion.

(b) Oral Communications. Taxpayers or residents of the City, or their authorized representatives, may address the Council by oral communications on any matter concerning the City's business, or any matter over which the Council has control; provided, however, that preference shall be given to those persons who shall have notified the City Clerk in advance of their desire to speak in order that the same may appear on the agenda of the Council.

SECTION 12. ADDRESSING THE COUNCIL AFTER MOTION MADE. After a motion is made by the Council, no person shall address the Council without first securing the permission of the Council so to do.

SECTION 13. MANNER OF ADDRESSING COUNCIL. Each person addressing the Council shall stand and give his name and address in an audible tone of voice for the records. All remarks shall be addressed to the Council as a body and not to any member thereof. No person, other than the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through a member of the Council, without the permission of the Presiding Officer. No question shall be asked a Councilman except through the Presiding Officer.

SECTION 14. VOTING. All members of the Council, when present, must vote.

SECTION 15. DECORUM. (a) By Council Members. While the Council is in session, the members must preserve order and decorum, and a member shall neither, by conversation or otherwise, delay or interrupt the proceedings or the peace of the Council nor disturb any member while speaking or refuse to obey the orders of the Council or its Presiding Officer, except

as otherwise herein provided.

(b) By other Persons. Any person making personal, impertinent, or slanderous remarks or who shall become boisterous during the Council meeting shall be forthwith, by the Presiding Officer, barred from further audience before the Council, unless permission to continue be granted by a majority vote of the Council.

SECTION 16. PERSONS AUTHORIZED TO BE WITHIN RAIL. No person, except City officials, their representatives and newspaper reporters, shall be permitted within the rail in front of the Council Chamber without the express consent of the Council.

SECTION 17. SPECIAL COMMITTEES. All special committees shall be appointed by the Presiding Officer.

SECTION 18. STANDING COMMITTEES. The only standing committee of the Council shall be the Committee of the Whole. The President of the Council shall be the presiding officer of the Committee of the Whole, and the rules of proceedings in the Council shall be observed in the Committee of the Whole as far as the same may be applicable.

SECTION 19. PROTESTS. Any Council member shall have the right to have the reasons for his dissent from, or protest against, any action of the Council entered on the minutes.

SECTION 20. ORDINANCES, RESOLUTIONS, MOTIONS AND CONTRACTS.

(a) Method of Action. Legislative action shall be taken by the Council only by means of an ordinance or resolution.

(b) Preparation of Ordinances. All ordinances shall be prepared in writing by the City Attorney. No ordinance shall be prepared for presentation to the Council unless ordered by a majority vote of the Council, or requested in writing by the City Manager, or prepared by the City Attorney on his own initiative.

(c) Prior Approval by Administrative Staff. All ordinances, resolutions and contract documents, before presentation to the Council, shall have been approved as to form and legality by the City Attorney or his authorized representative, and, where substantive matters of administration are involved, shall have been examined for administration by the City Manager or his authorized representative, who shall advise the Council of his recommendations thereon.

(d) Introducing for Passage or Approval.

(1) Ordinances, resolutions, and other matters or subjects requiring action by the Council must be introduced and sponsored by a member of the Council, except that the City Manager or City Attorney may present ordinances, resolutions and other matters or subjects to the Council for consideration.

(2) With the sole exception of ordinances which take effect upon adoption referred to in this Section, no ordinance shall be passed by the Council on the day of its introduction nor within five (5) days thereafter, nor at any other time than at a regular meeting, nor until its publication at least once in full in the official newspaper of the City of Modesto at least three (3) days before its adoption; and in the case of an amendment being made thereto before the final adoption of the ordinance, it must in like manner be republished in full as amended at least one (1) day before its adoption as amended. The correction of typographical or clerical errors shall not constitute an amendment within the meaning of the foregoing sentence.

(3) Any ordinance declared by the Council to be necessary as an emergency measure for preserving the public peace, health or safety, and containing a statement of the reasons for its urgency, may be introduced and adopted at one and the same meeting if passed by at least five (5) affirmative votes.

(e) Title. Each ordinance shall be preceded by a brief title which shall indicate the subject and purport thereof.

(f) Ordaining Clause. The ordaining clause of all ordinances adopted by the Council shall be substantially as follows: "The Council of the City of Modesto does ordain as follows," and the ordaining clause of all ordinances adopted by the people shall be, "The People of the City of Modesto do ordain as follows".

(g) Roll Call Vote. A roll call vote shall be taken upon the passage of all ordinances and resolutions and be entered upon the journal of the proceedings of the Council. Upon request of any member, a roll call vote shall be taken and recorded on any vote. Whenever a recorded or

roll call vote of the Council is in order, the City Clerk shall call the names of the members in alphabetical order, except that the name of the Presiding Officer shall be called last.

(h) Majority Vote Required. No ordinance or resolution shall be passed or become effective without receiving the affirmative votes of at least four (4) members of the Council.

(i) Ordinances Required in Certain Cases. No action providing for any specific improvement or the appropriation or expenditure of any public money, except a sum not exceeding fifteen hundred dollars; for the appropriation, acquisition or sale of public property, except as herein provided, or for a lease for more than one year; for levying of any tax or assessment for the granting of any franchise; for establishing or changing fire limits; or for the imposing of any penalty, shall be taken except by ordinance, provided, that such exceptions shall be observed as may be provided for in cases when the Council takes action in pursuance of a general law of the state, including among such exceptions the expenditure of money or the acquisition of property as the result of the issuance and sale of municipal bonds.

(j) Revision and Amendment. No ordinance shall be revised, re-enacted or amended by reference to its title only; but the ordinance to be revised or re-enacted, or the section or sections thereof to be amended, or the new section or sections to be added thereto, shall be set forth and adopted in the method provided in this section for the adoption of ordinances.

(k) Repeals. No ordinance nor section thereof shall be repealed except by an ordinance adopted in the manner provided in this Ordinance.

(l) Effective Date. No ordinance adopted by the Council shall become effective until fifteen (15) days from and after the date of its adoption except the following, which shall take effect upon adoption:

- (1) An ordinance calling or otherwise relating to an election;
- (2) An improvement proceeding ordinance adopted under some law or procedural ordinance;
- (3) An ordinance declaring the amount of money necessary to be raised by taxation, or fixing the rate of taxation, or levying the annual tax upon property;
- (4) An emergency ordinance adopted in the manner provided for in this Section;

(5) An ordinance annexing areas to the City; or

(6) An ordinance providing for a tax levy or appropriation for the usual current expenses of the City.

(m) Record of Ordinances. A true and correct copy of all ordinances shall be kept and certified to by the City Clerk in a book marked "City Ordinances." Such record copy, with such certificate, or the original ordinance, shall be prima facie evidence of the contents of the ordinance and of the due passage and publication of the same, and shall be admissible as such in any court or proceeding. Such records shall not be filed in any case, but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of an ordinance in the usual way.

(n) Codification of Ordinances. Any or all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed and arranged as a comprehensive ordinance code, and such code may be adopted by reference with the same effect as an ordinance by the passage of an ordinance for such purpose. Such code need not be published in the manner required for other ordinances, but not less than three (3) copies thereof shall be filed for use and examination by the public in the office of the City Clerk prior to the adoption thereof. Ordinances codified shall be repealed as of the effective date of the code. Subsequent amendments to sections of the code shall be enacted in the same manner as herein required for the amendment of ordinances generally.

Detailed regulations pertaining to any subject such as the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, when arranged as a comprehensive code, may likewise be adopted by reference in the manner provided in this Section.

SECTION 21. REPORTS AND RESOLUTIONS TO BE FILED WITH THE CLERK.

All reports and resolutions shall be filed with the Clerk and entered on the minutes.

SECTION 22. ADJOURNMENT. A motion to adjourn shall always be in order and decided without debate.

SECTION 23. SEVERABILITY. If any section, sub-section, sentence,

clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this ordinance. The Council of the City of Modesto hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

SECTION 24. REPEALS. Ordinances Nos. 959-N.S., 1020-N.S., and 1042-N.S. are hereby repealed and Resolution No. 10,085-N.S. is hereby rescinded.

SECTION 25. 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 26. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Tribune, the official newspaper of the City of Modesto.

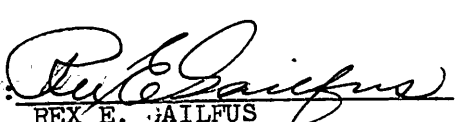
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of July, 1953 by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. JAILFUS

clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this ordinance. The Council of the City of Modesto hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

SECTION 24. REPEALS. Ordinances Nos. 959-N.S., 1020-N.S., and 1042-N.S. are hereby repealed and Resolution No. 10,085-N.S. is hereby rescinded.

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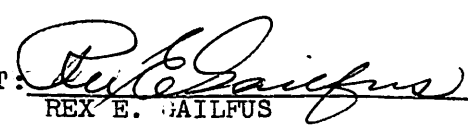
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of July, 1953 by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll carried and ordered printed and published by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks
Noes: Councilmen: None
Absent: Councilmen: None

APPROVED:


HARRY MARKS, MAYOR

ATTEST:

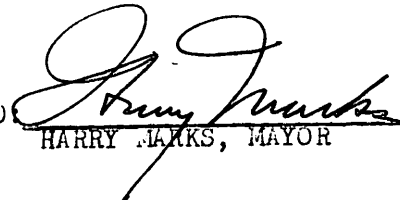

REX E. AILFUS

1 The foregoing ordinance, having been printed and published
2 as required by the Charter of the City of Modesto, and coming on for
3 final consideration at the regular meeting of the Council of the
4 City of Modesto held on the 22nd day of July, 1953, Councilman
5 Merrill moved its final adoption, which motion being duly seconded
6 by Councilman Arata, was upon roll call carried and the ordinance
7 finally adopted by the following vote:

8 Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
and Mayor Marks

9 Noes: Councilmen: None

10 Absent: Councilmen: None

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12 APPROVED 
13 HARRY MARKS, MAYOR
14

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16 ATTEST: 
17 REX E. GAILFUS, CITY CLERK
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19 effective date August 6, 1953
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SPECIAL
NOT IN CODE

AN ORDINANCE AUTHORIZING THE LEASE OF AIRPLANE HANGAR SPACE AT THE MODESTO MUNICIPAL AIRPORT AND AUTHORIZING THE EXECUTION OF LEASE AGREEMENTS IN CONNECTION THEREWITH.

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

SECTION 1. The City of Modesto hereby leases airplane hangar space in Hangar No. 4 situated on the Modesto Municipal Airport, Stanislaus County, California, to the following named persons:

<u>LESSEE</u>	<u>HANGAR SPACE UNIT NUMBER</u>
DARRELL OLSON	1
C. R. MAINO	2
A. VINCENT	4
WILLIAM OSTERBERG	5
MILTON SQUIRE	6
KEITH SEMMENS	7
E. V. FALK	8
CLYDE McPHERSON	9

for a term of two (2) years commencing July 1, 1953 and ending June 30, 1955, in accordance with the terms and conditions contained in the respective lease agreements covering the lease of said spaces, copies of which are on file in the office of the City Clerk of the City of Modesto. The terms and conditions of said leases are hereby approved.

SECTION 2. The City Manager and the City Clerk are hereby authorized to sign and attest, respectively, said lease agreements on behalf of the City.

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

SECTION 4. This ordinance shall be printed and published in full at least once at least three days prior to its

1 final adoption, in the Modesto Tribune, the official newspaper of
2 the City of Modesto.

3 The foregoing ordinance was introduced at a regular
4 meeting of the Council of the City of Modesto held on the 15th
5 day of July, 1953, by Councilman Annan,
6 who moved its adoption and passage to print, which motion being
7 duly seconded by Councilman Merrill, was upon roll call
8 carried and ordered printed and published by the following vote:

- 9 AYES: Councilmen: M.Adams, R. Adams, Annan, Arata, Mellis,
Merrill and Mayor Marks
- 10 NOES: Councilmen: None
- 11 ABSENT: Councilmen: None

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13 APPROVED: *Harry Marks*
HARRY MARKS, Mayor

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15 ATTEST: *Rex E. Gailfus*
REX E. GAILFUS, City Clerk

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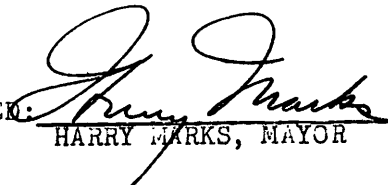
ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of July, 1953, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Annan, was upon roll call carried and the ordinance finally adopted by the following vote:

Ayes: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: None

APPROVED: 
HARRY MARKS, MAYOR

ATTEST: 
REX E. GAILFUS, CITY CLERK

Effective date August 6, 1953

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ORDINANCE NO. 1086 -N. S.

AN ORDINANCE PROVIDING REGULATIONS COVERING THE CUTTING, BREAKING OR REMOVAL OF CURBING AND SIDEWALKS, AND THE INSTALLATION OF DRIVEWAYS, PROVIDING A PENALTY FOR THE VIOLATION THEREOF, AND REPEALING CERTAIN ORDINANCES.

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

SECTION 1. STATEMENT OF POLICY. It is recognized that, generally, provision must be made for vehicular access to private property from streets and alleys, but in so doing, due consideration must be given to pedestrian and vehicle safety, the need for on-street parking spaces and the resulting interference with the movement of vehicular traffic and interference with public improvements.

In establishing permissible curb cuts and sidewalk driveway crossings for access to private property, it shall be the policy of the City to authorize the same only where they are necessary and only where they would not unreasonably interfere with the rights of the public in the adjacent street or alley, or unreasonably interfere with vehicular traffic, or unreasonably eliminate on-street parking spaces.

SECTION 2. DEFINITION OF CURB CUT. "Curb cut" as used in this ordinance shall include the making of an opening in or through any existing curb and the leaving of voids in curbs when the same are constructed, in any street or alley.

SECTION 3. PERMIT REQUIRED. It shall be unlawful for any person, firm or corporation to cut, break or remove any curbing or sidewalk, or cause to have cut, broken or removed any curbing or sidewalk, or to install, or cause to be installed, any driveway, on any public street in the City of Modesto, without first obtaining a permit to do so from the Director of Public Works.

SECTION 4. REGULATIONS. No permit issued under Section 3 of this ordinance shall be in conflict with the following regulations:

(a) The maximum width of any driveway shall not be more than thirty (30') feet, as measured at the top of the curbing.

(b) The minimum distance between driveways serving the same lot or parcel of land shall be not less than eighteen (18') feet, as measured at the top of the curbing.

(c) Not to exceed forty (40%) per cent of the frontage upon any street of the lot or lots or parcel of land to be served thereby shall be devoted to driveways.

(d) No driveway shall be located so as to interfere with intersecting sidewalks, traffic signals, lamp posts, fire hydrants, or other public improvements.

(e) No permit shall be issued to remove any curbing unless a concrete driveway between curbing and sidewalk is to be installed.

(f) The necessary adjustments to utility facilities, light standards, fire hydrants, catch basins, street or railway signs, signals, or other public improvements or installations shall be accomplished without cost to the City.

(g) All work shall be done under the supervision of the Director of Public Works and in accordance with City specifications in effect at the time of such work. Forms shall be inspected by the City before any concrete is poured. All debris and surplus materials shall be promptly removed upon completion of the work.

(h) Applicant shall maintain the premises in a safe manner, and shall provide adequate barricades and lights at his own expense to protect the safety of the public using the adjacent streets or sidewalks, and shall hold the City free from any damages incurred by his operations.

(i) Before any permit shall be issued to remove curbs or install driveways, an inspection fee of Two Dollars and fifty cents (\$2.50) shall be paid to the City.

(j) The Council shall have the authority to rescind any permit heretofore or hereafter granted for a curb cut or sidewalk installation when it finds such action to be in the public interest.

SECTION 5. FEE FOR REPLACEMENT OF CURBING IN COMMERCIAL AND INDUSTRIAL AREAS. Curb cuts in commercial or industrial zones or

areas which are abandoned or no longer needed, or used, shall be replaced by the City. In order to provide funds for such replacement on each curb cut in such zones or areas, a replacement fee in the sum of Three and no/100ths (\$3.00) Dollars per front foot, measured from top to top of curb, for the cutting of the curb, or the leaving of a void, shall be paid to the City before any permits required by Section 3 hereof are issued.

SECTION 6. APPEALS. In order that the provisions of this ordinance may be reasonably applied in instances where practical difficulties are apparent or unnecessary hardship will result from carrying out the strict letter hereof, or in cases where the applicant deems himself aggrieved, appeal may be made to the City Council, and the Council shall have the power to vary, by resolution, the mandatory provisions hereof, or to modify or reverse the decision of the Director of Public Works in any specific case in such manner that substantial justice is done and the spirit and purpose of this ordinance is upheld.

Such an appeal shall be made in writing to the Council by filing with the City Clerk a written notice of such appeal, setting forth specific grounds or basis thereof. Such notice must be filed within thirty (30) days after such action appealed from. The City Clerk shall forthwith set said matter for hearing before the Council and cause notice thereof to be given to the applicant not less than five (5) days prior to such hearing. At such hearing the applicant shall show cause, on the grounds specified in the notice of appeal, why the action excepted to should not be approved. The Council may continue such hearings from time to time, and its finding on appeal shall be final and conclusive in the matter.

SECTION 7. PENALTY. It shall be unlawful for any person to violate any of the provisions of this ordinance, or any permit issued pursuant thereto, or to cause, permit or suffer the same to be done; and any person violating any of the provisions of this ordinance or any permit issued thereunder shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and

every day or portion thereof during which any violation of any of the provisions of this ordinance or such permit is committed, continued or permitted and upon conviction of any such violation, such person shall be punishable by a fine of not more than Five Hundred and no/100ths (\$500.00) Dollars or by imprisonment for not more than six (6) months in the County Jail, or by both such fine and imprisonment.

SECTION 8. VALIDITY. If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this ordinance. The Council of the City of Modesto hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

SECTION 9. REPEAL. Resolution No. 1268-N.S., Ordinance No. 52-N.S. and Ordinance No. 672-N.S., and all ordinances amendatory thereof, are hereby repealed.

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

SECTION 11 PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of August, 1953 by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Merrill, was upon roll call carried and ordered printed and published by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks


Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

APPROVED:


HARRY MARKS, MAYOR

ATTEST:


REX E. GAILFUS, CITY CLERK

FINAL ADOPTION CLAUSE

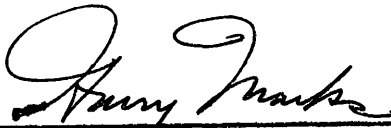
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of August, 1953, Councilman Merrill, moved its final adoption, which motion being duly seconded by Councilman Mellis, was upon roll call carried and the ordinance finally adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks


Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

Approved;


Harry Marks, Mayor

Attest


Anne M. Collins, Acting City Clerk

Effective date August 27, 1953

ORDINANCE NO. 1087 -N.S.

AN ORDINANCE REGULATING THE CONSTRUCTION AND REPAIR OF SIDEWALKS, DRIVEWAYS, DRIVEWAY APPROACHES, CURBS AND CURBS AND GUTTERS IN THE CITY OF MODESTO: REQUIRING THE REPAIR AND MAINTENANCE OF SIDEWALKS, DRIVEWAYS AND DRIVEWAY APPROACHES THEREIN: AND ADOPTING A PROCEDURE FOR THE ACCOMPLISHMENT OF SAID WORK.

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

SECTION 1. PERMIT REQUIRED. It shall be unlawful for any person, firm or corporation to construct, repair, or cause to be constructed, or repaired, in the City of Modesto, any sidewalk, driveway, driveway approach, curb or curb and gutter without first obtaining a permit from the Director of Public Works so to do. In no case, however, shall a permit be required or granted to construct sidewalks, curbs, or curbs and gutters when the Council has instituted improvement proceedings under the general laws of the State of California relating to such work.

SECTION 2. APPLICATION FOR PERMIT. Any person desiring a permit for the construction or repair of a sidewalk, driveway, driveway approach, curb or curb and gutter shall file with the Director of Public Works an application therefor in writing on a form to be furnished by the City for that purpose. Such forms shall specify the following:

- (a) The name and residence of the applicant;
- (b) The location of the property in front of which the proposed construction or repair is to be made;
- (c) The name of the person, firm or corporation who will perform the work;
- (d) The nature and dimensions of the proposed work; and
- (e) Such additional information as the Director of Public Works may require.

SECTION 3. REGULATIONS. No permit issued under this ordinance shall be in conflict with the following regulations:

- (a) All sidewalk, driveway, driveway approach, curb or curb and gutter work shall be done under the direction, supervision and to the satisfaction of the Director of Public Works, and must be constructed in accordance

with the standard plans and specifications for concrete sidewalks, driveways, driveway approaches, curbs, or curbs and gutters on file in the Office of the Director of Public Works, reference to which is hereby made for further particulars.

- (b) All prepared subgrades and surfaces shall be inspected and approved by the City before any concrete is poured. All completed work shall be subject to approval by the City. At least twenty-four (24) hours advance notice shall be given to the City by applicant so that the City may schedule inspections.
- (c) No sidewalk, driveway, driveway approach, curb, or curb and gutter shall be constructed other than of concrete unless special permission therefor has first been obtained from the City Council.
- (d) All debris and surplus materials shall be removed promptly upon completion of the work.
- (e) Applicant shall maintain the premises in a safe manner, and shall provide adequate barricades and lights at his own expense to protect the safety of the public using the adjacent streets or sidewalks, and shall hold the City free from any damages incurred by his operations.

SECTION 4. DISPLAY OF PERMIT. All permits for the construction or repair of sidewalks, driveways, driveway approaches, curbs or curbs and gutters shall be posted conspicuously near the work by the person to whom the permit is granted.

SECTION 5. SIDEWALK REPAIR. It shall be unlawful for any person, firm or corporation owning any building, lot or premises in the City of Modesto, fronting on any portion of an improved street or way, where a sidewalk is laid, to allow any portion of such sidewalk in front of such building, lot, or premises to be out of repair, or to become, be or remain defective, or to become, be or remain dangerous to the users thereof for any reason. Such person, firm, or corporation must at all

times keep each such sidewalk in such condition that it will not endanger persons or property passing thereon, will not interfere with public convenience in the use thereof, or be or remain an obstruction or impediment to normal, customary and usual pedestrian or vehicular traffic.

SECTION 6. DRIVEWAY REPAIR. It shall be unlawful for any person, firm or corporation owning property within the City of Modesto into which is constructed a driveway to fail to keep such driveway or driveway approach in a good state of repair at all times.

SECTION 7. MAINTENANCE OF SIDEWALKS, DRIVEWAYS AND DRIVEWAY APPROACHES. The provisions of Sections 5600 through 5629, inclusive, of the Streets and Highways Code of the State of California, as they now exist or may hereafter be amended, are hereby adopted as the procedure governing the maintenance and repair of sidewalks, driveways and driveway approaches in the City of Modesto. For the purposes of this ordinance, "sidewalk" as defined in Section 5600 of said Code, shall also include a "driveway" and a "driveway approach".

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

SECTION 9. PENALTY. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding Five Hundred and no/100ths (\$500.00) Dollars or by imprisonment in the County Jail of the County of Stanislaus for not more than six (6) months, or by both such fine and imprisonment.

SECTION 10. REPEALS. Ordinances Nos. 90, 52-N.S. and 672-N.S. of the City of Modesto are hereby repealed.

SECTION 11. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of August, 1953, by Councilman Mellis, who moved its introduction and


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

AYES: Councilmen: R. Adams, Amata, Mellis, Merrill and Mayor Marks


NOES: Councilmen: None

ABSENT: Councilmen: M. Adams and Annan

APPROVED:


HARRY MARKS, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of August, 1953, Councilman R. Adams, moved its final adoption, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance finally adopted by the following vote:

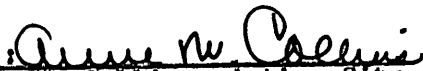
Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

Approved: 

Harry Marks, Mayor

Attest: 
Anne M. Collins, Acting City Clerk

Effective date, August 27, 1953

ORDINANCE NO. 1088 -N.3.

Amended by
Ord 1094-N.S.
Ord 1126-N.S.

AN ORDINANCE ESTABLISHING AND LEVYING A SALES AND USE TAX ON RETAIL SALES OF TANGIBLE PERSONAL PROPERTY WITHIN THE CITY OF MODESTO, PROVIDING FOR PERMITS TO RETAILERS, PROVIDING FOR THE COLLECTION AND PAYMENT OF SUCH TAXES, AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF.

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

SECTION 1. SALES TAX. For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of one-half of one per cent ($\frac{1}{2}\%$) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the City of Modesto on or after October 1, 1953.

SECTION 2. USE TAX. For the privilege of using or consuming in the City of Modesto tangible personal property (including spirituous, malt or vinous liquors) purchased from any retailer or retailer's agent, a tax is hereby imposed upon every person using or consuming such tangible personal property in the City of Modesto at the rate of one-half of one per cent ($\frac{1}{2}\%$) of the sales price of the property purchased on and after October 1, 1953.

SECTION 3. DEFINITIONS. (a) "Use" is defined to mean the exercise of any right or power over tangible personal property incident to the ownership of that property, including the purchase thereof by the purchaser or the receipt thereof by the purchaser. Sale of an article in the regular course of business shall not be deemed a "use" or "consumption" of said article by the seller.

(1) "Use", however, does not include the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into this City for the purpose of storage only rather than sale and which is thereafter transported outside the City for principal use or consumption outside the City, and which property is actually so used or consumed.

(2) It does not include the use of such property for the purpose of being processed, fabricated, or manufactured into, attached

to or incorporated into, other tangible personal property which is to be transported outside the City and thereafter used principally outside the City, or which is to be subsequently sold or resold in the regular course of business.

(3) It does not include the use of tangible personal property actually employed in the transportation or transmission of persons, property, gas, electricity or communications by persons engaged in the business of transporting or transmitting such persons, property, gas, electricity, or communications.

(b) "Purchase" means any transfer of title, exchange, or barter, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration.

A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price is also a purchase. A transfer for a consideration of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication, is also a purchase.

Purchase is defined to include also the act by the purchaser of requesting or directing (in person or by telephone provided that either the purchaser is in the City at the time the request is made or the seller is in the City at the time the request is received) the withdrawal of tangible personal property from a point within the City of Modesto, except a withdrawal pursuant to a transaction in foreign or interstate commerce which is immune from local taxation by reason of the provisions of the United States Constitution, for delivery to any place within or without the City, for the purpose of the transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever of the property.

(c) "Sales Price" means that total amount for which tangible personal property is sold, valued in money, whether paid in money or otherwise, without any deduction on account of any of the following:

(1) The cost of the property sold;

(2) The cost of materials used, labor or service cost, interest charged, losses, or any other expenses;

(3) The cost of transportation of the property prior to

its purchase. The total amount for which the property is sold includes all of the following:

(a) Any services that are a part of the sale;

(b) Any amount for which credit is given to the purchaser

by the seller.

"Sales Price" does not include any of the following:

(1) Cash discounts allowed and taken on sales;

(2) Any part of the amount charged for property returned by consumers and which amount is refunded either in cash or credit;

(3) The amount charged for labor or services rendered in installing or applying the property sold;

(4) The amount of any federal tax imposed upon or with respect to retail sales whether imposed upon the retailer or upon the consumer and regardless of whether or not the amount of federal tax is stated to customers as a separate charge, and the amount of any California State or municipal sales or use tax. (The term "Sales Price" does, however, include the amount of any manufacturer's or importer's excise tax included in the price of the property sold, even though the manufacturer or importer is also the retailer thereof, and whether or not the amount of such tax is stated as a separate charge):

(5) Transportation charges separately stated, if the transportation occurs after the purchase of the property is made.

(d) "Sale" means and includes:

(1) Any transfer, of title or possession, exchange, barter, lease or rental, conditional or otherwise in any manner or by any means whatsoever, of tangible personal property for a consideration. "Transfer of possession", "lease", or "rental" includes only transactions found by the Director of Finance to be in lieu of a transfer of title, exchange or barter.

(2) Any withdrawal of tangible personal property from a point within the City of Modesto, except a withdrawal pursuant to a transaction in foreign or interstate commerce which is immune from local taxation by reason of the provisions of the United States Constitution, for delivery to any place within or without the City, for the purpose of the transfer of title or possession, exchange, barter, lease or rental, conditional or otherwise, in any manner or by any means whatsoever, of the property for a consideration.

(3) The producing, fabricating, processing, printing or imprinting of tangible personal property for a consideration for consumers who furnish either directly or indirectly the materials used in the producing, fabricating, processing, printing or imprinting.

(4) The furnishing and distributing of tangible personal property for a consideration by social clubs and fraternal organizations to their members or others.

(5) The furnishing, preparing, or serving for a consideration of food, meals, or drinks.

(6) A transaction whereby the possession of property is transferred but the seller retains the title as security for the payment of the price.

(7) A transfer of the title or possession of tangible personal property which has been produced, fabricated, or printed to the special order of the customer, or of any publication.

SECTION 4. TAX LEVIED IN SAME MANNER AS STATE TAX. The taxes hereby levied, except as otherwise herein provided, are levied in the same manner, to the same extent and under the same conditions as sales and use taxes are levied pursuant to Part 1 of Division 2 of the California Revenue and Taxation Code, known as the "Sales and Use Tax Law", as amended and in force and effect on January 1, 1953.

SECTION 5. ADOPTION OF STATE SALES AND USE TAX LAW BY REFERENCE. Exceptions. All of the provisions of the "Sales and Use Tax Law", as amended and in force and effect on January 1, 1953, except Sections 6006, 6008, 6051, 6052, 6053, 6066, 6067, 6068, 6069, 6070, 6071, 6201, 6202, 6203, 6204, 6207, 6226, 6451, 6826, 7052, 7056, 7057, 7101, 7102, 7151, 7152, and 7153 applicable to sales or purchases of property at retail, are hereby adopted and made a part of this ordinance as though fully set forth herein, and all provisions of any other ordinance in conflict therewith are inapplicable to this ordinance and the tax hereby imposed; provided, however, the term "gross receipts", as used herein, does not include the amount of any tax imposed by the State of California upon or with respect to retail sales whether imposed upon the retailer or upon the consumer.

All of the provisions of the "Sales and Use Tax Law" hereby

adopted, providing for the adoption of rules and regulations and for hearings on the part of the State Board of Equalization, shall be performed by the City Council of the City of Modesto. All other provisions of the "Sales and Use Tax Law", hereby adopted, providing for the performance of official action on the part of the State Board of Equalization, shall be performed by the Director of Finance.

The City of Modesto shall be deemed substituted for the State of California whenever the State is referred to in said "Sales and Use Tax Law".

The City Attorney of the City of Modesto shall be deemed substituted for the Attorney General whenever the Attorney General is referred to in said "Sales and Use Tax Law".

The Director of Finance shall be deemed substituted for the State Controller and State Board of Control whenever the State Controller or State Board of Control are referred to in said "Sales and Use Tax Law".

The County of Stanislaus shall be deemed substituted for the County of Sacramento whenever the County of Sacramento is referred to in said "Sales and Use Tax Law".

SECTION 6. EXEMPTIONS. (a) No sales tax shall be due hereunder if a sales tax imposed by any other city of the State of California has been paid on the same transaction. No use tax shall be due hereunder if a sales tax imposed by any city of the State of California is due or has been paid on the same transaction.

(b) In addition to the exemptions contained in Part 1 of Division 2 of the Revenue and Taxation Code of California there shall be excluded from the computation of the tax the following:

(1) Sales made to or purchases by the State of California or any agency, department, political subdivision, district or municipal corporation thereof.

(2) Sales or purchases of meals, food and drinks sold or served on common carriers operating into, through or out of the City of Modesto from or to points outside the City of Modesto.

(3) Sales or purchases of property to be used in connection with the erection, construction, repair or alteration of either public

works or buildings belonging to or being constructed by or on behalf of, or for the use of the United States Government, State of California, or any agency, department, political subdivision, district or public or municipal corporation of the State.

(4) Sales or purchases made pursuant to contracts actually executed in good faith prior to July 1, 1948.

(5) Sales or purchases of property imported into this State from a foreign country and sold by the importer in the original package in which imported.

(6) Sales or purchases of property sold to foreign purchasers for shipment abroad and delivered to a ship, airplane, or other conveyance furnished by the purchaser for the purpose of carrying the property abroad and actually carried to a foreign destination, title and control of the property passing to the foreign purchaser upon delivery, and no portion of the property being used or consumed in the United States. Copies of U. S. Customs shippers' export declarations filed with the Collector of Customs must be obtained and retained by retailers to support deductions taken under this sub-section. Tax applies to the transaction if the property is diverted in transit or for any reason not actually delivered outside the State pursuant to the contract of sale or not shipped abroad by a foreign purchaser, regardless of documentary evidence held by the retailer of delivery of the property to a carrier for shipment outside the State, or to a foreign purchaser for shipment abroad.

(7) Sales or purchases of property mailed by the seller, pursuant to the contract of sale, to persons in the armed forces at points outside continental United States, notwithstanding the property is addressed in care of the Postmaster at San Francisco and forwarded by him to the addressee.

When mail is addressed to Army Post Offices (A.P.O.'s) in care of the Postmaster at San Francisco or to naval forces addressed in care of the Postmaster at San Francisco, it will be presumed that it is forwarded outside California. The seller must keep records showing the names and addresses as they appear on the mailing matter and should keep evidence that the mailing was done by him.

(8) Sales or purchases of property shipped to a point outside this State pursuant to the contract of sale when the property is marked for export and delivered by the retailer to the "contracting officer", "officer in charge", "port quartermaster", or other officer of the United States for transportation and delivery to the purchaser at such a point.

(9) Sales or purchases of property to or by operators of common carriers and waterborne vessels to be used or consumed, in the operation of such common carriers or waterborne vessels, principally outside the city.

(10) Sales or purchases when said sales or purchases are made to purchasers solely for use or consumption in the conduct of their business without the City of Modesto.

(c) No tax shall be due hereunder for sales of airplanes and parts and equipment for airplanes transported to a point outside this city pursuant to the contract of sale when such property is delivered to the ~~Army~~ ^{United} States Air Force Corps or any other agency or instrumentality of the United States for transportation and delivery to the purchaser or someone designated by him at that point.

SECTION 7. EXEMPTION CERTIFICATE. (a) The exemption from sales and use tax set forth in Section 6, subsection (b) (10) of this ordinance shall not be applicable unless the seller secures from the purchaser the signed certificate described in the next paragraph below. This certificate shall be held by the seller or delivered to the Director of Finance as the Director of Finance may direct. If all of a seller's sales to a particular purchaser are tax exempt, the seller need not procure a certificate signed by the purchaser for each sale or purchase but, with the permission of the Director of Finance, may secure the exemption with one certificate covering multiple sales. If it is impracticable for a particular seller to obtain the required certificates from purchasers by reason of his volume and type of sales, the Director of Finance may, after inspection of the books of the seller, agree to recognize a fixed percentage of the sales of the seller or purchases of the buyer as tax exempt under Section 6, subsection (b) (10), without the requirement of certificates signed by the purchasers. This percentage shall be computed according to an analysis of the

percentage of sales made by the seller or purchases of the buyer during the six (6) months prior to the agreement which fall into the category of tax exempt sales under Section 6, subsection (b) (10). The agreement shall be effected by a letter from the Director of Finance to the seller and is revocable at the discretion of the Director of Finance. In the absence of fraud by the seller, no revocation shall have retroactive effect.

(b) The certificate shall be in the following form:

NAME OF SELLER
ADDRESS OF SELLER
CITY
MODESTO SALES AND USE TAX EXEMPTION CERTIFICATE REQUIRED
UNDER ORDINANCE NO. _____-N.S. OF THE CITY OF MODESTO.

Please sign and return:

I hereby certify that I am engaged in the business of _____, that the tangible personal property described herein which I shall purchase from _____, is not subject to the Modesto Sales and Use Tax by reason of the exemptions stated in Section 6, subsection (b) (10) thereof, for the following reason: The property to be purchased is solely for use or consumption in the conduct of my business outside the City of Modesto.

Description of property purchased:

I understand (1) that the seller must pay to the City of Modesto the tax on this sale (or sales) unless I sign this certificate, and (2) that a knowingly false statement made by me on this certificate will subject me to a \$500.00 fine and/or 6 months in the County Jail, or both, according to Ordinance No. _____-N.S. of the City of Modesto.

Purchaser

Address

Dated: _____, 19__.

(c) Any person signing such a form which contains knowingly false information shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine not exceeding Five Hundred (\$500.00) Dollars, or by imprisonment in the County Jail for a period not to exceed six (6) months, or both.

SECTION 8. ADOPTION OF RULES AND REGULATIONS BY REFERENCE. The rules and regulations of the State Board of Equalization as amended and in

force and effect on October 1, 1953, pertaining to the interpretation, administration and enforcement of the "Sales and Use Tax Law", insofar as applicable shall apply in the interpretation of this Ordinance until specifically abandoned by the rules or regulations adopted by the City Council of the City of Modesto pursuant to this ordinance.

SECTION 9. SAME. The inclusion of any clause, portion or part of the "State Sales and Use Tax Law", Part 1, Division 2 of the Revenue and Taxation Code of the State of California, verbatim in this ordinance shall not in or of itself be deemed to exclude any of the remaining provisions of said "State and Use Tax Law" that are made a part hereof by reference only.

SECTION 10. USE TAX LIABILITY. RECEIPTS. Every person using or consuming in the City of Modesto tangible personal property purchased from a retailer or retailer's agent is liable for the use tax imposed herein, provided, however, no tax shall be due hereunder if the sales tax imposed by this ordinance has been paid on the sale of such property. His liability is not extinguished until the tax has been paid to the City of Modesto, except that a receipt from a retailer who is authorized by the Director of Finance, under such rules and regulations as he may prescribe to collect the tax, given to the purchaser, is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.

SECTION 11. APPLICATION FOR AUTHORIZATION TO COLLECT USE TAX. Every retailer maintaining a place of business in this City and making sales of tangible personal property for use or consumption in this City shall apply to the Director of Finance for authorization to collect the tax hereby imposed from any person purchasing property from such retailer the use or consumption of which is taxable hereunder.

Any retailer not maintaining a place of business in this City may apply to the Director of Finance for authorization to collect the tax hereby imposed from any person purchasing property from such retailer the use of which is taxable hereunder. Upon receipt of any application for such form required by him, the Director of Finance shall in the case of retailers maintaining places of business in the City, and may in the case of a retailer not maintaining a place of business in the City, authorize the applicant to

make such collection and forward the same to the Director of Finance.

Every agent, salesman or solicitor making sales of tangible personal property for use or consumption in this City whose company or employer has not applied for a permit to collect the tax hereby imposed shall apply to the Director of Finance for authorization to collect the tax hereby imposed from any person purchasing property from such retailer, company or employer, the use of which is taxable hereunder.

SECTION 12. COLLECTION OF TAX. Every retailer or person who is authorized by the Director of Finance to collect the tax imposed by this Ordinance and who makes sales of tangible personal property for use or other consumption in this City not exempted under the provisions of this Ordinance, shall collect the tax from the purchaser at the time of making the sale, or, if the use or other consumption of the tangible personal property is not then taxable hereunder, at the time the use or other consumption becomes taxable. Upon collecting the tax, the retailer or person on demand shall give to the purchaser a receipt therefor in the manner and form prescribed by the Director of Finance. The tax so collected by the retailer or person constitutes a debt owed by the retailer or person to the City, and it shall be unlawful for such retailer to fail to pay the same to the City in the manner and at the times elsewhere provided in this Ordinance.

In all cases in which the tax is not collected by the retailer or person as aforesaid, the person upon whom such tax is imposed shall pay the same when due to the Director of Finance of the City. In all cases of transactions upon credit or deferred payment, the payment of tax to the retailer may be deferred in accordance therewith, and the retailer shall be liable therefor at the time and to the extent that such credits are paid or deferred payments are made in accordance with the rate of tax owing on the amount thereof.

The Director of Finance shall have the power to adopt rules and regulations prescribing methods and schedule for the collection and payment of the tax and such methods and schedules shall eliminate fractions of one cent. Such schedules may provide that no tax need be collected and paid upon purchases below a small and stated sum and such schedules may be so determined as to facilitate collection of this tax at the same time as the

retailer or person collects the tax imposed under the California Sales and Use Tax Law.

SECTION 13. USE TAX EXEMPTION. OTHER CITIES. Every retail sale of tangible personal property outside the City of Modesto for use or other consumption withⁱⁿ the City of Modesto shall be subject to the use tax imposed herein, except that in other cities levying a sales tax, a receipt furnished by the retailer to the purchaser showing payment of such sales tax will exempt said purchaser from the payment of the use tax imposed herein on said purchase.

SECTION 14. BURDEN OF PROOF UPON PERMITTEE, USER OR CONSUMER. For the purpose of the proper administration of this ordinance, and to prevent evasion of the sales tax, it shall be presumed that all gross receipts are subject to the tax until the contrary is established by the permittee.

For the purpose of the proper administration of this ordinance and to prevent evasion of the use tax and the duty to collect the use tax, it shall be presumed that tangible personal property sold by any person in the City of Modesto or from any person in the City of Modesto or sold or purchased for delivery into the City of Modesto, is sold for use or other consumption in the City of Modesto, until the contrary is established by the user or consumer.

SECTION 15. REGISTRATION OF AGENTS. Every retailer selling tangible personal property for use or other consumption in this City and which retailer maintains a place of business in this City or acts through agents located in this City, and which retailer is not otherwise registered under the provisions of this Ordinance shall register with the Director of Finance and give the name and address of such agent or agents and offices or other places of business in the City.

SECTION 16. APPLICATION FOR PERMIT. Every person desiring to engage in or conduct business as a seller within the City of Modesto shall file with the Director of Finance an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the Director of Finance and shall set forth the name under which the applicant transacts or intends to transact business, the

location of his place or places of business, and such other information as the Director of Finance may require. The application shall be signed by the owner, if a natural person; in the case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his authority.

SECTION 17. ISSUANCE AND DISPLAY OF PERMIT. After compliance with Section 16 of this Ordinance by the applicant, the Director of Finance shall grant and issue to each applicant a separate permit for each place of business. A permit is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein; provided, however, a change of location may be endorsed upon the permit by the Director of Finance upon the payment of a fee of One (\$1.00) Dollar. The permit shall at all times be conspicuously displayed at the place for which issued.

SECTION 18. (a) REVOCATION OF PERMIT. Whenever any person fails to comply with any provisions of this Ordinance or any rule or regulation adopted pursuant hereto, the Director of Finance of the City of Modesto, upon hearing, after giving the person ten (10) days notice in writing, specifying the time and place of hearing and requiring him to show cause why his permit or permits should not be revoked, may revoke or suspend any one or more of the permits held by the person. The notice may be served personally or by mail in the manner prescribed for the service of notice of a deficiency determination under the "Sales and Use Tax Law". The Director of Finance shall not issue a new permit unless he is satisfied that the former holder of a permit will comply with the provisions of this Ordinance and the rules and regulations adopted pursuant hereto.

(b) APPEAL. Any person aggrieved by any decision of an administrative officer or agency with respect to the determination of the amount of tax due, or of the suspension or revocation of any permit or permits, may appeal to the City Council by filing a notice of appeal with the City Clerk within fifteen (15) days of such decision. The Council shall fix a time and place for hearing such appeal and the City Clerk shall give

notice in writing to such person of the time and place of hearing by serving it personally or by depositing it in the United States Post Office at Modesto, California, postage prepaid, addressed to such person at the address appearing on his last tax return or permit.

The findings of the Council shall be final and conclusive, and shall be served upon the appellant in the manner prescribed above for service of notice of hearing.

SECTION 19. RENEWAL OF PERMIT. A seller whose permit has been previously suspended or revoked shall pay the Director of Finance a fee of Ten (\$10.00) Dollars for the renewal or issuance of a permit.

✓ SECTION 20. UNLAWFUL ACTS. A person who engages in business as a seller in the City of Modesto without a permit or permits, or after a permit has been suspended or revoked and before the renewal or issuance of a permit, and each officer of any corporation which so engaged in business, is guilty of a misdemeanor.

SECTION 21. DUE DATE. The sales taxes imposed by this Ordinance are due and payable to the Director of Finance on or before the last day of the month next succeeding each quarterly period. The sales taxes of a retailer, who has signified his desire to pay his sales taxes on a monthly basis in his application with the Director of Finance, are due and payable to the Director of Finance on or before the last day of the month next succeeding the month of sale. The use taxes imposed by this Ordinance shall become due and payable from the purchaser at the time of purchase from a retailer in this City, or, if not so purchased, at the time of otherwise using tangible personal property in this City. All amounts of such taxes collected by any retailer are due and payable to the Director of Finance on or before the last day of the month next succeeding each quarterly period. The use taxes collected by a retailer, who has signified his desire to pay over his collected use taxes on a monthly basis in his application with the Director of Finance, are due and payable to the Director of Finance on or before the last day of the month next succeeding the month of sale.

The Director of Finance, for good cause, may authorize in writing the making of a return and the payment of the taxes imposed by this Ordinance on an annual basis.

SECTION 22. DELINQUENT PAYMENTS. PENALTIES. All taxes payable hereunder shall be deemed delinquent if not paid within the time required. Whenever any tax required to be paid by this Ordinance is not paid on or before the date on which it becomes delinquent, a penalty of ten (10%) per cent of the amount due, plus interest at the rate of one-half of one per cent ($\frac{1}{2}\%$) per month, or fraction thereof, shall be imposed. Every penalty shall become a part of the tax imposed by this Ordinance.

SECTION 23. EXTENSION OF DUE DATE. The Director of Finance of the City of Modesto for good cause may extend for not more than thirty (30) days the time for making any return or paying any sum required to be paid hereunder. The extension may be granted at any time provided a written request therefor is filed with the Director of Finance prior to the delinquency date.

SECTION 24. REIMBURSEMENT. The sales tax hereby imposed shall be collected by the retailer from the consumer insofar as it can be done.

SECTION 25. UNLAWFUL ADVERTISING. It is unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the retailer or that it will not be added to the selling price of the property sold or that, if added, it or any part thereof will be refunded. Any person violating any provision of this Section is guilty of a misdemeanor.

SECTION 26. SUIT FOR TAX. All taxes hereby levied shall be payable to the Director of Finance and any civil suit for the collection thereof may be filed in any court of competent jurisdiction in the State of California, and the City Attorney shall prosecute the action.

SECTION 27. RESALE CERTIFICATE. The Director of Finance may at his option accept a State of California Resale Certificate as evidence that any sale is not a sale at retail, or he may in his discretion require an affidavit from the seller setting forth such information respecting such sale as he deems necessary to determine the nature of such sale.

SECTION 28. DISPOSITION OF PROCEEDS. All moneys collected under and pursuant to the provisions of this Ordinance shall be deposited and paid into the General Fund of the City of Modesto.

SECTION 29. DIVULGING OF INFORMATION FORBIDDEN. It is unlawful for any officer or employee of the City of Modesto having an administrative duty under this Ordinance to make known in any manner whatever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. However, the City Council may, by resolution, authorize examination of the returns by Federal or State officers or employees or by the tax officers of this or any other City if a reciprocal arrangement exists. Successors, receivers, trustees, executors, administrators, assignees, and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

SECTION 30. PENALTIES. Any person required to make, render, sign or verify any report under the provisions of this Ordinance, who makes any false or fraudulent return, with intent to defeat or evade the determination of an amount due and required to be paid hereunder, is guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment for a period of not more than six (6) months, or by both such fine and imprisonment.

SECTION 31. SAME. Any person, firm or corporation violating any of the terms of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine of not more than Five Hundred (\$500.00) Dollars or by imprisonment for a period of not more than six (6) months, or by both such fine and imprisonment.

SECTION 32. REPEALS. Ordinances No. 862-N.S., 875-N.S., 883-N.S. and all Ordinances amendatory thereof, are hereby repealed, as of the effective date of this Ordinance, except that all of the provisions of said Ordinances shall remain in effect insofar as the same relate to or apply to the imposition and collection of taxes heretofore becoming due. Said

Ordinances shall remain in full force and effect for the purpose of imposing and collecting taxes becoming due thereunder prior to October 1, 1953, and the officers of the City charged with any duty thereunder shall be obligated to act and perform with respect to any such matters as in said Ordinances provided.

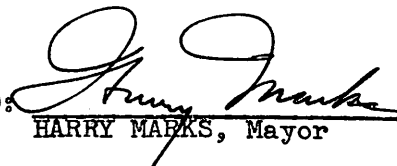
SECTION 33. SEVERABILITY. If any section, sub-section, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this Ordinance. The Council of the City of Modesto hereby declares that it would have passed this Ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

SECTION 34. EFFECTIVE DATE. This Ordinance shall take effect and be in full force from and after October 1, 1953.

here SECTION 35. PUBLICATION. This Ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5 day of August, 1953, by Councilman Mellis, who moved its introduction and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: R. Adams, Amata, Mellis, Merrill and Mayor Marks
NOES: Councilmen: None
ABSENT: Councilmen: M. Adams and Annan

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 12th day of August, 1953, Councilman Mellis, moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

Ayes: Councilmen: R. Adams, Arata, Mellis, Merrill and Mayor Marks

Noes: Councilmen: None

Absent: Councilmen: M. Adams and Annan

Approved: 

Harry Marks, Mayor

Attest: 

Anne M. Collins, Acting City Clerk

Effective date October 1, 1953

ORDINANCE NO. 1089-N.S.

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1954 AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

SPECIAL
NOT IN
CODE

3 WHEREAS, pursuant to the Charter of the City of Modesto
4 for the 1953-1954 fiscal year
5 a proposed budget/has been submitted to the City Council by the
6 City Manager, and the City Council has made such revisions as it
7 has deemed advisable, and

8 WHEREAS, in accordance with the City Charter, a public
9 hearing has been held upon the adoption of the proposed budget
10 after due notice, as provided by law, and

11 WHEREAS, copies of the proposed budget have been and are
12 available for inspection by the public at the office of the City
13 Clerk,

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

16 SECTION 1. That the "Preliminary 1953-1954 Budget for
17 the City of Modesto" presented by the City Manager to the City
18 Council at its meeting held on July 22, 1953, including all
19 revisions heretofore made by the City Council, is hereby adopted
20 as the budget for the City of Modesto for the fiscal year ending
21 June 30, 1954, and the several amounts stated therein as proposed
22 expenditures are hereby appropriated for the various objects
23 therein described.

24 SECTION 2. That the City Council is authorized by
25 resolution to transfer funds from one department to another
26 department and to transfer and expend funds from the general
27 reserve for specific purposes.

28 SECTION 3. That the City Manager is authorized to
29 transfer funds within departmental budgets between the following
30 classifications, to-wit: Salaries, operating expenses, and capital
31 outlay; and to transfer and expend funds from the Contingency
32 Fund for specific purposes.

SECTION 4. Pursuant to Section 722 of the Charter of

1 the City of Modesto, this ordinance shall take effect upon
2 adoption.

3 SECTION 5. This ordinance shall be published in full
4 in the Modesto Tribune, the official newspaper of the City of
5 Modesto.


6 The foregoing ordinance was introduced at a regular
7 meeting of the Council of the City of Modesto held on the 5th
8 day of August, 1953, by Councilman Merrill, who moved its
9 adoption, which motion being duly seconded by Councilman Arata,
10 was upon roll call carried by the following vote:

11 AYES: Councilmen: R. Adams, Arata, Mellis, Merrill, and Mayor
12 Marks.


12 NOES: Councilmen: None.

13 ABSENT: Councilmen: M. Adams, Annan

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16 APPROVED:


HARRY MARKS, Mayor

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18 ATTEST:


REX E. GAILFUS, City Clerk

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NO. 3 SPECIAL IN CODE

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1953-54.

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

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

SECTION 2. TAX RATE. There is hereby levied upon the assessed valuation of the property in the following described tax code areas situated in the City of Modesto, State of California, for the fiscal year beginning July 1, 1953 and ending June 30, 1954, the rates of taxation hereinafter specified, said rates being upon each One Hundred and no/100ths (\$100.00) Dollars of the valuation according to the equalized assessment roll, to-wit:

(a) Tax Code Area No. 2-1:

FOR THE GENERAL FUND	\$1.46
FOR THE BOND REDEMPTION AND INTEREST FUND	
(1) Municipal Improvement Bonds of 1920	\$.04
(2) Municipal Improvement Bonds of 1947	<u>\$.17</u>
BEING A TOTAL OF	\$.21
For the redemption of bonds and the payments of interest thereon that shall accrue during said fiscal year;	
FOR THE LIBRARY FUND	<u>\$.16</u>
THE AGGREGATE OF SAID SUMS TO-WIT	\$1.83

(b) Tax Code Area No. 2-2:

FOR THE GENERAL FUND	\$1.46
FOR THE BOND REDEMPTION AND INTEREST FUND	
(1) Municipal Improvement Bonds of 1947	\$.17
For the redemption of bonds and the payment of interest thereon that shall accrue during said fiscal year;	
FOR THE LIBRARY FUND	<u>\$.16</u>
THE AGGREGATE OF SAID SUMS TO-WIT	\$1.79

1 (c) Tax Code Area Nos. 2-3, 2-4, 2-5:

2 FOR THE GENERAL FUND \$1.46
3 FOR THE LIBRARY FUND \$.16
4 THE AGGREGATE OF SAID SUMS TO-WIT \$1.62

5 SECTION 3. EFFECTIVE DATE. Pursuant to Section 722
6 of the Charter of the City of Modesto, this ordinance shall take
7 effect and be in full force and operation upon adoption.

8 SECTION 4. PUBLICATION. This ordinance shall be pub-
9 lished in full at least once in The Modesto Tribune, the official
10 newspaper of the City of Modesto.

11 The foregoing ordinance was introduced at a regular
12 meeting of the Council of the City of Modesto held on the 19th
13 day of August, 1953, by Councilman Annan, who
14 moved its adoption, which motion being duly seconded by Council-
15 man Arata, was upon roll call carried by the
16 following vote:

17 AYES: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and
Mayor Marks

18 NOES: Councilmen: None

19 ABSENT: Councilmen: M. Adams

20 APPROVED: *Harry Marks*
HARRY MARKS, Mayor

21 ATTEST: *Anne M. Collins*
22 ANNE M. COLLINS, Acting City Clerk

ORDINANCE NO. 1091 -N.S.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
KNOWN AS THE HUDSON-UCCELLO ADDITION TO THE
CITY OF MODESTO.

3 WHEREAS, a petition was filed with the City Clerk by
4 Giuliano Uccello and Roy L. Hudson on May 25, 1953 to annex to
5 the City of Modesto under the provisions of Annexation of Unin-
6 habited Territory Act of 1939, as amended, certain uninhabited
7 territory, hereinafter described and designated as the Hudson-
8 Uccello Addition, situate in the County of Stanislaus, State of
9 California, and contiguous to the City of Modesto, and

10 WHEREAS, the City Council by resolution adopted on the
11 15th day of July, 1953, set said petition for hearing at the
12 hour of 4:30 o'clock P. M. on the 19th day of August, 1953, in
13 the Council Chambers of the City Hall of the City of Modesto, and

14 WHEREAS, at said time and place no objectors appeared
15 to oppose said petition, and

16 WHEREAS, it appears to the City Council and the City
17 Council so finds that a copy of the resolution giving notice of
18 the proposed annexation and fixing the time and place for hearing
19 objections to the proposed annexation was published in newspapers
20 of general circulation, to-wit: The Modesto Tribune, a newspaper
21 published in the City of Modesto, on July 17, 1953 and July 24,
22 1953; and in the Turlock Daily Journal, a newspaper published
23 outside the City of Modesto, but in the County of Stanislaus, on
24 July 18, 1953 and July 25, 1953, for the time and in the manner
25 required by law, which publications were completed at least twenty
26 (20) days prior to the date set for hearing; that written notice
27 of the proposed annexation has been mailed by the City Clerk of
28 the City of Modesto to each person to whom land within the terri-
29 tory proposed to be annexed was assessed on the last equalized
30 assessment roll available on the date the proceedings were init-
31 iated, at the address as shown thereon, or as known to said Clerk,
32 and to any person who has filed his name and address and the

1 designation of the lands in which he has any interest, either
2 legal or equitable, with said Clerk, which notices were mailed
3 not less than twenty (20) days before the date set for public
4 hearing, and that all the requirements of the Annexation of
5 Uninhabited Territory Act of 1939, as amended, have been complied
6 with.

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

9 SECTION 1. That the petition of Giuliano Uccello and
10 Roy L. Hudson be, and the same is hereby granted and the territory
11 described in the said petition is hereby annexed to and made a
12 part of the City of Modesto.

13 SECTION 2. That the area or territory so annexed,
14 designated as the Hudson-Uccello Addition, is located in the
15 County of Stanislaus, State of California, is contiguous to the
16 City of Modesto, is uninhabited territory within the meaning of
17 the Annexation of Uninhabited Territory Act of 1939, as amended,
18 and is more particularly described as follows:

19 All that portion of the North half of the
20 Northeast quarter of Section 6, Township 4 South,
21 Range 9 East, Mount Diablo Base and Meridian,
22 in the County of Stanislaus, State of California,
23 and more particularly described as follows, to-
24 wit:

25 Commencing at the Northeast corner of said Sec-
26 tion 6; thence along the East line of said Sec-
27 tion and along the City Limits line of the City
28 of Modesto South 0° 24' East 677.83 feet to the
29 Southeasterly corner of said City Limits and the
30 true point of beginning of this description;
31 thence continuing along said Section line South
32 0° 24' East 611.90 feet to a point 15 feet North-
erly from the quarter-quarter Section line through
the Northeast quarter of said Section 6 and on
the Northerly line of the County Road 60 feet
in width known as Rouse Avenue; thence along
said Northerly line of Rouse Avenue South 89°
00' West 1614.80 feet to a point which bears
North 89° 00' East 1032.90 feet and North 1°
00' West 15.00 feet from the Southwest corner
of said North-half of Northeast quarter of Sec-
tion 6; thence North 1° 00' West 696.32 feet;
thence North 89° 00' East and parallel to the

1 North line of said Rouse Avenue, 190.00 feet;
2 thence North 1° 00' West 164.00 feet to a
3 point on the South line of the parcel of land
4 described in deed recorded in Vol. 204 of Deeds
5 at Page 569, Records of Stanislaus County
6 Recorder's Office; thence North 89° 00' East
7 along the South line of said deed, and parallel
8 to the North line of said Rouse Ave. a distance
9 of 792.08 feet to the Southeast corner of said
10 deed above mentioned and a point on the West
11 City Limits line of the City of Modesto; thence
12 along said City Limits line South 1° 00' East
13 232.41 feet and North 89° 05' East 639.28 feet
14 to the true point of beginning.

15 SECTION 3. Said territory shall be subject to municipal
16 taxes to pay any indebtedness or liability of the City of Modesto
17 authorized or existing at the time of the adoption of this ordi-
18 nance.

19 SECTION 4. Pursuant to Section 722 of the Charter of
20 the City of Modesto, this ordinance shall become effective immed-
21 iately upon its adoption.

22 SECTION 5. This ordinance shall be published in full
23 at least once in the Modesto Tribune, the official newspaper of
24 the City of Modesto.

25 The foregoing ordinance was introduced and adopted at a
26 regular meeting of the Council of the City of Modesto held on the
27 19th day of August, 1953, by Councilman Mellis, who
28 moved its introduction and adoption and passage to print, which
29 motion being duly seconded by Councilman Merrill, was
30 upon roll call carried by the following vote:

31 AYES: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and
32 Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: M. Adams

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
ANNE M. COLLINS, Acting City Clerk

AN ORDINANCE REGULATING THE DISCHARGE OF SANITARY SEWAGE AND INDUSTRIAL WASTES INTO THE INDUSTRIAL WASTE SYSTEM AND/OR SANITARY SEWAGE SYSTEM OF THE CITY OF MODESTO; PRESCRIBING RULES, REGULATIONS AND SCHEDULE OF CHARGES FOR THE RECEIVING AND TREATMENT AND DISPOSAL OF SANITARY SEWAGE AND INDUSTRIAL WASTES; PROVIDING FOR MEANS OF COLLECTION OF SUCH CHARGES AND FOR ENFORCEMENT MEASURES IN CASE OF NON-PAYMENT OF SAID CHARGES OR FOR CERTAIN VIOLATIONS; PROVIDING FOR EFFECTIVE DATE OF THIS ORDINANCE AND OF CHARGES HEREUNDER; AND REPEALING CERTAIN ORDINANCES OR SECTIONS THEREOF.

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

SECTION 1. DEFINITIONS.

(a) Industrial Waste: Liquid and/or solids contained within a liquid, other than sanitary sewage, and discharged into either the industrial waste system or sanitary sewage system.

(b) Industrial Waste Plant: The treatment plant or plants owned or to be owned by the City of Modesto which may be designed and used for the treatment and disposal of "industrial waste".

(c) Industrial Waste System: The industrial waste plant, and all appurtenant pipe lines and/or laterals which discharge into said industrial waste plant.

(d) Sanitary Sewage: Waste discharging into the City sewage system and which contains human or animal excreta.

(e) Sanitary Sewer Plant: The plant owned by the City of Modesto and designed for the treatment and disposal of sanitary sewage.

(f) Sanitary Sewage System: The sanitary sewer plant and all appurtenant pipe lines and laterals discharging into said plant.

(g) Sewage: Industrial waste or sanitary sewage, or both.

(h) Sewer Service: The services and facilities for the treatment and disposal of industrial wastes and sanitary sewage.

(i) Sewer System: The facilities for the collection, treatment and disposal of industrial wastes and sanitary sewage.

(j) Person: Any person, firm, company, corporation, partnership, association, any public corporation, political subdivision, city (excepting, however, the City of Modesto), county district, the State of California, or the United States of America, or any department or agency of any thereof.

*Amended
by Ord. 1130-N.S.
CODE SEC.
NO. 5-6.201-
5-6.213*

(k) Director: The Director of Public Works of the City of Modesto or such other person as may be designated by the Director of Public Works to perform the services or make the determinations permitted or required under this ordinance to be made by the Director of Public Works of the City.

(l) Premise: Any lot, piece or parcel of land, any building or other structure or any part of any building or structure used or useful for human habitation or gathering or carrying on any business or occupation.

(m) User: Any person responsible for payment of sewer service fees for premises served as provided in this ordinance.

(n) Residential User: Any user whose premise is used solely for residential purposes as defined in Section 1 of Ordinance No. 1070-N.S.

(o) Industrial User: Any user engaged in the business of processing or manufacturing agricultural products, animals, poultry, goods, wares or other products or materials, who processes or manufactures the same for the purpose of sale, resale or redelivery in processed or manufactured form.

(1) "Industrial User, Class I": Any industrial user producing sewage which has:

(a) A Biochemical Oxygen Demand (B.O.D.) not exceeding 300 parts per million (p.p.m.) by weight, or

(b) A Suspended Solids (S.S.) content not exceeding 350 p.p.m. by weight.

(2) "Industrial User, Class II": Any industrial user producing sewage which is found to exceed the limits specified for an industrial user, Class I.

(p) Commercial User: Any user not defined as a residential or industrial user.

(q) Outside User: Any person responsible for payment of sewer service fees for premises served outside the City limits.

(r) The singular shall include the plural unless the context indicates otherwise.

~~(r) Sewage: Industrial waste or sanitary sewage, or both.~~

~~(s) The singular shall include the plural unless the context indicates otherwise.~~

SECTION 2. SANITARY SEWAGE. It shall be unlawful for any person to discharge or allow the discharge of sanitary sewage into the industrial waste system or into any pipe line, either private or public, which leads into the industrial waste system. In the event that sanitary sewage connections exist, or are in the future discovered to exist, which discharge into the industrial waste system, they shall be immediately disconnected and the cost thereof shall be paid for by the owner and/or the user of such connection.

SECTION 3. PERMITS. Before an industrial waste connection is made to the industrial waste system or the sanitary sewage system, a permit must first be obtained from the Director. Application for a permit to discharge such wastes shall be in writing and shall contain the following information:

- (a) Name and address of applicant.
- (b) Proposed location of connection.
- (c) Estimated gallonage of wastes proposed to be discharged, estimated time of discharge, time of peak loads, and other similar data.
- (d) Character of waste proposed to be discharged.
- (e) Other information as may be deemed to be necessary by the Director.

Upon receipt of an application as provided, the Director shall promptly make such investigation as he shall deem necessary.

In the event that the Director finds and determines:

- (a) That the industrial waste pipe line in which the connection is to discharge has sufficient unused carrying capacity for the disposition of these wastes;
- (b) That the character of the wastes proposed to be discharged by the applicant is such that they can successfully be treated in the industrial waste plant;
- (c) That such wastes will not result in damage to the

industrial waste plant or industrial waste system; then he shall issue a permit to the applicant as requested.

In the event that it is necessary or desirable to discharge industrial waste into the sanitary sewage system, and the Director finds that items (a), (b) and (c) above apply to the sanitary sewage system, then he shall issue a permit to the applicant as requested.

Said Director, at his discretion, and toward the end of fulfilling the intent and purpose of this ordinance, may grant a permit in part only and may thereupon prescribe conditions with respect to discharge of such wastes into such systems and may require treatment thereof, the maintenance of individual screens to collect waste products and/or may require the construction and use of tanks designed to equalize flow and reduce peak load.

No peach, plum, cherry, apricot, prunes, nectarine or other fruit pits or similar waste shall be discharged into or permitted to enter the sewage system.

In the event that after the granting of a permit, as provided for in this ordinance, it shall develop, by reason of increased flow, change of character of discharge or for any cause whatsoever that it becomes necessary or desirable to change the conditions prescribed at the time of issuing said permit, then the said Director may revoke said permit or may impose further conditions with respect thereto, toward the end of remedying such conditions.

SECTION 4. TRANSFER FROM SANITARY TO INDUSTRIAL SYSTEM. In the case of an industrial waste connection made to the sanitary sewage system, where in the future the industrial waste system may be made available for connection, then upon request of the Director the person owning and/or operating the industrial plant shall, at his own expense, upon request of the Director, change the connection from the sanitary sewage system to the industrial waste system.

SECTION 5. APPEALS. Any person who shall be dissatisfied with the action of the Director in denying a permit or granting a permit wherein conditions are imposed, or in modifying or revoking a permit or in requiring a transfer from the sanitary to the industrial sewage system, may,

within thirty (30) days, appeal to the City Council by giving written notice thereof to the said Director and to the City Clerk. In the event of such an appeal, the Director shall transmit to the City Council a report setting forth the reasons for denying the permit or for imposing conditions or for modifying or revoking the permit or in requiring a change over. The City Council shall have full power to review any action of the Director.

~~SECTION 6. SEWER SERVICE CHARGES. RATE SCHEDULES. All users of the sewer system shall pay to the City of Modesto, as rental for the use of such facilities, a sewer service charge in accordance with the following schedules:~~

~~(a) Residential User, Inside City: Charges for residential users, inside City, shall be as established by Sub-sections (a) and (b) of Section 2 of Ordinance No. 1070 N.S.~~

~~(b) Residential User, Outside City: Charges for residential users, outside City, shall be Three and no/100ths (\$3.00) Dollars per month, per dwelling unit, payable bi-monthly.~~

~~(c) Commercial User, Inside City: Charges for all commercial users, inside City, shall equal fifty (50%) per cent of the bi-monthly water bill, provided that all water used on the premises is from City facilities. If any or all water used by any commercial user is from other than City facilities, such water shall be metered at the user's expense and the sewer service charge shall include an amount equal to fifty (50%) per cent of the charge which would be made, were such water from City facilities.~~

~~(d) Commercial User, Outside City: Charges for commercial users, outside City, shall be the charges for commercial users, inside City, multiplied by three (3).~~

~~(e) Industrial User, Class I Premise: Charges for industrial users, Class I Premise, inside City, shall be as follows:~~

~~(1) If water used is the basis selected:~~

SECTION 6. SEWER SERVICE CHARGES. RATE SCHEDULES. All users of the sewer system shall pay to the City of Modesto, as rental for the use of such facilities, a sewer service charge in accordance with the following schedules:

(a) Residential User, Inside City: Charges for residential users, inside City, shall be as established by Sub-sections (a) and (b) of Section 2 of Ordinance No. 1070-N.S.

(b) Residential User, Outside City: Charges for residential users, outside City, shall be Three and no/100ths (\$3.00) Dollars per month, per dwelling unit, payable bi-monthly.

(c) Commercial User, Inside City: Charges for all commercial users, inside City, shall be fifty (50%) per cent of the bi-monthly water bill, provided that all water used on the premises is from City facilities. If any or all water used by any commercial user is from other than City facilities, user shall install metering facilities approved by the Director at the user's expense and the sewer service charge shall be an amount equal to fifty (50%) per cent of the charge which would be made, were such water from City facilities.

(d) Commercial User, Outside City: Charges for commercial users, outside City, shall be the charges for commercial users, inside City, multiplied by three (3).

(e) Industrial User, Class I: Charges for industrial users, Class I, inside City, shall be as follows:

(1) If water used is the basis selected:

<u>Cubic Feet of Water Used</u>	<u>Rate of Charge</u>
3,400 cf or less	\$2.00 per month
Next 11,600 cf	.050 per 100 cf
Next 185,000 cf	.040 per 100 cf
Next 400,000 cf	.035 per 100 cf
All Over 600,000 cf	.030 per 100 cf

(2) If sewage discharged is the basis selected:

Cubic Feet of Sewage DischargedRate of Charge

2,720 cf or less	\$2.00 per month
Next 9,280 cf	.050 per 80 cf
Next 148,000 cf	.040 per 80 cf
Next 320,000 cf	.035 per 80 cf
All Over 480,000 cf	.030 per 80 cf

(f) Industrial User, Class II: Charges for industrial users, Class II, inside City, shall be in accordance with the following formula:

$$A = C \times F$$

Where A = amount of monthly sewer service charge

C = applicable fee basis on volume of an industrial user, Class I

F = a load factor calculated as follows:

$$F = 1 + 0.1 \left(\frac{\text{B.O.D.}}{300} \times \frac{\text{S.S.}}{350} \right)$$

(g) Industrial User, Alternate Rate: Any industrial user, inside City, may elect to pay charges according to the following schedule of rates, in lieu of the charges described above under (e) and (f):

SCHEDULE OF RATES

Product	Minimum Charge Per Month	Each	Per 1000 Gallons Each	Per Raw or Green Ton
Apricots	\$3.00			\$.105
Asparagus	3.00			.075
Beans (Lima and String)	3.00			.225
Beets	3.00			.225
Bell Peppers	3.00			.15
Berries	3.00			.225
Broccoli	3.00			.105
Brussel Sprouts	3.00			.105
Cabbage	3.00			.09
Carrots	3.00			.15
Cauliflower	3.00			.09
Celery	3.00			.15
Cherries	3.00			.195
Corn	3.00			.225
Dry Fruit (Washings-floor)	3.00			.105
Figs	3.00			.075
Grapes	3.00			.195
Horse radish	3.00			.225
Milk and Milk Products	3.00			.15
Nectarines	3.00			.225
Olives	3.00			.225
Onions	3.00			.165
Peaches	3.00			.225
Pears	3.00			.225
Peas	3.00			.225
Potatoes (Sweet-White)	3.00			.18

Product	Minimum Charge Per Month	Each	Per 1000 Gallons Each	Per 1000 Green Tons
Pumpkin	\$3.00			\$.18
Spinach	3.00			.225
Tomatoes	3.00			.225
Vinegar	3.00			.225
Walnuts (Washings-floor)	3.00		\$.015	
Wine	3.00			.225
Chemicals	3.00		.015	
Clear Water	3.00		.0075	
Turkeys	3.00	\$.01125		
Chicken and other fowl	3.00	.00188		
Bottling Works-Beverages	3.00		.015	
Laundries (.03 per 100 lbs. dry or)	3.00		.01875	

Rates for products or processes other than those specified above shall be on a comparable basis which shall be fixed by resolution of the City Council.

(h) Industrial User, Outside City: Charges to industrial users, outside City, shall be as established by the City Council by agreement or resolution.

(i) No charge shall be made for service to schools or churches.

(j) Anything to the contrary herein stated notwithstanding, the City Council shall have the power to establish by agreement or resolution the rates to be charged for providing sewer services to governmental agencies at rates different than those heretofore set forth and on a basis that is fair and equitable to all parties concerned.

<u>Product</u>	<u>Minimum Charge</u> <u>Per Month</u>	<u>Per 100</u> <u>Gallons Each</u>	<u>Per Row or</u> <u>Green Ton</u>
Grapes	\$3.00		.195
Milk and Milk Products	3.00		.15
Nectarines	3.00		.225
Olives	3.00		.225
Onions	3.00		.165
Peaches	3.00		.225
Pears	3.00		.225
Peas	3.00		.225
Potatoes (Sweet-White)	3.00		.18
Pumpkin	3.00		.18
Spinach	3.00		.225
Tomatoes	3.00		.225
Vinegar	3.00		.225
Walnuts (Washings-floor)	3.00	\$.015	.225
Wine	3.00		.225
Chemicals	3.00	.015	
Clear Water	3.00	.0075	
Turkeys	3.00		.01125
Chicken and other fowl	3.00		.00188
Bottling Works Beverages	3.00	.015	
Laundries (.03 per 100 lbs. dry or)	3.00	.01875	

~~(h) Industrial User, Outside City: Charges to industrial~~

~~users, outside City, shall be as established by the City Council by agree-
ment or resolution.~~

~~(i) No charge shall be made for service to schools or
churches.~~

SECTION 7. RULES AND REGULATIONS.

(a) No person shall discharge, or allow the discharge of, or dump sanitary sewage or industrial sewage or other waste matter into the sewer system of the City except in compliance with the terms of, and upon the payment of the charges provided in this ordinance.

(b) Each industrial user shall select as his basis for payment ^{either} the basis specified in paragraphs (e) and (f), or that specified in paragraph (g) of Section 6 hereof, which basis of payment shall then be used throughout the existence of this ordinance.

(c) Any industrial user who elects to pay charges under Schedule (e) and (f) of Section 6 may select as his basis for payment, either cubic feet of water used, or cubic feet of sewage discharged, in accordance with the schedule set forth above, and shall install and maintain the required meter if an approved meter is not already installed. The City, at its discretion, may waive the requirement of meters if, in the opinion of the Director, a satisfactory method of measurement has been determined.

(d) Whenever the load factor formula specified in subsection (f) of Section 6 above is applicable, the values of B.O.D. and S.S. to be used in the formula specified therein shall be the averages of four daily composite samples taken at reasonable intervals during the billing period. A composite sample shall consist of at least eight individual samples taken at approximate hourly intervals over an eight hour period. Any industrial user may request additional determinations by the City of B.O.D. and S.S. upon payment of a fee of Twenty-five and no/100ths (\$25.00) Dollars to the Director of Finance for each such determination, this fee to include tests for both B.O.D. and S.S. The results of such determinations shall be averaged with the four composite samplings normally taken. The City shall reserve the right to take samples and make determinations of B.O.D. and S.S. as frequently as it desires, for its own use.

SECTION 8. PAYMENT OF CHARGES. On premises serviced with City water, the charge for sewer services shall be added to the charge for water services, and shall become due and payable on the same basis as is provided in Ordinance No. 1069-N.S. regulating the payment of water service charges. If a premise with sewer service is not connected with the municipal water system, a separate bill shall be rendered for sewer service only. The time and manner of billing for services on premises not served with City water shall be as determined by the Director of Finance. Notwithstanding the foregoing, the Director of Finance shall have the power to authorize or require payment to be made on a monthly basis if he is of the opinion that such a procedure is in the best interests of the City.

In order to facilitate the payment of charges made in accordance with the rate schedule contained in paragraph (g) of Section 6 hereof, industrial users selecting this schedule as a basis for sewer service charges shall, not later than the tenth of each month, submit to the Director of Finance a statement showing tonnage, gallonage, and/or other units being used as a basis for charges, which was processed, treated, used or discharged during the preceding month, showing the approved rate for each such item and the total amount of the service charge. Accompanying this statement shall be a check or cash in the amount calculated.

If, on checking the statement an error is found, or if on later

investigation the amount of the tonnage, gallonage, and/or other unit being used as a basis for charges, it is found that an error exists, the person making the statement shall pay such additional sum, or the City shall make such refund, as may be found to be necessary to properly adjust the payment.

Any authorized agent of the City of Modesto shall have the right to go upon the premises, or any part thereof, of the person holding a valid permit for the discharging of industrial waste in the City sewer system, for the purpose of protecting the rights of the City of Modesto and to obtain any information deemed necessary to protect such rights. This right shall include the right to examine the books of the person holding the permit in order to correctly check the tonnage, gallonage or other unit being used as a basis of charge.

SECTION 9. PERSONS RESPONSIBLE FOR PAYMENT. All monthly sewer service fees shall be billed to the following persons:

(a) In the case of any person whose premise is connected with the municipal water system, then to the person who requested such connection to the municipal water system or his successor in interest, or to any person requesting that such bill be charged to him.

(b) In the case of any person whose premise is not connected to the municipal water system, then to the person who requested the connection to the sewer system or his successor in interest, or if no such request was made, then to the owner of record of such premise on the date on which such premise is required hereby to connect to the sewer system, or to the successor in interest to such person, or to any person requesting that such bill be charged to him.

SECTION 10. ENFORCEMENT MEASURES IN CASE OF DELINQUENCY.

(a) The City Manager shall insure enforcement of this ordinance by coordinating the actions of the Director of Finance, the Director of Public Works and any other city departments concerned. The Director of Public Works is hereby charged with the enforcement of all of the provisions of this ordinance.

(b) In the event of a violation of any of the terms of this ordinance, or any rule or regulation established thereunder, the

Director shall notify in writing the person causing, allowing or committing such violation, specifying the violation, and if applicable, the time after which (upon the failure of such person to prevent or rectify the violation) the Director will exercise his authority to disconnect the system from the municipal water system and/or the sewer system; provided, that such time shall not be less than five (5) days after the deposit with postage paid of such notice in the United States Post Office at Modesto, California addressed to the person to whom notice is given; provided, however, that in the event such violation results in a public hazard or menace, then the Director may enter upon the premises without notice and do such things and spend such sums as may be necessary to abate such hazard, and the reasonable value of the things done and the amounts expended in so doing shall be a charge upon the person so in violation.

(c) Upon the failure of any user to pay any sewer service charge prior to delinquency, any one or more of the actions authorized in sub-sections (d) or (e) hereof may, or where required hereby, must, be taken by the City or City officials to enforce such payment, subject to the provisions of sub-section (b) hereof.

(d) Each sewer service charge levied by or pursuant to this ordinance on any premises within the City limits of the City is hereby made a lien upon such premise, and any steps authorized by law may be taken by the City to enforce payment of such lien.

(e) In each case where a bill for sewer service shall become delinquent, the Director shall disconnect the premise from the municipal water system, and he may also disconnect the premise from the sewer system. Whenever a premise has been disconnected from either the municipal water system or the sewer system for non-payment of sewer service charges, such premise shall not be reconnected to either the municipal water system or the sewer system until all delinquent fees have been paid, together with such reasonable charges for reconnection as may be established from time to time by resolution duly adopted by the City Council.

SECTION 11. EFFECTIVE DATE OF SEWER SERVICE CHARGES. The sewer service charges imposed on industrial users by this ordinance shall apply retroactively, commencing on and after August 1, 1953. The sewer service

charges imposed on commercial users by this ordinance shall apply retroactively, commencing with water consumed on and after September 1, 1953.

SECTION 12. SEWER SERVICE FUND. All moneys collected by the City of Modesto for sewer service charges for commercial and industrial users imposed by this ordinance shall be placed in a fund entitled "Sewer Service Fund", hereby created, and shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sewage facilities and to repay principal and interest on bonds heretofore or hereafter issued for the construction or reconstruction of such sewage facilities.

SECTION 13. SEVERABILITY. If any section, sub-section, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not effect the validity of the remaining portions of this ordinance. The Council of the City of Modesto hereby declares that it would have passed this ordinance and each section, sub-section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, sub-sections, sentences, clauses or phrases be declared unconstitutional.

SECTION 14. VIOLATIONS AND PENALTIES. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed Five Hundred and no/100ths (\$500.00) Dollars, or by imprisonment in the County Jail for a period not to exceed six (6) months or by both such fine and imprisonment.

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

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

SECTION 16. TERMINATION DATE. The industrial user rate schedules specified in sub-sections (e), (f) and (g) of Section 6 of this ordinance shall terminate as of May 31, 1954, except insofar as the same relates or applies to imposition and collection of charges for the sewer services

becoming due thereunder up to and including May 31, 1954, for which purposes they shall remain in effect.

SECTION 17. REPEALS. Ordinances Nos. 803-N.S., 839-N.S., subsections (c) and (d) of Section 2, and Section 7 of Ordinance No. 1070-N.S. are hereby repealed and Resolution No. 7572-N.S. is hereby rescinded as of the date when the charges imposed by this ordinance go into effect. The aforementioned ordinances and resolution shall remain in effect, however, insofar as the same relate or apply to the imposition and collection of sewer service charges due and payable thereunder prior to the effective date of the charges imposed by this ordinance.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19 day of August, 1953, by Councilman Merrill, who moved its introduction and passage to print, which motion being duly seconded by Councilman Annan, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: R. Adams, Annan, Arata, Mellis, MERRILL +
NOES: Councilmen: none Mayor Marks
ABSENT: Councilmen: M. Adams.

APPROVED: [Signature]
HARRY MARKS, Mayor

ATTEST: [Signature]
ANNE M. COLLINS, Acting City Clerk

Ord. 1092- N.S.

FINAL ADOPTION CLAUSE

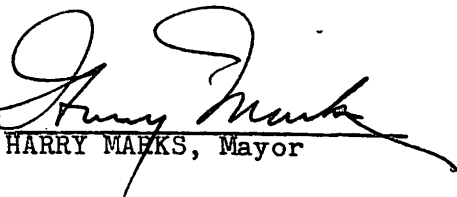
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of August, 1953, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: M. Adams

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
HARRY MARKS, Mayor

EFFECTIVE DATE: August 1, 1953 and
September 1, 1953

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
KNOWN AS THE BRIGGS-WHITMORE ADDITION TO THE
CITY OF MODESTO.

3 WHEREAS, a petition was filed with the City Clerk by
4 Conow Builders on July 3, 1953 to annex to the City of Modesto
5 ^{the} under/provisions of Annexation of Uninhabited Territory Act of
6 1939, as amended, certain uninhabited territory, hereinafter
7 described and designated as the Briggs-Whitmore Addition, situate
8 in the County of Stanislaus, State of California, and contiguous
9 to the City of Modesto, and

10 WHEREAS, the City Council by resolution adopted on the
11 5th day of August, 1953, set said petition for hearing at the
12 hour of 8:00 o'clock P. M. on the 10th day of September, 1953,
13 in the Council Chambers of the City Hall of the City of Modesto,
14 and

15 WHEREAS, at said time and place no objectors appeared
16 to oppose said petition, and

17 WHEREAS, it appears to the City Council and the City
18 Council so finds that a copy of the resolution giving notice of
19 the proposed annexation and fixing the time and place for hearing
20 objections to the proposed annexation was published in newspapers
21 of general circulation, to-wit: The Modesto Tribune, a newspaper
22 published in the City of Modesto, on August 7, 1953 and August 14,
23 1953; and in the Turlock Daily Journal, a newspaper published
24 outside the City of Modesto, but in the County of Stanislaus, on
25 August 8, 1953 and August 15, 1953, for the time and in the manner
26 required by law, which publications were completed at least twenty
27 (20) days prior to the date set for hearing; that written notice
28 of the proposed annexation has been mailed by the City Clerk of
29 the City of Modesto to each person to whom land within the terri-
30 tory proposed to be annexed was assessed on the last equalized
31 assessment roll available on the date the proceedings were init-
32 iated, at the address as shown thereon, or as known to said Clerk,

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

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

10 SECTION 1. That the petition of Conow Builders be, and
11 the same is hereby granted and the territory described in the said
12 petition is hereby annexed to and made a part of the City of
13 Modesto.

14 SECTION 2. That the area or territory so annexed,
15 designated as the Briggs-Whitmore Addition, is located in the
16 County of Stanislaus, State of California, is contiguous to the
17 City of Modesto, is uninhabited territory within the meaning of
18 the Annexation of Uninhabited Territory Act of 1939, as amended,
19 and is more particularly described as follows:

20 That portion of the Fresno tract as per Map
21 filed March 14, 1903, in Vol. 1 of Maps, page
22 76, Stanislaus County Records, described as:

23 Beginning at a point on the North line of Lot
24 12 in said Fresno Tract, said point being 60
25 feet West of the Northeast corner of said Lot
26 12 and being the intersection of the center
27 line of 40 foot Bowen Avenue with the West line
28 of 60 foot Tidewater Southern Railroad right of
29 way, running thence South 0° 48' East along the
30 West line of said railroad right of way a dis-
31 tance of 1639.77 feet more or less to the North-
32 east corner of the Cloverfield Tract, as per Map
filed May 13, 1952, in Vol. 17 of Maps, page 33
and being also on the Southerly boundary line
of Modesto Irrigation District, Lateral No. 3;
running thence North 89° 27' East along the
Southern boundary line of said Lateral No. 3,
a distance of 924 feet more or less to a point
that bears 204 feet East, measured at right
angles from the West line of Lot 7 in the said
Fresno Tract; thence North parallel to and dis-
tant 204 feet East of the West line of Lots 7
and 8 of the said Fresno Tract a distance of

1 1615.48 feet more or less to the North line of
2 said Lot 8 and being in the center line of said
3 Bowen Avenue as herein and before referred to;
4 thence North 88° 53' West along the North line
5 of said Lots 8 and 9 of the Fresno Tract and
6 being along the center line of said Bowen Avenue,
7 a distance of 924 feet more or less to the point
8 of beginning.

9 SECTION 3. Said territory shall be subject to municipal
10 taxes to pay any indebtedness or liability of the City of Modesto
11 authorized or existing at the time of the adoption of this ordi-
12 nance.

13 SECTION 4. Pursuant to Section 722 of the Charter of
14 the City of Modesto, this ordinance shall become effective immed-
15 iately upon its adoption.

16 SECTION 5. This ordinance shall be published in full
17 at least once in The Modesto Tribune, the official newspaper of
18 the City of Modesto.

19 The foregoing ordinance was introduced and adopted at a
20 regular meeting of the Council of the City of Modesto held on the
21 ~~16th~~ day of September, 1953, by Councilman R. Adams, who
22 moved its introduction and adoption and passage to print, which
23 motion being duly seconded by Councilman Mellis, was
24 upon roll call carried by the following vote:


25 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis,
26 Merrill and Mayor Marks

27 NOES: Councilmen: None

28 ABSENT: Councilmen: None

29 APPROVED: 

HARRY MARKS, Mayor

30 ATTEST: 

31 REX E. GAILFUS, City Clerk

AN ORDINANCE AMENDING SECTIONS 4 AND 5 OF ORDINANCE NO. 1088-N.S. OF THE CITY OF MODESTO, ENTITLED: "AN ORDINANCE ESTABLISHING AND LEVYING A SALES AND USE TAX ON RETAIL SALES OF TANGIBLE PERSONAL PROPERTY WITHIN THE CITY OF MODESTO, PROVIDING FOR PERMITS TO RETAILERS, PROVIDING FOR THE COLLECTION AND PAYMENT OF SUCH TAXES, AND PRESCRIBING PENALTIES FOR VIOLATIONS OF THE PROVISIONS HEREOF."

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

SECTION 1. Section 4 of Ordinance No. 1088-N.S. of the City of Modesto, entitled: "An ordinance establishing and levying a sales and use tax on retail sales of tangible personal property within the city of Modesto, providing for permits to retailers, providing for the collection and payment of such taxes, and prescribing penalties for violations of the provisions hereof" is hereby amended to read as follows:

SECTION 4. TAX LEVIED IN SAME MANNER AS STATE TAX. The taxes hereby levied, except as otherwise herein provided, are levied in the same manner, to the same extent and under the same conditions as sales and use taxes are levied pursuant to Part 1 of Division 2 of the California Revenue and Taxation Code, known as the "Sales and Use Tax Law", as amended and in force and effect on September 9, 1953.

SECTION 2. Section 5 of Ordinance No. 1088-N.S. of the City of Modesto is hereby amended to read as follows:

SECTION 5. ADOPTION OF STATE SALES AND USE TAX LAW BY REFERENCE. Exceptions. All of the provisions of the "Sales and Use Tax Law", as amended and in force and effect on September 9, 1953, except Sections 6006, 6008, 6051, 6052, 6053, 6066, 6067, 6068, 6069, 6070, 6071, 6201, 6202, 6203, 6204, 6207, 6226, 6451, 6826, 7052, 7056, 7057, 7101, 7102, 7151, 7152, and 7153 applicable to sales or purchases of property at retail, are hereby adopted and made a part of this ordinance as though fully set forth herein, and all provisions of any other ordinance in conflict therewith are inapplicable to this ordinance and the tax hereby imposed; provided, however, the term "gross receipts", as used herein, does not include the amount of any tax imposed by the State of California upon or with respect to retail sales whether imposed upon the retailer or upon the consumer.

All of the provisions of the "Sales and Use Tax

1 Law" hereby adopted, providing for the adoption
2 of rules and regulations and for hearings on the
3 part of the State Board of Equalization, shall be
4 performed by the City Council of the City of
5 Modesto. All other provisions of the "Sales and
6 Use Tax Law", hereby adopted, providing for the
7 performance of official action on the part of the
8 State Board of Equalization, shall be performed
9 by the Director of Finance.

6 The City of Modesto shall be deemed substituted
7 for the State of California whenever the State
8 is referred to in said "Sales and Use Tax Law".

8 The City Attorney of the City of Modesto shall
9 be deemed substituted for the Attorney General
10 whenever the Attorney General is referred to in
11 said "Sales and Use Tax Law".

11 The Director of Finance shall be deemed sub-
12 stituted for the State Controller and State
13 Board of Control whenever the State Controller
14 or State Board of Control are referred to in
15 said "Sales and Use Tax Law".

14 The County of Stanislaus shall be deemed sub-
15 stituted for the County of Sacramento whenever
16 the County of Sacramento is referred to in said
17 "Sales and Use Tax Law".

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

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

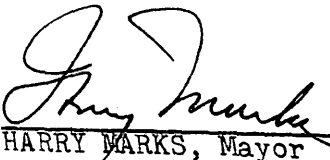
22 The foregoing ordinance was introduced at a regular
23 meeting of the Council of the City of Modesto held on the 23rd
24 day of Sept., 1953, by Councilman Mellis, who
25 moved its adoption, which motion being duly seconded by Councilman
26 R. Adams, was upon roll call carried by the following
27 vote:

28 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill
29 and Mayor Marks

29 NOES: Councilmen: None

30 ABSENT: Councilmen: None

31 ATTEST: 
32 REX E. GAILFUS, City Clerk

APPROVED: 
HARRY MARKS, Mayor

REPEALED ORD 234 CS

ORDINANCE NO. 1095 -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 AMENDED, BY ADDING SECTION 34.1 TO SAID ORDINANCE.

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

SECTION 1. 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 amended, is hereby amended by adding Section 34.1 to said ordinance to read as follows:

SECTION 34.1. RESTRICTION OR PROHIBITION OF PARKING OR LOADING BY RESOLUTION. Any other provision of this ordinance to the contrary notwithstanding, the City Council may, by resolution, restrict or prohibit the parking, loading and unloading of motor vehicles in designated streets or alleys, or portions thereof, in the City of Modesto, if the general welfare and safety of the citizens so require it, which regulations shall become effective when appropriate signs are in place giving notice of said regulations to the public.

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

SECTION 3. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Tribune, 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 Sept., 1953 by Councilman Annan, who moved its introduction and passage to print, which motion being duly seconded by Councilman Arata, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

ATTEST: REX E. GAILFUS, City Clerk

APPROVED: HARRY MARKS, Mayor

1095

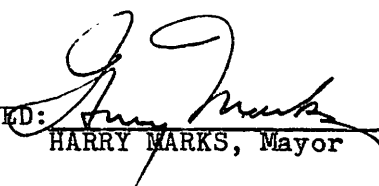
FINAL ADOPTION CLAUSE

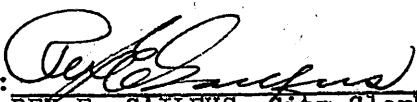
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 7th day of Oct., 1953 Councilman M. Adams moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: Oct. 22, 1953

SPECIAL
NOT IN
CODE

ORDINANCE NO. 1096 -N.S.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY
KNOWN AS THE CAROLAND MANOR ADDITION TO THE
CITY OF MODESTO.

2
3 WHEREAS, a petition was filed with the City Clerk by
4 A. W. Winning and Lee Viola Winning on August 14, 1953, to annex
5 to the City of Modesto under the provisions of Annexation of
6 Uninhabited Territory Act of 1939, as amended, certain uninhabited
7 territory, hereinafter described and designated as the Caroland
8 Manor Addition, situate in the County of Stanislaus, State of
9 California, and contiguous to the City of Modesto, and

10 WHEREAS, the City Council by resolution adopted on the
11 2nd day of September, 1953, set said petition for hearing at the
12 hour of 4:30 o'clock p.m. on the 7th day of October, 1953, in the
13 Council Chambers of the City Hall of the City of Modesto, and

14 WHEREAS, at said time and place no objectors appeared
15 to oppose said petition, and

16 WHEREAS, it appears to the City Council and the City
17 Council so finds that a copy of the resolution giving notice of
18 the proposed annexation and fixing the time and place for hearing
19 objections to the proposed annexation was published in newspapers
20 of general circulation, to-wit: The Modesto Tribune, a newspaper
21 published in the City of Modesto, on September 4, 1953 and Sep-
22 tember 11, 1953; and in the Turlock Daily Journal, a newspaper
23 published outside the City of Modesto, but in the County of
24 Stanislaus, on September 5, 1953 and September 12, 1953, for the
25 time and in the manner required by law, which publications were
26 completed at least twenty (20) days prior to the date set for
27 hearing; that written notice of the proposed annexation has been
28 mailed by the City Clerk of the City of Modesto to each person to
29 whom land within the territory proposed to be annexed was assessed
30 on the last equalized assessment roll available on the date the
31 proceedings were initiated, at the address as shown thereon, or
32 as known to said Clerk, and to any person who has filed his name

1 and address and the designation of the lands in which he has any
2 interest, either legal or equitable, with said Clerk, which notices
3 were mailed not less than twenty (20) days before the date set
4 for public hearing, and that all the requirements of the Annexa-
5 tion of Uninhabited Territory Act of 1939, as amended, have been
6 complied with,

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

9 SECTION 1. That the petition of A. W. Winning and Lee
10 Viola Winning be, and the same is hereby granted and the territory
11 described in the said petition is hereby annexed to and made a
12 part of the City of Modesto.

13 SECTION 2. That the area or territory so annexed,
14 designated as the Caroland Manor Addition, is located in the
15 County of Stanislaus, State of California, is contiguous to the
16 City of Modesto, is uninhabited territory within the meaning of
17 the Annexation of Uninhabited Territory Act of 1939, as amended,
18 and is more particularly described as follows:

19 All that portion of Lot 17 of FRESNO TRACT,
20 according to the Map thereof, filed in the
21 office of the County Recorder of Stanislaus
22 County, California, on March 14, 1903 in
23 Volume 1 of Maps at page 76, more particu-
24 larly described as follows:

25 Beginning at the Northwest corner of Lot 16
26 of the FRESNO TRACT, being at the Northwest
27 corner of the existing limits of the City of
28 Modesto; thence South along the dividing
29 line between Lots 16 and 17, of said Fresno
30 Tract, being the Westerly line of the existing
31 limits of the City of Modesto, a distance of
32 1650.00 feet to the South line of the County
Road, known as Briggsmore Avenue; thence West
and along the South line of said Briggsmore
Avenue, a distance of 639.54 feet, more or
less, to the East line of Tully Road; thence
North and along the East line of Tully Road,
a distance of 1670.46 feet, more or less, to
a point on the North line of said Lot 17;
thence East and along the North line of said
Lot 17, 639.54 feet to the point of beginning.

SECTION 3. Said territory shall be subject to municipal

1 taxes to pay any indebtedness or liability of the City of Modesto
2 authorized or existing at the time of the adoption of this ordi-
3 nance.

4 SECTION 4. Pursuant to Section 722 of the Charter of
5 the City of Modesto, this ordinance shall become effective immed-
6 iately upon its adoption.

7 SECTION 5. This ordinance shall be published in full
8 at least once in The Modesto Tribune, the official newspaper of
9 the City of Modesto.

10 The foregoing ordinance was introduced and adopted at a
11 regular meeting of the Council of the City of Modesto held on the
12 7th day of October, 1953, by Councilman Arata, who
13 moved its introduction and adoption and passage to print, which
14 motion being duly seconded by Councilman ? Annan, was
15 upon roll call carried by the following vote:


16 AYES: Councilmen: M. Adams, R. Adams, Annan, Arata, Mellis and
Mayor Marks

17 NOES: Councilmen: None

18 ABSENT: Councilmen: Merrill

19 APPROVED: 

HARRY MARKS, Mayor

20 ATTEST: 

21 REX E. GAILFUS, City Clerk

AN ORDINANCE REGULATING THE ISSUANCE AND DISPLAY OF WINDSHIELD STICKERS TO PERSONS USING COMMERCIAL MOTOR VEHICLES WITHIN THE CITY OF MODESTO IN THE CONDUCT OF A BUSINESS LICENSED BY THE CITY.

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

SECTION 1. ISSUANCE AND DISPLAY OF WINDSHIELD STICKERS. The Director of Finance shall issue to each applicant for a business license who uses a commercial motor vehicle within the City in the conduct of a business for which a license is granted pursuant to any ordinances of the City, a sticker for each vehicle so used, which shall be displayed at all times within a seven (7") inch square in the lower right-hand corner of the windshield of each such vehicle.

SECTION 2. FAILURE TO DISPLAY WINDSHIELD STICKERS UNLAWFUL. Within thirty-one (31) days after January 1, 1954, it shall be unlawful for any person to use a commercial motor vehicle in the conduct of a business in the City of Modesto for which a business license is required if said vehicle does not have displayed thereon a valid windshield sticker as required by Section 1 of this ordinance.

SECTION 3. TYPE AND DESIGN. The type and design of stickers to be issued shall be prescribed by the Director of Finance. Each sticker shall be valid only for the duration of the license issued. Each sticker shall contain the following information:

- (a) Name of the licensee;
- (b) The period during which the sticker is valid;
- (c) The ordinance under which the license is issued; and
- (d) Such other information as the Director of Finance shall determine.

SECTION 4. PRIOR LICENSES. Within thirty-one (31) days after January 1, 1954, each person who uses a commercial motor vehicle within the City in the conduct of a business for which a license has been granted therefore pursuant to any ordinance of the City, shall obtain, without cost, from the Director of Finance windshield stickers as provided in Section 1 hereof and comply with the provisions of this ordinance.

SECTION 5. PENALTIES. Any person, firm or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not to exceed Five Hundred and no/100ths (\$500 00) Dollars, or by imprisonment in the County Jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

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

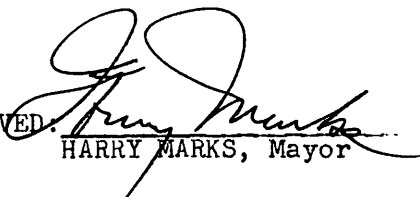
SECTION 6. EFFECTIVE DATE. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 1953, by Councilman Mellis, who moved its adoption and passage to print, which motion being duly seconded by Councilman Annan, was upon roll call carried and the ordinance ordered printed and published by the following vote:

AYES: Councilmen: M. Adams, Annan, Mellis, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: R. Adams and Arata

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of November, 1953, Councilman R. Adams moved its final adoption, which motion being duly seconded by Councilman Merrill, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: R. Adams, Annan, Arata, Mellis, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: M. Adams

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED.


HARRY MARKS, Mayor

EFFECTIVE DATE:

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

SPECIAL NOT IN CODE

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

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

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

SPECIAL NOT IN CODE

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

All that certain real property situate in the County of Stanislaus, State of California, in Sections 17 and 20, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and more particularly described as follows:

Beginning at the point of intersection of the South line of Orangeburg Avenue and the West line of McHenry Avenue as shown on the map of the Mensinger Tract Number 4, filed in Volume 14 of Maps at Page 68, Stanislaus County Records, said point being 25 feet at right angles Westerly from the Section line common to Sections 20 and 21; thence Northerly on the West side of McHenry

1 Avenue along a line parallel to and 25 feet at right
2 angles Westerly from said Section line common to Sec-
3 tions 20 and 21 to the South line of the Modesto Irriga-
4 tion District Lateral Number 3; thence Westerly along
5 said South line of Modesto Irrigation District Lateral
6 Number 3 to the point of intersection with the West
7 line of the Tidewater Southern Railway Company right
8 of way said point also being the East line of the
9 Cloverfield Tract as filed in Volume 17 of Maps at
10 Page 33, Stanislaus County Records; thence Southerly
11 along said line to the point of intersection with the
12 centerline of the 40 foot road known as Granger Avenue;
13 thence Easterly along the centerline of Granger Avenue
14 60 feet to the East line of the Tidewater Southern
15 Railway Company right of way which also is a line
16 parallel to and 30 feet East of the West line of Lots
17 2 and 19 of Weil Colony, filed in Volume 3 of Maps at
18 Page 37, Stanislaus County Records; thence Southerly
19 along said East line to the point of intersection with
20 the North line of Orangeburg Avenue; thence Westerly
21 30 feet along said North line of Orangeburg Avenue;
22 thence Southerly at right angles to Orangeburg Avenue
23 50 feet to the South line of Orangeburg Avenue said
24 line being also the North line of Block 6007 of the
25 James Tract as filed in Volume 11 of Maps at Page 68,
26 Stanislaus County Records; 660.00 feet Easterly along
27 said South line of Orangeburg Avenue to the centerline
28 of Enslin Avenue and the East boundary of said James
29 Tract being also the West boundary of the Monaco Tract
30 as filed in Volume 11 of Maps at Page 67, Stanislaus
31 County Records; thence continuing 660.00 feet Easterly
32 along the South line of Orangeburg Avenue, as shown on
said Monaco Tract, to the East boundary of said Monaco
Tract being also the West boundary of the Mensinger
Tract Number 2 as filed in Volume 11 of Maps at Page
30, Stanislaus County Records, thence continuing 659.59
feet Easterly along the South line of Orangeburg Avenue
as shown on said Mensinger Tract Number 2, to the East
boundary of said Mensinger Tract Number 2 being also
the West boundary of Mensinger Tract Number 4; thence
northerly along the Westerly boundary of said Mensinger
Tract Number 4, 10 feet to the Southerly line of Orange-
burg Avenue as shown on the Mensinger Tract No. 4;
thence Easterly along Orangeburg Avenue 635.19 feet to
the point of beginning.

be, and the same is hereby approved.

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

SECTION 3. The Clerk of the City of Modesto is hereby

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

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

14 SECTION 5. Pursuant to Section 722 of the Charter of
15 the City of Modesto, this Ordinance shall take effect and be in
16 full force and operation as of the date hereof.

17 SECTION 6. This Ordinance shall be published in full
18 in The Modesto Tribune, the official newspaper of the City of
19 Modesto.

20 The foregoing Ordinance was introduced at a regular
21 meeting of the Council of the City of Modesto held on the 25th
22 day of November, 1953, by Councilman Arata, who
23 moved its adoption and passage to print, which motion being duly
24 seconded by Councilman R. Adams, was upon roll call
25 carried and the Ordinance ordered printed and published as above
26 by the following vote:

27 AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks

28 NOES: Councilmen: None

29 ABSENT: Councilmen: Annan

30 APPROVED


HARRY MARKS, Mayor

31 ATTEST: 
32 REX E. GAILFUS, City Clerk

1 AN ORDINANCE APPROVING THE ANNEXATION OF
2 CERTAIN TERRITORY KNOWN AS "LA LOMA-YOSEMITE
3 ADDITION" TO THE CITY OF MODESTO.

4 SPECIAL
5 NOT IN CODE

6 WHEREAS, certain proceedings have been instituted under
7 the Annexation Act of 1913 and other laws pertaining to annexa-
8 tion for the purpose of submitting to the qualified electors
9 residing in certain territory hereinafter described, and generally
10 designated as "LaLoma-Yosemite Addition", the question whether or
11 not said territory shall be annexed to, incorporated in, and made
12 a part of said City of Modesto, and whether or not the property
13 in said territory shall, after such annexation, be subjected to
14 taxation equally with the property within the City of Modesto to
15 pay the bonded indebtedness of the City of Modesto for the acqui-
16 sition, construction or completion of municipal improvements
17 outstanding or authorized at the date of said election, and

18 WHEREAS, the City Council finds that each and every and
19 all of the requirements of law pertaining to said annexation pro-
20 ceedings and the election in said territory have been fully com-
21 plied with,

22 THE COUNCIL OF THE CITY OF MODESTO DOES ORDAIN AS
23 FOLLOWS:

24 SECTION 1. That the annexation of the following
25 described territory lying and being in the County of Stanislaus,
26 State of California, and contiguous to the City of Modesto, and
27 particularly described as follows, to-wit:
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All that certain real property situated in the County of Stanislaus, State of California, bounded and described as follows:

Portions of Sections 27, 28, 33 and 34, Township 3 South, Range 9 East, Mount Diablo Base and Meridian.

Beginning at a point on the existing City Limits where the East quarter quarter section line of Section 28, Township 3 South, Range 9 East, Mount Diablo Base and Meridian intersects the center line of Beard Brook; thence Easterly along the center line of Beard Brook to its intersection with the East line of the 50 foot road known as Covena Avenue extended Northerly; thence Southerly along the East side of Covena Avenue to the South side of the roadway easement described in the deed to S. G. Darby, et ux, recorded in Stanislaus County April 7, 1945, as Instrument No. 6260; thence Easterly along South side of said easement to its East end which is the Northeast corner of the property described in Instrument No. 18927 of the year 1948; thence Southerly S 9° 31' E to a point which is S 84° 07' W, 178.37 feet from the East line of the West one-half of the Northwest one-quarter of Section 27, Township 3 South, Range 9 East; thence N 84° 07' E, 178.37 feet to a point on said quarter quarter section line; thence Southerly along said East line and its Southerly projection S 0° 41' E, 564.27 feet to the South line of Modesto Irrigation District Lateral No. 2 Right of Way; thence Easterly along said South line to its intersection with the Northerly projection of the West line of Rosina Avenue as shown on Map of Covena Park Tract No. 2 recorded in Volume 14 of Maps at Page 49, Stanislaus County Records; thence Southerly along said projection and said West line of Rosina Avenue to its intersection with the Westerly projection of the North line of Lot 16, Block 2031A of Covena Park Tract No. 2; thence Easterly along said Westerly projection and boundary of Covena Park Tract No. 2 S 89° 49' 30" E, 658.84 feet to the West line of Conejo Avenue as shown on Map of Uccello Tract recorded in Volume 16 of Maps at Page 56, Stanislaus County Records; thence Northerly along the West line of Conejo Avenue as shown on Map of Uccello Tract to its intersection with the Westerly projection of the Northerly boundary of Uccello Tract; thence Easterly along said Westerly projection and said Northerly boundary to its intersection with the West line of Ellis Tract as shown in Volume 14 of Maps at Page 51, Stanislaus County Records; thence Northerly along the West line of said Ellis Tract to the South line of Modesto Irrigation District Lateral No. 2; thence Easterly along the South line of Modesto Irrigation District Lateral No. 2 to the Northeast corner of Ellis Tract; thence Southerly along the East boundary of Ellis Tract to the Southeast corner of Ellis Tract; thence Easterly and Northerly along the boundaries of Alta Vista Tract as shown in Volume 14 of Maps at Page 75, Stanislaus County Records, to the South side of Modesto Irrigation District Lateral No. 2; thence Easterly along the South side of Modesto Irrigation District Lateral No. 2 to its intersection with the Northern projection of the East line of the alley in Block 2258 as shown on Map of Alta Vista Tract No. 2 in Volume 16 of Maps at Page 43, Stanislaus County Records; thence Southerly along said projection and along the East line of alley in Block 2258, 2260 and 2262 of Alta Vista Tract No. 2 to the North line of Miller Avenue; thence Easterly along the North side of Miller Avenue to the West

side of El Vista Avenue; thence Southerly along the West side of El Vista Avenue to the Northeast corner of Lot 18 Block 2263; thence Westerly along the South line of the alleys in Blocks 2263 and 2224 to the East line of Phoenix Avenue; thence Northerly along the East line of Phoenix Avenue to the South line of Miller Avenue; thence Westerly along the South line of Miller Avenue to the Northwest corner of Lot 9, Block 2196 of Alta Vista Tract; thence Southerly along the East line of the alley in Block 2196 of Alta Vista Tract to the Northwest corner of Lot 15, Block 2196; thence Easterly along the North line of Lot 15 to the Northeast corner of Lot 15, Block 2196; thence Southerly along the West line of Phoenix Avenue to the intersection with the Westerly projection of the North line of the alley in Block 2223; thence Easterly along said Westerly projection and along the Northerly line of alleys in Block 2223 and 2264 to the West line of El Vista Avenue; thence Southerly along the West line of El Vista Avenue and the Southerly extension thereof to the North line of the Modesto and Empire Traction Company Railroad Right of Way; thence Westerly along said North line of the Modesto and Empire Traction Company Railroad Right of Way to the Southeast corner of Lot 9, Block 1 of Del Este Subdivision as shown in Volume 8 of Maps at Page 12, Stanislaus County Records; thence Northerly along the West line of alley in Block 1 of said subdivision to the Southeast corner of Lot 15, Block 1; thence Westerly along lot lines which are parallel to and 110 feet South of Yosemite Boulevard to the West line of a 60 foot street known as Santa Rosa Avenue; thence Southerly along the West line of Santa Rosa Avenue to the North line of Gilmore Avenue; thence S 89° 49' 30" W along the North line of Gilmore Avenue 169.05 feet; thence leaving said Gilmore Avenue on a curve to the left having a radius of 283.41 feet, an arc distance of 292.31 feet and a long chord whose bearing is N 78° 07' 39" W and length is 279.52 feet; thence S 72° 19' 30" W, 164.87 feet to the East line of Yosemite Boulevard; thence Westerly along the South line of Yosemite Boulevard to the center line of Beard Brook; thence Northerly and Easterly along the existing City Limits to the point of beginning.

be, and the same is hereby approved.

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

SECTION 3. The Clerk of the City of Modesto is hereby authorized and directed to make and certify, under the seal of the City of Modesto, and transmit to the Secretary of State of

1 the State of California, a copy of the record of the canvass of
2 the returns of said election in such new territory, and a copy
3 of this Ordinance, giving the date of its passage in accordance
4 with the statutes providing therefor.

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

12 SECTION 5. Pursuant to Section 722 of the Charter of
13 the City of Modesto, this Ordinance shall take effect and be in
14 full force and operation as of the date hereof.

15 SECTION 6. This Ordinance shall be published in full
16 in The Modesto Tribune, the official newspaper of the City of
17 Modesto.

18 The foregoing Ordinance was introduced at a regular
19 meeting of the Council of the City of Modesto held on the 25th
20 day of November, 1953, by Councilman Mellis, who
21 moved its adoption and passage to print, which motion being duly
22 seconded by Councilman R. Adams, was upon roll call
23 carried and the Ordinance ordered printed and published as above
24 by the following vote:

25 AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill
26 and Mayor Marks

27 NOES: Councilmen: None

28 ABSENT: Councilmen: Annan

29 APPROVED: 
HARRY MARKS, Mayor

30 ATTEST: 
31 REX E. GAILFUS, City Clerk
32

Amended by
Ord. 1107-N.S.
Ord. 1115-N.S.

AN ORDINANCE PROVIDING FOR THE PROTECTION OF THE PUBLIC HEALTH AND SAFETY, AND THE EXAMINATION, REGISTRATION, LICENSING OF PERSONS ENGAGED IN THE BUSINESS OF PLUMBING, OR LABORING AT THE TRADE OF PLUMBING: REQUIRING A PERMIT FOR THE INSTALLATION OR ALTERATION OF PLUMBING AND DRAINAGE SYSTEMS: CREATING AN ADMINISTRATIVE OFFICE AND A BOARD OF PLUMBER EXAMINERS, AND PRESCRIBING THEIR DUTIES: DEFINING CERTAIN TERMS: ESTABLISHING MINIMUM REGULATIONS FOR THE INSTALLATION, ALTERATION OR REPAIR OF PLUMBING AND DRAINAGE SYSTEMS AND THE INSPECTION THEREOF: PROVIDING PENALTIES FOR ITS VIOLATION AND REPEALING CONFLICTING ORDINANCES IN THE CITY OF MODESTO.

CODE SEC.
NO. 6
9-2.01-
9-2.237

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

SECTION 1. ADOPTION OF UNIFORM PLUMBING CODE. That

certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Modesto, being marked and designated as the Uniform Plumbing Code, 1952 Edition, adopted by the Western Plumbing Officials Association, which uniform code provides for the protection of the public health and safety, and the examination, registration, licensing of persons engaged in the business of plumbing or laboring at the trade of plumbing: requiring a permit for the installation or alteration of plumbing and drainage systems: creating an administrative office and a Board of Plumber Examiners, and prescribing their duties; defining certain terms, establishing minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof: providing penalties for the violation thereof and repealing conflicting ordinances, as hereinafter amended, deleted and added to, be and the same is hereby adopted as the Plumbing Code of the City of Modesto.

SECTION 2. DESIGNATION. That the name Modesto and/or

California be inserted in the appropriate places provided therefor in each and every section of said code wherein either the name of the city or the state is left blank.

SECTION 3. ADMINISTRATIVE AUTHORITY AND ASSISTANT.

That the words "Chief Building Official" be inserted in the blank space provided in Section 1.2.

SECTION 4. ADMINISTRATIVE AUTHORITY QUALIFICATIONS.

1 That the words "Five (5) years" be inserted in the blank space provided in
2 Section 1.3.

3 SECTION 5. DEPARTMENT HAVING JURISDICTION. That Sec-
4 tion 1.4 be amended to read as follows:

5 "Unless otherwise provided for by law, the office of
6 Chief Building Official is hereby made a part of the
7 Department of Public Works."

8 SECTION 6. DUTIES OF THE ADMINISTRATIVE AUTHORITY.

9 That subsections (2) and (9) be deleted from Section 1.5.

10 SECTION 7. VIOLATIONS AND PENALTIES. That Section 1.8 be
11 deleted.

12 SECTION 8. TO WHOM PERMITS MAY BE ISSUED. That Section
13 1.11 be amended by adding subsections (d) and (e) to read, respectively, as
14 follows:

15 "(d) A special permit may be issued to any appliance
16 dealer to install appliances which require connection to
17 the water distribution system; such as, Evaporative
18 Coolers, Air Conditioners (requiring refrigeration as a
19 cooling medium), Water Softeners, Lawn Sprinkler Systems,
20 Automatic and Non-Automatic Clothes Washers, Dish
21 Washers, Garbage Disposal Units and/or Garbage Grinders
22 not regularly classed as plumbing fixtures which are
23 approved by the Public Works Director and/or Chief
24 Building Official, and which will not contaminate or
25 pollute the potable water system by reason of such
26 installation; and provided further that all such appliance
27 dealers shall have passed a satisfactory examination show-
28 ing their qualifications to do such work and have issued to
29 them a Certificate of Competency by the Board of Plumber
30 Examiners, or have in their employ such person or persons
31 who shall have passed such examination. The issuance of
32 such permit shall not be construed as allowing the installa-
tion of any waste pipe beyond the opening to receive the
fixture trap and no trap or piping shall exceed two (2')
feet from the vent pipe serving such trap."

"(e) Every person selling water using appliances in the
City of Modesto shall keep an accurate record of all
such appliances sold that are to be installed within the
corporate limits, together with the name and address of
the person to whom sold, and shall mail a copy of same
to the office of the Chief Building Official on the first of
the month following the sale of such appliance."

SECTION 9. COST OF PERMIT. That Section 1.13 be amended to
read as follows:

"The City Clerk shall assist the Chief Building Official
as follows: All fees hereinafter set forth in this ordi-
nance shall be collected by the City Clerk. The Chief

Building Official shall not perform any duty for which a fee is required, unless an application in writing has first been made at the office of the City Clerk and a fee collected by said Clerk and a receipt issued therefor. Said City Clerk shall make all receipts in triplicate, the original receipt shall be given to the applicant, one copy shall be transmitted to the Chief Building Official, and one copy shall be retained by the City Clerk. Every applicant for a permit to install, add to, alter, relocate or replace a plumbing or drainage system, or part thereof, shall state in writing on the application form provided for that purpose, the character of the work proposed to be done and the amount and kind in connection therewith, together with such information pertinent thereto as the Chief Building Official may require. Such applicant shall pay to the City Clerk for each permit issued and at the time of issuance, a fee in accordance with the following schedule, and at a rate provided for in each classification shown therein. Any person who shall commence any plumbing work for which a permit is required by this code without first having obtained a permit therefor shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work, provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the Chief Building Official that such work was urgently necessary and that it was not practical to obtain a permit therefor before the commencement of work. In all such cases a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

SCHEDULE OF FEES

For each plumbing fixture	\$1.00
For each house drain	1.00
For each house sewer (other than fee zones)	5.00
For each leader to sewer on street	.50
For each water distribution system	.75
For each cooler (type) evaporator or refrigerator	1.00
For lawn sprinkler systems for each section control valve	.75
For each swimming pool: Public	20.00
Private	10.00
For each water treating or water using equipment	1.00
Minimum fee for any permit	1.00
Gas piping permits @ \$.25 per outlet (minimum fee)	1.00
Gas furnaces of any nature whatsoever	1.00
Other gas appliances, such as, ranges, water heaters, space heaters, conversion burners, miscellaneous	.50

SECTION 10. APPOINTMENT OF BOARD OF EXAMINERS. That

Section 2.5 be amended to read as follows:

"At the next meeting of the Council of the City of Modesto held after the effective date of this ordinance, the City Council shall appoint a Board of Plumber Examiners,

1 consisting of five (5) members; one of the members to be
2 the City Health Officer, one a Master Plumber, one a
3 Journeyman Plumber, and the fourth member shall be the
4 Chief Building Official or his deputy; the fifth member shall
5 be a person engaged in business in the city of Modesto as an
6 appliance dealer. At the first regular meeting of said Board
7 of Plumber Examiners, all of the members of said Board,
8 save and except the City Health Officer and the Chief Building
9 Official, shall draw lots for the purpose of determining
10 which member of said Board shall serve one (1) year,
11 which member shall serve for two (2) years, and which mem-
12 ber shall serve for three (3) years on said Board. After the
13 expiration of the term of office of any member of said Board
14 first appointed, appointments thereafter shall be made for a
15 term of three (3) years for each member thereafter appointed
16 to said Board of Plumber Examiners.

9 All of the members appointed to said Board of Plumber Exam-
10 iners shall hold office for their respective terms, unless
11 sooner revoked for malfeasance in office, neglect of duty,
12 incapacity or for any reason that the City Council deems to
13 be the best interest of the City of Modesto. Said removal
14 may be made by the City Council without granting to the per-
15 son so removed a hearing, either public or private, and with-
16 out the necessity of there being filed with said City Council or
17 any other official or body of officials in said City any written
18 charges. The dismissal by said Council of any member of
19 said Board for any of the reasons herein stated shall be
20 final and conclusive.

16 The terms of the members of the Board of Plumber Examiners
17 in office at the time this ordinance becomes effective shall
18 expire upon the appointment of their successors under this
19 Section."

18 SECTION 11. TERM OF CERTIFICATES OF QUALIFICATION.

19 That Section 2.10 be amended to read as follows:

20 "Every Plumber's Certificate of Qualification shall remain
21 in force and effect until its expiration date, unless cancelled
22 or revoked.

22 Every Plumber's Certificate of Qualification shall expire
23 on the 30th day of June of each year."

24 SECTION 12. RENEWAL OF CERTIFICATES AND FEES. That

25 Section 2.11 be amended to read as follows:

26 "All Plumber Certificates of Qualification, except Certificates
27 which have been cancelled or revoked, may be renewed from
28 year to year upon request and payment of the required renewal
29 fee. If a renewal of a Certificate be requested and the required
30 fee paid within thirty (30) days of the expiration date of such
31 Certificate, the renewal fee shall be \$1.00. If such renewal be
32 requested and the required fee paid more than thirty (30) days
but less than ninety (90) days after the expiration date of such
certificate, the renewal fee shall be \$2.00. No Certificate may
be renewed more than ninety (90) days after the expiration
date of such certificate."

SECTION 13. RAIN WATER PIPING. That Section 410 be added to
said Code to read as follows:

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

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

10 Rainwater from roofs, or other approved areas may drain
11 into the public street gutter; provided, that such gutter is
12 paved and runs to a catch basin connected to the Public
13 Sewer System.

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

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

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

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

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

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

43 (h) Rain water leaders connecting to the storm water drainage
44 system, shall be effectively trapped if such water leader
45 opening is within twelve (12') feet of a side or rear property
46 line which does not abut on a public street or alley, or if
47 such rain water leaders opening is within twelve (12') feet
48 of any door or window or other source of ventilation or fresh
49 air supply to any building. All water leaders may be served
50 by one master trap or each leader may be trapped separately.
51 All water leader traps shall have their seals maintained by an
52 automatic priming device, designed and installed for that
53 purpose. When a rain water drainage system is served by one

1 trap, such trap shall be provided with a fresh air inlet,
2 not less than four (4") inches in diameter, which shall lead to
3 the outer air and be provided with an approved cowl on
4 grating, so installed as to prevent the entrance of soil,
5 stones, or other objectionable material.

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

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

26 SECTION 14. FOOD STORAGE AND PREPARATION. That Section

27 601 be amended to read as follows:

28 "(a) No cold storage room, refrigerator, cooling counter,
29 compartment, receptacle, appurtenance or device, which
30 is used, designed or intended to be used for the manufacture,
31 preparation, storage, or handling of food or drinks, shall
32 have any drain pipe in connection therewith directly connected
to any soil, waste or vent pipe. Such equipment shall be
drained by means of indirect waste pipes as defined in Chapter
1 of this code, and all wastes drained by them shall discharge
into an open floor sink or other approved type receptor which
is properly connected to the drainage system and shall term-
minate at least one (1") inch above the overflow rim of such
fixture.

The foregoing need not apply to any dishwashing or culinary
sink in any food preparation room unless such receptacle is
used for soaking or washing ready-to-serve food.

(b) Evaporative coolers hereinafter installed, replaced or
repaired in any place of business of whatsoever nature shall
be provided with a recirculating pump installed in a suitable
pan constructed of galvanized metal or other material of
equal durability. All water supplying such pans shall be
provided with a float valve so installed that the outlet of
such valve shall be set two (2") inches above the extreme over-
flow level of the pan. A shutoff valve shall be installed near
the inlet to the float valve.

(c) Appliances, devices or apparatus not regularly classed as
plumbing fixtures, but which have drip or drainage outlets
shall be drained by special waste pipes discharging into an
approved hopper or floor drain which is properly trapped and
vented.

1 (d) Clean running water used exclusively as a cooling medium
2 in an appliance, device, or apparatus (not regularly classed
3 as plumbing fixture) not to exceed twenty-five (25) gallons
4 per hour, may discharge into an approved plumbing fixture
5 or hopper which is properly trapped and vented. Not more
6 than twenty-five (25) gallons per hour of discharge from such
7 appliance, device or apparatus will be allowed to any one
8 place of business.

9 (e) Clean running water used exclusively as a cooling medium
10 in excess of twenty-five (25) gallons per hour and not more
11 than four (4) gallons per hour per front foot of the place of
12 business and not more than two hundred (200) gallons per
13 hour for any place of business or building, may discharge
14 into the street gutter, or any other location approved by the
15 Public Works Director. Any apparatus or device which dis-
16 charges more than four (4) gallons per hour per front foot
17 of any place of business and more than two hundred (200)
18 gallons per hour for any place of business or building shall
19 be so arranged that the cooling water can be re-used; such
20 as cooling towers, evaporative condensers, or other
21 approved means, or may discharge into the public storm sewer
22 if such storm sewer be available. All water used as a cooling
23 medium shall be so arranged that the water discharging there-
24 from (except cooling towers or evaporative condensers) will
25 be automatically shut off when the apparatus is not running.

26 (f) Approved back flow preventers shall be installed wherever
27 necessary so that no water of whatsoever nature can be
28 siphoned back into the potable water supply."

29 SECTION 15. COOLING WATER. That Section 609 be deleted.

30 SECTION 16. JOINTS AND CONNECTIONS. TYPES OF JOINTS.

31 That Section 802 be amended by deleting sub-paragraphs (f), and (j).

32 SECTION 17. WATER PRESSURE, PRESSURE REGULATORS,
AND PRESSURE RELIEF VALVES. That Section 1007 be amended to read as
follows:

33 "(a) Inadequate Water Pressure. Whenever the water pressure
34 in the main or other source of supply will not provide a water
35 pressure of at least fifteen (15) pounds per square inch,
36 after allowing for friction and other pressure losses, a tank
37 and pump or other means which will provide said fifteen (15)
38 pound pressure shall be installed.

39 (b) Excessive Water Pressure. Where the local water pressure
40 is in excess of one hundred twenty-five (125) pounds per
41 square inch, an approved type pressure regulator shall be
42 installed and the pressure reduced to one hundred twenty-
43 five (125) pounds per square inch or less. However, all
44 pipe size determinations must be based upon eighty (80%)
45 per cent of the reduced pressure.

46 (c) All water heating appliances under pressure shall be pro-
47 vided with a combination pressure and temperature relief
48 valve.

49 (d) Valve shall be installed either directly in the tank in a tapping

1 provided for this purpose not over six (6") inches down
2 from the top of the tank, or in the hot water service
3 line leading from the top of the tank and within three (3")
4 inches of the tank tapping.

- 5 (e) Pressure relief discharge shall be set at twenty (20) to
6 thirty (30) pounds above maximum service pressure and
7 shall be rated to limit the pressure rise by thermal expansion
8 for any given heat input, to ten (10%) per cent of the
9 pressure at which the valve is set to open. However, the
10 setting must not be in excess of the rated working pressure
11 of the tank.
- 12 (f) Temperature relief discharge shall be set to open at two
13 hundred ten (210°) degrees and shall have a BTU tempera-
14 ture relieving capacity rating at least equal to the gross
15 input of all connected heaters to prevent any further rise
16 in temperature.
- 17 (g) Valve outlet or discharge opening of such valve shall be
18 piped in such a manner so that the hot water discharging
19 therefrom will not damage property or injure persons.
20 Drain piping shall be non-ferrous and not less than the
21 valve outlet size."

22 SECTION 18. HOUSE SEWER MATERIALS. That Section 1103 be
23 amended to read as follows:

- 24 "(a) The house sewer beginning five (5') feet from any building
25 or structure shall be of cast iron pipe, first quality vitrified
26 clay sewer pipe or cement asbestos pipe.
- 27 (b) Jointing methods and materials shall be as prescribed in
28 Chapter 8 of this code."

29 SECTION 19. DEFINITIONS. That Section 1201 be amended by
30 adding subsection (h) to read as follows:

- 31 "(h) Gas Appliance Dealer: One who sells and installs gas appli-
32 ances. A merchant who sells but does not install gas appli-
33 ances does not come under the classification of gas appliance
34 dealer as used in this code; provided, however, that any gas
35 appliance sold or distributed by such merchant shall meet
36 the requirements set forth in Chapter 51 of the Uniform
37 Building Code, 1952 Edition."

38 SECTION 20. PERMIT. That Section 1203 be amended to read as
39 follows:

- 40 "(a) It shall be unlawful for any person to install, alter or repair
41 or cause to be installed, altered or repaired, any gas piping
42 and/or gas appliances of whatsoever nature, without first
43 obtaining a permit from the Administrative Authority so to
44 do, provided, however, no permit shall be required from a
45 public utility to disconnect defective gas piping or equipment
46 when authorized by Section 1209.
- 47 (b) Permits for gas piping shall show the total number of gas
48 outlets to be provided for on each system, and such other
49 information as may be required by the Administrative Auth-
50 ority.

1 (c) Fees shall be as elsewhere required by this code.

2 (d) Every person selling gas appliances in the City of
3 Modesto shall keep an accurate record of all such
4 appliances sold that are to be installed within the
5 corporate limits, together with the name and address
6 of the person to whom sold, and shall mail a copy of
7 same to the office of the Chief Building Official on the
8 first of the month following the sale of such appliance."

6 SECTION 21. PENALTY CLAUSE. Any person, firm or corpora-

7 tion violating any of the provisions of this code shall be deemed guilty of a mis-
8 demeanor and upon conviction thereof shall be punishable by a fine of not to
9 exceed ~~One Thousand~~ and no/100ths (\$1,000.00) Dollars or by imprisonment in
10 the County Jail for not to exceed one (1) year, or by both such fine and impris-
11 onment. Each separate day or any portion thereof during which any violation
12 of this code occurs or continues shall be deemed to constitute a separate offense,
13 and upon conviction thereof shall be punishable as herein provided.

14 The issuance or granting of a permit or approval of plans and
15 specifications shall not be deemed or construed to be a permit for, or an
16 approval of, any violation of any of the provisions of this code. No permit pre-
17 suming to give authority to violate or cancel the provisions of this code shall be
18 valid, except in so far as the work or use which it authorizes is lawful.

19 The issuance of a permit upon plans and specifications shall not
20 prevent the Administrative Authority from thereafter requiring the correction
21 of errors in said plans and specifications or from preventing construction
22 operations being carried on thereunder when in violation of this code or of any
23 other ordinance or from revoking any Certificate of Approval when issued in
24 error.

25 Every permit issued by the Administrative Authority under the
26 provisions of this code shall expire by limitation and become null and void, if
27 the work authorized by such permit is not commenced within sixty (60) days
28 from the date of such permit, or if the work authorized by such permit is
29 suspended or abandoned at any time after the work is commenced for a period
30 of sixty (60) days. Before such work can be recommenced a new permit shall
31 be first obtained so to do.

32 SECTION 22. SEVERABILITY CLAUSE. If any section, subsection,

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

8 SECTION 23. REPEALS. Ordinances Nos. 804-N.S., 901-N.S.
9 and 952-N.S. and all ordinances amendatory thereof are hereby repealed.

10 SECTION 24. This ordinance shall go into effect and be in full
11 force and operation from and after fifteen (15) days after its final passage
12 and adoption.

13 SECTION 25. This ordinance shall be published in full at least
14 once at least three (3) days prior to its final adoption in The Modesto Tribune,
15 the official newspaper of the City of Modesto.

16 The foregoing ordinance was introduced at a regular meeting of the
17 Council of the City of Modesto held on the 25 day of November, 1953.

18 By Councilman M. Adams, who moved its introduction and passage
19 to print, which motion being duly seconded by Councilman Merrill,
20 was upon roll call carried and ordered printed and published by the following
21 vote:

- 22 AYES: Councilmen: M. Adams, R. Adams, Arata, Mellis, Merrill and
Mayor Marks
23 NOES: Councilmen: None
24 ABSENT: Councilmen: Annan

25 APPROVED: 
26 HARRY MARKS, Mayor

27 ATTEST: 
28 REX E. GALLFUS, City Clerk

Ordinance No. 1100-N.S.

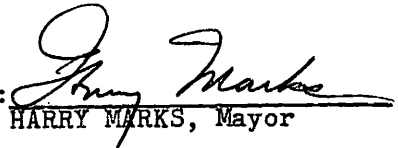
FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 9th day of December, 1953, Councilman Merrill moved its final adoption, which motion being duly seconded by Councilman M. Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: M. Adams, R. Adams, Annan, Merrill and Mayor Marks

NOES: Councilmen: None

ABSENT: Councilmen: Mellis and Arata

APPROVED: 
HARRY MARKS, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 24, 1953