

ORDINANCE NO. 401 -C.S.

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1961, AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto a proposed budget for the 1960-61 fiscal year 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

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 and are 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 "City of Modesto Preliminary Budget, 1960-61", presented by the City Manager to the City Council at its meeting held on June 1, 1960, and as thereafter amended by the City Council, a copy of which budget, as amended is on file in the Office of the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1961, and the several amounts stated therein 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 authorize the expenditure of funds from the Reserves 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 Reserve for specific purposes.

SECTION 4. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20 day of July, 1960, by Councilman Spaulding, who moved its adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried by the following vote:

AYES: Councilmen:Adams, Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
NOES: Councilmen:None
ABSENT: Councilmen:None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE ADDING SECTIONS 4-6.801.1, 4-6.801.2, AND 4-6.804 TO ARTICLE 8 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXICABS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-6.801.1 is hereby added to Article 8 of Chapter 6 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-6.801.1. TAXICAB FEES, WHEN PAYABLE AND DELINQUENT. Taxicab stand rental fees due hereunder shall be paid in advance at the office of the Director of Finance and shall be due and payable on the first of each month and delinquent at 5:00 o'clock P.M. on the tenth of the month.

SECTION 2. AMENDMENT OF CODE. Section 4-6.801.2 is hereby added to Article 8 of Chapter 6 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-6.801.2. DELINQUENT TAXICAB RENTAL FEES. To all delinquent taxicab stand rental fees there shall be added a penalty of twenty-five (25%) percent of the amount due for the period, plus interest at the rate of one half of one ($\frac{1}{2}$ of 1%) percent per month or fraction thereof until paid.

SECTION 3. AMENDMENT OF CODE. Section 4-6.804 is hereby added to Article 8 of Chapter 6 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-6.804. PARKING OF MOTOR VEHICLES PROHIBITED IN TAXICAB STANDS. Except as provided in subsection (a) of this section, it shall be unlawful for any person to stop, stand or park any motor vehicle other than a taxicab in a designated taxicab stand.

(a) The taxicab stand area established on the west side of Tenth Street in front of the Greyhound Lines depot shall also constitute a passenger loading zone and any person may stop, stand or park a motor vehicle in said area for passenger loading zone purposes.

SECTION 4. 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, but shall apply retroactively on and after August 1, 1960.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final

adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3 day of August, 1960, by Councilman Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Martin, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Spaulding, Knoles

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 402-C.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 10 day of August, 19 60, Councilman Spaulding moved its final adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Martin, VanderWall, Spaulding,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: August 1, 1960

AN ORDINANCE OF THE CITY OF MODESTO GRANTING A FRANCHISE TO OPERATE A WATER COMPANY WITHIN THE CITY TO DEL ESTE WATER COMPANY, A CORPORATION.

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

SECTION 1. DEFINITIONS. For the purposes of this ordinance, the following terms, phrases, words, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. Provisions of this ordinance shall be construed in accordance with the laws of the State of California.

(a) Franchise Property: All property retained by the Grantee in a street under authority of this franchise.

(b) Freeway: A highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access.

(c) Grantee: The person to whom this franchise is granted by the Council, and the lawful successor or assignee thereof, and who or which has filed with the City an acceptance and bond, referred to in Section 10.

(d) Streets: The surface of, and the space above and below any public street, road, highway, freeway, lane, alley, court, sidewalk, parkway, or drive, now or hereafter existing as such within the City.

(e) Total Gross Receipts: Any and all compensation or other consideration in any form whatever received directly or indirectly by Grantee as a result of conducting a water distribution facility within the City, except, however, advances made by subdividers or other persons for the purpose of installing or extending water distribution facilities.

(f) Person: Any individual, association, co-partnership or corporation.

SECTION 2. FRANCHISE GRANT. A franchise be and the same is hereby granted to DEL ESTE WATER COMPANY, a corporation, to lay, construct, install, operate, alter, repair, replace, reconstruct, maintain and use a system of water pipes and pipelines, mains, tubes, conduits, and all appliances, attachments, facilities and appurtenances for the purpose of distributing water for domestic, commercial, industrial and irrigation purposes, and for any and all purposes, for which water can be used, on, along, in, under, over, and/or across any street within the City of Modesto, State of California, which is located within an area of the City presently being served by Grantee, and such other streets or areas now or hereafter within the City as may be approved by resolution of the City Council, upon the terms and conditions hereinafter set forth.

SECTION 3. DURATION AND EFFECTIVENESS OF GRANT. This franchise shall become effective upon written acceptance thereof filed by the Grantee with the City Clerk provided such written acceptance shall have been filed within thirty (30) days after the ordinance granting the franchise becomes effective unless the time is extended by the Council. The term of this franchise shall be indefinite provided, however, parties hereto shall review and reconsider said franchise at the expiration of twenty (20) years from the effective date thereof and at the end of ten (10) years thereafter as long as the franchise remains in effect.

SECTION 4. MANNER OF WORK. The water pipes, mains, tubes, pipelines, appliances, attachments, facilities and appurtenances to be constructed and operated hereunder, shall (excluding any which may be already installed) be built in a good and workmanlike manner and shall be constructed and located, and shall (including any which may already be installed) be maintained, altered and replaced in conformity with the provisions of this ordinance and all the lawful ordinances, resolution, orders and regulations heretofore or hereafter adopted by the Council in the exercise of its police powers.

SECTION 5. FRANCHISE PAYMENTS. (a) The Grantee, shall, pay to the City, in lawful money of the United States, the sum of one (1%) per cent of the gross annual receipts of the Grantee arising

from the use, operation and possession of the franchise within the corporate limits of the City, including monies received from the use, sale, rental or furnishing of water for any and all purposes, at the rate of one (1%) per cent for the calendar year beginning January 1, 1958, and ending December 31, 1958, and at the rate of two (2%) per cent for the calendar year commencing January 1, 1959, and thereafter during the life of this franchise.

(b) In any year, or portion thereof during which payments under this section amount to less than One Hundred and no/100ths (\$100.00) Dollars, Grantee agrees to pay the City the minimum amount of One Hundred and no/100ths (\$100.00) Dollars.

(c) Grantee agrees to provide fire protection facilities and water for fire protection in accordance with rate schedules prescribed by and on file with the Public Utilities Commission of the State of California, and in accordance with its facilities as they presently exist or as they may exist in the future, provided, however, that Grantee shall be under no obligation to expand its present existing facilities. All facilities installed hereafter within the City shall be installed with main sizes of not less than four (4) inches in diameter, and with fire hydrants located in accordance with the standards of the National Board of Fire Underwriters.

SECTION 6. REMOVAL AND RELOCATION OF FACILITIES. The Grantee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street, alley, or public place, or remove from any street, alley or public place, any franchise property when required by the Director of Public Works by reason of traffic conditions, public safety, street vacation, street construction, change or establishment of street grade, installation of sewers, drains, power lines and tracks or any other type of structures or improvements by governmental agencies when acting in a governmental or proprietary capacity, or any other structures or public improvements; provided, however, that Grantee shall in all such cases have the privileges and be subject to the obligation to abandon franchise property in place, as provided in Section 14.

Grantee shall be under no contractual obligation to relocate within a state freeway any of its facilities maintained in said freeway which was not a freeway at the time such utility facility was

originally installed; provided, however, that the City does not assume any obligation to provide for the relocation of Grantee's facilities within any state freeway.

SECTION 7. TIME OF PAYMENT. The compensation for the granting of this franchise as specified in Section 5 hereof, for the calendar years 1958 and 1959, shall be payable within thirty (30) days after the effective date of this franchise. It shall be the duty of Grantee to file with the City Clerk prior to March 1, 1961, and each and every year thereafter, during the term of this franchise, the verified statements required in Section 8, and to make compensation payments within the time and in the manner specified therein.

SECTION 8. FILING OF ANNUAL STATEMENT BY GRANTEE. (a) It shall be the duty of the Grantee to file with the City Clerk annually, a statement, verified by the oath of the Grantee showing the total gross annual receipts collected or received by the Grantee during the preceding calendar year from the use, sale, rental or furnishing of water within the corporate limits of the City.

(b) Within ten (10) days after the time for the filing of said statement it shall be the duty of the Grantee to pay to the Director of Finance the aggregate sum of said percentage upon the amount of the gross annual receipts arising from the use, operation or possession of this franchise within the corporate limits of the City.

(c) The Grantee shall at all times maintain accurate and complete accounts of all revenue and income arising out of its operations under this franchise. The City shall accept as an accurate representation of the gross revenues of the Grantee derived from sale, use, furnishing, or rental of water for any and all purposes within the corporate limits of the City, the annual certified report of the Grantee to the Public Utilities Commission of the State of California. Grantee shall furnish a copy of said annual certified report to City on or before April 15th of each year. In the event that an audit of Grantee's books and records is made by the Public Utilities Commission or its agents, servants or employees, and said audit should determine that the annual report to said Public Utilities Commission was inaccurate as to the annual gross revenues from the operation of the

Grantee under this franchise, said Grantee and the City agree to be bound by the determination of said audit, and the Grantee will pay franchise tax upon the total gross receipts as determined by any audit of the Public Utilities Commission, and if payment in such amount is not made, it may be collected by suit instituted by City.

SECTION 9. FORFEITURE. Any neglect, omission or refusal by the Grantee to file such verified statements or to pay such percentage of its gross annual receipts at the times and in the manner hereinabove provided, and the continuance of such neglect, omission or refusal for a period of ten (10) days after written notice thereof to the Grantee, shall ipso facto work a forfeiture of this franchise and of all rights hereunder to the City.

SECTION 10. FAITHFUL PERFORMANCE BOND. (a) The Grantee shall, concurrently with the filing of an acceptance of award of this franchise, file with the Council, and at all times thereafter maintain in full force and effect for the term of this franchise at its expense, a corporate surety bond, in a company approved by the Director of Finance and in a form satisfactory to the City Attorney, in duplicate, in the amount of Five Thousand and no/100ths (\$5,000.00) Dollars, renewable annually, and conditioned upon the faithful performance of Grantee and that in the event the Grantee shall fail to comply with any one or more of the provisions of this franchise, then there shall be recoverable jointly and severally from the principal and surety of such bond, any damages or loss suffered by the City as a result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of property as prescribed by this ordinance which may be in default, plus a reasonable allowance for attorneys fees and costs, up to the full amount of the bond; said condition, to be a continuing obligation for the duration of this franchise and thereafter until the Grantee has liquidated all of its obligations with the City that may have arisen from the acceptance of this franchise by the Grantee or from its exercise of any privilege herein granted. The bond shall provide that thirty (30) days prior written notice of intention not to renew, cancellation or material change be given to the City.

(b) Neither the provisions of this section, any bond accepted by the City pursuant thereto, nor any damages recovered by the City thereunder shall be construed to excuse faithful performance by the Grantee or limit the liability of the Grantee under this franchise or for damages, either to the full amount of the bond or otherwise.

SECTION 11. INDEMNIFICATION TO CITY. (a) Grantee agrees that at all times during the existence of this franchise it will maintain in force, furnish to the City and file with the Council, at its own expense, a general comprehensive liability insurance policy, in protection of City, its boards, commissions, officers, agents and employees, in a company approved by the Director of Finance and in form satisfactory to the City Attorney, protecting the City and said persons against liability for loss or damages for personal injury, death and property damage occasioned by the operations of Grantee under this franchise, with minimum liability limits of One Hundred Thousand and no/100ths (\$100,000.00) Dollars for personal injury or death to any one person and Two Hundred Thousand and no/100ths (\$200,000.00) Dollars for personal injury or death of two or more persons in any one occurrence, and Ten Thousand and no/100ths (\$10,000.00) Dollars for damage to property resulting from any one occurrence.

(b) The policies mentioned in the foregoing paragraph shall contain a provision that a written notice of any cancellation or reduction in coverage of said policy shall be delivered to the City ten (10) days in advance of the effective date thereof. If such insurance is provided in either case by a policy which also covers Grantee or any other entity or person than those above named, then such policy shall contain the standard cross-liability endorsement.

SECTION 12. INSPECTION OF PROPERTY AND RECORDS. At all reasonable times, the Grantee shall permit any duly authorized representative of the City to examine all franchise property, together with any appurtenant property of the Grantee situated within the City, and to examine and transcribe any and all maps kept or maintained by the Grantee or under its control which show the location of pipelines and necessary appurtenances of Grantee within the City. The Grantee shall, at all times, make and keep in the City full and complete plans,

maps, and records showing the exact location of all equipment installed or in use by Grantee in streets, alleys and public places of the City. The Grantee shall file with the Director of Public Works on or before the last day of March of each year a current map or set of maps drawn to scale, to be designated by the Director of Public Works, showing all equipment installed in streets, alleys and public places of the City during the previous year.

SECTION 13. LOCATION OF FRANCHISE PROPERTIES. Franchise property shall be constructed or installed in the streets within the City only at such locations and in such manner as may be approved by the Director of Public Works acting in the exercise of reasonable discretion. Construction or installation of franchise property in all other public places within the City shall be subject to the approval of and regulation by the Council.

SECTION 14. ABANDONMENT OF FRANCHISE PROPERTY. (a) In the event that the use of any franchise property is discontinued for any reason for a continuous period of twelve (12) months or that franchise property has been installed in any street without complying with the requirements of this franchise, the Grantee shall promptly remove from the street all such property other than any which the Director of Public Works may permit to be abandoned in place. In the event of any such removal, the Grantee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the Director of Public Works.

(b) Franchise property to be abandoned in place shall be abandoned in such manner as the Director of Public Works shall prescribe in his reasonable discretion. Upon permanent abandonment of any franchise property in place, the Grantee shall submit to the City Clerk an instrument, satisfactory in form to the City Attorney, transferring to the City the ownership of such property.

SECTION 15. RIGHTS RESERVED TO CITY. (a) There is hereby reserved to the City every right and power which is required to be herein reserved or provided by any ordinance of the City, and the Grantee by its acceptance of this franchise agrees to be bound thereby and to comply with any action or requirement to the City in its exercise of any such right or power, heretofore or hereafter enacted or established.

(b) Neither the granting of this franchise nor any of the provisions contained herein shall be construed to prevent the City from granting any identical, or similar, franchise to any person or corporation other than the Grantee.

(c) If, at any time during the existence of this franchise, City shall exercise its right to acquire the property of Grantee to the extent that such acquisition is authorized or permitted by law, in fixing the price to be paid by the City for the acquisition of Grantee's property, no allowance shall be made for the value of the franchise granted by this ordinance, or for increased value of right of way, if any, resulting therefrom.

SECTION 16. LIMITATIONS ON GRANT. (a) No privilege or exemption is granted or conferred by this franchise except those specifically prescribed herein.

(b) Any privilege claimed under this franchise by the Grantee in any street shall be subordinate to any prior lawful occupancy of the streets, or other public property.

(c) Time is of the essence of this franchise. The Grantee shall not be relieved of its obligation to comply promptly with any of its provisions by any failure of the City to enforce prompt compliance.

(d) Any right or power in, or duty impressed upon, any officer, employee, department, or board of the City, is subject to transfer by the City to any other officer, employee, department or board of the City.

(e) Grantee is subject to all requirements of the City Charter and all ordinances, rules, regulations, and specifications of the City, heretofore or hereafter enacted or established, including, but not limited to, those concerning street work, street excavations, use, removal and relocation of property within a street, and other street work.

SECTION 17. SURRENDER OF OTHER FRANCHISES. This franchise shall be in lieu of all other franchises, rights or privileges now or herebefore owned by Grantee for the distribution of water for any and

all purposes within the limits of the City as they now or may hereafter exist and acceptance of this franchise by Grantee shall be deemed a waiver and abandonment of all other franchises, rights and privileges owned by Grantee for the distribution of water within the limits of the City.

SECTION 18. ENFORCEMENT REMEDIES. If Grantee shall fail or refuse to comply with any of the provisions, conditions, obligations or duties set out in this franchise, City may notify Grantee in writing to perform such obligations or duties. In the event that Grantee shall fail to comply with said notice within thirty (30) days, the City may, at its option, as a separate and alternate remedy, proceed to perform the duties or obligations itself; provided, however, that in cases of emergency, the City may proceed without giving notice to Grantee to perform the duties and obligations. All costs incurred by the City thereby shall charge against the Grantee. If Grantee fails or refuses to pay the amount of such costs within thirty (30) days from the date that such costs are submitted to the said Grantee in writing, the City may proceed to collect such costs by an action at law.

SECTION 19. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held illegal, invalid, or unconstitutional, such invalidity shall not affect the validity of the ordinance or any of the remaining portions thereof. The invalidity of any portion of this ordinance shall not abate, reduce, or otherwise affect any consideration or other obligation required of the Grantee by this franchise.

SECTION 20. 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 21. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting

of the Council of the City of Modesto held on the 10 day of
August, 1960, by Councilman Arata, who moved
its introduction and passage to print, which motion being duly seconded
by Councilman Spaulding, was upon roll call carried and
ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Martin, Spaulding, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 403-C.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 17 day of August, 1960, Councilman Martin 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: Adams, Arata, Martin, Spaulding, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: September 1, 1960

AN ORDINANCE AMENDING SECTION 11-1.04 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE BY ADDING SUBSECTION (D) THERETO RELATING TO WATER RATES AND REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 11-1.04 of Chapter 1 of Title XI of the Modesto Municipal Code is hereby amended to add subsection (d) thereto, to read as follows:

SEC. 11-1.04. 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
1-1/2" service	25.00
2" service	31.25

For installations by the City for service larger than two (2") inches, the City shall charge costs, plus ten (10%) per cent.

(b) Territory annexed after July 1, 1947. In addition to the charges required by subsection (a) above, for all water services in territories annexed to the City after July 1, 1947, the minimum installation charge shall be Seventy-Five and no/100ths (\$75.00) Dollars for each water connection, to serve an area containing not more than seven thousand (7,000) square feet, and an additional one half (1/2¢) cents for each foot in excess of seven thousand (7,000) square feet so serviced.

(c) Territory outside the City. In addition to the charges required by subsection (a) above, for all water services in territory outside the City limits, the minimum installation charge shall be One Hundred Fifty and no/100ths (\$150.00) Dollars for each water connection to serve an area containing no more than seven thousand (7,000) square feet, an additional one half (1/2¢) cent for each square foot in excess of seven thousand (7,000) square feet so serviced.

(d) Allocation of Costs. Notwithstanding the provisions of subsections (a) (b) and (c) above, the Director of Public Works is hereby authorized to approve and process applications for water service to portions of parcels of land in accordance with the rates specified in the above subsections subject to all of the following terms and conditions:

(1) That the property involved can reasonably be served by the municipal water system.

(2) The total area of such parcels of land to be served shall be not less than twenty thousand square feet (20,000) and the portion of the parcel to be served shall be not less than six thousand square feet (6,000) in area.

(3) A fee of Ten and no/100ths (\$10.00) Dollars shall be paid to the City and shall accompany the application for the purpose of covering the costs of inspection of the premises to make the determination specified in subsection ~~(3)~~ above.
(1) + (2)

(4) Connection fees shall be payable based on the size of the portion of the parcel to be served and shall be paid in accordance with the applicable provisions of the Municipal Code.

(5) Water service fees shall be payable in accordance with the Municipal Code provisions relating to water service generally.

(6) The portion of the area to be served shall be recorded by means of a sketch map on the water service card filed in the Department of Public Works.

(7) In addition to the remedies for violations to the provisions of this Code, as an additional and alternate remedy, the Director of Public Works shall have the authority to immediately discontinue water service without requirement of notification in the event that he shall determine that water supplied to serve the area under the permit is used on other premises.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of August, 1960, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Adams, was upon roll call

carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Martin, Spaulding, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

Ord. No. 404-C.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 17 day of August, 1960, Councilman VanderWall 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: Adams, Arata, Martin, Spaulding, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Knoles

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: September 1, 1960

AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO AND REPEALING SECTION 1 OF ORDINANCE NO. 399-C.S.

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

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

SEC. 3-2.1401. DECREASE OF STATE LAW MAXIMUM SPEED. Pursuant to authority contained in the California Vehicle Code, it is hereby determined upon the basis of an engineering and traffic survey that the speed limit permitted by State law outside of business and residence districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets, and it is hereby declared that the prima facie speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof:

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
BOWEN, from Geneva Drive to the easterly city limits	25 miles per hour
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
CARVER ROAD, from Evergreen Street north to northerly city limits	35 miles per hour
EMERALD, from Maze Road to the southerly city limits	25 miles per hour
FAIRMONT AVENUE, between Virginia and McHenry	25 miles per hour
FLOYD AVENUE, within the city limits	30 miles per hour
FRANKLIN, between California and Laurel	25 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
HADDON, between La Loma and Conejo Avenue	25 miles per hour
HATCH ROAD, within the city limits	35 miles per hour

JEFFERSON, from Paradise Road to Eighth Street	25 miles per hour
K STREET, between Washington Avenue and 9th Street	25 miles per hour
KEARNEY, entire length in city	25 miles per hour
LA LOMA, entire length in city	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MILLER, from La Loma to Conejo	25 miles per hour
MORTON BOULEVARD, from Grand Street to La Loma Avenue	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the southerly city limits	25 miles per hour
ORANGEBURG AVENUE, east of McHenry Avenue	35 miles per hour
SUNRISE, from Lucerne to the northerly city limits	25 miles per hour
SUTTER, within the city limits	35 miles per hour
TULLY ROAD, from Coldwell to Woodman Way	25 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour

SECTION 2. REPEALS. Section 1 of Ordinance No. 399-C.S. is hereby repealed.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10 day of August, 1960, by Councilman Spaulding, who moved its introduction and passage to print, which motion being duly

seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Martin, Spaulding, VanderWall,
Mayor Hammond

NOES: Councilmen None

ABSENT: Councilmen: Knoles

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 405-C.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 17 day of August, 1960, Councilman Martin moved its final adoption, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Martin, Spaulding, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Knoles

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: September 1, 1960

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1960-1961.

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 purposes 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, 1960, and ending June 30, 1961, the rates of taxation hereinafter specified, said rates being upon each One Hundred and no/100ths (\$100.00) Dollars of the valuation according to the equalized assessment roll, to wit:

- (a) Tax Code Areas Nos. 2-1, 2-2, 2-6, 2-7, 2-8, 2-9, 2-16, 2-17, 2-18, 2-19, 2-20, 2-21, and 2-22;

FOR THE GENERAL FUND. \$ 1.21

FOR THE BOND REDEMPTION AND INTEREST FUND

- (1) Municipal Improvement Bonds of 1947. \$.13
 For the redemption of bonds and the payment of interest thereon that shall accrue during said fiscal year;

FOR THE LIBRARY FUND. \$.11

THE AGGREGATE OF SAID SUMS TO WIT \$ 1.45

- (b) Tax Code Areas Nos. 2-3, 2-4, and 2-5:

FOR THE GENERAL FUND. \$ 1.21

FOR THE LIBRARY FUND. \$.11

THE AGGREGATE OF SAID SUMS TO WIT \$ 1.32

SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect and be in full force and operation upon adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of August, 1960, by Councilman Martin, who moved its adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried by the following vote:

AYES: Councilmen: Adams, Arata, Martin, Spaulding, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Knoles

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL

ORDINANCE NO. 407 -c. s.

AN ORDINANCE AMENDING SECTION 6-1.111 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE RELATING TO BUSINESS LICENSING.

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

SECTION 1. AMENDMENT OF CODE. Section 6-1.111 of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 6-1.111. LICENSES. WHEN PAYABLE AND DELINQUENT.

(a) All license taxes due hereunder shall be paid in advance at the office of the Director unless otherwise expressly provided, and shall be due and payable and delinquent as follows:

(1) Daily License. Due on its effective date and delinquent at 5 o'clock p.m. of due day.

(2) Weekly License. Due on Monday of each week and delinquent at 5 o'clock p.m. on Friday of said week.

(3) Monthly License. Due on the 1st day of each month for which the license is sought and delinquent at 5 o'clock p.m. on the last day of the month.

(4) Quarterly License. Due on the 1st day of October, January, April and July and delinquent at 5 o'clock p.m. on the last day of the first month in which the quarterly license is due.

(5) Quarterly Gross Receipts Tax. Due on the 1st day of October, January, April and July for the preceding quarterly period and delinquent at 5 o'clock p.m. on the last day of the month following the quarterly license period.

(6) Semiannual License. Due on the 1st day of July and January and delinquent at 5 o'clock p.m. on the last day of the first month in which the semi-annual license is due.

(7) Annual License. Due on the 1st day of July and delinquent at 5 o'clock p.m. on the last day of July.

(8) Annual Registration Tax. Due on the 1st day of July and delinquent at 5 o'clock p.m. on the last day of July.

(b) In lieu of paying said license taxes at the office of the Director as specified in subsection (a)

hereof, said license taxes may be deposited in United States mails, postage prepaid, on the due date, provided the transmitting envelope contains a postage cancellation stamp showing cancellation not later than 12 P.M. on the due day.

(c) If the due day falls on Saturday, Sunday or a holiday, the due day shall be the next regular business day on which the City Hall is open to the public.

(d) The Director may, for good cause, extend for not more than thirty (30) days the time for filing any report 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 prior to the delinquency date.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of August, 1960, by Councilman 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: Adams, Arata, Martin, Spaulding, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Knoles

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk


Ord. No. 407-C.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 24 day of August, 1960, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Knoles, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Martin, VanderWall, Mayor
Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Spaulding

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: September 8, 1960

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
THE SYLVAN ADDITION TO THE CITY OF
MODESTO.

WHEREAS, a petition was filed with the City Clerk by
SYLVAN UNION SCHOOL DISTRICT

on May 27, 19 60, to annex to the City of Modesto
under the provisions of the Annexation of Uninhabited Territory Act
of 1939, as amended, certain uninhabited territory, hereinafter
described and designated as the SYLVAN
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
6th day of July, 19 60, set said petition for
hearing at the hour of 4:30 o'clock p.m. on the 17th day of
August, 19 60, in the Council Chambers at the
City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
finds that a copy of the resolution giving notice of the proposed
annexation and fixing the time and place for hearing objections to
the proposed annexation was published in newspapers of general cir-
culation to wit: The Modesto Bee, a newspaper
published in the City of Modesto on July 15, 19 60,
and on July 22, 19 60; and in the Turlock Daily
Journal, a newspaper published outside the City of Modesto, but in
the County of Stanislaus, on July 15, 19 60,
and on July 22, 19 60, 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 terri-
tory proposed to be annexed was assessed on the last equalized
assessment roll available on the date the proceedings were initiated,

at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 17th day of August, 1960, at the hour of 4:30 o'clock p.m., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

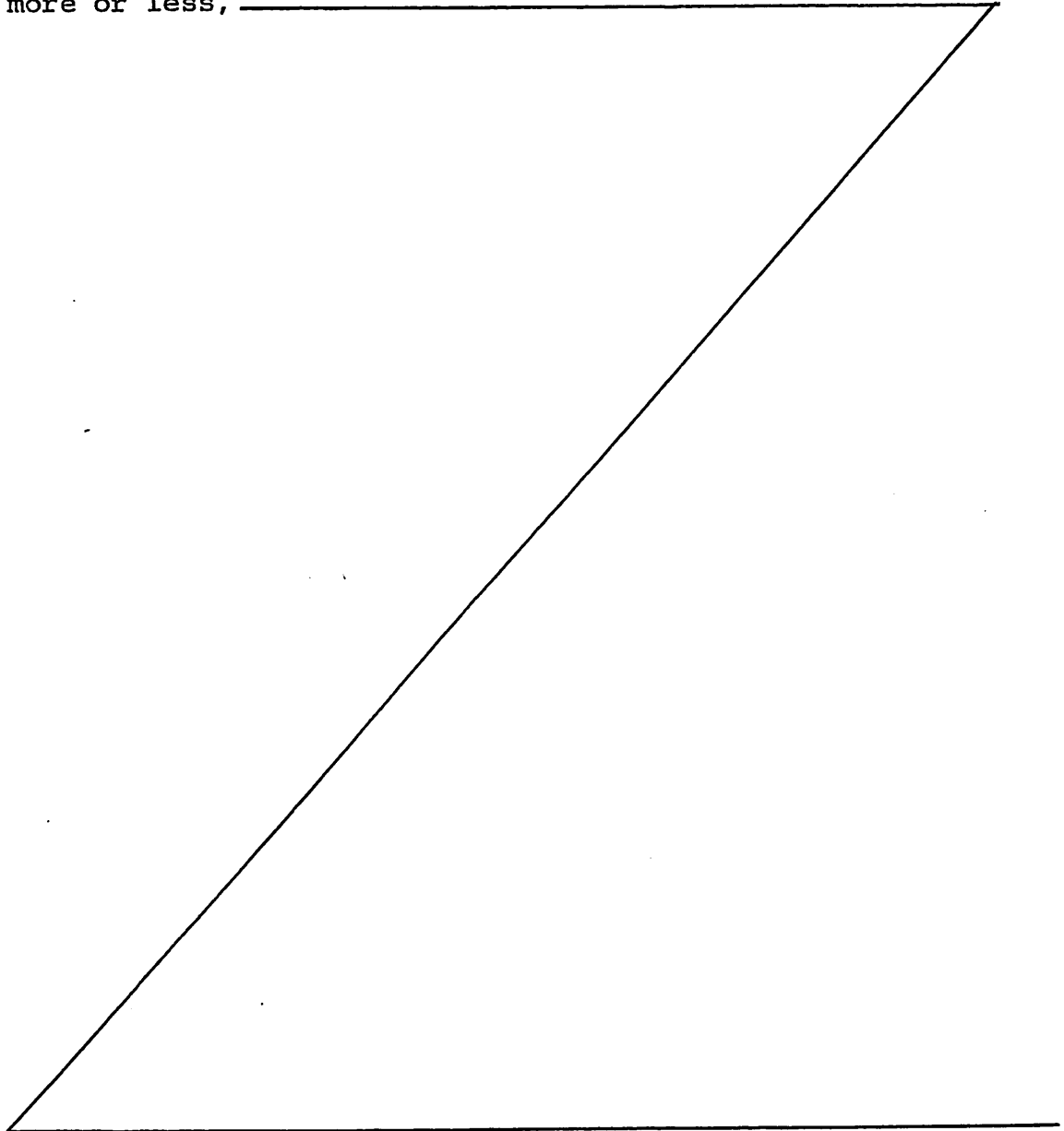
NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

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

SECTION 2. The area or territory so annexed, designated the SYLVAN ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that certain real property situate in the State of California, County of Stanislaus, Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being all of Lots 1, 2 and 3 and the Northern 30 feet of Lots 15, 16 and 17 of the Pomona Villa Tract as per map filed December 16, 1904 in Volume 2 of Maps, Page 4, Stanislaus County Records, described as follows:

Beginning at a point on the existing Corporate City Limits as established by the Northeast Addition as per description filed January 31, 1958 as Instrument 2427, Stanislaus County Records, said point being at the intersection of the Western line of Sunrise Avenue and the Southern line of Tokay Avenue as said streets are shown on the map of the McHenry Village Subdivision Number 2, filed August 22, 1955 in Volume 18 of Maps, Page 34, Stanislaus County Records; thence along the existing City Limits North $89^{\circ} 36' 55''$ West, 938.22 feet, to a point on the Western line of Lot 15 of the Pomona Villa Tract; thence continuing along the existing City Limits and the Western lines of Lot 15 and Lot 3 of the Pomona Villa Tract North $00^{\circ} 48'$ West, 690.00 feet, to the Northeastern corner of Lot 4 of the Pomona Villa Tract; thence continuing along the existing City Limits, South $89^{\circ} 36' 55''$ East, 968.22 feet, to the Northeastern corner of Lot 1 of the Pomona Villa Tract; thence along the Eastern line Lot 1 and Lot 17 of the Pomona Villa Tract, South $00^{\circ} 48'$ East, 690.00 feet to a point on the Southern line of Tokay Avenue; thence along the Southern line of Tokay Avenue, North $89^{\circ} 36' 55''$ West, 30.00 feet to the point of beginning, containing 15.34 Acres more or less, _____



SECTION 3. Said territory shall be subject to municipal taxes to pay any indebtedness or liability of the City of Modesto authorized or existing at the time of the adoption of this ordinance.

SECTION 4. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

SECTION 5. The City Clerk is hereby authorized and directed to comply with the provisions of Section 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings, and the filing of a statement of change of boundary.

SECTION 6. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

SECTION 7. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17 day of August, 19 60, by Councilman Martin, who moved its adoption and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Martin, VanderWall, Mayor Pro Tempore Spaulding

NOES: Councilmen: None

ABSENT: Councilmen: Knoles, Mayor Hammond

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Y.M.C.A. ADDITION)

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

SECTION 1. ZONING CHANGE. Section 16 of the Zoning Map is hereby amended to reclassify the following described property from MULTIPLE FAMILY (Interim Zoning) Zone, R-3, to MULTIPLE FAMILY Zone, R-3:

All that certain real property situate in the State of California, County of Stanislaus, Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing Corporate City Limits as established by the Northeast Addition, as per description filed January 31, 1958 as Instrument 2427, Stanislaus County Records, said point being the intersection of the Western line of a 50 foot public road known as McHenry Avenue and the Southern line of a 40 foot public road known as Leveland Lane; thence Easterly along the Easterly extension of the Southern line of said Leveland Lane to the Eastern line of said McHenry Avenue; thence Northerly along the Eastern line of McHenry Avenue, said line also being the Western line of Lot 9 of the Coffee Colony, filed January 13, 1906 in Volume 2 of Maps at Page 22, Stanislaus County Records, to the Northwestern corner of said Lot 9; thence Easterly along the Northern line of said Lot 9 of the Coffee Colony to a point which is 264 feet Westerly from the Eastern line of said Lot 9 of the Coffee Colony; thence Southerly along a line parallel with and 264 feet Westerly from the Eastern line of Lots 9 and 10 of said Coffee Colony to the Southern line of a 40 foot public road known as Floyd Avenue and the existing City Limits; thence Westerly along the existing City Limits and the Southern line of said Floyd Avenue and its Westerly extension to the Western line of said McHenry Avenue; thence Northerly along the existing City Limits and said Western line of McHenry Avenue to its intersection with said Southern line of Leveland Lane and the point of beginning, containing 6.561 Acres, more or less.

SECTION 2. ZONING MAP. Section Map 16 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

Ordinance 409 C.S.
Exhibit A – Map

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

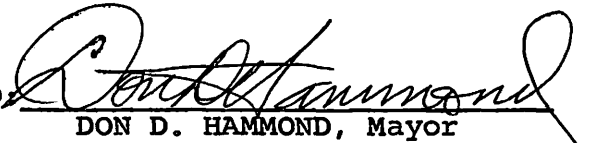
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24 day of August, 1960, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Knoles, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Martin, VanderWall,
Mayor Hammond


NOES: Councilmen: None

ABSENT: Councilmen: Spaulding

APPROVED,


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 409-C.S.

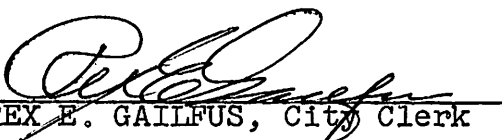
FINAL ADOPTION CLAUSE

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 7 day of September, 1960, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Martin, VanderWall, Mayor Pro Tempore Spaulding
NOES: Councilmen: None
ABSENT: Councilmen: Knoles, Mayor Hammond

APPROVED: 

~~DON D. HAMMOND~~, Mayor
THOMAS M. SPAULDING, Mayor
Pro Tempore

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: September 22, 1960

AN ORDINANCE AMENDING SECTION 5-6.109 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE BY ADDING SUBSECTION(D) THERETO RELATING TO SEWER RATES AND REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.109 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to add subsection (d) thereto, to read as follows:

SEC. 5-6.109. SEWER LATERAL CHARGES. (a) Areas in the City Limits as of May 1, 1950.

(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 owning property in an area annexed to the City 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 and no/100ths (\$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 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.

(c) Areas Annexed to the City on or After July 1, 1950.

(1) Each person owning property in an area annexed to the City 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 and no/100ths (\$100.00) Dollars for service to one (1) 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 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.

(d) Service to Portions of Parcels: Allocation of Costs. Notwithstanding the provisions of subsections (b) and (c) above, the Director of Public Works is hereby authorized to approve and process applications for sewer services to portions of parcels of land in accordance with the rates specified in the above subsections subject to all of the following terms and conditions:

(1) That the property involved can reasonably be served by a City sewer main or lateral.

(2) The total area of such parcels of land to be served shall be not less than twenty thousand square feet (20,000) and the portion of the parcel to be served shall be not less than six thousand square feet (6,000) in area.

(3) A fee of Ten and no/100ths (\$10.00) Dollars shall be paid to the City and shall accompany the application for the purpose of covering the costs of inspection of the premises to make the determination specified in subsections (1) and (2) above.

(4) Connection fees shall be based on the size of the portion of the parcel to be served and shall be paid in accordance with the applicable provisions of the Municipal Code.

(5) Sewer service fees shall be payable in accordance with the Municipal Code provisions relating to sewer service generally.

(6) The portion of the area to be served shall be recorded by means of a sketch map on the sewer service card filed in the Department of Public Works.

(7) In addition to the remedies for violations to the provisions of this Code, as an additional and alternate remedy, the Director of Public Works shall have the authority to immediately discontinue sewer service without requirement of notification in the event that he shall determine that sewer services to serve the area under the permit is used on other premises.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24 day of August, 1960, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Martin, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Spaulding

APPROVED, 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

Ord. No. 410-C.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 7 day of September, 1960, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Martin, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Martin, VanderWall, Mayor Pro Tempore Spaulding

NOES: Councilmen: None

ABSENT: Councilmen: Knoles, Mayor Hammond

APPROVED:


DON D. -HAMMOND, -Mayor
THOMAS M. SPAULDING, Mayor
Pro Tempore

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: September 22, 1960

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM FRESNO GUARANTEE SAVINGS AND LOAN ASSOCIATION, A CORPORATION.

WHEREAS, Fresno Guarantee Savings and Loan Association, a corporation, owns that certain parcel of real property herein-after described, and

WHEREAS, the City of Modesto desires to purchase said real property for use for municipal purposes,

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

SECTION 1. PURCHASE AUTHORIZED. The purchase of the following described real property with improvements thereon, from Fresno Guarantee Savings and Loan Association, a corporation, for the sum of Five thousand seventy one and 37/100ths (\$5,071.37) Dollars in accordance with the provisions of that certain agreement referred to in Section 2 of this ordinance is hereby authorized. Said real property is described as follows:

All that certain real property situate in the State of California, County of Stanislaus, City of Modesto, Section 27, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

All that portion designated as "PARK" in Block 2249 of the MORAN ESTATES Subdivision as per map filed December 17, 1959, in Volume 19 of Maps, Page 33, Stanislaus County Records, containing 1.337 Acres more or less.

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and Fresno Guarantee Savings and Loan Association, a corporation, relating to the purchase of certain real property for municipal purposes, a copy of which is on file in the Office of the City Clerk of the City of Modesto, is hereby approved and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from Fresno Guarantee Savings and Loan Association, a corporation, conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

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

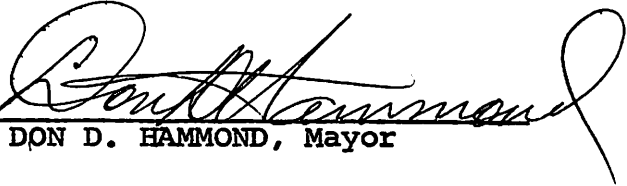
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24 day of August, 1960, by Councilman Adams, who moved its introduction and passage to print, which motion being duly seconded by ~~Councilman~~ Mayor Hammond, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Martin, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Spaulding

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

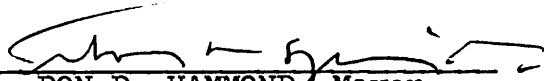
(SEAL)

Ord. No. 411-C.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 7 day of September, 1960, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

- AYES: Councilmen: Adams, Arata, Martin, VanderWall, Mayor Pro Tempore Spaulding
- NOES: Councilmen: None
- ABSENT: Councilmen: Knoles, Mayor Hammond

APPROVED: 
~~DON D. HAMMOND, Mayor~~
THOMAS M. SPAULDING, Mayor
Pro Tempore

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: _____

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN
PARCELS OF REAL PROPERTY BELONGING TO THE
CITY OF MODESTO TO THE STATE OF CALIFORNIA.

WHEREAS, the City of Modesto owns those certain
parcels of real property hereinafter described, and

WHEREAS, the State of California desires to purchase
said parcels of property for freeway purposes,

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

SECTION 1. SALE AUTHORIZED. The sale of the
following described parcels of real property to the State of
California for the sum of One hundred eighty-five and 33/100ths
(\$185.33) Dollars in accordance with the provisions of that certain
right of way agreement referred to in Section 2 of this ordinance,
is hereby approved. Said parcels of real property are described
as follows:

A portion of Lot 14 in Block X 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, described as follows:

PARCEL NO. 1

Beginning at the most easterly corner of the
aforesaid Lot 14, thence along the south-
easterly line of said Lot 14, S. 46° 30' 30"
W., 9.57 feet to the north line of Sierra
Drive (a city street 100 feet in width);
thence along the last said north line N. 88°
21' 41" W., 7.72 feet; thence N. 25° 11' 17"
W., 47.83 feet to the northeasterly line of
said Lot 14; thence along said northeasterly
line S. 43° 29' 30" E., 50.88 feet to the point
of beginning.

PARCEL NO. 2

Beginning at the most westerly corner of Lot 14
of the aforementioned Block X; thence along the
southeasterly line of said Lot N. 47° 00' 19" E.,

8.10 feet; thence S. 18° 20' 37" E., 6.06 feet to the north line of Sierra Drive (a city street 100 feet in width); thence along last said line N. 88° 21' 41" W., 7.83 feet to the point of beginning.

The net area herein conveyed being 431 square feet, more or less.

SECTION 2. APPROVAL OF RIGHT OF WAY CONTRACT.

That certain right of way contract between the City of Modesto and the State of California, Department of Public Works, Division of Highways, relating to the sale of certain real property, a copy of which is on file in the office of the City Clerk of the City of Modesto, is hereby approved and the City Manager and City Clerk are hereby authorized to execute and attest said contract respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said contract.

SECTION 3. EXECUTION OF DEED. The Mayor and the City Clerk are hereby authorized on behalf of the city to execute and attest respectively a deed granting the aforesaid parcels of property to the State of California.

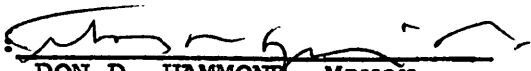
SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of September, 1960, by Councilman Kholes, who moved its introduction and passage to print, which motion being duly seconded by Councilman Martin, was upon roll call carried and ordered printed and published by the following vote:

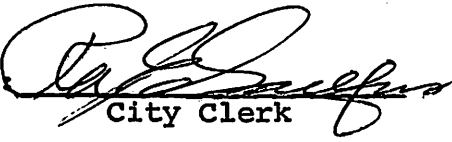
AYES: Councilmen: Adams, Arata, Knoles, Martin, VanderWall,
Mayor Pro Tempore Spaulding
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Hammond

APPROVED:



~~DON D. HAMMOND, Mayor~~
THOMAS M. SPAULDING, Mayor
Pro Tempore

ATTEST:


City Clerk

(SEAL)

Ord. No. 412-C.S.

FINAL ADOPTION CLAUSE

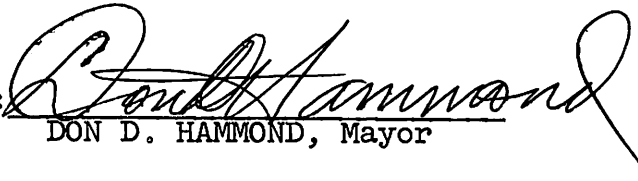
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 14 day of September, 1960, Councilman Knoles moved its final adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond


NOES: Councilmen: None

ABSENT: Councilmen: Adams

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: September 29, 1960

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE TO ADD SECTION 4-4.106 THERETO; AMENDING SECTION 4-4.201 OF ARTICLE 2 OF CHAPTER 4 OF TITLE IV; AMENDING SECTIONS 4-4.301 AND 4-4.302 OF ARTICLE 3 OF CHAPTER 4 OF TITLE IV; AMENDING ARTICLE 4 OF CHAPTER 4 OF TITLE IV; AMENDING ARTICLE 5 OF CHAPTER 4 OF TITLE IV; AMENDING SECTIONS 4-4.802 AND 4-4.803 OF ARTICLE 8 OF CHAPTER 4 OF TITLE IV AND AMENDING ARTICLE 9 OF CHAPTER 4 OF TITLE IV RELATING TO SUB-DIVISION REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-4.106 is hereby added to Article 1 of Chapter 4 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-4.106. REMEDIES. In addition to any other remedies it may have, the City may enjoin the violation of any of the provisions of these regulations.

SECTION 2. AMENDMENT OF CODE. Sections 4-4.201 of Article 2 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.201. TERMS AND WORDS. Except as otherwise provided in this Section, all terms used in this chapter which are defined in the Subdivision Map Act are used in this chapter as so defined, unless from the context hereof it clearly appears that a different meaning is intended.

(a) "Shall" is mandatory. May is permissive.

(b) "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 chapter, 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.

(c) "Subdivider" shall mean any individual, firm, association, syndicate, co-partnership, corporation, trust or any other legal entity commencing proceedings under this chapter to effect a subdivision of land hereunder for himself or for another and while used 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.

(d) "Subdivision" shall mean improved or unimproved land or lands divided or proposed to be divided

into five (5) or more parts less than twenty (20) acres in size for the purpose of sale or lease whether immediate or future.

(e) "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.

(f) "Lot Split" shall mean the division of a lot or parcel of land into four (4) or fewer parts.

SECTION 3. AMENDMENT OF CODE. Section 4-4.301 of Article 3 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.301. REQUIREMENTS FOR STREETS. (a) Street design shall conform in principle to the streets shown on the ^{CIRCULATION} ~~transportation~~ element of the General Plan and in width and alignment to the streets shown on any precise plan adopted by the Council relating to streets, and shall conform to the requirements of this Chapter. Streets not shown on a general or precise plan shall conform to the requirements of the Planning Commission and of this Chapter.

(b) The subdivider may be required to dedicate all land necessary for street purposes as shown on the General Plan or any precise plan or to conform to the provisions of this Chapter.

SECTION 4. AMENDMENT OF CODE. Section 4-4.302 of Article 3 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.302. GENERAL CONDITIONS OF DESIGN. The following general conditions of design shall apply:

(a) Streets and Highways.

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

(2) 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 (100') feet.

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

(4) Cul-de-sac or Dead End Streets. No cul-de-sac or dead end street shall be more than five hundred (500') 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 fifty (50') feet measured to the property line 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.

(5) 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.

(6) 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 (10') feet. A greater curve radius may be required if streets intersect other than at right angles.

(7) 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.

(8) Part Width Streets. In case of a part width street, a minimum of forty (40') 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 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. Part width streets shall be permitted only on the periphery of a subdivision and only when the street design approved by the Planning Commission requires the street to be so located that a full dedication would require land not in the subdivider's ownership or control. In no case shall a part width street be less than forty (40') feet in width. The words "part width street" shall be lettered on the map following the name of such streets.

(9) Width of Streets. Street right of way widths shall be not less than those set forth herein. Increased widths may be required when determined necessary by the Planning Commission in the public interest. Approval or determination of street classification shall be made by the Planning Commission.

<u>Street Class</u>	<u>Minimum Width</u>
Major Streets	90 feet
Collector Streets	60 feet
Industrial Streets	60 feet
Minor Streets	50 feet
Frontage Streets	As Required
Cul-de-sac	50 feet

(b) Alleys.

(1) Alleys shall be prohibited in residential subdivisions except when determined to be necessary by the Planning Commission for any one of the following reasons:

(aa) The unusual size, shape or topographical character of the property to be subdivided;

(ab) The relationship to existing or proposed adjacent commercial, industrial or high density residential development, or adjacent railroad or canal rights of way;

(ac) The special nature of the design or density of a residential subdivision where dwellings are to be grouped in such a manner as to require access from other than the street frontage;

(ad) The need to maintain continuity of existing alleys where the property to be subdivided is located immediately between existing residential blocks where alleys are provided.

(2) Residential alleys shall be a minimum of twenty (20') feet in width.

(3) Alleys shall be provided where needed to serve existing or proposed commercial or industrial areas, and shall have a minimum width of thirty (30') feet, with adequate provision for ingress and egress.

(4) Where two alleys intersect, ten (10') foot corner cut-offs measured along the property lines from the point of intersection will be required.

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

(c) Blocks.

(1) 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 ^{major} primary and ^{collector} 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. ✓

(2) Block Lengths. Block lengths shall not exceed one thousand (1000') feet unless existing conditions warrant a variance. Long blocks are desirable adjacent to heavily traveled streets in order to reduce the number of intersections.

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

(d) Lots.

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

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

(3) 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.

(4) Building Lines. Building set-back lines shall be indicated by dotted lines on the Subdivision Map, as required by the Planning Commission.

(5) 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 plotted for residential occupancy.

(e) Easements.

(1) For Utilities. The subdivider shall grant easements for utility facilities 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.

(2) For Planting. Where streets are less than sixty (60') feet in width, easements three (3') feet in width for planting and utilities shall be required adjacent to each street right of way line.

(3) 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 Council.

(4) Protection of Easements. No person other than a public utility shall erect, construct or place any building or structure except fences or walls on any public utility easement. No person shall permit or allow vines or other climbing plant materials to become attached to public utility poles. It shall be the responsibility of the owner and/or occupant of real property to maintain any public utility easement area located thereon in such a manner that its condition will not interfere with the proper operation and maintenance of public utility facilities located thereon. Any public utility using such easement, its representatives, agents or employees shall have the right to trim or top such trees or shrubs growing within or overhanging the easement as may endanger or interfere

with public utility facilities constructed therein and may have free access to said public utility facilities and every part thereof at all times for the purpose of constructing, operating, and maintaining said public utility facilities.

(5) Design of Easements. Easements shall be located and designed in subdivisions to provide for reasonable, practical and useful placement, replacement, enlargement, repair and maintenance of utility facilities.

(6) Location of Overhead Utilities. All overhead utilities shall be placed in rear lot and side lot easements, except where utilities cross streets, or must be located outside of the easements for other good and sufficient reasons as determined by the Planning Commission as follows:

(aa) In alleys, where alleys are permitted by the Planning Commission;

(ab) In the street where topography precludes utility construction in easements, such as on steep hillsides;

(ac) In streets where the subdivision is along river frontages, canals, or ditches;

(ad) In streets in conjunction with multiple dwelling developments where streets constitute service roads; where buildings front away from streets; or where building lot area exceeds twenty thousand (20,000') square feet or lot width exceeds two hundred (200') feet;

(ae) For other good and sufficient reasons.

(f) Frontage Streets.

(1) When any lots front or side on any major street the subdivider may be required to dedicate and improve a frontage street to provide ingress to and egress from such lots.

(g) 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.

(h) Sewage Disposal. Provision shall be made for adequate sewerage to be installed in accordance with the provisions of the applicable laws of the City.

SECTION 5. AMENDMENT OF CODE. Article 4 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 4

TENTATIVE MAPS FOR SUBDIVISIONS OTHER THAN
LOT SPLITS

SEC. 4-4.401. FILING AND DEPARTMENTAL ^{APPROVAL} ~~FILE~~. (a) Number and Time of Filing. Fifteen (15) copies of a tentative map and statement of the proposed subdivision of any land shall be filed with the Planning Commission at least fifteen (15) days prior to the meeting of the Commission at which consideration is desired.

(b) 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 article 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.

(c) 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.

(d) Departmental Action. The department or agency receiving a copy of the map shall notify, within ten (10) days of the 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.

SEC. 4-4.402. FORM OF TENTATIVE MAP. (a) 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.

(b) Size and Scale. Tentative maps shall be eighteen by twenty-six (18" x 26") inches in size and to a scale of one (1") inch equals one hundred (100') feet for large areas, and to a scale of one (1") inch equals fifty (50') feet for small areas unless otherwise approved by the Planning Commission.

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

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

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

- (3) Name and address of record owner or owners.
- (4) Name and address of the subdivider.
- (5) Name and business address of the person who prepared the map.
- (6) Acreage of proposed tract to the nearest tenth (10th) of an acre.
- (7) Sufficient elevations or contours to determine the general slope of the land and the high and low point thereof.
- (8) The locations, names, widths and grades of all roads, streets, highways and ways in the proposed subdivision or to be offered for dedication.
- (9) The locations, names and existing width of all adjoining and contiguous highways, streets and ways.
- (10) Locations and size of all pipe lines and structures used in connection therewith.
- (11) Location and character of all existing and proposed public utilities.
- (12) The widths, location and purpose of all existing and proposed ~~assessments~~ EASEMENTS.
- (13) Lot lay-out, dimensions of each lot and lot numbers.
- (14) The outline of any existing buildings to remain in place and their locations in relation to existing or proposed street and lot lines.
- (15) Location of all trees proposed to remain in place, standing within the boundaries of proposed public rights-of-way.
- (16) Location of all areas subject to inundation or storm water overflow and the location, width and direction of flow of all water courses.

SEC. 4-4.403. STATEMENT REQUIRED. A statement shall be presented by the subdivider in written form accompanying the map and shall contain the following information:

- (a) Improvements and public utilities proposed to be made or installed and the time at which such improvements are proposed to be completed.
- (b) Proposed plan for drainage.
- (c) Provision for sewerage and sewage disposal.
- (d) Provision for proposed water supply.
- (e) Public areas proposed.
- (f) Type and location of street lighting proposed.
- (g) Proposed building set-back lines and width of side yards.

(h) Justification and reasons for any exceptions to provisions of this chapter, or for any amendments to the zoning law, which may be requested in conjunction with the subdivision proposed.

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

SECTION 4-4.404. ACTION ON TENTATIVE MAP. (a) Action by Planning Commission. The Planning Commission shall determine whether the tentative map is in conformity with the provisions of law and of this article and upon that basis within thirty (30) 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.

(b) 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.

(1) 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.

(2) 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.

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

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

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

SECTION 6. AMENDMENT OF CODE. Article 5 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 5.

LOT SPLITS

SEC. 4-4.501. APPROVAL REQUIRED FOR LOT SPLITS. No lot or lots or parcels of land shall be split or divided without first obtaining the approval of the Planning Commission. The legal owner of record thereof so desiring said change shall present a true map of any and all lots or parcels of land so to be split or divided which are not a subdivision as defined in the Subdivision Map Act, showing and indicating the proposed split or division. The Commission shall

find and determine whether or not said split or division is in accordance with the provisions, intent and purposes of this Code and shall have power to approve or reject said proposal.

SEC. 4-4.502. FORM OF MAPS. Maps of the lot or lots or parcels to be split or divided shall be submitted as follows:

(a) Eight (8) copies of a map and statement of the proposed division of any land into four (4) or less lots shall be filed with the Planning Department at least five (5) days prior to the meeting of the Planning Commission at which consideration is desired.

(b) Every map shall be clearly and legibly reproduced on sheets of good paper or cloth eight and one half (8-1/2") inches wide by eleven (11") inches long, and shall contain the following information:

(1) Date, north point, scale and sufficient description to define the location and boundaries of the proposed tract.

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

(3) Name and address of the subdivider, if other than owner.

(4) Name and business address of the person who prepared the map, if other than owner.

(5) Approximate acreage of proposed tract.

(6) Locations, names and existing width of all adjoining and contiguous highways, streets and ways.

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

(8) Location and character of all existing public utilities.

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

(10) Lot layout, dimensions of each lot, total number of lots and lot numbers.

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

SECTION 4-4.503. REQUIREMENTS FOR APPROVAL. If the map complies with all of the items required in Section 4-4.502, the Planning Commission may approve the division, provided that curbs, sidewalks and paving are installed along all public street frontage of the property so divided as required by the Commission, and sanitary sewer facilities and connections of each lot are laid whenever an outfall or lateral is available in an adjacent public street or alley, and all lot sizes conform to the provisions of the zoning regulations of the City of Modesto.

SEC. 4-4.504. ISSUANCE OF BUILDING PERMITS. No building permit shall be issued for the construction of any building, structure or other work on any lot split unless and until said lot split has been approved by the Planning Commission in accordance with the provisions of this article.

SECTION 7. AMENDMENT OF CODE. Section 4-4.802 of Article 8 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.802. GENERAL REQUIREMENTS. The subdivider shall install improvements in accordance with the standards specified in this Chapter and in the standard specifications.

(a) Streets and Alleys. All streets and alleys shall be improved in accordance with the requirements of the standard specifications referred to in Section 4-4.801 hereof.

(b) Structures. Structures or conduits shall be installed, as deemed necessary by the City Engineer, for drainage, access and/or public safety. Such structures and conduits ~~shall~~ be placed to grades and ~~shall~~ ^{SHALL} be of a design and size approved by the City Engineer.

(c) Curbs and Gutters. Curbs and gutters shall be installed to grades, cross section, layout and location approved by the City Engineer.

(d) Sidewalks. Sidewalks shall be installed along all streets and may be required in other locations where sidewalks are deemed necessary by the Planning Commission.

(e) Sewage Disposal.

(1) 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.

(2) When connection to a sanitary system is not available, septic tanks may be permitted for lots of not less than nine thousand (9,000) square feet in area, providing that a letter is submitted from the City Health Officer prior to approval of the tentative map 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.

(f) 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.

(g) Street Lights. Pendant street lighting standards, underground cables, and all materials and appurtenances necessary shall be installed of a design and location approved by the City Engineer. There shall be at least one electrolier at each intersection, and intermediate electroliers not more than six hundred sixty (660') feet apart in blocks exceeding six hundred sixty (660') feet in length.

(h) Railroad Crossings. Provisions 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.

SECTION 8. AMENDMENT OF CODE. Section 4-4.803 of Article 8 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.803. PARK AND RECREATIONAL FACILITIES. Each subdivider shall pay to the City at the time of approval of the final map as condition of such approval the sum of twenty (\$20.00) dollars for each residential lot in the subdivision. The purpose of such requirement is to provide funds for the acquisition, development, or maintenance of park and recreation facilities to serve the residents of the area proposed to be subdivided. 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, development or maintenance of park and recreational facilities.

SECTION 9. AMENDMENT OF CODE. Article 9 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 9.

EXCEPTIONS

SEC. 4-4.901. AUTHORITY TO VARY REGULATIONS. Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the general plan or these regulations. In granting variances or modifications, the Planning Commission may require such conditions as will, in its judgment,

secure substantially the objectives of the standards or requirements so varied or modified.

SEC. 4-4.902. APPEAL PROCEDURE. Any person aggrieved by the decision of the Planning Commission with respect to the granting or denial of a variance or modification pursuant to the provisions of this Section may appeal to the Council in accordance with the procedure contained in the provisions of Chapter 4 of Title I of the Modesto Municipal Code.

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, but shall not apply to any subdivision the tentative map of which has been approved by the Planning Commission prior to the effective date of this ordinance.

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 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 21 day of September, 1960, by Councilman Spaulding, who moved its introduction and passage to print, which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Knoles, Martin, Spaulding

NOES: Councilmen: Arata, VanderWall, Mayor Hammond

ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 413-C.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 28 day of September, 1960, Councilman Spaulding moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Knoles, Martin, Spaulding

NOES: Councilmen: VanderWall, Mayor Hammond

ABSENT: Councilmen: Arata

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 13, 1960

AN ORDINANCE AMENDING SECTION 7-3.401 OF ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO MODESTO CITY-COUNTY AIRPORT HANGARS.

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

SECTION 1. AMENDMENT OF CODE. Section 7-3.401 of Article 4 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.401. HANGARS. The Council shall have the power by resolution to establish the charges or fees for the rental of airport hangars.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after October 26, 1960.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of September, 1960, by Councilman Spaulding, who moved its introduction and passage to print, which motion being duly seconded by Councilman Martin was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 414-C.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 28th day of September, 1960, Councilman Knoles moved its final adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Arata

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 13, 1960

ORDINANCE NO. 415 -C. S.

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO TO THE MODESTO CITY SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA.

WHEREAS, the City of Modesto owns that certain parcel of real property hereinafter described, and

WHEREAS, the Modesto City School District of Stanislaus County, California desires to acquire said parcel of real property hereinafter described for use for district purposes,

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

SECTION 1. SALE AUTHORIZED. The sale of the following described real property to the Modesto City School District of Stanislaus County, California, for the sum of Six Thousand Seven Hundred Eighty-Three and 20/100ths (\$6,783.20) Dollars, in accordance with the provisions of that certain agreement referred to in Section 2 of this ordinance is hereby approved. Said real property is described as follows:

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

Commencing at the corner common to Sections 29, 30, 31, 32, Township 3 South, Range 9 East, M. D. B. & M., said corner being also the Southeast corner of said Lot 22; thence North $0^{\circ} 34'$ West along the Section line between Sections 29 and 30, and along the East line of Lot 22, a distance of 417.90 feet; thence North $89^{\circ} 45' 30''$ West along the North line of an 80 foot street known as Locust Street, 339.00 feet to the true point of beginning of this description; thence continuing North $89^{\circ} 45' 30''$ West along the North line of Locust Street 319.97 feet to a point on the West line of Lot 22; thence North $0^{\circ} 21' 30''$ East along the West line of Lot 22, a distance of 480.07 feet to the Northwest corner of Lot 22, said corner being also on the center line of Lateral No. 4 of Modesto Irrigation District; thence following the center line of Lateral No. 4 and along the North boundary of Lot 22 the following three courses and distances: South $79^{\circ} 49'$ East 380.88 feet; North $62^{\circ} 47'$ East 128.04 feet; North $31^{\circ} 19' 30''$ East 251.04 feet to a point on the West line of Franklin Street; thence South $0^{\circ} 34'$ East along the West line of Franklin Street 373.47 feet; thence North $89^{\circ} 45' 30''$ West 308.13 feet; thence South $0^{\circ} 24' 30''$ East 315.00 feet to the true point of beginning of this description, containing 4.589 acres.

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement

between the City of Modesto and the Modesto City School District of Stanislaus County, California, relating to the sale of certain real property, a copy of which is on file in the Office of the City Clerk of the City of Modesto, is hereby approved, and the City Manager and the City Clerk are hereby authorized to execute and attest said Agreement respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said Agreement.

SECTION 3. EXECUTION OF DEED. That the Mayor and City Clerk be, and they are hereby authorized on behalf of the City, to execute and attest, respectively, a deed granting the aforesaid property to the Modesto City School District of Stanislaus County, California.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13 day of October, 1960, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Martin, VanderWall, Mayor Hammond


NOES: Councilmen: None

ABSENT: Councilmen: Knoles, Spaulding

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 415-C.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~~ ^{adjourned regular} meeting of the Council of the City of Modesto held on the 27 day of October, 1960, Councilman 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: Adams, Arata, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles, Martin, Spaulding

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GALLFUS, City Clerk

EFFECTIVE DATE: November 11, 1960

AN ORDINANCE APPROVING AN AGREEMENT WITH THE HELM MOTOR RENTAL DIVISION OF FRANK M. HELM CO., INC., RELATING TO THE GRANTING OF A CAR RENTAL CONCESSION AT THE MODESTO CITY-COUNTY AIRPORT.

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

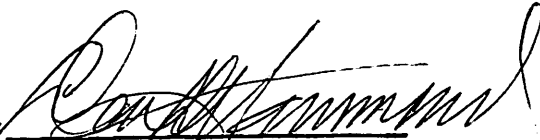
SECTION 1. That certain agreement between the City of Modesto and the Helm Motor Rental Division of Frank M. Helm Co., Inc., relating to the granting of a car rental concession at the Modesto City-County Airport, a copy of which is on file in the Office of the City Clerk of the City of Modesto is hereby approved, and the City Manager and City Clerk are hereby authorized to execute said agreement on behalf of the City and do all things necessary to carry out the terms of said agreement.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of October, 1960, by Councilman VanderWall, who moved its adoption and passage to print, which motion being duly seconded by Councilman Knoles, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Martin, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Spaulding

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 416-C.S.

FINAL ADOPTION CLAUSE

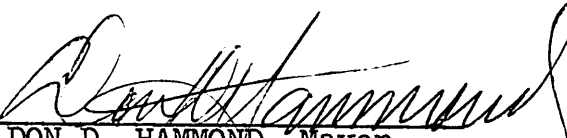
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the ~~regular~~ ^{adjourned regular} meeting of the Council of the City of Modesto held on the 27 day of October, 1960, Councilman VanderWall moved its 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: Adams, Arata, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles, Martin, Spaulding

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: November 11, 1960

ORDINANCE NO. 417 -C.S.

AN ORDINANCE AMENDING SECTION 3-1.201 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 3-1.201.1 THERETO, RELATING TO FIRE PREVENTION REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-1.201 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.201. SPECIFIC DISTRICTS. For the purpose of regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of buildings and/or structures in the City as defined in the Building Code of the City of Modesto the entire City is hereby declared to be and is established as a fire district comprising of three zones respectively, known and designated as Fire Zone No. 1, Fire Zone No. 2 and Fire Zone No. 3.

The territory or portion of the territory included in each of said fire zones is delineated on that certain map being marked and designated as "Fire Zoning Map of the City of Modesto", dated October 19, 1960, on file in the office of the City Clerk. Said Fire Zoning Map is divided into individual section maps for the purpose of more readily identifying the territory included within each fire zone. Said Fire Zoning Map, including the individual section maps, is hereby adopted and approved as the official Fire Zoning Map of the City of Modesto for the application of the regulations included in the Uniform Building Code. All notations, references and other information shown on the Fire Zoning Map, or section maps, are hereby made an official part of said maps.

Changes in the boundary of any fire zone may be made by adopting an amended Fire Zoning Map, section or unit of said Fire Zoning Map.

SECTION 2. AMENDMENT OF CODE. Section 3-1.201.1 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.201.1. LOCATION OF BOUNDARIES. Where uncertainty exists as to the boundary of any fire zone, the following rule shall apply:

(a) Wherever the fire zone boundary is indicated as being approximately upon the center line of a street, alley or block or along a property line then unless otherwise definitely indicated on the map, the center line of such street, alley, or block or such property line shall be construed to be the boundary of the fire zone.

(b) Whenever such boundary line of such fire zone is indicated as being approximately at the line of a river, irrigation canal or other waterway or railroad right of way or public land or any section line, the center of such stream, canal or waterway or such railroad right of way or the boundary line of such public land or such section line shall be deemed to be the boundary of such zone.

(c) Where such zone boundary line cannot be determined by the above rules the location may be found by the use of the scale appearing upon the map.

(d) Where the application of the above rules does not clarify the fire zone boundary location, the Chief Building Official shall interpret the map.

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

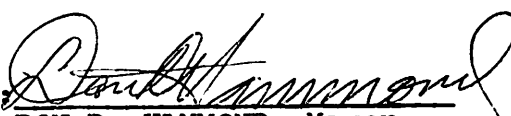
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 2 day of November, 1960, by Councilman Spaulding, who moved its introduction and passage to print, which motion being duly seconded by Councilman Knoles, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Martin, Spaulding, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
DON D. HAMMOND, Mayor
NICHAS M. SPAULDING,
Mayor pro tempore

(SEAL)

Ord. No. 417-C.S.

FINAL ADOPTION CLAUSE

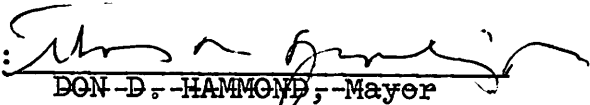
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 16 day of November, 1960, Councilman Martin moved its final adoption, which motion being duly seconded by Councilman Arata, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen:Adams, Arata, Knoles, Martin, VanderWall, Mayor
pro tempore Spaulding

NOES: Councilmen:None

ABSENT: Councilmen:Mayor Hammond

APPROVED:


DON D. HAMMOND, Mayor
THOMAS M. SPAULDING, Mayor pro tempore

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 1, 1960

ORDINANCE NO. 418-C.S.

AN ORDINANCE AMENDING SECTIONS 4-6.702 AND 4-6.709 OF ARTICLE 7 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO TAXICABS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-6.702 of Article 7 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

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

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

SECTION 2. AMENDMENT OF CODE. Section 4-6.709 of Article 7 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9 day of November, 1960, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Martin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Martin, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles, Spaulding

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

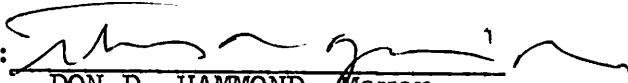
Ord. No. 418-C.S.

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 16 day of November, 1960, Councilman Martin moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Martin, VanderWall, Mayor
pro tempore Spaulding
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Hammond

APPROVED:


DON D. HAMMOND, Mayor
THOMAS M. SPAULDING, Mayor pro tempore

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 1, 1960

ORDINANCE NO. 419-C.S.

AN ORDINANCE PROVIDING FOR THE SALE OF SURPLUS
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 those certain items of personal property of the City of Modesto as shown on that certain document entitled "List of Surplus Property" dated November 9, 1960, on file in the Office of the City Clerk. Said personal property has been found to be surplus and of no use to the City.

SECTION 2. The City Manager is hereby authorized and directed to sell those certain items of personal property now in the possession of the Police Department, which have been unclaimed for a period of at least six (6) months, as shown on that certain document entitled "List of Unclaimed Property Held by the Police Department" dated November 9, 1960, on file in the Office of the City Clerk.

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

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

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 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 9 day of November, 1960, by Councilman Arata, who moved its adoption and passage to print, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Martin, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles, Spaulding

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE SYLVAN UNION SCHOOL DISTRICT OF STANISLAUS COUNTY, CALIFORNIA.

WHEREAS, the Sylvan Union School District of Stanislaus County, California, owns that certain parcel of real property hereinafter described, and

WHEREAS, the City of Modesto desires to purchase said real property for use for municipal purposes,

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

SECTION 1. PURCHASE AUTHORIZED. The purchase of the following described real property from the Sylvan Union School District of Stanislaus County, California, for the sum of Twelve Thousand, Seven Hundred Fifteen and no/100ths (\$12,715.00) Dollars in accordance with the provisions of that certain agreement referred to in Section 2 of this ordinance is hereby authorized. Said real property is described as follows:

All that certain real property situate in the State of California, County of Stanislaus, Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 3 of the POMONA VILLA TRACT as per map filed December 16, 1904 in Volume 2 of Maps, Page 4, Stanislaus County Records, described as follows:

Commencing at the Southeastern corner of Lot 1 of the Pomona Villa Tract, said point being on the center line of Tokay Avenue; thence along the Southern line of Lots 1, 2 and 3 of the Pomona Villa Tract and the center line of Tokay Avenue, North 89° 36' 55" West, 694.63 feet, to the true point of beginning; thence continuing along the Southern line of Lot 3 and the center line of Tokay Avenue, North 89° 36' 55" West, 273.95 feet, to the Southwestern corner of Lot 3; thence along the Western Line of Lot 3, North 00° 48' West, 660.25 feet, to the Northwestern corner of Lot 3; thence

along the Northern line of Lot 3, South 89° 37' 50" East, 272.99 feet; thence South 00° 53' East, 660.35 feet, to the point of beginning.

EXCEPTING THEREFROM all that portion of a 14 foot strip of land conveyed by the Sylvan Union School District to Wolverine Building Service, Inc., by deed recorded August 25, 1960, in Volume 1631 of Official Records at Page 142.

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and the Sylvan Union School District of Stanislaus County, California, relating to the purchase of certain real property for municipal purposes, a copy of which is on file in the Office of the City Clerk of the City of Modesto, is hereby approved and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from the Sylvan Union School District of Stanislaus County, California, conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19 day of November, 1960, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Martin, VanderWall, Mayor
Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles, Spaulding

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

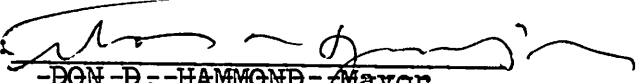
(SEAL)


Ord. No. 420-C.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 16 day of November, 1960, Councilman Adams moved its final adoption, which motion being duly seconded by Councilman Knoles, was upon roll call carried and the ordinance finally adopted by the following vote:

- AYES: Councilmen: Adams, Arata, Knoles, Martin, VanderWall, Mayor pro tempore Spaulding
- NOES: Councilmen: None
- ABSENT: Councilmen: Mayor Hammond

APPROVED: 
~~Don D. Hammond, Mayor~~
THOMAS M. SPAULDING, Mayor pro tempore

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 1, 1960

ORDINANCE NO. 421 -C.S.

AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (EAST ORANGE-BURG ADDITION)

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

SECTION 1. ZONING CHANGE. Section 21 of the Zoning Map is hereby amended to reclassify the following described property from General Commercial (Interim Zoning) Zone, C-2, to General Commercial Zone, C-2:

All that certain real property situate in the State of California, County of Stanislaus, Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and a portion of Lot 8 of the Coolidge Colony as per map filed November 15, 1910, Volume 5 of Maps, Page 17 Stanislaus County Records and Lot 13 of the Mensinger Colony as per map filed May 18, 1909, Volume 4 of Maps, Page 25, Stanislaus County Records and more particularly described as follows:

Beginning at the intersection of the center line of Orangeburg Avenue and the existing City Limits, said point being the Southeastern corner of the Granger Addition as per description filed December 4, 1953, Instrument 30044, Stanislaus County Records, also being the Northeastern corner of the North Central Addition as per description filed July 15, 1953, Instrument 17507, Stanislaus County Records; thence along the City Limits and the Eastern line of said Granger Addition, North $0^{\circ} 10'$ West, 330.00 feet to a point on the Westerly extension of the Northern line of Lot 8 of said Coolidge Colony; thence along the Westerly extension and the Northern line of said Lot 8, South $89^{\circ} 00'$ East, 685.04 feet to the Northeastern corner of said Lot 8; thence along the Eastern line of said Lot 8, South $0^{\circ} 10'$ East, 150.00 feet; thence North $89^{\circ} 00'$ West 110.00 feet; thence South $0^{\circ} 10'$ East 180.00 feet to the center line of East Orangeburg Avenue; thence North $89^{\circ} 00'$ West 105.00 feet along the center line of East Orangeburg Avenue; thence South $0^{\circ} 08' 30''$ East 330.07 feet to the Southern line of Lot 13, Mensinger Colony; thence along the Southern line of said Lot 13 and its Westerly extension North $89^{\circ} 00' 30''$ West 470.00 feet to a point on the Eastern line of said North Central Addition, said point also being on the City Limits; thence along the City Limits and the Eastern line of said North Central Addition, North $0^{\circ} 10'$ West, 330.38 feet to the point of beginning.

SECTION 2. ZONING CHANGE. Section 21 of the Zoning Map is hereby amended to reclassify the following described property from Multiple Family (Interim Zoning) Zone, R-3, to Multiple Family Zone, R-3:

All that certain real property situate in the State of California, County of Stanislaus, Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and a portion of Lot 8 of the Coolidge Colony as per map filed November 15, 1910, Volume 5 of Maps, Page 17 Stanislaus County Records and Lot 13 of the Mensinger Colony as per map filed May 18, 1909, Volume 4 of Maps, Page 25, Stanislaus County Records and more particularly described as follows:

Beginning at a point on the Southern line of Lot 13, Mensinger Colony, North 89° 00' 30" West, 470 feet measured from the intersection of the existing City Limits line and the Westerly extension of Lot 13; thence North 0° 10' West, 330.07 feet to the center line of East Orangeburg Avenue; thence along the center line of East Orangeburg Avenue South 89° 00' East, 105.57 feet; thence North 0° 10' West, 180.00 feet; thence South 89° 00' East, 110.00 feet; thence along the Eastern line of Lot 8, South 0° 10' East, 180.00 feet to the Southeastern corner of said Lot 8, Coolidge Colony, said point also being on the center line of East Orangeburg Avenue; thence along the center line of East Orangeburg Avenue, South 89° 00' East 0.66 feet; thence along the Eastern line of said Lot 13, South 0° 08' 30" East, 330.07 feet to the Southeastern corner thereof; thence along the Southern line of said Lot 13, North 89° 00' 30" West 215.57 feet to the point of beginning.

SECTION 3. ZONING MAP. Section Map 21 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

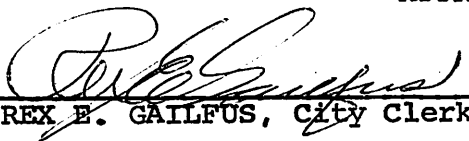
SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16 day of November, 1960, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Martin, VanderWall,
Mayor pro tempore Spaulding
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Hammond

APPROVED: 

~~DON D. HAMMONE~~ - Mayor
THOMAS M. SPAULDING, Mayor
pro tempore

ATTEST: 

REX E. GAILFUS, City Clerk


(SEAL)

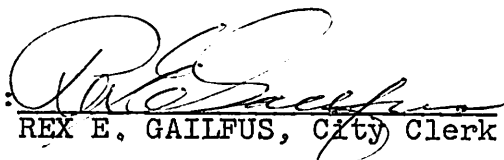
Ord, No. 421-C.S.

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 7 day of December, 1960, Councilman Knoles moved its final adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and the ordinance finally adopted by the following vote:

- AYES: Councilmen: Arata, Knoles, Spaulding, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Adams, Martin

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 22, 1960

Ordinance 421 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTIONS 3-1.202 THROUGH 3-1.222 INCLUSIVE OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 3-1.223 THROUGH 3-1.238 INCLUSIVE, PRESCRIBING REGULATIONS FOR FIRE PREVENTION AND LIFE SAFETY IN CONNECTION WITH HAZARDOUS MATERIALS AND PROCESSES, AND PRESCRIBING A PENALTY FOR VIOLATION THEREOF.

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

SECTION 1. AMENDMENT OF CODE. Section 3-1.202 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.202. FIRE PREVENTION CODE. That certain document, three (3) copies of which are on file in the office of the City Clerk of the City, being marked and designated "Fire Prevention Code", 1960 Edition, as recommended by the National Board of Fire Underwriters, together with Appendix A, B and C, which said Code prescribes regulations governing conditions hazardous to life and property from fire and explosion, as hereinafter amended, deleted and added to, is hereby adopted by reference as the Fire Prevention Code of the City of Modesto.

SECTION 2. AMENDMENT OF CODE. Section 3-1.203 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.203. ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION. (a) The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department

(b) The Chief of the Fire Department shall designate an officer or a 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.

(c) 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 regulations governing the personnel system of the City.

(d) A report of the Bureau of Fire Prevention shall be made annually and transmitted to the chief executive officer of the municipality; it shall contain all proceedings under this Code, with such statistics as the Chief of the Fire Department may wish to include therein; the Chief of the Fire Department shall also recommend any amendments to the Code which, in his judgment, shall be desirable.

SECTION 3. AMENDMENT OF CODE. Section 3-1.204 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby

amended to read as follows:

SEC. 3-1.204. MODIFICATIONS. The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Code, provided that the spirit of the Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Bureau of Fire Prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

SECTION 4. AMENDMENT OF CODE. Section 3-1.205 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.205. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. The Director of Public Works, the Chief of the Fire Department and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in said Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

SECTION 5. AMENDMENT OF CODE. Section 3-1.206 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.206. PERMITS. That Section 1.10 of said Fire Prevention Code be amended to read as follows:

Section 1.10. (a) A permit shall constitute permission to maintain, store or handle materials, or to conduct processes, which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permit shall be issued for a period not to exceed one year. It shall not be transferable, and any change in use or occupancy of premises shall require a new permit.

(b) Before a permit may be issued, the Chief of the Bureau of Fire Prevention, or his assistants, shall inspect and approve the receptacles, vehicles, buildings or storage places to be used. In cases where laws or regulations enforceable by departments other than the Bureau of Fire Prevention are applicable, joint approval shall be obtained from all departments concerned.

(c) All applications for a permit required by this Code shall be made to the Bureau of Fire Prevention in such form and detail as it shall prescribe. Applications for permits shall be accompanied by such plans as required by the Bureau of Fire Prevention.

(d) Permits shall at all times be kept on the premises designated therein, and shall at all times be subject to inspection by any officer of the Fire or Police Departments.

(e) One permit only shall be required by establishments dealing in, or using, two or more flammable, combustible or explosive materials to be kept in the establishment at any one time, but each of the materials shall be listed in the permit.

(f) A license shall be the authority issued by the City on approval of the Bureau of Fire Prevention, independently or jointly, in connection with any other municipal authority, for the conducting of a business, trade, occupation or calling.

SECTION 6. AMENDMENT OF CODE. Section 3-1.207 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.207. DUST COLLECTING SYSTEM. That Section 2.4 of said Fire Prevention Code be amended to read as follows:

Section 2.4. Buffing machines shall be located in a room separated from the remainder of the plant by construction having a fire resistance rating of not less than one hour, with each door opening protected by an approved self-closing fire door. Each machine shall be connected to an ample dust collecting system discharging to a suitable container which shall be kept reasonably clean at all times and which container shall be located outside of the building.

SECTION 7. AMENDMENT OF CODE. Section 3-1.208 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.208. LOCATION. That Section 3.3 of said Fire Prevention Code be amended to read as follows:

Section 3.3. No automobile wrecking yard, junk yard or waste material handling plant shall be located as to seriously expose adjoining or adjacent properties. Car bodies shall not be permitted to remain in or on alleys, streets or vacant lots.

SECTION 8. AMENDMENT OF CODE. Section 3-1.209 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.209. DRY CLEANING PLANTS. That Article 9 of said Fire Prevention Code, consisting of Section 9.1 through Section 9.18 inclusive, be deleted.

SECTION 9. AMENDMENT OF CODE. Section 3-1.210 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.210. MARKING OF EXIT WAYS. That subsection a. of Section 11.2 of said Fire Prevention Code be amended to read as follows:

(a) In rooms accommodating more than fifty (50) persons, all required exit doorways, including the main entrance, shall be plainly marked by approved exit signs, sufficiently illuminated when the floor area is occupied, to be readily distinguished.

SECTION 10. AMENDMENT OF CODE. Section 3-1.211 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.211. FIREWORKS. GENERAL PROVISIONS. That Section 13.1 of said Fire Prevention Code be amended to read as follows:

Section 13.1. (a) All of the provisions of Part 2 of Division 11 of the Health and Safety Code of the State of California as now existing or as hereafter amended, except as herein modified, insofar as the same apply to municipalities are hereby adopted and made a part of this Code as though fully set forth herein.

(b) No person, without securing a permit from the Fire Prevention Bureau, shall do any of the following:

- (1) Manufacture, import, export, possess or sell any fireworks at wholesale or retail for any use, including agricultural purposes or wild life control;
- (2) Discharge dangerous fireworks any place;
- (3) Make a public display of fireworks; or
- (4) Transport fireworks, except as a public carrier.

(c) Applications for a permit shall be made to the Chief of the Fire Prevention Bureau who shall have the power in his discretion to grant or deny the application, subject to such reasonable conditions, if any, as he shall prescribe.

SECTION 11. AMENDMENT OF CODE. Section 3-1.212 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.212. MANUFACTURE, SALE AND DISCHARGE OF FIREWORKS. That Section 13.2 of said Fire Prevention Code be amended to read as follows:

Section 13.2. (a) Display of fireworks for sale shall conform to one of the following:

- (1) Merchandise shall be displayed in approved glass counters; or
- (2) Merchandise shall be displayed on a table or counter in center of stand with no less than a three (3) foot aisle completely around said table or counter; or

(3) If merchandise is stored within three (3) feet of outside of stand and not in glass counter, such merchandise shall be separated from the outside of stand by a solid wall of fire resistive material. Said wall to extend to the top of the stand.

(b) All roof coverings or shades of fireworks stands shall be of fire resistive material.

(c) An egress door shall be provided for the stand.

(d) No smoking shall be permitted within the stand and "NO SMOKING" signs shall be conspicuously displayed.

(e) No heat producing devices shall be permitted within twenty (20) feet of the stand.

SECTION 12. AMENDMENT OF CODE. Section 3-1.213 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.213. FIREWORKS. That Section 13.3 through 13.6 inclusive, of Article 13 of said Fire Prevention Code, be deleted.

SECTION 13. AMENDMENT OF CODE. Section 3-1.214 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.214. LOCATION OF SPRAY FINISHING OPERATIONS. That Section 15.21 of said Fire Prevention Code be amended to read as follows:

Section 15.21. Spray finishing operations shall not be conducted in buildings used for assembly, educational, institutional or residential occupancies, except in a room designed for the purpose, protected with an approved system of automatic sprinklers and separated vertically and horizontally from other areas by construction having not less than two (2) hours fire resistance rating. No spraying operations shall be conducted below ground level.

SECTION 14. AMENDMENT OF CODE. Section 3-1.215 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.215. LOCATION OF DIP TANK OPERATIONS. That Section 15.32 of said Fire Prevention Code be amended to read as follows:

Section 15.32. Dip tank operations shall not be conducted in buildings used for assembly, educational, institutional or residential occupancies, except in a room designed for the purpose, protected with an approved system of automatic sprinklers and separated vertically and horizontally from other areas by construction having not less than two (2) hours fire resistance rating. No dip tank shall be located below ground level.

SECTION 15. AMENDMENT OF CODE. Section 3-1.216 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.216. FIRE EXTINGUISHING EQUIPMENT. That Section 15.38 of said Fire Prevention Code be amended to read as follows:

Section 15.38. (a) Areas in the vicinity of dip tanks shall be provided with manual fire extinguishers suitable for flammable liquid fires, as specified by the Chief of the Bureau of Fire Prevention.

(b) Dip tanks shall be protected with at least one of the following automatic extinguishing facilities:

- (1) Approved automatic water spray extinguishing system;
- (2) Approved automatic foam extinguishing system;
- (3) Approved automatic carbon dioxide system;
- (4) Dip tank covers conforming to Section 15.39.

SECTION 16. AMENDMENT OF CODE. Section 3-1.217 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.217. WARNING LABELS FOR CONTAINERS OF FLAMMABLE LIQUIDS WITH FLASH POINTS NOT IN EXCESS OF 150° F. That subsection a. of Section 16.15 of said Fire Prevention Code be amended to read as follows:

(a) All flammable liquids, flammable liquid compounds or flammable liquid mixtures, offered for sale at retail in containers, except as indicated in paragraph b of said Fire Prevention Code shall be conspicuously marked or labeled in easily legible type, which is in contrast by typography, layout or color with any other printed matter on the label, as required by the flash point classifications indicated below. The warning herein required may be incorporated with similar warnings of other hazards inherent in the product or may be printed on a separate label. No delivery of any Class I or Class II flammable liquids shall be made into portable containers unless the container is of sound metal construction, has a tight closure with screwed or spring cover and is fitted with a spout or so designed that the contents can be poured without spilling. For the purpose of this section flash point shall be by Tagliabue's open cup tester.

SECTION 17. AMENDMENT OF CODE. Section 3-1.218 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.218. HAZARDOUS COOKING, LIGHTING, AND HEATING. That Section 16.16 of said Fire Prevention Code be amended to read as follows:

Section 16.16. The use of gasoline stoves and other similar fuel burning appliances using highly flammable liquids for cooking, lighting, or heating is hereby prohibited in the City of Modesto.

SECTION 18. AMENDMENT OF CODE. Section 3-1.219 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.219. DISPENSING OF FLAMMABLE LIQUIDS. That Section 16.17 be added to said Fire Prevention Code to read as follows:

Section 16.17. Where dispensing of flammable liquids from tanks or drums is permitted inside a building, such dispensing shall be by approved pumps. Dispensing by gravity flow or by pressure shall not be permitted except that the Chief of the Fire Prevention Bureau may permit gravity flow on approved domestic type burners.

SECTION 19. AMENDMENT OF CODE. Section 3-1.220 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.220. RESTRICTED LOCATIONS. That subsection a. of Section 16.22 of said Fire Prevention Code be amended to read as follows:

Section 16.22. (a) Except as otherwise permitted in this Code, the storage of flammable liquids shall be outside buildings, in underground tanks or above ground tanks; except that the storage in tanks above ground and outside buildings is prohibited within the following limits: Fire Zones Nos. 1 and 2 as established by Section 3-1.201 of the Modesto Municipal Code, as now existing or as hereafter amended, any land near streams, rivers, canals, or other waterways which would carry burning liquid, or any land that may be below the flood stage of any waterway, any mercantile or congested district, or any district or area when, in the opinion of the Chief of the Fire Department, a hazard to other property would be involved. Provided that for existing tanks within such limits, which are properly safeguarded and do not involve a hazard to other property, a permit shall be granted.

SECTION 20. AMENDMENT OF CODE. Section 3-1.221 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.221. DIKES AND WALLS. That sub-subsection (4) of subsection g. of Section 16.22 of said Fire Prevention Code be amended to read as follows:

(g) (4) Provisions shall be made for draining rain water from diked areas. Such drains shall normally be kept closed and shall be so designed that when in use, they will not permit flammable liquids to enter natural water courses, public sewers, or public drains, if their presence would constitute a hazard. Where pumps control drainage from the diked area, they shall not be self-starting.

SECTION 21. AMENDMENT OF CODE. Section 3-1.222 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-1.222. INSTALLATION OF UNDERGROUND TANKS. That subsections c. and e. of Section 16.23 of said Fire Prevention Code be amended to read as follows:

(c) Location and Arrangement of Vents for Class I or II Liquids. Vent pipes from tanks storing Class I or Class II flammable liquids shall be so located that the discharge point is outside of buildings, higher than the fill pipe opening, and not less than twelve (12) feet above the adjacent ground level. Vent pipes shall discharge only upward or horizontally (not downward) in order to disperse vapors. Vent pipes two (2) inches or less in nominal inside diameter shall not be obstructed by devices that will reduce their capacity and thus cause excessive back pressure. Vent pipe outlets shall be so located that flammable vapors will not enter building openings, or be trapped under eaves or other obstructions. If the vent pipe is less than ten (10) feet in length or greater than two (2) inches in nominal inside diameter, the outlet shall be provided with a vacuum and pressure relief device or there shall be an approved flame arrester located in the vent line at the outlet or within the approved distance from the outlet. In no case shall a flame arrester be located more than fifteen (15) feet from the outlet end of the vent line. Each tank shall be separately vented.

(e) Size of Vents.

Capacity of Tank, Gallons	Diameter of Vent
0 to 500	1½ inch
501 to 3,000	1½ inch
3,001 to 10,000	2 inch
10,001 to 25,000	2½ inch
25,001 to 50,000	3 inch
50,001 to 100,000	3½ 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

SECTION 22. AMENDMENT OF CODE. Section 3-1.223 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.223. INSIDE OF BUILDINGS, CLASS I OR CLASS II LIQUIDS. That Section 16.24 of said Fire Prevention Code be amended to read as follows:

Section 16.24. (a) Class I or II Liquids. Tanks for storage of Class I and Class II flammable liquids shall not be installed inside or under buildings.

(b) Class III Liquids.

(1) Unenclosed tanks shall not be located within five (5) feet, horizontally, of any fire or flame.

(2) Tanks larger than sixty (60) gallons capacity shall not be located in buildings above the lowest story or basement, except in commercial or industrial establishments, or processing plants where storage on a higher floor is required by the process.

(3) Except as provided in Section 25.8 tanks exceeding sixty (60) gallons individual capacity or one hundred twenty (120) gallons aggregate capacity in an individual building or in a section of a building separated by fire walls shall be installed in an enclosure constructed as follows: The walls of the enclosure shall be constructed of reinforced concrete at least six (6) inches thick or of brick at least eight (8) inches thick. Such enclosures shall be installed only on concrete or other fire-resistive floors and shall be bonded to the floors. Enclosures shall have tops of reinforced concrete at least five (5) inches thick or equivalent fire-resistive construction, except that where floor or roof construction above the enclosure is concrete or other fire-resistive construction, the walls may be extended to and bonded to the underside of the construction above in lieu of the provision of a separate top. Any openings to such enclosures shall be provided with fire doors or other approved closures and six (6) inch noncombustible liquid tight sills or ramps. Provision shall be made for adequate ventilation of such enclosures prior to entering for inspection or repairs to tanks.

(4) In buildings of ordinary construction, the nominal gross capacity of tanks shall not exceed ten thousand (10,000) gallons. In fire-resistive buildings the nominal gross capacity of the tanks shall not exceed fifteen thousand (15,000) gallons. In any building, if in a fire-resistive or detached room cut off vertically and horizontally in an approved manner from other floors of the main building, the nominal gross capacity of tanks shall not exceed fifty thousand (50,000) gallons, with an individual tank capacity not exceeding twenty-five thousand (25,000) gallons.

(c) Vents and Other Openings. Vents, fill and discharge piping, fill openings and gauge openings shall be provided as required in Section 16.23 c through i.

(d) Support of Tanks in Buildings. Inside storage tanks shall be securely supported to prevent settling, sliding or lifting.

(e) Drainage of Tanks in Buildings. Inside storage tanks for Class III flammable liquids shall be provided

with draw-off or drain openings. Tanks shall be installed so that the bottom pitches to the draw-off or drain openings at a slope of not less than one-fourth (1/4) inch per foot of length. The draw-off or drain opening shall be provided with suitable connection to provide a sump from which water or sediment can be drained readily.

(f) Dispensing of Class I and II Flammable Liquids. No discharge system for dispensing Class I or II liquids shall have outlet inside any building unless in a special dispensing room in accordance with Section 16.24 g.

(g) Special Dispensing Rooms. Walls and ceiling shall have a fire resistance rating of not less than one hour; walls shall be continuous from floor to ceiling and shall be securely anchored.

Floors if of wood shall be protected with not less than two (2) inches of concrete.

Doors shall open to exterior of building.

SECTION 23. AMENDMENT OF CODE. Section 3-1.224 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.224. MANNER OF STORAGE AND LIMITATIONS. That subsection b. of Section 16.34 of said Fire Prevention Code be amended to read as follows:

(b) Within the limitations of Section 16.22 (a) the storage of flammable liquids in closed containers shall comply with the following occupancy schedule except that the Chief of the Bureau of Fire Prevention may impose a quantity limitation or require greater protection where, in his opinion, unusual hazard to life or property is involved, or he may authorize increase of these amounts where the type of construction, fire protection provided or other factors substantially reduce the hazard.

SECTION 24. AMENDMENT OF CODE. Section 3-1.225 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.225. STORAGE AND HANDLING. That Section 16.63 of said Fire Prevention Code be amended to read as follows:

Section 16.63. (a) General Provisions.

(1) Class I and Class II flammable liquids shall be stored in closed containers, or in tanks located underground.

(2) Class III flammable liquids shall be stored in containers, in tanks located underground or in tanks in special enclosures or as provided in Section 16.65 (b).

(3) Aboveground tanks, located in an adjoining bulk plant, may be connected by piping to service station underground tanks if, in addition to valves at above-ground tanks, a valve is also installed within control of service station personnel.

(4) The provisions of a (1) and a (2) of this section shall not prohibit the temporary use of portable or semi-portable tanks in conjunction with the dispensing of flammable liquids into the fuel tanks of motor vehicles or other motorized equipment on premises not normally accessible to the public. Such installations shall only be made with the approval of the Chief of the Bureau of Fire Prevention.

(b) Inside Buildings.

(1) No Class I flammable liquids shall be stored or handled within any service station building except packaged items, for example: cleaning fluid received and resold in unbroken metallic containers of not over one gallon capacity each, or in approved non-metallic containers of not more than one quart capacity each. Class II flammable liquids in closed containers may be stored inside the station building. A container equipped with an approved pump or an approved self-closing faucet shall be considered a closed container for purposes of storage only.

(2) No Class I or Class II flammable liquids shall be dispensed, or transferred from one container to another, inside of a service station building except flammable anti-freeze liquids. Such anti-freeze may be dispensed in rooms of a service station building provided such rooms have approved heating devices and there is no open flame in such room lower than eight (8) feet above floor level. Service station areas other than lubritoriums or rooms in which flammable liquids are transferred or dispensed may be heated in any conventional manner.

(3) Class III liquids may be stored and dispensed inside service station buildings from approved containers of not more than one hundred twenty (120) gallons capacity each.

(c) Labeling. No sale or purchase of any Class I, II or III flammable liquids shall be made in containers unless such containers are clearly marked with the name of the product contained therein.

(d) Dispensing Container. No delivery of any Class I or II flammable liquids shall be made into portable containers of five (5) gallons capacity or less unless the container is of sound metal construction, has a tight closure with screwed or spring cover and is fitted with a spout or so designed that the contents can be poured without spilling.

SECTION 25. AMENDMENT OF CODE. Section 3-1.226 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.226. DISPENSING. That subsection b. of Section 16.73 of said Fire Prevention Code be amended to read as follows:

(b) Class I or Class II flammable liquids shall not be drawn from or dispensed into vessels or containers within a building except by means of an approved pump

drawing from top of the tank or the container. Gravity discharge within a building of Class I or Class II flammable liquids from tanks, drums, or containers other than safety cans, is forbidden, except where the nature of the manufacturing process requires gravity flow. Upon approval of the Chief of the Bureau of Fire Prevention such gravity flow shall be permitted only from vessels storing flammable liquids sufficient for not more than one day's operation.

SECTION 26. AMENDMENT OF CODE. Section 3-1.227 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.227. OPERATION OF TANK VEHICLES. That Section 16.1012 of said Fire Prevention Code be amended to add subsection h. thereto to read as follows:

(h) The tank vehicle shall be on the filling station land while being unloaded, never on the street. While unloading it shall not be endangered by other traffic in the filling station area.

SECTION 27. AMENDMENT OF CODE. Section 3-1.228 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.228. PERMIT REQUIRED. That Section 20.3 of said Fire Prevention Code be amended to add subsection c. thereto to read as follows:

(c) When in the opinion of the Chief of the Bureau of Fire Prevention, the storage or use of hazardous chemicals creates an undue hazard to life or property, the permit for such storage or use shall be denied.

SECTION 28. AMENDMENT OF CODE. Section 3-1.229 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.229. LIQUEFIED PETROLEUM GASES. That Article 21 of said Fire Prevention Code be amended to read as follows:

ARTICLE 21

Section 21.1. Scope. This article shall apply to all storage and handling of liquefied petroleum gas and the installation of all equipment pertinent to systems for such uses.

Section 21.2. Liquefied Petroleum Gases. Any person, firm or corporation keeping, storing or maintaining butane or other liquefied petroleum gases in quantities greater than ten (10) gallons (water capacity) is hereby prohibited from keeping the same in any portion of the city limits of the City of Modesto, save and except within the boundaries of the hereinafter described property:

Beginning at a point at the intersection of the center lines of 9th Street and B Street; thence northeasterly along the said center line of B Street, and the said center line of B Street, extended and produced to its intersection with the westerly property line of Morton Boulevard, extended and produced; thence southerly along the said westerly property line of Morton Boulevard, extended and produced, and the said westerly property line of Morton Boulevard, to its intersection with the southerly property line of the said Morton Boulevard, extended and produced; thence easterly along the said southerly property line of Morton Boulevard, extended and produced to its intersection with the center line of Beard Brook; thence southeasterly along the said center line of Beard Brook, to its intersection with a line which is extended and produced from a line which is 500 feet southerly from, and parallel with the said southerly property line of Morton Boulevard; thence westerly along the said line which is extended and produced from the line which is 500 feet southerly from and parallel with the said southerly property line of Morton Boulevard, and continuing along the said line which is 500 feet southerly from and parallel with the said southerly property line of Morton Boulevard, to the center line of the Southern Pacific Railroad main line track, which is located northeasterly from the northeasterly property line of 7th Street; thence northwesterly along the said center line of the Southern Pacific Railroad main line track to its intersection with the southeasterly property line of E Street, extended and produced; thence northeasterly along said southeasterly property line of E Street, extended and produced, to a point which is 175 feet southwestly from the southwestly property line of 9th Street; thence southeasterly along a line which is 175 feet southwestly from and parallel with the said southwestly 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 21.3. Definition. Liquefied petroleum gases shall mean any material which is composed of petroleum hydrocarbons or mixtures thereof such as Butane, Propane, Propylene, etc.

Section 21.4. Permits and Records of Installation.

(a) No person shall engage in the business of installing liquefied petroleum or other type of compressed gas systems or equipment used in connection with such systems without first securing a permit from the Bureau of Fire Prevention.

(b) An application for a permit accompanied by plans shall be made to the Bureau of Fire Prevention for all systems connected to liquefied petroleum or other compressed gas storage containers.

(c) No person shall sell, offer for sale, install, or cause to be installed any liquefied petroleum gases or equipment, without first having secured a permit from the Bureau of Fire Prevention.

Section 21.5. Other Requirements.

(a) No liquefied petroleum gases shall be removed from the area designated in Section 21.2 by piping or other similar devices.

(b) The storage, handling and sale of liquefied petroleum gases and equipment where not covered by this code and wherever applicable shall be in accordance with the Standards as set forth by the National Board of Fire Underwriters and the Liquefied Petroleum Safety Orders as issued by the Division of Industrial Safety, California Department of Industrial Relations as now existing or as hereafter amended.

Section 21.6. Limitation. The use of stoves and other similar fuel burning appliances using liquefied petroleum gases for cooking, lighting, or heating is prohibited in the City of Modesto.

Section 21.7. Parking and Garaging. The parking and garaging of tank vehicles used for the transportation of liquefied petroleum gases shall be in accordance with Section 16.1016.

SECTION 29. AMENDMENT OF CODE. Section 3-1.230 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.230. OPERATIONAL FIRE HAZARDS IN LUMBER YARDS. That subsection a. of Section 22.3 of said Fire Prevention Code be amended to read as follows:

(a) The burning of shavings, sawdust and refuse materials shall be permitted only under boilers, in furnaces, or in incinerators or refuse burners safely constructed and located. Stacks shall be provided with approved spark arresters having openings not greater than one-fourth ($\frac{1}{4}$) inch, or other effective means provided which will eliminate the danger from sparks, such as an expansion chamber, baffle walls, or other effective arrangement. At boiler or other points where sawdust or shavings are used as fuel, a storage bin of noncombustible construction with raised sill, shall be provided.

SECTION 30. AMENDMENT OF CODE. Section 3-1.231 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.231. DESIGN, CONSTRUCTION AND INSTALLATION OF FUEL OIL TANKS. That subsection c. of Section 25.8 of said Fire Prevention Code be amended to read as follows:

(c) An unenclosed inside fuel oil supply tank shall have a capacity of not more than sixty (60) gallons. Not more than two (2) such tanks shall be connected to one oil burning appliance and the aggregate capacity of such tanks installed in the lowest story, cellar or basement of a building shall not exceed one hundred twenty (120) gallons unless separation is provided for each one hundred

twenty (120) gallons aggregate capacity. Such separation shall consist of an unpierced masonry wall or partition extending from the lowest floor to the ceiling above the tanks and having a fire resistive rating of not less than two (2) hours.

SECTION 31. AMENDMENT OF CODE. Section 3-1.232 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.232. PERMIT REQUIRED. That subsection b. of Section 27.1 of said Fire Prevention Code be amended to read as follows:

(b) "Place of Assembly" shall mean a room or space used for assembly or educational occupancy for fifty (50) or more occupants or which has a floor area of one thousand five hundred (1,500) square feet or more used for such purposes. Such room or space shall include any similarly occupied connecting room or space in the same story, or in a story or stories above or below, where entrance is common to the rooms or spaces.

SECTION 32. AMENDMENT OF CODE. Section 3-1.233 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.233. AISLES. That Section 27.6 of said Fire Prevention Code be amended to read as follows:

Section 27.6. In each room where chairs, or tables and chairs, are used, the arrangement shall be such as will provide for ready access by aisles to each exit doorway. Aisles leading directly to exit doorways shall have not less than thirty-six (36) inches clear width which shall not be obstructed by chairs, tables or other objects, such as people standing or sitting in aisles.

SECTION 33. AMENDMENT OF CODE. Section 3-1.234 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.234. BONFIRES AND OUTDOOR RUBBISH FIRES. That Section 28.1 of said Fire Prevention Code be amended to read as follows:

Section 28.1. (a) Permit Required. No person shall kindle or maintain any bonfire or rubbish fire or authorize any such fire to be kindled or maintained on or in any public street, alley, road or other public ground without a permit from the Modesto Fire Department. During construction or demolition of buildings or structures no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity without having obtained a permit from the Modesto Fire Department.

(b) Burning Restrictions. No person shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any private land without

first having obtained a permit from the Modesto Fire Department. Nor shall any fire be kindled or maintained in any outdoor container unless such container has been approved by and a permit issued by the Modesto Fire Department. The burning of garbage or refuse that smolders or gives off noxious odors is prohibited.

(c) Chief May Prohibit. The Chief of the Fire Department may prohibit any or all bonfires and outdoor rubbish fires when atmospheric conditions or local circumstances make such fires hazardous.

SECTION 34. AMENDMENT OF CODE. Section 3-1.235 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.235. REMOVAL OF UNDERGROUND OR ABOVEGROUND FLAMMABLE LIQUID TANKS. That Section 28.13 be added to said Fire Prevention Code to read as follows:

Section 28.13. (a) When in the opinion of the Chief of the Bureau of Fire Prevention, any underground or aboveground tank has not been used for a period of ninety (90) consecutive days, said tank may be considered abandoned.

(b) All abandoned tanks shall be removed from the premises. Said tanks shall be removed in an approved manner.

(c) No abandoned tank shall be stored within the City of Modesto without a permit from the Chief of the Bureau of Fire Prevention.

SECTION 35. AMENDMENT OF CODE. Section 3-1.236 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.236. Permit Required for Welding or Cutting. That Section 30.2 of said Fire Prevention Code be amended to add subsection f. thereto to read as follows:

(f) Acetylene or other gas cylinders and the attendant oxygen cylinders used for welding or cutting shall be fastened in place or shall be attached to a suitable carrier provided with wheels and handles for easy transportation.

SECTION 36. AMENDMENT OF CODE. Section 3-1.237 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.237. GAS WELDING AND CUTTING. That subsection f. of Section 30.5 of said Fire Prevention Code be amended to read as follows:

(f) Cylinders permitted inside of buildings shall be stored at least twenty (20) feet from highly combustible materials and in locations where they are not subject to excessive rise in temperature, physical

damage or tampering by unauthorized persons. Empty cylinders shall have their valves closed in storage and when shipped. All cylinders when in storage shall be fastened in such manner as to prevent their tipping or falling.

SECTION 37. AMENDMENT OF CODE. Section 3-1.238 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.238. PENALTIES. (a) Any person who shall violate any of the provisions of this Article or of the Fire Prevention Code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans permitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable by a fine of not more than One Thousand and no/100ths (\$1,000.00) Dollars or by imprisonment for not more than one year or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

SECTION 38. 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 39. SAVINGS. The provisions of this ordinance shall not affect any proceeding, suit, or prosecution heretofore or hereafter commenced under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance. No offense committed and no liability, penalty, or forfeiture, either civilly or criminally incurred under the provisions of the Municipal Code as they existed prior to the effective date of this ordinance, shall be discharged or affected by the adoption of this ordinance; but prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted or proceeded with in all respects as if this ordinance had not been adopted.

SECTION 40. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of December, 1960, by Councilman Spaulding, who moved its introduction and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Arata, Knoles, Spaulding, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Adams, Martin

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord, No. 422-C.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 14 day of December, 1960, Councilman Knoles 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: Adams, Arata, Knoles, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Martin, Spaulding

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 29, 1960

AN ORDINANCE AMENDING SECTION 3-3.02 OF CHAPTER 3 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO BICYCLES.

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

SECTION 1. AMENDMENT OF CODE. Section 3-3.02 of Chapter 3 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-3.02. PERIOD FOR WHICH LICENSE IS EFFECTIVE AND WHERE OPERATION IS PERMISSIBLE. The Police Department is hereby authorized and directed to issue, upon written application, bicycle licenses which shall be issued for the calendar year, commencing on the first day of January of each calendar year and ending on the thirty-first day of December of said calendar year. Said licenses must be procured on or before the first day of February of each and every year. Said licenses when issued, shall entitle the licensee to operate such bicycle, for which said license has been issued upon all the streets, alleys and public highways, exclusive of any sidewalk area in any business district as defined by the California Vehicle Code.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7 day of December, 1960, by Councilman Knoles, 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: Arata, Knoles, Spaulding, VanderWall,
NOES: Councilmen: ^{Mayor} Hammond
ABSENT: Councilmen: Adams, Martin

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ord, No. 423-C.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 14 day of December, 1960, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Knoles, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, VanderWall, Mayor
Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Martin, Spaulding

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 29, 1960

ORDINANCE NO. 424-C.S.

AN ORDINANCE ADDING CHAPTER 6 ENTITLED "PEACE OFFICER STANDARDS AND TRAINING" TO TITLE II OF THE MODESTO MUNICIPAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 6 entitled "Peace Officer Standards and Training" is hereby added to Title II of the Modesto Municipal Code to read as follows:

CHAPTER 6 - PEACE OFFICER STANDARDS AND TRAINING

SEC. 2-6.01. QUALIFICATION FOR STATE AID. The City of Modesto declares that it desires to qualify to receive aid from the State of California under the provisions of Chapter 1 of Title 4, Part 4 of the California Penal Code.

SEC. 2-6.02. STANDARDS FOR RECRUITMENT AND TRAINING. Pursuant to Section 13522 of said Chapter 1, the City of Modesto while receiving aid from the State of California pursuant to said Chapter 1 will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of December, 1960, by Councilman Arata who moved its introduction and passage to print, which motion being duly

seconded by Councilman Vander Wall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Arata, Knoles, Spaulding, Vander Wall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Adams, Martin

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GALFUS, City Clerk

(SEAL)

Ord. No. 424-C.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 14 day of December, 1960, Councilman Adams moved its final adoption, which motion being duly seconded by Councilman Knoles, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, VanderWall, Mayor
Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Martin, Spaulding

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 29, 1960

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
THE CORNWELL ADDITION TO THE CITY OF
MODESTO.

*Part and
order*

WHEREAS, a petition was filed with the City Clerk by
Arthur A. Cornwell, Mrs. Evelyn P. Cornwell, Mrs. A. T. Dooley
and Mrs. Winnie Kidd
on October 5, 1960, to annex to the City of Modesto
under the provisions of the Annexation of Uninhabited Territory Act
of 1939, as amended, certain uninhabited territory, hereinafter
described and designated as the CORNWELL
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
2nd day of November, 1960, set said petition for
hearing at the hour of 8:00 o'clock p.m. on the 14th day of
December, 1960, in the Council Chambers at the
City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
finds that a copy of the resolution giving notice of the proposed
annexation and fixing the time and place for hearing objections to
the proposed annexation was published in newspapers of general cir-
culation to wit: The Modesto Bee, a newspaper
published in the City of Modesto on November 15, 1960,
and on November 22, 1960; and in the Turlock Daily
Journal, a newspaper published outside the City of Modesto, but in
the County of Stanislaus, on November 15, 1960,
and on November 22, 1960, 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 terri-
tory proposed to be annexed was assessed on the last equalized
assessment roll available on the date the proceedings were initiated,

at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 14th day of December, 1960, at the hour of 8:00 o'clock p.m., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

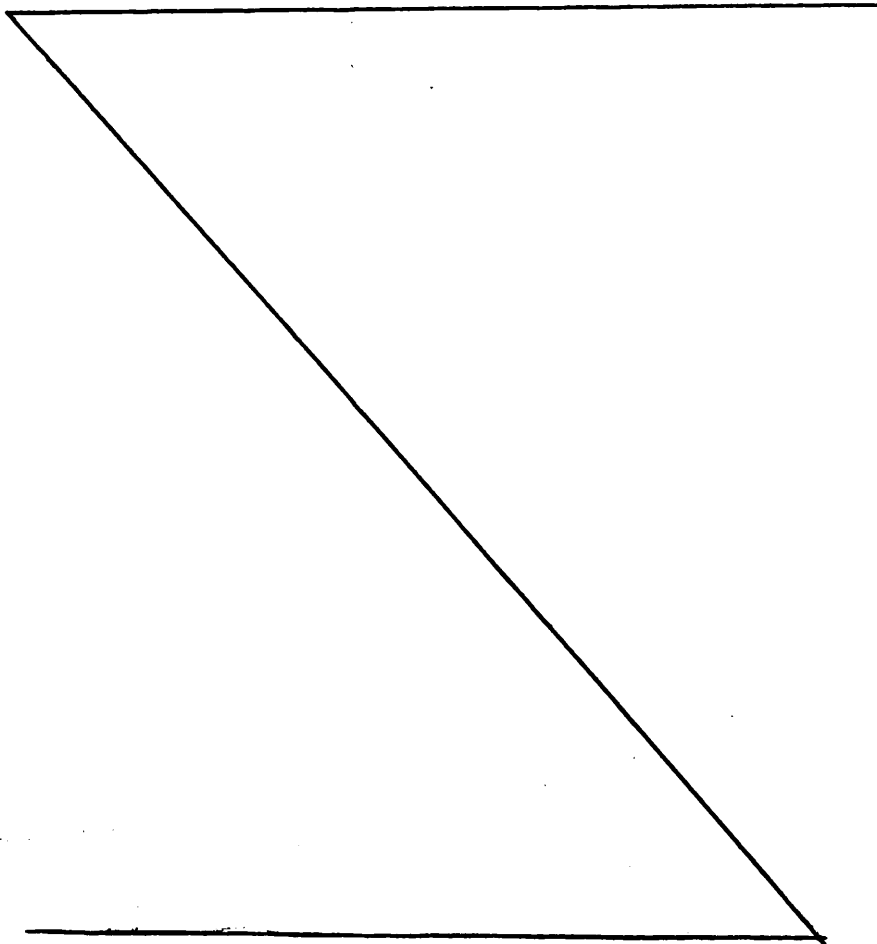
NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

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

SECTION 2. The area or territory so annexed, designated the CORNWELL ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that certain real property situate in the State of California, County of Stanislaus, Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being the South half of Lot 7 and all of Lot 8 of the Knapp Tract as per map filed November 16, 1904, in Volume 2 of Maps, Page 2, Stanislaus County Records, also the East 20.00 feet of the South half of the Southeast quarter of the Northeast quarter of Section 13, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, more particularly described as follows:

Beginning at a point on the existing City Limits as established by the Park Manor Addition as per description filed June 2, 1960, as Instrument 15668, Stanislaus County Records, said point being the intersection of the Western line of a 40 foot Public Road known as Carver Road and the Northern line of said Park Manor Addition; thence along the Northern line of said Park Manor Addition, North 89° West, 2660.00 feet to a point on the Western line of a 40 foot Public Road known as Prescott Road; thence continuing along the City Limits and the Western line of Prescott Road, North 0° 15' West, 660.00 feet to a point on the Westerly extension of the Northern line of the property conveyed to Winnie Kidd and Irma Dooley as per deed recorded April 17, 1936, as Instrument 4832, Stanislaus County Records; thence along the Northern line and its Westerly extension of said Winnie Kidd and Irma Dooley property, South 89° East, 1340.00 feet, to a point on the Western line of the property conveyed to A. A. Cornwell, et ux, as per deeds recorded September 14, 1929, as Instrument 11770 and 11774, Stanislaus County Records; thence along the Western line of said Cornwell property, North 0° 15' West, 660.00 feet, to the Northwestern corner of said Cornwell property; thence along the Northern line of said Cornwell property, South 89° East, 1320.00 feet to the Northeastern corner of said Cornwell property and the Western line of Carver Road; thence along the Eastern line of said Cornwell property and the Western line of Carver Road, South 0° 15' East, 1320.00 feet, to the point of beginning, containing 60.30 Acres, more or less.



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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14 day of December, 19 60, by Councilman Knoles, who moved its adoption 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: Adams, Arata, Knoles, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Martin, Spaulding

APPROVED


DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
THE EL VECINO ADDITION TO THE CITY OF
MODESTO.

WHEREAS, a petition was filed with the City Clerk by
Arthur J. Wylie, Florence E. Wylie and Wolverine Building
Service, Inc.
on September 28, 1960, to annex to the City of Modesto
under the provisions of the Annexation of Uninhabited Territory Act
of 1939, as amended, certain uninhabited territory, hereinafter
described and designated as the EL VECINO
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
2nd day of November, 1960, set said petition for
hearing at the hour of 8:05 o'clock p.m. on the 14th day of
December, 1960, in the Council Chambers at the
City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
finds that a copy of the resolution giving notice of the proposed
annexation and fixing the time and place for hearing objections to
the proposed annexation was published in newspapers of general cir-
culation to wit: The Modesto Bee, a newspaper
published in the City of Modesto on November 15, 1960,
and on November 22 1960; and in the Turlock Daily
Journal, a newspaper published outside the City of Modesto, but in
the County of Stanislaus, on November 15, 1960,
and on November 22, 1960, 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 terri-
tory proposed to be annexed was assessed on the last equalized
assessment roll available on the date the proceedings were initiated,

at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 14th day of December, 1960, at the hour of 8:05 o'clock p.m., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

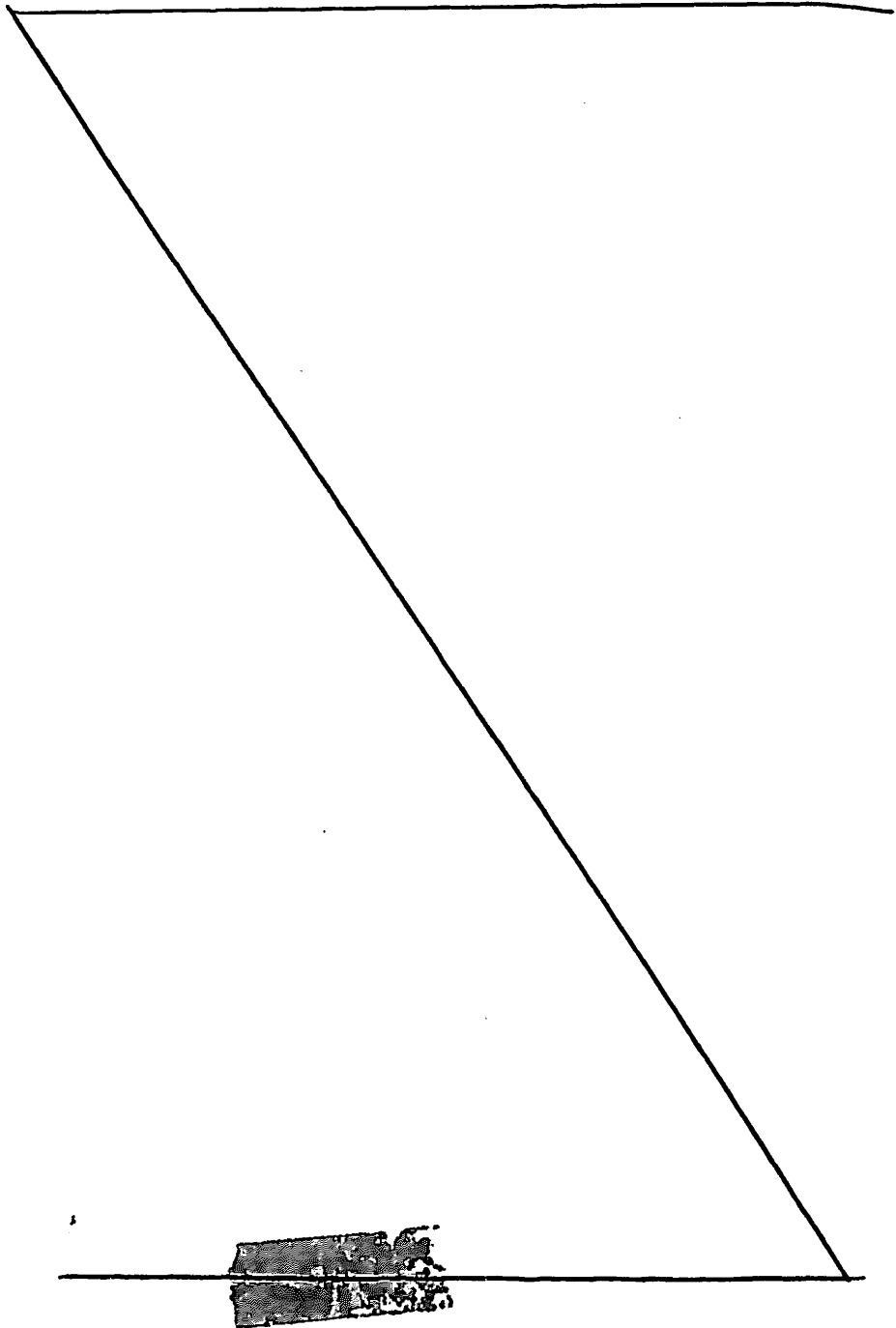
NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

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

SECTION 2. The area or territory so annexed, designated the EL VECINO ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that certain real property in the State of California, County of Stanislaus, Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 31, of the MENSINGER COLONY as per map filed May 18, 1909, in Volume 4 of Maps, Page 25, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits, said point being the Northeastern corner of the Yorkshire Addition to the City of Modesto, as per description filed March 11, 1959 as instrument 6961, Stanislaus County Records, said point also being the Southeastern corner of the property conveyed to the Wolverine Building Service Incorporated, et al, by deed recorded July 5, 1960, as instrument 18811, in Volume 1621, Page 574, Stanislaus County Records; thence along the existing City Limits, North $89^{\circ} 35' 30''$ West, 529.90 feet, to the Western line of said Wolverine property; thence along said Western line, North $00^{\circ} 39' 30''$ West, 198.00 feet, to the Southern line of the El Vecino Gardens Subdivision as per map filed May 8, 1951, in Volume 17 of Maps, Page 21, Stanislaus County Records; thence along the Southern line of the El Vecino Gardens Subdivision, South $89^{\circ} 35' 30''$ East, 529.87 feet to the Eastern line of said Wolverine property; thence along said Eastern line, South $00^{\circ} 40'$ East, 198.00 feet, to the point of beginning, containing 2.41 acres, more or less.



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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 14 day of December, 1960, by Councilman VanderWall, who moved its adoption 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: Adams, Arata, Knoles, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Martin, Spaulding

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
THE TUTTLE ADDITION TO THE CITY OF
MODESTO.

WHEREAS, a petition was filed with the City Clerk by
William P. Tuttle

on October 11, 1960, to annex to the City of Modesto
under the provisions of the Annexation of Uninhabited Territory Act
of 1939, as amended, certain uninhabited territory, hereinafter
described and designated as the TUTTLE
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
9th day of November, 1960, set said petition for
hearing at the hour of 4:30 o'clock p.m. on the 21st day of
December, 1960, in the Council Chambers at the
City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
finds that a copy of the resolution giving notice of the proposed
annexation and fixing the time and place for hearing objections to
the proposed annexation was published in newspapers of general cir-
culation to wit: The Modesto Bee, a newspaper
published in the City of Modesto on November 18, 1960,
and on November 25 1960; and in the Turlock Daily
Journal, a newspaper published outside the City of Modesto, but in
the County of Stanislaus, on November 22, 1960,
and on November 29, 1960, 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 terri-
tory proposed to be annexed was assessed on the last equalized
assessment roll available on the date the proceedings were initiated,

at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 21st day of December, 1960, at the hour of 4:30 o'clock p.m., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

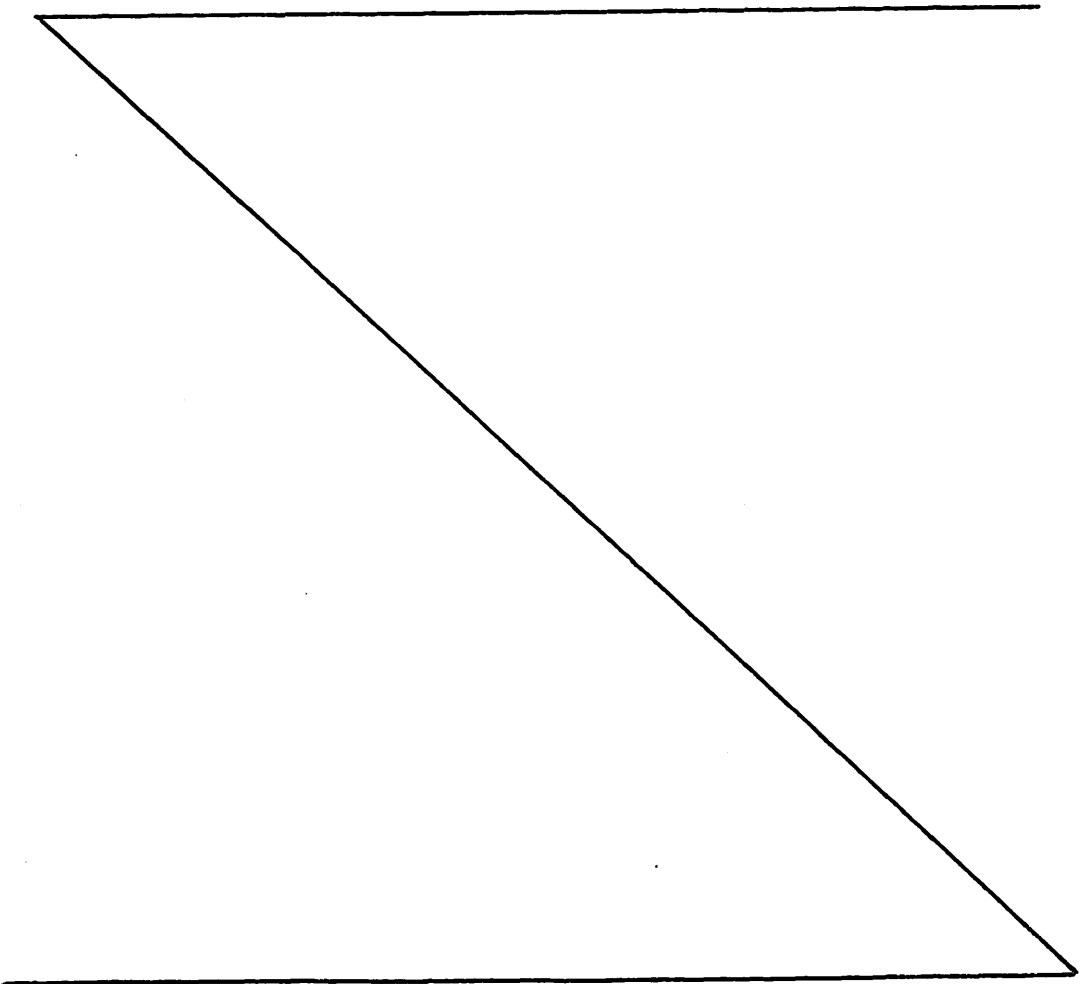
NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

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

SECTION 2. The area or territory so annexed, designated the TUTTLE ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that certain real property situate in the State of California, County of Stanislaus, Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Beginning at a point on the existing City Limits as established by the Maze Court Addition as per description recorded October 9, 1951, as Instrument 23639, Stanislaus County Records, said point being the intersection of the center line of Maze Boulevard and the Eastern line of Modesto Irrigation District Lateral No. 5; thence along the Southern line of said Maze Court Addition and center line of Maze Boulevard North $89^{\circ} 40'$ East, 136.68 feet to the Northerly extension of the Western line of Spencer Avenue; thence along the Western line of Spencer Avenue and its Northerly extension, South, 169.26 feet to the Southern line of the property conveyed to William P. Tuttle as per deed recorded March 3, 1960, as Instrument 6252, Stanislaus County Records; thence along the Southern line of said Tuttle property, South $88^{\circ} 40'$ West, 276.71 feet to a point on the existing City Limits as established by the Mark Twain Addition as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records, said point also being on the center line of the Modesto Irrigation District Lateral No. 5; thence along the existing City Limits and Eastern line of said Mark Twain Addition North $25^{\circ} 43' 44''$ East, 160.79 feet to the Southern line of Maze Boulevard; thence continuing along the existing City Limits and Southern line of Maze Boulevard North $89^{\circ} 40'$ East, 55.66 feet to the Eastern line of Modesto Irrigation District Lateral No. 5; thence continuing along the existing City Limits and Eastern line of Modesto Irrigation District Lateral No. 5, North $25^{\circ} 43' 42''$ East, 33.40 feet to the point of beginning, containing 0.88 acres more or less.



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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21 day of December, 1960, by Councilman Spaulding, who moved its adoption and passage to print, which motion being duly seconded by Councilman Knoles, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Martin, Spaulding,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE AMENDING SECTIONS 11-1.05 AND 11-1.07 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE, RELATING TO WATER RATES AND REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 11-1.05 of Chapter 1 of Title XI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 11-1.05. METERED SERVICES REQUIRED. (a) All consumers outside the City limits shall have meters installed and shall pay the rates therefor as specified in this Chapter for services within the corporate City limits.

(b) All hotels, lodging houses, apartments, duplex houses, camp grounds, office buildings, eating houses, commercial establishments, industrial plants, theatres, hospitals, laundries, dance halls, warehouses, bus stations, milk plants, manufacturing establishments, service stations, wash racks, cooling systems, 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 specified in Section 11-1.06 of this Chapter.

(c) All buildings of any kind whatsoever, whether industrial, commercial, or residential, heretofore or hereafter equipped with water using heat pumps or refrigeration units shall be equipped with meters and shall be charged for water on the metered rate as specified in Section 11-1.06 of this Chapter.

(d) Each swimming pool and bathing pool heretofore or hereafter constructed shall be metered except those located on residential property and equipped with a filtering system meeting the standards approved by the Director of Public Works; provided, further, that every swimming pool and bathing pool heretofore or hereafter constructed which is used commercially or by a closed membership association or corporation shall be metered. The connection fee and water rates for pools required to be metered shall be as provided for other metered connections.

SECTION 2. AMENDMENT OF CODE. Section 11-1.07 of Chapter 1 of Title XI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 11-1.07. CHARGES FOR FLAT RATE SERVICES. Each dwelling unit shall be considered as a separate service. Water will be delivered to dwelling houses other than dwellings equipped with water using heat pumps or refrigeration units 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	9.00
17,501 to 21,000 square feet	10.50
For each 3,500 square feet, or fraction thereof, over 21,000	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 (10) days	Bi-monthly rate
Next fifteen (15) days	3/4 bi-monthly rate
Next fifteen (15) days	1/2 bi-monthly rate
Next fifteen (15) 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 (1) year in advance.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28 day of December, 1960, by Councilman Knoles, who moved its introduction and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Martin, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Spaulding

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

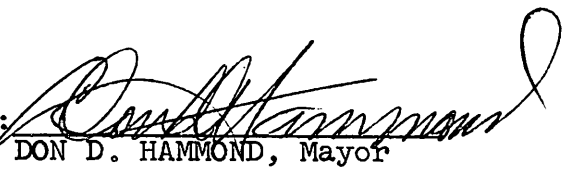
Ord, No. 428-C.S.

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 4th day of January, 1961, Councilman Spaulding 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: Arata, Knoles, Martin, Spaulding, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Adams

APPROVED:



DON D. HAMMOND, Mayor

ATTEST:



REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 19, 1961

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
THE KIRKPATRICK ADDITION TO THE CITY OF
MODESTO.

WHEREAS, a petition was filed with the City Clerk by
T. L. Reedy, Alice M. Reedy, John H. Kirkpatrick and Dolores
Kirkpatrick, Alfons Pfeifer, Wally Pfeifer
on November 9, 1960, to annex to the City of Modesto
under the provisions of the Annexation of Uninhabited Territory Act
of 1939, as amended, certain uninhabited territory, hereinafter
described and designated as the KIRKPATRICK
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
23rd day of November, 1960, set said petition for
hearing at the hour of 4:30 o'clock p.m. on the 4th day of
January, 1961, in the Council Chambers at the
City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
finds that a copy of the resolution giving notice of the proposed
annexation and fixing the time and place for hearing objections to
the proposed annexation was published in newspapers of general cir-
culation to wit: The Modesto Bee, a newspaper
published in the City of Modesto on December 7, 1960,
and on December 14, 1960; and in the Turlock Daily
Journal, a newspaper published outside the City of Modesto, but in
the County of Stanislaus, on December 7, 1960,
and on December 14, 1960, 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 terri-
tory proposed to be annexed was assessed on the last equalized
assessment roll available on the date the proceedings were initiated,

at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 4th day of January, 1961, at the hour of 4:30 o'clock p.m., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

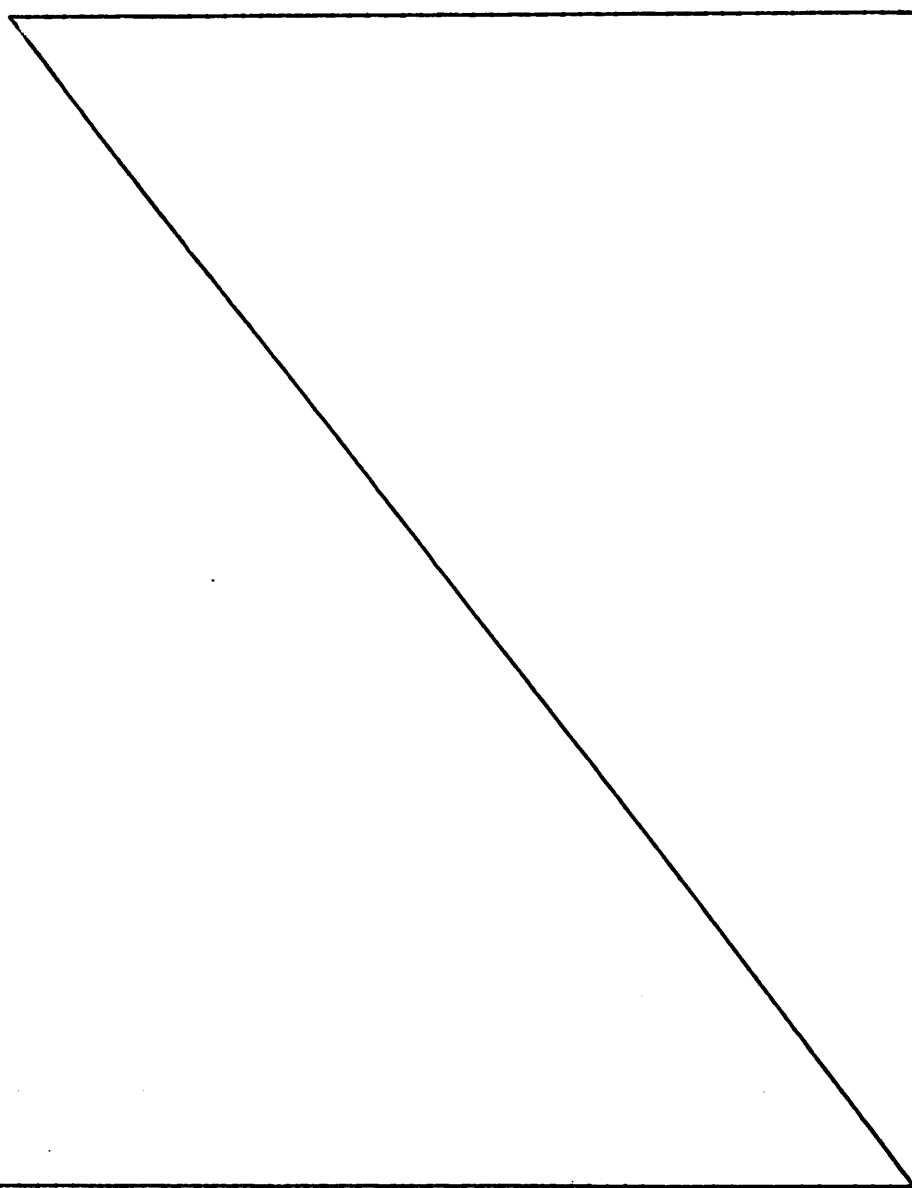
NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

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

SECTION 2. The area or territory so annexed, designated the KIRKPATRICK ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that certain real property situate in the State of California, County of Stanislaus, Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 15 and 16 of the Coffee Colony as per map filed June 13, 1906, in Volume 2 of Maps, Page 22, Stanislaus County Records, described as follows:

Beginning at a point on the existing city limits as established by the Northeast Addition as per description filed January 31, 1958, as Instrument 2427, Stanislaus County Records, said point being the intersection of the Western line of Lot 15 of the Coffee Colony and the Southern line of a 40 foot public road known as Floyd Avenue; thence along the Southern line of Floyd Avenue, South $89^{\circ} 27' 17''$ East, 660.37 feet to the Eastern line of Lot 16 of the Coffee Colony, said point being on the existing city limits; thence along the city limits and the Eastern line of Lot 16 of the Coffee Colony, South $0^{\circ} 45' 10''$ East, 1299.41 feet to the Southeastern corner of Lot 16 of Coffee Colony; thence continuing along the city limits and the Southern line of Lot 16 and 15, North $89^{\circ} 30''$ West, 661.55 feet to the Southwestern corner of Lot 15 of Coffee Colony; thence continuing along the city limits and the Western line of Lot 15 of the Coffee Colony North $0^{\circ} 42'$ West, 1299.91 feet to the point of beginning, containing 19.717 acres more or less.



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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4 day of January, 19 61, by Councilman Arata, who moved its adoption and passage to print, which motion being duly seconded by Councilman Knoles, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Martin, Spaulding,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE AMENDING SECTION 5-6.206 OF ARTICLE 2 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE, ADDING SECTION 11-1.08.1 TO CHAPTER 1 OF TITLE XI, AND AMENDING SECTION 11-1.11 THEREOF RELATING TO WATER AND SEWER SERVICE CHARGES FOR CHURCHES AND PARSONAGES.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.206 of Article 2 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.206. SEWER SERVICE CHARGES, RATE SCHEDULES. All users of the sewer system shall pay to the City 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 subsections (a), (b), (c) and (d) of Section 5-6.102, Article 1 of this chapter.

(b) Residential User, Outside City: Charges for residential users, outside City, shall be Four and no/100ths (\$4.00) Dollars per month, per dwelling unit, payable bi-monthly.

(c) Commercial User, Inside City:

(1) Charges for all commercial users, inside City, connected to the sewer system, shall be sixty-five (65%) 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 sixty-five (65%) per cent of the charge which would be made were such water from City facilities, but in no event shall said charge be less than a bi-monthly rate of Three and no/100ths (\$3.00) Dollars.

(2) Charges for all commercial users, inside City, not connected to the sewer system, shall be a bi-monthly rate of Three and no/100ths (\$3.00) Dollars.

(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 A: Charges for industrial users, Class A, inside City shall be as follows, based on either sewage discharge or water used:

CUBIC FEET	RATE OF CHARGE
3,000 CF or less	\$6.75 per month
Next 12,000 CF	.05 per 100 CF
Next 185,000 CF	.04 per 100 CF
Next 400,000 CF	.035 per 100 CF
Next 600,000 CF	.03 per 100 CF
All over 1,200,000 CF	.02 per 100 CF

(f) Industrial User, Class B: Charges for industrial users, Class B, inside City shall be as follows:

(1) If water used is the basis selected:

CUBIC FEET OF WATER USED	RATE OF CHARGE
3,000 CF or less	\$6.75 per month
Next 12,000 CF	.07 per 100 CF
Next 185,000 CF	.05 per 100 CF
Next 400,000 CF	.045 per 100 CF
Next 600,000 CF	.04 per 100 CF
All over 1,200,000	.025 per 100 CF

(2) If sewage discharged is the basis selected:

CUBIC FEET OF SEWAGE DISCHARGE	RATE OF CHARGE
2,400 CF or less	\$6.75 per month
Next 9,600 CF	.07 per 80 CF
Next 148,000 CF	.06 per 80 CF
Next 320,000 CF	.05 per 80 CF
Next 480,000 CF	.04 per 80 CF
All over 960,000 CF	.025 per 80 CF

(g) Industrial User, Class C: Charges for industrial users, Class C, inside City shall be one hundred twenty (120%) per cent of the charges listed above for Industrial User, Class B.

(h) Industrial User, Class D: Charges for industrial users, Class D, inside City shall be one hundred forty (140%) per cent of the charges listed above for Industrial User, Class B.

(i) Industrial User, Standby Rate: Any industrial user, inside City, during any whole month in which the industrial waste plant is required to operate for less than fifteen (15) days in order to maintain water pollution standards shall pay fifty (50%) per cent of the applicable rate established by subsections (e), (f), (g) and (h). The determination of the necessity to operate the industrial waste plant to maintain water pollution standards shall be made by the Director of Public Works in accordance with the requirements of the Regional Water Pollution Control Board imposed upon the City, as they now exist or may hereafter be amended. Nothing in this section shall be construed to permit individual industrial plants to discharge waste directly to the Tuolumne River without direct authorization to do so.

(j) Industrial User, Outside City: Charges to industrial users, outside City, shall be as established by the Council by agreement or resolution.

(k) Schools: No charge shall be made for sewer service to schools.

(l) Churches and Parsonages: The monthly sewer service charge for churches within the City shall be One and 50/100ths (\$1.50) Dollars per month. When a residence used as a parsonage is located on the same property, there shall be an additional sewer service charge of One and 50/100ths (\$1.50) Dollars per month.

SECTION 2. AMENDMENT OF CODE. Section 11-1.08.1 is hereby added to Chapter 1 of Title XI of the Modesto Municipal Code to read as follows:

SEC. 11-1.08.1. WATER SERVICE CHARGES TO CHURCHES AND PARSONAGES. (a) Flat Rate Basis. Charges for water service to churches shall be paid in accordance with Section 11-1.07 of this Code. Where a residence used as a parsonage is located on the same property, and the flat rate schedule is used, the charge for said residence shall be Five and 25/100ths (\$5.25) Dollars bi-monthly. The charge for the church shall then be computed by area, less three thousand, five hundred (3,500) square feet.

(b) Metered Basis. A church may request that water service be provided on a metered basis. In this event the metered rate contained in Section 11-1.06 of this Code shall apply. If meters are installed, service will be furnished only on a metered basis for a period of at least one year after installation.

SECTION 3. AMENDMENT OF CODE. Section 11-1.11 of Chapter 1 of Title XI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 11-1.11. 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 two (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 (2) 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 Two and 50/100ths (\$2.50) Dollars for reconnecting, is paid.

(e) Water bills for metered services shall be issued for the two (2) 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 Two and 50/100ths (\$2.50) Dollars for reconnecting, is paid.

(f) No person 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) Access to service connection and water meters must be provided at all times.

(i) All persons 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 chapter are observed and complied with.

(j) It shall be unlawful for any person to interfere with the City service lines, valves or meters or to construct a by-pass around a meter or service.

(k) 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 chapter, the service may be disconnected 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.

(l) All unpaid accounts for water delivered at any premises shall be a lien against the real property.

(m) 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 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after February 1, 1961.

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

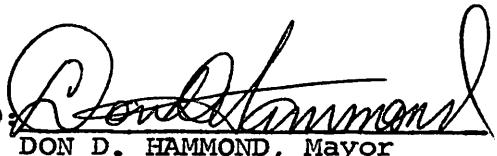
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11 day of January, 1961, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Spaulding, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Spaulding, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Martin

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord, No. 430-C.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 18 day of January, 1961, Councilman Adams moved its final adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Martin, VanderWall, Mayor
Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles, Spaulding

APPROVED


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: February 2, 1961

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
THE NEIGHBORHOOD CHURCH ADDITION TO THE CITY OF
MODESTO.

*Print
for clerk
Jan 28, 61*

WHEREAS, a petition was filed with the City Clerk by
G. A. Stevens, Joe Trombetta, William M. Mineni, Gust L. Norquist,
J. Claire Norquist, Bel Air of Modesto, Inc., Hubert Presnell,
Cecil Lambert, Eugene Stark, Roy C. Blakely, Rex E. Higbee,
Frances G. Higbee, Donald L. Metzger, Robert P. Bomberger
on October 3, 1960, to annex to the City of Modesto
under the provisions of the Annexation of Uninhabited Territory Act
of 1939, as amended, certain uninhabited territory, hereinafter
described and designated as the NEIGHBORHOOD CHURCH
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
14th day of December, 1960, set said petition for
hearing at the hour of 8:00 o'clock p.m. on the 25th day of
January, 1961, in the Council Chambers at the
City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
finds that a copy of the resolution giving notice of the proposed
annexation and fixing the time and place for hearing objections to
the proposed annexation was published in newspapers of general cir-
culation to wit: The Modesto Bee, a newspaper
published in the City of Modesto on December 23, 1960,
and on December 30, 1960; and in the Turlock Daily
Journal, a newspaper published outside the City of Modesto, but in
the County of Stanislaus, on December 23, 1960,
and on December 30, 1960, 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 terri-
tory proposed to be annexed was assessed on the last equalized
assessment roll available on the date the proceedings were initiated,

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at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 25th day of January, 1961, at the hour of 8:00 o'clock p.m., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated the NEIGHBORHOOD CHURCH ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that real property in the State of California, County of Stanislaus, being portions of Sections 7 and 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Section corner common to Sections 7, 8, 17 & 18, said point being 20 feet East of the Corporate City Limits as established by the Gregory Gardens No. 4 Addition, as per description filed May 28, 1959, as Instrument 15694, Stanislaus County Records; thence along the Southern section line of Section 7 and existing city limits, North $89^{\circ} 45'$ West, 1317.56 feet to the North-South quarter-quarter section line of the Southeast quarter of Section 7; thence along said quarter-quarter section line, North $1^{\circ} 31' 30''$ West, 1043.51 feet to the Northwestern corner of the property conveyed to Rex E. Higbee, et ux, by deed recorded December 5, 1958, as Instrument 31010, Stanislaus County Records; thence along the Northern line of said Higbee property, South $88^{\circ} 18'$ East, 232.70 feet to the Southwestern corner of property conveyed to Donald L. Metzger by deed recorded March 4, 1957, as Instrument 5878, Stanislaus County Records; thence along the Western line of said Metzger property, North $14^{\circ} 17'$ East, 289.94 feet to the Northern line of said Metzger property, which is also the East-West quarter-quarter section line of the Southeast quarter of Section 7; thence along said quarter-quarter section line, South $89^{\circ} 41'$ East, 1009.71 feet to a point on the section line common to Sections 7 and 8; thence Southerly along said section line, South $1^{\circ} 23'$ East, 23.11 feet; thence along the Southern line of a 40 foot public road known as Woodrow Road as per Map of Standiford Colony filed December 11, 1912, in Volume 7 of Maps, Page 17 of Stanislaus County Records, South $89^{\circ} 38'$ East, 1721.60 feet to the Northeastern corner of Lot 46 of said Standiford Colony; thence along the Eastern lines of Lots 46 and 55 of said Standiford Colony, South $1^{\circ} 23'$ East, 1279.70 feet to the Southeastern corner of Lot 55 of said Standiford Colony, said corner being the Southeastern corner of the property conveyed to Sam T. Ichord, et ux, by deed recorded December 13, 1948, as Instrument 26278, Stanislaus County Records; thence along the Southern line of said Ichord property, said line also being the Northern line of Rumble Road and its extension, North $89^{\circ} 27'$ West, 1721.60 feet to the section line common to Sections 7 and 8; thence Southerly along said section line, South $1^{\circ} 23'$ East, 20.00 feet to the point of beginning, containing 88.618 acres, more or less.

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25 day of January, 1961, by Councilman Knoles, who moved its adoption and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Martin, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

ORDINANCE NO. 432-C.S.

AN ORDINANCE AMENDING SECTION 2-1.01 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO COUNCIL MEETINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 2-1.01 of Chapter 1 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-1.01. REGULAR MEETINGS. (a) Time. Regular meetings of the City Council shall be held on the first, second, third and fourth Monday of each month. The meetings held on the first and third Monday shall commence at the hour of 4 o'clock P.M., and the meetings held on the second and fourth Monday 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. Whenever the day fixed for any regular meeting of the Council falls upon a day designated by law as a legal or national holiday, such meeting shall be held at the same hour on the next succeeding day not a holiday.

(b) Place. All meetings of the Council shall be held in the Council Chambers in the City Hall located at 11th and H Streets, Modesto, California. If, due to an 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 Mayor.

(c) Public. All meetings of the Council shall be open to the public, provided, however, the City Council may hold executive sessions to consider the appointment, employment or dismissal of a public officer or employee or to hear complaints or charges brought against such officer or employee by another public officer, person or employee unless such officer or employee requests a public hearing. The Council may also exclude from any such public or private meeting, during the examination of a witness, any or all other witnesses in the matter being investigated by the Council.

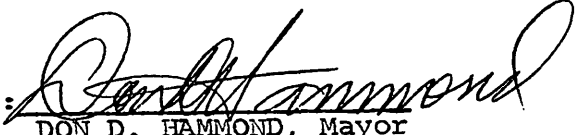
SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 1961, by Councilman 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: Adams, Arata, Knoles, Johansen, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Martin

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord, No. 432-C.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 15th day of February, 1961, Councilman Knoles moved its final adoption, which motion being duly seconded by Councilman Martin, was upon roll call carried and the ordinance finally adopted by the following vote:


AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin,
VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 2, 1961

ORDINANCE NO. 433-C.S.

AN ORDINANCE AMENDING SECTION 6-1.109 OF ARTICLE 1 OF CHAPTER 1 OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO BUSINESS LICENSE REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 6-1.109 of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 6-1.109. BRANCH ESTABLISHMENTS: SEPARATE TYPES OF BUSINESS. A separate license must be obtained for each branch establishment or location of the business transacted or carried on, including any branch establishment or location of a business required to be licensed under the Business and Professions Code of the State of California, or for which a license has been obtained under the Business and Professions Code of the State of California, and for each separate type of business at the same location; provided that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business, or branch establishments or separate types of business.

Except as otherwise provided in this Section, each license shall authorize the licensee to transact and carry on only the type of business licensed thereby at the location or in the manner designated in such license.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after July 1, 1961.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the

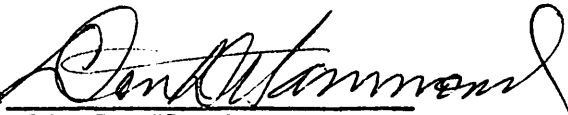
8th day of February, 1961, by Councilman Knoles,
who moved its introduction and passage to print, which motion
being duly seconded by Councilman VanderWall, was
upon roll call carried and ordered printed and published by
the following vote:

AYES: Councilmen: Adams, Arata, Knoles, Johansen, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Martin

APPROVED


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 433-C.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 15th day of February, 1961, Councilman Knoles moved its final adoption, which motion being duly seconded by Councilman Martin, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin,
VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 1, 1961

AN ORDINANCE REPEALING SECTIONS 4-7.109 AND 4-7.110 OF ARTICLE 1 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO ADVERTISING MATTER.

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

SECTION 1. REPEALS. Sections 4-7.109 and 4-7.110 of Article 1 of Chapter 7 of Title IV of the Modesto Municipal Code are hereby repealed.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 8th day of February, 1961, by Councilman VanderWall, 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:

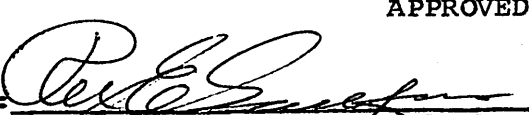
AYES: Councilmen: Adams, Arata, Knoles, Johansen, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Martin

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ord, No. 434-C.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 15th day of February, 1961, Councilman Knoles moved its final adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 2, 1961

AN ORDINANCE AMENDING SECTION MAP 21 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JEAP COMPANY)

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

SECTION 1. ZONING CHANGE. Section 21 of the Zoning Map is hereby amended to reclassify the following described property from General Commercial Zone, C-2, to Multiple-Family Zone, R-3;

Beginning at a point on the center line of East Orangeburg Avenue which point is 445 feet east of the center line of McHenry Avenue; thence South $0^{\circ} 08' 30''$ East for a distance of 330.07 feet; thence North $89^{\circ} 00' 30''$ West a distance of 96 feet; thence North $0^{\circ} 08' 30''$ West for a distance of 330.07 feet to the center line of East Orangeburg Avenue; thence Easterly along the center line of East Orangeburg Avenue a distance of 96 feet to the point of beginning; said property being located on the south side of East Orangeburg Avenue 445 feet east of the center line of McHenry Avenue.

SECTION 2. ZONING MAP. Section Map 21 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15 day of February, 1961, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin,
VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED,


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord, No. 435-C.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 23rd day of February, 1960, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Martin, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Martin, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Knoles

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 10, 1961

Ordinance 435 C.S.
Exhibit A – Map

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

ORDINANCE NO. 436 -C.S.

AN ORDINANCE AMENDING SECTION MAP 29 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BLOCK 36)

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

SECTION 1. ZONING CHANGE. Section 29 of the Zoning Map is hereby amended to reclassify the following described property from Multiple-Family Zone, R-3, to Commercial-Industrial Zone, C-M;

Block 36, bounded by "K" and "L" and 6th and 7th Streets.

SECTION 2. ZONING MAP. Section Map 29 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1961, by Councilman Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

**Ordinance 436 C.S.
Exhibit A – Map**

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

Ord. No. 436-C.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 6th day of March, 1961, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin,
NOES: Councilmen: VanderWall, Mayor Hammond
None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 21, 1961

AN ORDINANCE APPROVING THE LEASING OF CERTAIN REAL PROPERTY FROM MRS. DOROTHY M. WAHLGREN FOR PARKING PURPOSES AND AUTHORIZING THE EXECUTION OF A LEASE AGREEMENT IN CONNECTION THEREWITH.

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

SECTION 1. APPROVAL OF LEASE. The City of Modesto hereby approves the leasing, from Mrs. Dorothy M. Wahlgren for a term of five (5) years, for parking purposes, that certain real property located in the City of Modesto, County of Stanislaus, State of California, more particularly described as Lots 1, 2 and 3 of Block 54, all in accordance with the terms and conditions as set forth in said agreement, a copy of which is on file in the office of the City Clerk.

SECTION 2. SIGNING AND ATTESTING. The City Manager and the City Clerk of the City of Modesto are hereby authorized and empowered to sign and attest, respectively, said lease agreement on behalf of the City of Modesto, and do all things necessary to carry out the terms of said agreement.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of February, 1961, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin,
NOES: Councilmen: VanderWall, Mayor Hammend
ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 437-C.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 23rd day of February, 1961, Councilman 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: Adams, Arata, Johansen, Martin, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 10, 1961

AN ORDINANCE AUTHORIZING THE SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO THE STATE OF CALIFORNIA.

WHEREAS, the City of Modesto owns that certain parcel of real property hereinafter described, and

WHEREAS, the State of California desires to purchase said parcel of property for freeway purposes,

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

SECTION 1. SALE AUTHORIZED. The sale of the following described parcel of real property to the State of California for the sum of Two Thousand One Hundred Thirteen and 36/100ths (\$2,113.36) Dollars in accordance with the provisions of that certain right of way agreement referred to in Section 2 of this ordinance, is hereby approved. Said parcel of real property is described as follows:

A portion of that certain real property, situate in Block 308-A of the City of Modesto, County of Stanislaus, State of California, 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, described as follows:

Beginning at the northeast corner of said Block 308-A; thence along the south line of Tuolumne Blvd., N. 88° 21' 41" W., 225.90 feet; thence S. 79° 45' E., 229.85 feet to the west line of Neece Drive (a city street 50 feet in width); thence N. 0° 37' 41" W., 34.44 feet to the point of beginning.

Containing 3,890 square feet, more or less.

Together with the underlying fee interest, if any, appurtenant to the above-described property in and to the adjoining public ways.

SECTION 2. APPROVAL OF RIGHT OF WAY CONTRACT.

That certain right of way contract between the City of Modesto and the State of California, Department of Public Works, Division of Highways, relating to the sale of certain real property, a copy of which is on file in the office of the City Clerk of the City of Modesto, is hereby approved and the City Manager and

City Clerk are hereby authorized to execute and attest said contract respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said contract.

SECTION 3. EXECUTION OF DEED. The Mayor and the City Clerk are hereby authorized on behalf of the City to execute and attest respectively a deed granting the aforesaid parcel of property to the State of California.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of February, 1961, by Councilman VanderWall, 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: Adams, Arata, Johansen, Martin, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Knoles

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
DON D. HAMMOND, Mayor

(SEAL)

Ord, No. 438-C.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 6th day of March, 1961, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 21, 1961

AN ORDINANCE ADDING SECTION 4-3.07.1 TO CHAPTER 3 OF TITLE IV OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 4-3.08; AND REPEALING SECTION 4-3.15 THEREOF, RELATING TO MOVING OF BUILDINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-3.07.1 is hereby added to Chapter 3 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-3.07.1. Owners' Completion Bond. Prior to the issuance of a permit to move a building the owner or lessee of the property upon which the building is to be located shall file with the Chief Building Official a corporate surety bond conditioned as follows: That all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of the said permit shall be fully performed and completed within a reasonable time to be specified by the Chief Building Official in the permit. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done plus ten (10%) per cent thereof, and shall name the City of Modesto as obligee.

In lieu of furnishing such a corporate surety bond the owner or lessee may post a cash deposit in the amount of said bond.

An extension of time for said completion may be granted in writing by the Chief Building Official when, in his discretion, circumstances shall so justify, but no such extension shall release any surety.

SECTION 2. AMENDMENT OF CODE. Section 4-3.08 of Chapter 3 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-3.08. Inspection Fee and Permit Fee. An inspection fee in the sum of Seven and 50/100ths (\$7.50) Dollars shall be paid to the Director of Finance upon filing of each application for a House Moving Permit.

A permit fee in the sum of Five and no/100ths (\$5.00) Dollars shall be paid to the Director of Finance upon the issuance of each House Moving Permit.

Ord. No. 439-C.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 13th day of March, 19 61, Councilman Martin 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: Adams, Arata, Johansen, Martin, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GALLFUS, City Clerk

EFFECTIVE DATE: March 28, 1961

AN ORDINANCE AUTHORIZING THE EXTENSION OF AN AGREEMENT FOR SALE OF CERTAIN REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO JACK R. WATSON AND ALBERTA WATSON, HUSBAND AND WIFE.

WHEREAS, the City of Modesto entered into an agreement dated May 4, 1960, whereby the City agreed to sell to Jack R. Watson and Alberta Watson, husband and wife, that certain parcel of real property hereinafter described, and

WHEREAS, the City and Jack R. Watson and Alberta Watson, husband and wife, desire to extend said agreement,

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

SECTION 1. EXTENSION AUTHORIZED. The extension of that certain agreement entered into between the City and Jack R. Watson and Alberta Watson, husband and wife, for the sale of the following described real property for the sum of Four Thousand and no/100ths (\$4,000.00) Dollars is hereby approved. Said real property is described as follows:

That portion of Block 6000-A of the MENSINGER TRACT No. 4, as per map filed August 1, 1946, in Volume 14 of Maps, Page 68, Stanislaus County Records, described as follows:

Beginning at the Southwestern corner of the property conveyed to Jack R. Watson, et ux, by deed recorded July 24, 1956, Instrument 20120, Stanislaus County Records, said point being on the Eastern line of a 20 foot alley; thence North 0° 56' West, 200.00 feet along the Eastern line of said alley and the Western line of said Watson property to the Northwestern corner of property conveyed to Jack R. Watson by deed recorded June 6, 1955, Instrument 16459, Stanislaus County Records; thence North 88° 51' 30" West, 39.99 feet along the Westerly extension of the Northern line of said Watson property; thence South 0° 56' East, parallel with said Eastern line of alley, 200.00 feet to the intersection with the Westerly extension of the Southern line of said Watson property; thence South 88° 51' 30" East, 39.99 feet along said Westerly extension of the Southern line of said Watson property to the point of beginning.

Containing 0.184 Acre, more or less.

SECTION 2. APPROVAL OF EXTENSION AGREEMENT. That certain agreement between the City of Modesto and Jack R. Watson and Alberta Watson, husband and wife, relating to the extension of an agreement relating to the sale of certain real property, a copy of which is on file in

Ord. No. 440-C.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 13th day of March, 19 61, Councilman Martin moved its final adoption, which motion being duly seconded by Councilman Johansen, was upon roll call carried and the ordinance finally adopted by the following vote:

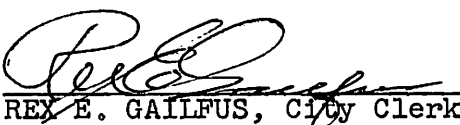
AYES: Councilmen: Adams, Arata, Johansen, Martin, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 28, 1961

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE MODESTO LUMBER COMPANY, A CORPORATION.

WHEREAS, the Modesto Lumber Company, a corporation,
owns that certain parcel of real property hereinafter described, and

WHEREAS, the City of Modesto desires to acquire said parcel of real property for use for municipal purposes,

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

SECTION 1. PURCHASE AUTHORIZED. The purchase of the following described real property with improvements thereon from _____
the Modesto Lumber Company, a corporation for the
and no/100ths (\$60,475.00)
sum of Sixty Thousand, Four Hundred Seventy Five/ Dollars, in accordance with the provisions of that certain agreement referred to in Section 2 of this ordinance is hereby authorized. Said real property is described as follows:

All that portion of Section 29, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

All of Block 434 and All of Lots 11 to 21 inclusive of Block 433 of the City of Modesto as per maps filed December 21, 1942, in Vol. 15 of Maps, Stanislaus County Records ,

EXCEPT, that portion of Lots 19, 20 and 21 of Block 433 described as follows:

Beginning at the Southwestern corner of Lot 21; thence along the Western line of Lots 21 and 20, North $20^{\circ} 19' 36''$ East, 68.50 feet to a point on a non tangent curve; thence along said curve concave to the Northeast with the Long Chord Bearing South $31^{\circ} 08' 27''$ East from said point, having a Radius of 787.00 feet, a Central Angle of $5^{\circ} 34' 11''$, an Arc Length of 76.50 feet, to the Southern line of Block 433; thence along the Southern line of Block 433, North $88^{\circ} 53' 48''$ West, 63.35 feet to the point of beginning. Containing 2.923 Acres net, more or less.

Together with the underlying fee interest, if any, appurtenant to the above described property, in and to the adjoining public ways.

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and the Modesto Lumber Company, a corporation, relating to the purchase of certain real property for municipal purposes, a copy of which is on file in the office of the City Clerk of the City of Modesto, is hereby approved and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from the Modesto Lumber Company, a corporation conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

SECTION 4. 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 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final

Ord. No. 441-C.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 13th day of March, 1961, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Martin, VanderWall,
Mayor Hammond


NOES: Councilmen: None

ABSENT: Councilmen: Knoles

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 28, 1961

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
THE DEETER ADDITION TO THE CITY OF
MODESTO.

WHEREAS, a petition was filed with the City Clerk by
John H. Deeter and Marcella D. Deeter

on December 16, 1960, to annex to the City of Modesto
under the provisions of the Annexation of Uninhabited Territory Act
of 1939, as amended, certain uninhabited territory, hereinafter
described and designated as the DEETER
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
11th day of January, 1961, set said petition for
hearing at the hour of 4:30 o'clock p.m. on the 1st day of
March, 1961, in the Council Chambers at the
City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
finds that a copy of the resolution giving notice of the proposed
annexation and fixing the time and place for hearing objections to
the proposed annexation was published in newspapers of general cir-
culation to wit: The Modesto Bee, a newspaper
published in the City of Modesto on January 20, 1961,
and on January 27 1961; and in the Turlock Daily
Journal, a newspaper published outside the City of Modesto, but in
the County of Stanislaus, on January 20, 1961,
and on January 27, 1961, 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 terri-
tory proposed to be annexed was assessed on the last equalized
assessment roll available on the date the proceedings were initiated,

at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 1st day of March, 1961, at the hour of 4:30 o'clock p.m., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

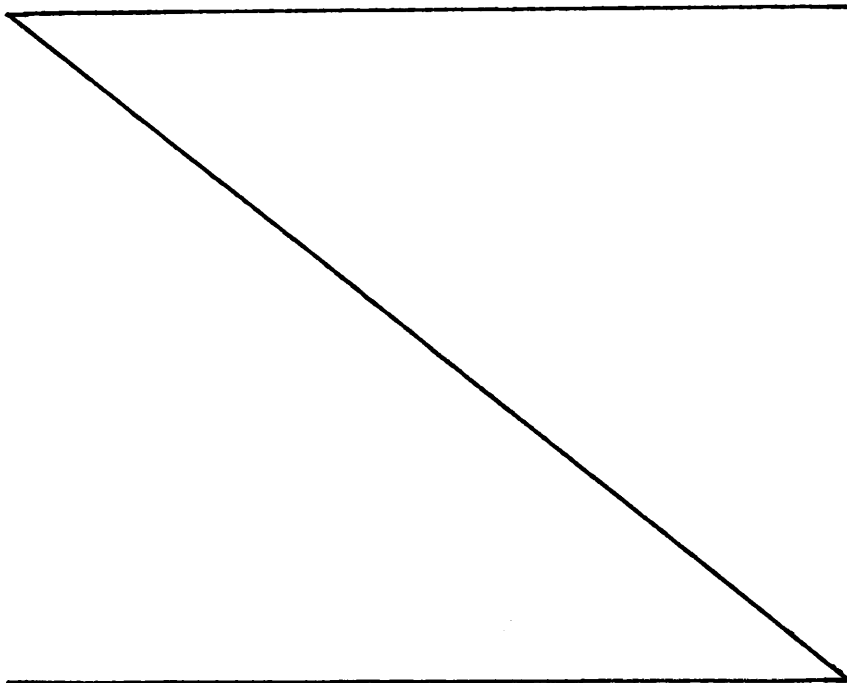
NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

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

SECTION 2. The area or territory so annexed, designated the DEETER ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that real property in the State of California, County of Stanislaus, Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being portions of Lots 3, 4, 5, 6, 9, 10, 11, 15, 16, 17, and 18 of the COFFEE COLONY as per map filed January 13, 1906 in Volume 2 of Maps, Page 22, Stanislaus County Records, described as follows:

Beginning at a point on the existing corporate city limits, said point being the Southeastern corner of the Y.M.C.A. Addition as per description filed March 29, 1960 as Instrument 9056, Stanislaus County Records, said point being on the Northern line of the Northeast Addition as per description filed January 31, 1958 as Instrument 2427, Stanislaus County Records, said point also being on the Southern line of a 40 foot public road known as Floyd Avenue; thence along the existing city limits and the Eastern line of said Y.M.C.A. Addition, North $00^{\circ} 38'$ West, 680.00 feet to the Southern line of a 40 foot public road known as Kavanagh Avenue as shown on the map of the Harte Tract as filed June 15, 1950 in Volume 17 of Maps, Page 4, Stanislaus County Records; thence along the Southern line of said Kavanagh Avenue, and the Southern line of said Harte Tract, South $89^{\circ} 26'$ East, 1584.00 feet to the Southeastern corner of said Harte Tract; thence along the Eastern line of said Harte Tract, North $00^{\circ} 38'$ West, 44.01 feet to the Southwestern corner of Norton Gardens Subdivision as filed August 12, 1958 in Volume 19 of Maps, Page 5, Stanislaus County Records; thence along the Southern line of said Norton Gardens, South $89^{\circ} 26'$ East, 151.00 feet to a point on the existing Corporate City Limits as established by the Sherwood Manor Addition as per description filed July 15, 1959 as Instrument 20526, Stanislaus County Records; thence along the Western line of said Sherwood Manor Addition the following bearings and distances: South $1^{\circ} 54' 40''$ East, 358.71 feet; South $89^{\circ} 26'$ East, 6.00 feet; South $0^{\circ} 38'$ East, 365.00 feet, to the Southern line of said Floyd Avenue and the existing Corporate City Limits as established by said Northeast Addition; thence along said Southern line of Floyd Avenue and the existing City Limits, North $89^{\circ} 26'$ West, 1749.00 feet to the point of beginning, containing 27.355 acres, more or less.



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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 1st day of March, 1961, by Councilman Johansen, who moved its adoption and passage to print, which motion being duly seconded by Councilman Knoles, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Martin, Mayor pro tempore VanderWall, Knoles

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Hammond

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 

~~XXXXXXXXXXXXXXXXXXXX~~
RICHARD VANDERWALL, Mayor
pro tempore

(SEAL)

AN ORDINANCE AMENDING SECTION 5-4.213 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO DOGS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-4.213 of Article 2 of Chapter 4 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-4.213. NOTICE TO OWNER BEFORE KILLING IMPOUNDED DOGS. (a) Except as provided in subsection (b) of this section, no dog impounded under the provisions of this article shall be killed until and after notice is given by said poundmaster to the owner of said dog, if known, as hereinafter provided. The notice as provided for in this section shall contain a description of the dog impounded, including the sex and breed thereof and the date said dog was impounded. The notice required by this section may be served either:

(1) By delivering a copy to the owner of the dog personally; or

(2) If he be absent from his place of residence, and from his usual place of business, by leaving a copy with some person of suitable age and discretion at either place, and sending a copy through the mail addressed to the owner of said dog at his place of residence; or

(3) If such place of residence and business cannot be ascertained, or a person of suitable age or discretion there cannot be found, then by sending a copy of said notice through the mail addressed to the owner of said dog at the last known address of said owner.

(b) An impounded dog shall become the property of the City and may be killed in a humane manner or otherwise disposed of as the poundmaster deems satisfactory in either of the following events:

(1) If the owner of the dog has not redeemed said dog within five (5) days after the giving of the notice to the owner by City as set forth above; or

(2) After the expiration of five (5) days from the date of the impounding of the dog, if the owner cannot be located after efforts have been made to do so.

If a dog has not been redeemed by the owner within five (5) days, and if it has been sold to another person by the poundmaster, the owner of such dog at the time it was so impounded may at any time within thirty (30) days after such sale redeem the same from such purchaser by paying him the amount of the purchase price paid by him to the poundmaster and in addition thereto the sum of twenty-five cents (25¢) per day for the number of days from the date of sale to and including the date of redemption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1961, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Knoles, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ord, No. 443-C.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 13th day of March, 1961, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Martin, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Martin, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 28, 1961

AN ORDINANCE AMENDING SECTION 2-1.03 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO COUNCIL AGENDA.

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

SECTION 1. AMENDMENT OF CODE. Section 2-1.03 of Chapter 1 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-1.03. AGENDA. In order to facilitate the orderly conduct of the business of the Council, the City Clerk shall be notified no later than 12:00 Noon of the Thursday 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 and each department head 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. Unanimous consent of the Council must be obtained before matters not included on the agenda may be presented to the Council, except as hereinafter provided.

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

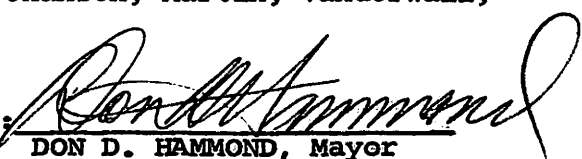
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1961, by Councilman Johansen, who moved its introduction and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Martin, VanderWall,

NOES: Councilmen: Knoles

ABSENT: Councilmen: None

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
DON D. HAMMOND, Mayor

(SEAL)

Ord. No. 444-C.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 13th day of March, 19 61, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Johansen, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Martin, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Knoles

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 28, 1961

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN
REAL PROPERTY BY THE CITY OF MODESTO FROM FLORA
E. KLINE. (FOR CORPORATION YARD PURPOSES)

WHEREAS, FLORA E. KLINE

owns that certain parcel of real property hereinafter described, and

WHEREAS, the City of Modesto desires to acquire said parcel
of real property for use for municipal purposes,

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

SECTION 1. PURCHASE AUTHORIZED. The purchase of the follow-
ing described real property with improvements thereon from _____
FLORA E. KLINE for the
sum of Seven Thousand and no/100ths (\$7,000.00) Dollars, in accordance
with the provisions of that certain agreement referred to in Section 2
of this ordinance is hereby authorized. Said real property is
described as follows:

All that real property situate in the Modesto Irrigation District,
County of Stanislaus, State of California, more particularly
described as follows:

Lots 3 and 4 in Block 431 of CITY OF MODESTO, as per map
filed December 21, 1942, in Vol. 15 of Maps, Stanislaus County
Records.

Together with the underlying fee interest, if any, appurtenant
to the above described property, in and to the adjoining public
ways.

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and FLORA E. KLINE relating to the purchase of certain real property for municipal purposes, a copy of which is on file in the office of the City Clerk of the City of Modesto, is hereby approved and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from FLORA E. KLINE conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

SECTION 4. 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 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final

adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of March, 1961, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin,
VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 445-C.S.

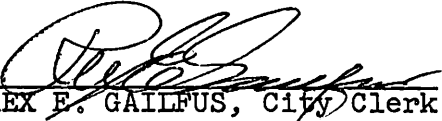
FINAL ADOPTION CLAUSE

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 13th day of March, 1961, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Martin, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Knoles

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 28, 1961

AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (LOWE)

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

SECTION 1. ZONING CHANGE. Section 19 of the Zoning Map is hereby amended to reclassify the following described property from Residential-Agricultural Zone, R-A, to Planned-Development Zone, P-D(1):

Beginning at a point on the East line of Carver Road and the center line of Roseburg Avenue; thence South $0^{\circ} 01' 30''$ West along the East line of said Carver Road, 848.46 feet to the Southwest corner of property conveyed to P. L. Milani, et ux, by Deed dated April 15, 1942; thence along a Southerly and Westerly boundary of said Milani property the following three courses and distances: South $88^{\circ} 59' 50''$ East 166.83 feet; South $0^{\circ} 01' 30''$ West 149.02 feet; South $89^{\circ} 04' 50''$ East 224.02 feet; thence North $0^{\circ} 01' 50''$ East 995.70 feet to the center line of said Roseburg Avenue; thence North $88^{\circ} 47'$ West along the center line of said Roseburg Avenue 390.98 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(1) Zone subject to securing a conditional use permit as required by Section 10-2.2704 of the Modesto Municipal Code.

- (a) Variety store
- (b) Food store
- (c) Service station
- (d) Drapery, curtain and upholstery materials
- (e) China, glassware and metalware
- (f) Miscellaneous home furnishings, such as pictures, frames, lampshades
- (g) Radio and television store
- (h) Paint, glass
- (i) Hardware, limited to household and garden hardware
- (j) Restaurant, cafe, ice cream parlor, commercial lunch service, excluding the following:
 - Dancing
 - Dispensing of alcoholic beverages, except beer
 - Drive-in restaurant

- (k) Drug store
- (l) Liquor store for the consumption off the premises
- (m) Book and stationery
- (n) Sporting goods
- (o) Jewelry
- (p) Florist
- (q) Cigar store or stand
- (r) Newstand and news dealer
- (s) Camera and photographic supply
- (t) Gift, novelty and souvenir
- (u) Luggage and leather goods
- (v) Autograph and philatelist supply
- (w) Artists supplies and art shop
- (x) Toys
- (y) Five and ten-cent store
- (z) Garden supply
- (aa) Pet store
- (bb) Bank, credit agency
- (cc) Barber shop, beauty shop
- (dd) Shoe repair, shoe shine parlor
- (ee) Tailor shop, including pressing, alterations and garment repair
- (ff) Laundry agency, dry cleaning agency, self-service laundry
- (gg) Dry goods, notions and general merchandise, but not including department stores
- (hh) Family clothing and shoes
- (ii) Music store
- (jj) Christmas tree sales
- (kk) Photographic studio; film processing
- (ll) Hat cleaning, hemstitching, embroidering and sewing shop
- (mm) Diaper service

- (nn) Advertising agency
- (oo) Consumer credit reporting agency
- (pp) Collection agency
- (qq) Duplicating, addressing, mailing, mailing list and stenographic services
- (rr) Blue printing and photostating services
- (ss) Window cleaning; disinfecting and exterminating service; janitorial service
- (tt) Repair shops -- limitation to small items
- (uu) Business and professional offices

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1961, by ~~Councilman~~ Mayor Hammond, who moved its introduction and passage to print, which motion being duly seconded by Councilman Martin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Martin, VanderWall,
Mayor Hammond

NOES: Councilmen: Knoles

ABSENT: Councilmen: None

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
DON D. HAMMOND, Mayor

(SEAL)

Ordinance 446 C.S.
Exhibit A – Map

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

Ord. No. 446-C.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 3rd day of April, 1961, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Johansen, was upon roll call carried and the ordinance finally adopted by the following vote:


AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin,
VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 18, 1961

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN
REAL PROPERTY BY THE CITY OF MODESTO FROM ELIZABETH
L. MAYER (Corporation Yard Site)

WHEREAS, ELIZABETH L. MAYER

owns that certain parcel of real property hereinafter described, and

WHEREAS, the City of Modesto desires to acquire said parcel
of real property for use for municipal purposes,

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

SECTION 1. PURCHASE AUTHORIZED. The purchase of the follow-
ing described real property with improvements thereon from _____

ELIZABETH L. MAYER for the
sum of Six Thousand, Five Hundred and no/100ths/ ^(\$6,500.00) Dollars, in accordance
with the provisions of that certain agreement referred to in Section 2
of this ordinance is hereby authorized. Said real property is
described as follows:

Lots 5 and 6 in Block 431 of CITY OF MODESTO, as per
map filed December 21, 1942, in Vol. 15 of Maps,
Stanislaus County Records.

Together with the underlying fee interest, if any,
appurtenant to the above described property, in and
to the adjoining public ways.

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and ELIZABETH L. MAYER relating to the purchase of certain real property for municipal purposes, a copy of which is on file in the office of the City Clerk of the City of Modesto, is hereby approved and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from ELIZABETH L. MAYER conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

SECTION 4. 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 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final

adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1961, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin,
VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 447-C.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 3rd day of April, 1961, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:


AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin,
VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 18, 1961

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN
REAL PROPERTY BY THE CITY OF MODESTO FROM EDWARD
L. MULLIGAN

WHEREAS, EDWARD L. MULLIGAN

owns that certain parcel of real property hereinafter described, and

WHEREAS, the City of Modesto desires to acquire said parcel
of real property for use for municipal purposes,

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

SECTION 1. PURCHASE AUTHORIZED. The purchase of the follow-
ing described real property with improvements thereon from _____
EDWARD L. MULLIGAN for the
sum of Eight Thousand, Seven Hundred Fifty and no/100ths ^(\$8,750.00) Dollars, in accordance
with the provisions of that certain agreement referred to in Section 2
of this ordinance is hereby authorized. Said real property is
described as follows:

Lots 1 and 2 in Block 431 of CITY OF MODESTO,
as per map filed December 21, 1942, in Vol. 15
of Maps, Stanislaus County Records.

Together with the underlying fee interest, if any,
appurtenant to the above described property, in
and to the adjoining public ways.

adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of March, 1961, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Adams, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 448-C.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 3rd day of April, 1961, Councilman Knoles 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: Adams, Arata, Johansen, Knoles, Martin,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 18, 1961

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM THE STATE OF CALIFORNIA DIVISION OF HIGHWAYS, DISTRICT X.

WHEREAS, the STATE OF CALIFORNIA DIVISION OF HIGHWAYS, DISTRICT X owns that certain parcel of real property hereinafter described, and

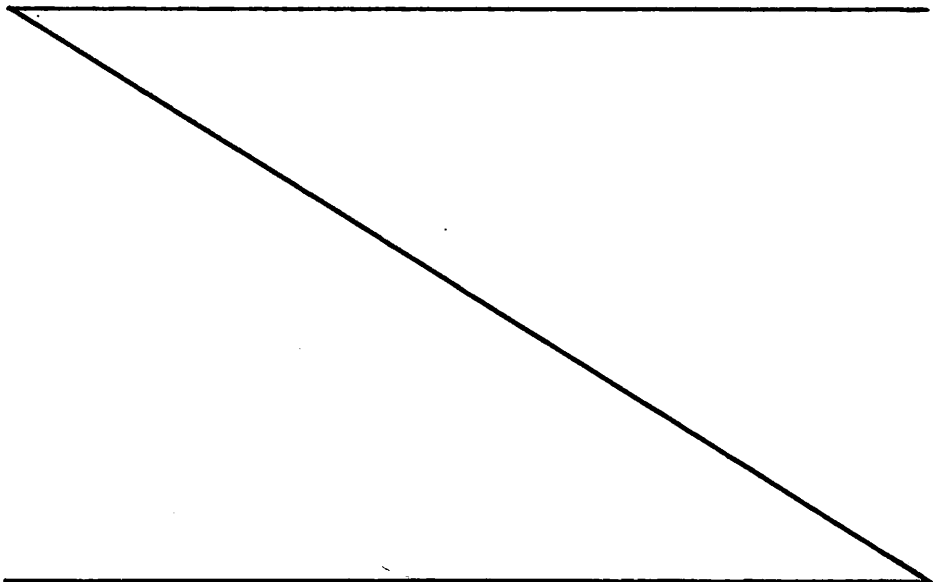
WHEREAS, the City of Modesto desires to acquire said parcel of real property for use for municipal purposes,

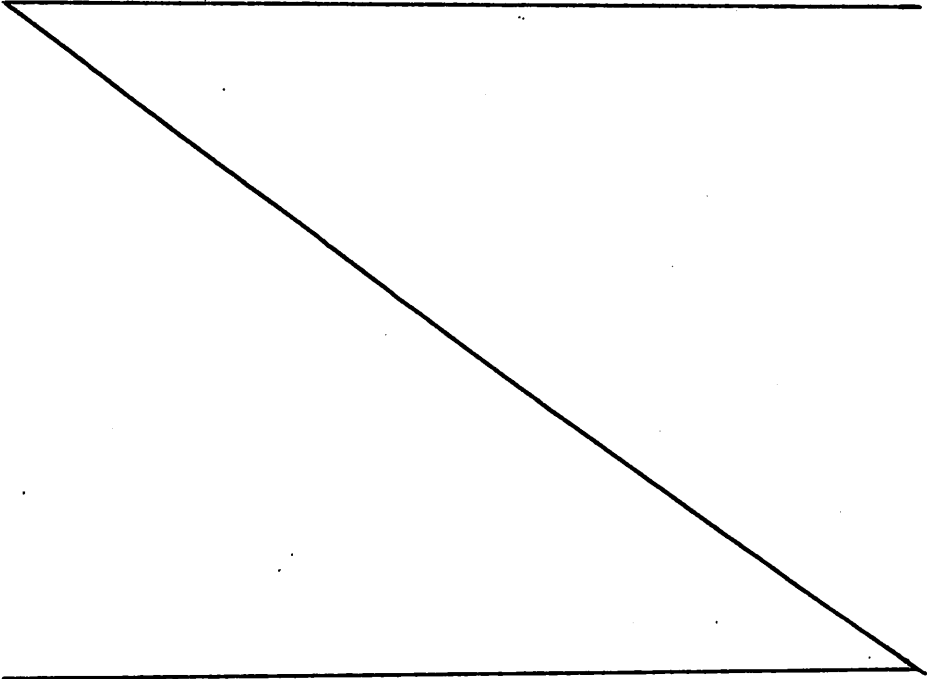
NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. PURCHASE AUTHORIZED. The purchase of the following described real property with improvements thereon from the STATE OF CALIFORNIA DIVISION OF HIGHWAYS, DISTRICT X

for the sum of Three Hundred and no/100ths (\$300.00) Dollars, in accordance with the provisions of that certain agreement referred to in Section 2 of this ordinance is hereby authorized. Said real property is described as follows:

Parcel No. 2316, as shown on that certain map marked "Exhibit A", attached to the agreement between the CITY OF MODESTO and the STATE OF CALIFORNIA DIVISION OF HIGHWAYS, DISTRICT X, on file in the Office of the City Clerk.





SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and the STATE OF CALIFORNIA DIVISION OF HIGHWAYS, DISTRICT X relating to the purchase of certain real property for municipal purposes, a copy of which is on file in the office of the City Clerk of the City of Modesto, is hereby approved and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from the STATE OF CALIFORNIA DIVISION OF HIGHWAYS, DISTRICT X conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

SECTION 4. 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 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final

adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of April, 1961, by Councilman Johansen, 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: Adams, Arata, Johansen, Knoles, Martin, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord, No. 449-C.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 10th day of April, 1961, Councilman Knoles 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: Adams, Arata, Johansen, Knoles, Martin,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 25, 1961

AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (OVERHOLTZER AND MAY)

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

SECTION 1. ZONING CHANGE. Section 16 of the Zoning Map is hereby amended to reclassify the following described property from Single-Family Zone, R-1, to Planned-Development Zone, P-D(2):

All that portion of Lots 7 and 8 of the Pomona Villa Tract more particularly described as follows:

Commencing at the west quarter corner of Section 16; thence South $89^{\circ} 37' 17''$ East along the east-west quarter section line of said Section 16 a distance of 25.00 feet to the east right-of-way line of McHenry Avenue and the true point of beginning of this description; thence continuing South $89^{\circ} 37' 17''$ East along said quarter section line a distance of 632.92 feet; thence South $0^{\circ} 49' 10''$ East along the west boundary line and its northerly prolongation of the Village Park Tract as recorded April 15, 1960, in Volume 19 of Maps at Page 38, Stanislaus County Records a distance of 634.82 feet to the north right-of-way line of Tokay Avenue, being a 50-foot right-of-way as shown on said Pomona Villa Tract Map; thence North $89^{\circ} 36' 55''$ West along said north right-of-way line a distance of 303.19 feet; thence North $0^{\circ} 47' 40''$ West parallel to McHenry Avenue a distance of 330.00 feet; thence North $89^{\circ} 36' 55''$ West parallel to Tokay Avenue a distance of 330.00 feet to the east right-of-way line of McHenry Avenue; thence North $0^{\circ} 47' 40''$ West along said east right-of-way line a distance of 304.74 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(2) Zone subject to securing a conditional use permit as required by Section 10-2.2704 of the Modesto Municipal Code.

- (a) Motel.
- (b) Restaurant, coffee shop (not including drive-in restaurants), (and restricted to the confines of the main motel structure).

- (c) Banquet facilities (restricted to the confines of the main motel structure).
- (d) Bar (restricted to the confines of the main motel structure).


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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of April, 1961, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, Martin, VanderWall, Mayor Hammond
 NOES: Councilmen: None
 ABSENT: Councilmen: None

ATTEST: 
 REX E. GAILFUS, City Clerk

APPROVED: 
 DON D. HAMMOND, Mayor

(SEAL)

**Ordinance 450 C.S.
Exhibit A – Map**

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

Ord. No. 450-C.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 17th day of April, 1961, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Adams, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Martin

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 2, 1961

AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO AND REPEALING SECTION 1 OF ORDINANCE NO. 405-C.S.

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

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

SEC. 3-2.1401. DECREASE OF STATE LAW MAXIMUM SPEED. Pursuant to authority contained in the California Vehicle Code, it is hereby determined upon the basis of an engineering and traffic survey that the speed limit permitted by State law outside of business and residence districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets, and it is hereby declared that the prima facie speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof:

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
BOWEN, from Geneva Drive to the easterly city limits	25 miles per hour
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
CARVER ROAD, from Evergreen Street north to northerly city limits	35 miles per hour
EMERALD, from Maze Road to the southerly city limits	25 miles per hour
FAIRMONT AVENUE, between Virginia and McHenry	25 miles per hour
FLOYD AVENUE, within the city limits	30 miles per hour
FRANKLIN, between California and Laurel	25 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
HADDON, between La Loma and Conejo Avenue	25 miles per hour
HATCH ROAD, within the city limits	35 miles per hour

JEFFERSON, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Avenue and 9th Street	25 miles per hour
KEARNEY, entire length in city	25 miles per hour
LA LOMA, entire length in city	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MILLER, from La Loma to Conejo	25 miles per hour
MORTON BOULEVARD, from Grand Street to La Loma Avenue	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the southerly city limits	25 miles per hour
ORANGEBURG AVENUE, east of McHenry Avenue	35 miles per hour
SUNRISE, from Lucerne to the northerly city limits	25 miles per hour
TULLY ROAD, from Coldwell to Woodman Way	25 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour

SECTION 2. REPEALS. Section 1 of Ordinance No. 405-C.S.

is hereby repealed.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the

17th day of April, 1961, by Councilman Arata,
who moved its introduction and passage to print, which motion
being duly seconded by Councilman Knoles, was upon roll
call carried and ordered printed and published by the following
vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Martin

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 451-C.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 24th day of April, 1961, Councilman Knoles 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: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 9, 1961

AN ORDINANCE APPROVING AN AGREEMENT WITH JAMES C. SORENSEN AND CHARLES WARNER, TERMINATING THE INTEREST OF JAMES C. SORENSEN AND EXTENDING THE INTEREST OF CHARLES WARNER IN A CERTAIN AIRPORT LEASE.

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

SECTION 1. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and James C. Sorensen and Charles Warner, individuals, a copy of which is on file in the office of the City Clerk, providing for the termination of the interest of James C. Sorensen and extending the interest of Charles Warner in that certain lease agreement entered into between the City of Modesto and James C. Sorensen and Charles Warner, individuals, dated May 9, 1956, relating to the lease of certain premises located at the Modesto City-County Airport, situate in the County of Stanislaus, State of California, is hereby approved and the City Manager and the City Clerk of the City of Modesto are hereby authorized and empowered to sign and attest, respectively, said agreement on behalf of the City upon this ordinance becoming effective.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the

17th day of April, 1961, by Councilman Arata,
who moved its introduction and passage to print, which motion
being duly seconded by Councilman VanderWall, was upon
roll call carried and ordered printed and published by the
following vote:

AYES: Councilmen: Adams, Arata, Johansen, Knoles, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Martin

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GALLFUS, Cdy Clerk

(SEAL)

Ord. No. 452-C.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 24th day of April, 1961, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert,
VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 9, 1961

AN ORDINANCE APPROVING AN AGREEMENT WITH JAMES C. SORENSEN, RELATING TO THE TERMINATION OF A CERTAIN AIRPORT LEASE.

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

SECTION 1. APPROVAL OF TERMINATION OF LEASE. That certain agreement between the City of Modesto and James C. Sorensen, an individual, a copy of which is on file in the office of the City Clerk, providing for the termination of that certain lease agreement entered into between the City of Modesto and James C. Sorensen, an individual, dated June 20, 1956, relating to the lease of certain premises located at the Modesto City-County Airport, situate in the County of Stanislaus, State of California, is hereby approved and the City Manager and the City Clerk of the City of Modesto are hereby authorized and empowered to sign and attest, respectively, said termination agreement on behalf of the City upon this ordinance becoming effective.

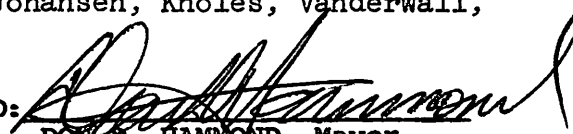
SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after fifteen (15) days after its final passage and adoption.


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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1961, by Councilman Adams, who moved its introduction and passage to print, which motion being duly seconded by Councilman Knoles, was upon roll call

carried and ordered printed and published by the following vote:

- AYES: Councilmen: Adams, Arata, Johansen, Knoles, VanderWall,
- NOES: Councilmen: Mayor Hammond
- ABSENT: Councilmen: None
- Councilmen: Martin

APPROVED: 
DON B. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 453-C.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 24th day of April, 1961, Councilman Knoles 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: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 9, 1961

AN ORDINANCE AUTHORIZING THE EXTENSION OF AN AGREEMENT BETWEEN THE CITY OF MODESTO AND CHARLES WARNER, RELATING TO THE OCCUPATION OF A CERTAIN AIRPLANE HANGAR.

WHEREAS, the City of Modesto entered into an agreement dated May 9, 1956, whereby the City agreed to lease to James C. Sorensen and Charles Warner, individuals, certain airplane hangars located at the Modesto City-County Airport, and

WHEREAS, James C. Sorensen desires to terminate his interest in said lease, but Charles Warner desires to extend his interest in said lease,

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

SECTION 1. EXTENSION AUTHORIZED. The extension of that certain agreement entered into between the City of Modesto and James C. Sorensen and Charles Warner, individuals, as to the interest of Charles Warner in said agreement for the lease of that certain hangar located at the Modesto City-County Airport in the County of Stanislaus, State of California, is hereby approved.

SECTION 2. APPROVAL OF EXTENSION AUTHORIZED. That certain agreement between the City of Modesto and Charles Warner, an individual, relating to the extension of that certain lease for the occupation of that certain airplane hangar now being leased by him upon the same terms and conditions as set forth in said lease, a copy of which is on file in the office of the City Clerk of the City of Modesto, is hereby approved, and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement respectively, on behalf of the City of Modesto, and do all things necessary to carry out the terms of said agreement.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1961, by Councilman VanderWall, 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: Adams, Arata, Johansen, Knoles, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Martin

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 454-C.S.

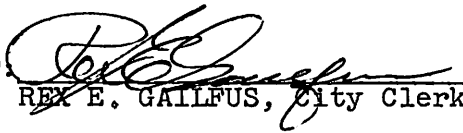
FINAL ADOPTION CLAUSE

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 24th day of April, 1961, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Johansen, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON B. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 9, 1961

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN
REAL PROPERTY BY THE CITY OF MODESTO FROM LUDWIG E.
PEDERSEN and AMALIE W. PEDERSEN

WHEREAS, LUDWIG E. PEDERSEN and AMALIE W. PEDERSEN
owns that certain parcel of real property hereinafter described, and
WHEREAS, the City of Modesto desires to acquire said parcel
of real property for use for municipal purposes,

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

SECTION 1. PURCHASE AUTHORIZED. The purchase of the
following described real property with improvements thereon from
LUDWIG E. PEDERSEN and AMALIE W. PEDERSEN

for the sum of Eight Thousand and no/100ths (\$8,000.00) Dollars, in
accordance with the provisions of that certain agreement referred
to in Section 2 of this ordinance is hereby authorized. Said real
property is described as follows:

Lots 7 and 8 in Block 431 of CITY OF MODESTO, as per map filed
December 21, 1942, in Vol. 15 of Maps, Stanislaus County Records.

Together with the underlying fee interest, if any, appurtenant
to the above described property, in and to the adjoining public
ways.

SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and LUDWIG E. PEDERSEN and AMALIE W. PEDERSEN relating to the purchase of certain real property for municipal purposes, a copy of which is on file in the office of the City Clerk of the City of Modesto, is hereby approved and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from LUDWIG E. PEDERSEN and AMALIE W. PEDERSEN conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

SECTION 4. 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 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final

adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of April, 1961, by Councilman 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: Adams, Arata, Johansen, Knoles, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Martin

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 455-C.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 24th day of April, 1961, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Johansen, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 9, 1961

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN
REAL PROPERTY BY THE CITY OF MODESTO FROM ROBERT F.
HARRIS (FOR CORPORATION YARD PURPOSES)

WHEREAS, ROBERT F. HARRIS

owns that certain parcel of real property hereinafter described, and

WHEREAS, the City of Modesto desires to acquire said parcel
of real property for use for municipal purposes,

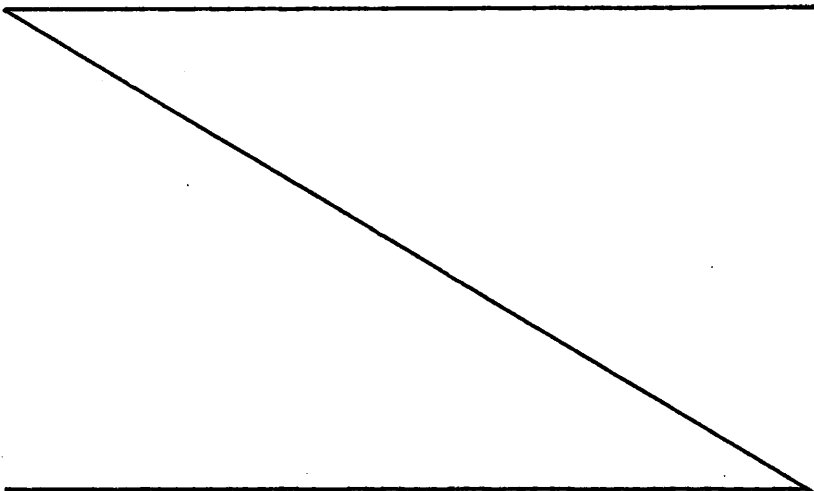
NOW, THEREFORE, the Council of the City of Modesto does
ordain as follows:

SECTION 1. PURCHASE AUTHORIZED. The purchase of the
following described real property with improvements thereon from
ROBERT F. HARRIS

for the sum of Seven Thousand Five Hundred and no/100ths Dollars, in
accordance with the provisions of that certain agreement referred
to in Section 2 of this ordinance is hereby authorized. Said real
property is described as follows:

Lots 9 and 10 in Block 431 of CITY OF MODESTO,
as per map filed December 21, 1942 in Vol. 15
of Maps, Stanislaus County Records.

Together with the underlying fee interest, if
any, appurtenant to the above described property,
in and to the adjoining public ways.



adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1961, by Councilman Knoles, who moved its introduction and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 456-C.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 1st day of May, 1961, Councilman Knoles 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:

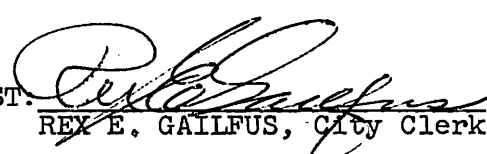
AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 16, 1961

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM S. H. POTTS AND IRMA K. POTTS (FOR CORPORATION YARD PURPOSES)

WHEREAS, S. H. POTTS and IRMA K. POTTS

owns that certain parcel of real property hereinafter described, and

WHEREAS, the City of Modesto desires to acquire said parcel of real property for use for municipal purposes,

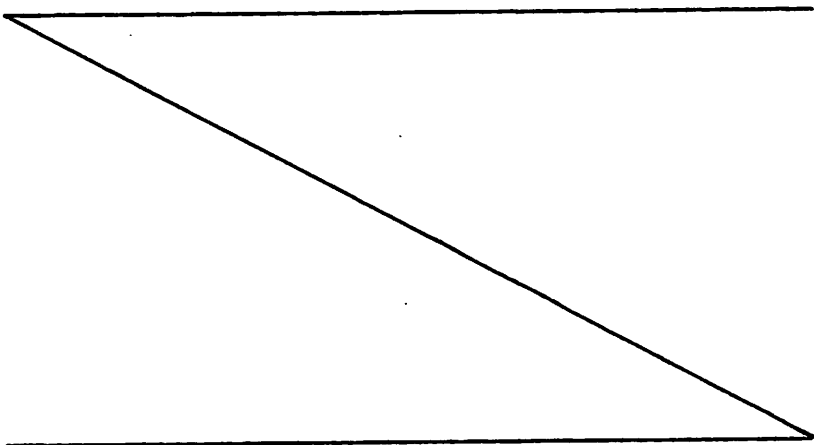
NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

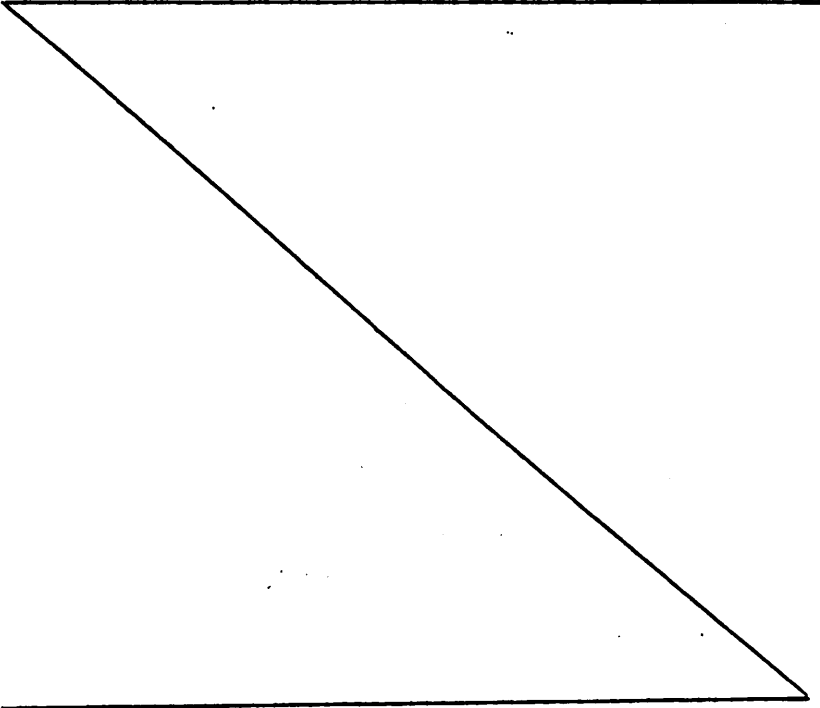
SECTION 1. PURCHASE AUTHORIZED. The purchase of the following described real property with improvements thereon from S. H. POTTS and IRMA K. POTTS

for the sum of Twelve Thousand and no/100ths (\$12,000.00) Dollars, in accordance with the provisions of that certain agreement referred to in Section 2 of this ordinance is hereby authorized. Said real property is described as follows:

Lots 11, 12, 13 and 14 in Block 431 of CITY OF MODESTO, as per map filed December 21, 1942 in Vol. 15 of Maps, Stanislaus County Records.

Together with the underlying fee interest, if any, appurtenant to the above described property, in and to the adjoining public ways.





SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and S. H. POTTS and IRMA K. POTTS relating to the purchase of certain real property for municipal purposes, a copy of which is on file in the office of the City Clerk of the City of Modesto, is hereby approved and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from S. H. POTTS and IRMA K. POTTS conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

SECTION 4. 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 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final

adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1961, by Councilman Johansen, who moved its introduction and passage to print, which motion being duly seconded by Councilman Knoles, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 457-C.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 1st day of May, 1961, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Knoles, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 16, 1961

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM E. J. BOUNDEY AND GERTRUDE F. BOUNDEY (FOR CORPORATION YARD PURPOSES)

WHEREAS, E. J. BOUNDEY and GERTRUDE F. BOUNDEY

owns that certain parcel of real property hereinafter described, and

WHEREAS, the City of Modesto desires to acquire said parcel of real property for use for municipal purposes,

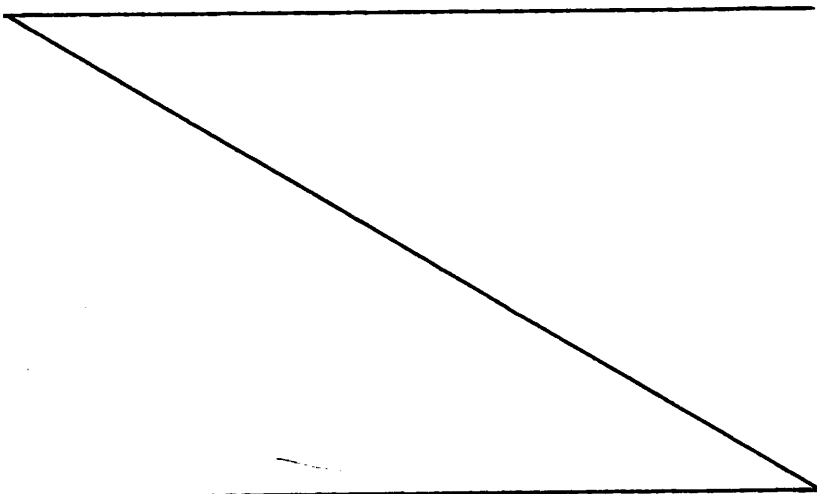
NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

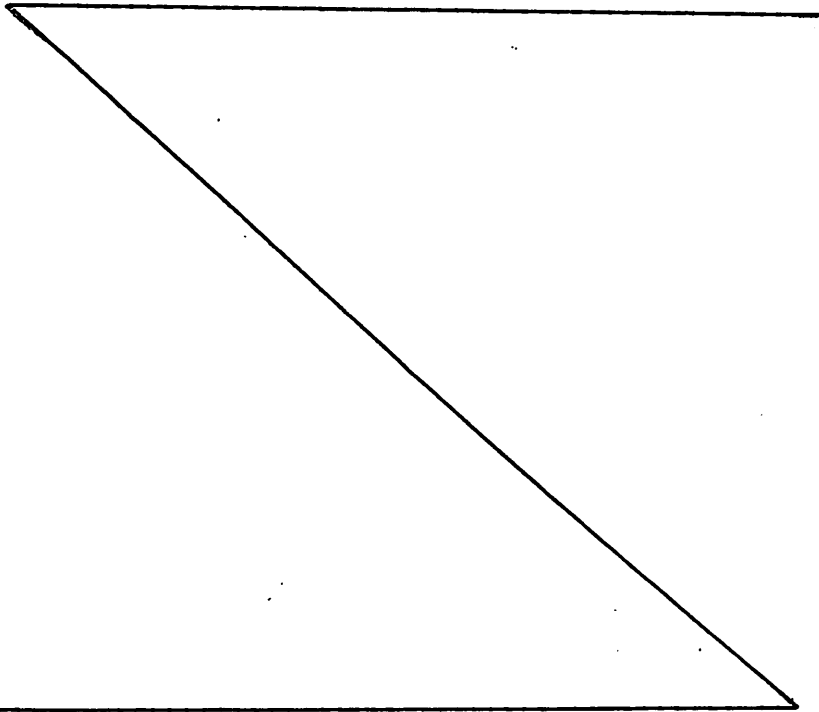
SECTION 1. PURCHASE AUTHORIZED. The purchase of the following described real property with improvements thereon from E. J. BOUNDEY and GERTRUDE F. BOUNDEY

for the sum of Thirteen Thousand and no/100ths / (\$13,000.00) Dollars, in accordance with the provisions of that certain agreement referred to in Section 2 of this ordinance is hereby authorized. Said real property is described as follows:

Lots 15 and 16 in Block 431 of CITY OF MODESTO, as per map filed December 21, 1942 in Vol. 15 of Maps, Stanislaus County Records.

Together with the underlying fee interest, if any, appurtenant to the above described property, in and to the adjoining public ways.





SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and E. J. BOUNDEY and GERTRUDE F. BOUNDEY relating to the purchase of certain real property for municipal purposes, a copy of which is on file in the office of the City Clerk of the City of Modesto, is hereby approved and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from E. J. BOUNDEY and GERTRUDE F. BOUNDEY conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

SECTION 4. 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 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final

adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1961, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Knoles, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 458-C.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 1st day of May, 1961, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Johansen, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 16, 1961

AN ORDINANCE AUTHORIZING THE PURCHASE OF CERTAIN REAL PROPERTY BY THE CITY OF MODESTO FROM MILDRED F. HOPPER (FOR CORPORATION YARD PURPOSES)

WHEREAS, MILDRED F. HOPPER

owns that certain parcel of real property hereinafter described, and
WHEREAS, the City of Modesto desires to acquire said parcel of real property for use for municipal purposes,

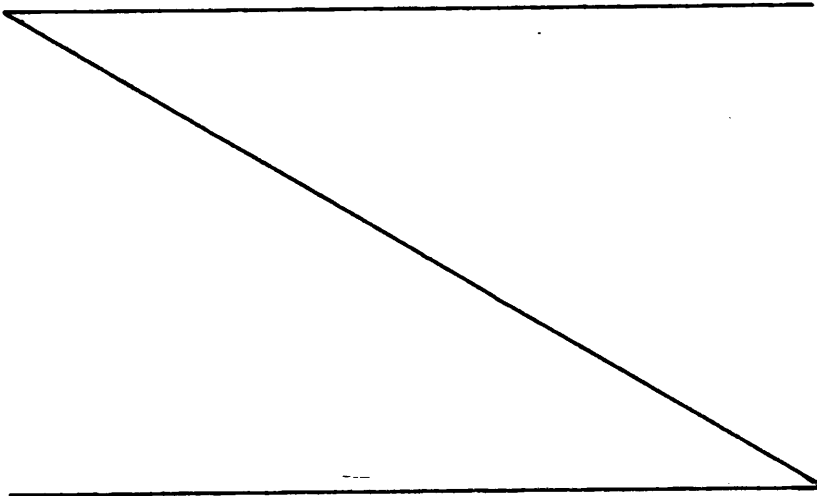
NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

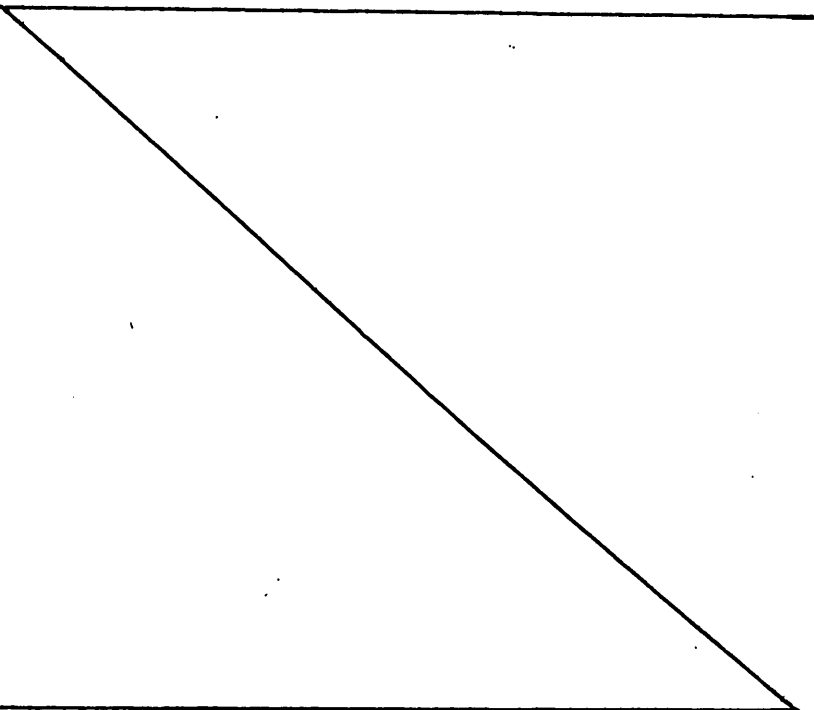
SECTION 1. PURCHASE AUTHORIZED. The purchase of the following described real property with improvements thereon from MILDRED F. HOPPER

for the sum of Eleven Thousand and no/100ths (\$11,000.00) Dollars, in accordance with the provisions of that certain agreement referred to in Section 2 of this ordinance is hereby authorized. Said real property is described as follows:

Lots 17, 18 and 19 in Block 431 of CITY OF MODESTO, as per map filed December 21, 1942 in Vol. 15 of Maps, Stanislaus County Records.

Together with the underlying fee interest, if any, appurtenant to the above described property, in and to the adjoining public ways.





SECTION 2. APPROVAL OF AGREEMENT. That certain agreement between the City of Modesto and MILDRED F. HOPPER relating to the purchase of certain real property for municipal purposes, a copy of which is on file in the office of the City Clerk of the City of Modesto, is hereby approved and the City Manager and the City Clerk are hereby authorized to execute and attest said agreement, respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said agreement.

SECTION 3. ACCEPTANCE AND RECORDING OF DEED. The City of Modesto hereby accepts the deed from MILDRED F. HOPPER conveying the above described property to the City of Modesto and hereby authorizes the City Clerk to record said deed with the Recorder of Stanislaus County.

SECTION 4. 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 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final

adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of April, 1961, by Councilman Knoles, 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: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 459-C.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 1st day of May, 1961, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Knoles, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 16, 1961

AN ORDINANCE AUTHORIZING THE SALE OF A CERTAIN PARCEL OF REAL PROPERTY BELONGING TO THE CITY OF MODESTO TO THE STATE OF CALIFORNIA.

WHEREAS, the City of Modesto owns that certain parcel of real property hereinafter described, and

WHEREAS, the State of California desires to purchase said parcel of property for freeway purposes,

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

SECTION 1. SALE AUTHORIZED. The sale of the following described parcel of real property to the State of California for the sum of One Thousand Seven Hundred and no/100ths (\$1,700.00) Dollars in accordance with the provisions of that certain right of way agreement referred to in Section 2 of this ordinance, is hereby approved. Said parcel of real property is described as follows:

A portion of that certain parcel of land in the City of Modesto, County of Stanislaus, State of California, as described in deed to Edward Mulligan and Jessie Mulligan, husband and wife, as joint tenants, dated October 2, 1945 and recorded October 26, 1945 in Volume 832 of Official Records, Page 197, Stanislaus County Records, described as follows:

Beginning at a point marking the southwest corner of Lot 1, Block 431 of the City of Modesto, as per map filed December 21, 1942 in Volume 15 of Maps, Stanislaus County Records; thence N. 0° 50' 33" W., along the west line of said Lot 1, 25.52 feet; thence S. 50° 21' 46" E., 40.96 feet to the south line of Lot 2 in said Block 431; thence N. 88° 52' 48" W., along the south line of said Lots 1 and 2, 31.17 feet to the point of beginning.

Containing 398 square feet, more or less.

SECTION 2. APPROVAL OF RIGHT OF WAY CONTRACT. That certain right of way contract between the City of Modesto and the State of California, Department of Public Works, Division of Highways, relating to the sale of certain real property, a copy of which is on file in the office of the City Clerk of the City

of Modesto, is hereby approved and the City Manager and City Clerk are hereby authorized to execute and attest said contract respectively, on behalf of the City of Modesto and do all things necessary to carry out the terms of said contract.

SECTION 3. EXECUTION OF DEED. The Mayor and the City Clerk are hereby authorized on behalf of the City to execute and attest respectively a deed granting the aforesaid parcel of property to the State of California.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of May, 1961, by Councilman Johansen, 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: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
AYES: Councilmen:
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 460-C.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 n 22nd day of May, 19 61, ~~Councilman~~ ^{Mayor} Hammond moved its final adoption, which motion being duly seconded by Councilman Johansen, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 6, 1961

AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (DEETER)

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

SECTION 1. ZONING CHANGE. Section 16 of the Zoning Map is hereby amended to reclassify the following described property from Single-Family Zone, R-1, to Planned-Development Zone, P-D(3):

Beginning at a point on the center line of Floyd Avenue 421 feet east of the center line of McHenry Avenue; thence North 0° 38' West 660 feet to the South line of Kavanagh Avenue; thence South 89° 26' East a distance of 884.94 feet; thence Southerly 660 feet to the center line of Floyd Avenue; thence North 89° 26' West 871.80 feet to the point of beginning, such property being located between Floyd Avenue and Kavanagh Avenue beginning 421' east of the center line of McHenry Avenue.

SECTION 2. USES. The following uses shall be permitted in said P-D(3) Zone subject to securing a conditional use permit as required by Section 10-2.2704 of the Modesto Municipal Code:

- (a) Fifty-two (52) rental apartments
- (b) Forty-four (44) "own-your-own" apartments

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of May, 1961, by Councilman Mayor Hammond, who moved its introduction and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 461-C.S.

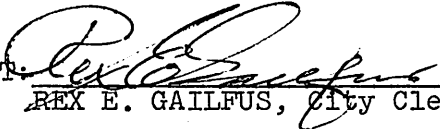
FINAL ADOPTION CLAUSE

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 5th day of June, 1961, Councilman Johansen moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell,
Tabbert, VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 20, 1961

Ordinance 461 C.S.
Exhibit A – Map

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

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
 THE VENT ADDITION TO THE CITY OF
 MODESTO.

WHEREAS, a petition was filed with the City Clerk by
Blake Vent, Linnie M. List, and Marjorie Vent

on April 3, 1961, to annex to the City of Modesto
 under the provisions of the Annexation of Uninhabited Territory Act
 of 1939, as amended, certain uninhabited territory, hereinafter
 described and designated as the VENT
 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
1st day of May, 1961, set said petition for
 hearing at the hour of 4:30 o'clock p.m. on the 5th day of
June, 1961, in the Council Chambers at the
 City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
 finds that a copy of the resolution giving notice of the proposed
 annexation and fixing the time and place for hearing objections to
 the proposed annexation was published in newspapers of general cir-
 culation to wit: The Modesto Bee, a newspaper
 published in the City of Modesto on May 8, 1961,
 and on May 15 1961; and in the Turlock Daily
 Journal, a newspaper published outside the City of Modesto, but in
 the County of Stanislaus, on May 8, 1961,
 and on May 15, 1961, 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 terri-
 tory proposed to be annexed was assessed on the last equalized
 assessment roll available on the date the proceedings were initiated,

at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 5th day of June, 1961, at the hour of 4:30 o'clock p.m., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

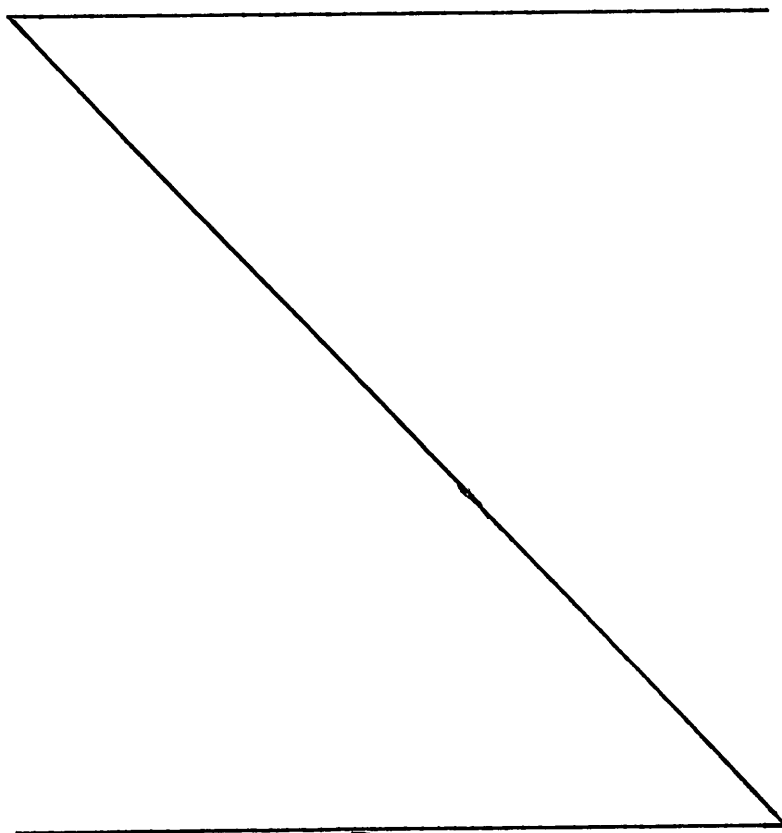
NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

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

SECTION 2. The area or territory so annexed, designated the VENT ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that real property in the State of California, County of Stanislaus, Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian being the South seven eighths of Lots 5 and 6, and the North half of Lot 7 of the Knapp Tract as per map filed November 16, 1904, in Volume 2 of Maps, Page 2, Stanislaus County Records, more particularly described as follows:

Beginning at a point on the existing city limits as established by the Cornwell Addition as per description filed December 29, 1960, as Instrument No. 36792, Stanislaus County Records, said point being on the Western line of a 40 foot public road known as Carver Road and the Northeastern corner of said Cornwell Addition; thence along the city limits the following bearings and distances, North 89° West, 1,320.00 feet, South 0° 15' East, 660.66 feet, North 89° West, 1,320.00 feet, to the center line of a 40 foot public road known as Prescott Road, said point also being on the Western line of Lot 7 of said Knapp Tract; thence along the center line of Prescott Road and the Western line of Lot 7, North 0° 15' West, 1,816.45 feet, to a point on the Westerly extension of the Southern line of Rumble Road as per road deeds recorded May 1, 1957, as Instrument No. 11546, in Volume 1424, Page 443 and February 11, 1920, as Instrument No. 2104, in Volume 274, of Deeds Page 184, Stanislaus County Records; thence along the Southern line of Rumble Road and its Westerly extension, South 89° East, 2,640.00 feet, to a point on the Western line of Carver Road; thence along the Western line of Carver Road, South 0° 15' East, 1,155.79 feet to the point of beginning, containing 90.07 acres, more or less.



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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 19 61, by Councilman Knoles, who moved its adoption 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: Arata, Johansen, Knoles, Mitchell, VanderWall,
Mayor Hammond., Tabbert
NOES: Councilmen: None
ABSENT: Councilmen: None

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 
DON D. HAMMOND, Mayor

(SEAL)

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
 THE LORENZEN ADDITION TO THE CITY OF
 MODESTO.

WHEREAS, a petition was filed with the City Clerk by
Reynold W. Lorenzen, Blanche C. Lorenzen, and Title Insurance
and Trust Company

on April 13, 1961, to annex to the City of Modesto
 under the provisions of the Annexation of Uninhabited Territory Act
 of 1939, as amended, certain uninhabited territory, hereinafter
 described and designated as the LORENZEN
 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
1st day of May, 1961, set said petition for
 hearing at the hour of 4:35 o'clock p.m. on the 5th day of
June, 1961, in the Council Chambers at the
 City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
 finds that a copy of the resolution giving notice of the proposed
 annexation and fixing the time and place for hearing objections to
 the proposed annexation was published in newspapers of general cir-
 culation to wit: The Modesto Bee, a newspaper
 published in the City of Modesto on May 8, 1961,
 and on May 15, 1961; and in the Turlock Daily
 Journal, a newspaper published outside the City of Modesto, but in
 the County of Stanislaus, on May 8, 1961,
 and on May 15, 1961, 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 terri-
 tory proposed to be annexed was assessed on the last equalized
 assessment roll available on the date the proceedings were initiated,

at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 5th day of June, 1961, at the hour of 4:35 o'clock p.m., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated the LORENZEN ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

LORENZEN ADDITION

All that real property in the State of California, County of Stanislaus, Section 22, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lots 14 and 19 of the BROUGHTON COLONY TRACT as per map filed March 17, 1904 in Volume 1 of Maps, Page 78, Stanislaus County Records, described as follows:

Beginning at the Northeastern corner of the existing Corporate City Limits as established by the Downey High School Site annexed by a Resolution of the Stanislaus County Board of Supervisors filed July 27, 1950, as Instrument 16443, Stanislaus County Records, said point being on the Western line of Lot 19; thence along the Western line of Lot 19 and 14, North $00^{\circ} 29'$ West, 824.00 feet, to the Northwestern corner of the property conveyed to the Stanislaus County Title Company, a corporation, by deed Recorded December 28, 1955, as Instrument 37325, in Volume 1335, Page 299, Stanislaus County Records; thence along the Northern line of said Title Company property, East, 715.09 feet, to the Western line of the Downey Park No. 1 Subdivision as per map filed August 18, 1959, in Volume 19 of Maps, Page 26, Stanislaus County Records; thence along the boundary of said Downey Park No. 1, the following bearings and distances,

South, 222.00 feet,

East, 12.68 feet,

South, 108.09 feet,

South $89^{\circ} 58'$ East, 570.02 feet, to the Southeastern corner of Downey Park No. 1 said point being on the Western line of a 40 foot Public Road known as Rose Avenue; thence along the Western line of Rose Avenue, South $00^{\circ} 35'$ East, 495.73 feet, to the Southern line of the property conveyed to Reynold W. Lorenzen, et ux, by deed Recorded February 1, 1954, as Instrument 2623, in Volume 1196, Page 352, Stanislaus County Records; thence along the Southern line of said Lorenzen property, North $89^{\circ} 55'$ West, 1295.89 feet, to the point of beginning, containing 20.375 Acres more or less.

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1961, by Councilman Arata, who moved its adoption and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, VanderWall,
Mayor Hammond, Tabbert
NOES: Councilmen: None
ABSENT: Councilmen: None

ATTEST: 
REX E. GAILFUS, City Clerk

APPROVED: 

DON D. HAMMOND, Mayor

(SEAL)

ORDINANCE NO. 464 -C.S.

AN ORDINANCE AMENDING SECTION 5-6.212 OF ARTICLE 2 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTION 5-6.111 OF ARTICLE 1 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO SEWER SERVICE REVENUES.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.212 of Article 2 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.212. SEWER SERVICE FUND. All monies collected by the City for the purpose of financing the construction, operation and maintenance of the City sewer system, including but not limited to sewer service charges and sewer lateral charges, shall be placed in a fund entitled "Sewer Service Fund". Said fund shall be used only for the acquisition, construction, reconstruction, maintenance and operation of sewer facilities, to repay principal and interest on bonds heretofore issued for the construction or reconstruction of such sewage facilities and for the acquisition or construction of new local street sewers or laterals. All funds now deposited in the "Sewer Lateral Fund" shall be transferred to the "Sewer Service Fund" and shall be used for the purposes authorized by this section.

SECTION 2. REPEALS. Section 5-6.111 of Article 1 of Chapter 6 of Title V of the Modesto Municipal Code is hereby repealed.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after July 1, 1961.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1961, by Councilman Knoles, who moved its introduction and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried

and ordered printed and published by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 464-C.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 12th day of June, 1961, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Knoles, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 1, 1961

AN ORDINANCE AMENDING SECTIONS 3-8.03, 3-8.05, 3-8.07, 3-8.10, AND 3-8.11 OF CHAPTER 8 OF TITLE III OF THE MODESTO MUNICIPAL CODE, ADDING SECTIONS 3-8.05.1, 3-8.05.2, 3-8.05.3, 3-8.05.4, 3-8.05.5, 3-8.05.6, 3-8.07.1, 3-8.07.2, AND 3-8.21. THERETO, AND REPEALING SECTION 3-8.09 THEREOF, RELATING TO LICENSING AND REGULATION OF AMBULANCES.

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

SECTION 1. AMENDMENT OF CODE. Section 3-8.03 of Chapter 8 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-8.03. Application for License. An applicant for an ambulance operator's permit shall ~~file his~~ application with the Director of Finance, ~~which application~~ shall be signed and verified by the applicant, and accompanied by the fee required and shall set forth the following:

- (1) Name, business, and residence address of the applicant;
- (2) The fictitious name, if any, under which said applicant does business and proposes to do business;
- (3) The number, type, age, condition and patient capacity of each ambulance proposed to be operated by the applicant, stating the make, year of manufacture and special equipment installed or proposed to be installed in each such ambulance and whether such ambulances are or will be operated as authorized emergency vehicles;
- (4) The color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate the private ambulance or private ambulances of the applicant;
- (5) The schedule of rates proposed to be charged for ambulance service;
- (6) The experience of the applicant in the transportation and care of wounded, injured, and sick persons;
- (7) The financial status of the applicant, including the amounts of unpaid judgments against the applicant and the nature of the transaction or acts giving rise to said judgments; and
- (8) Any facts which the applicant believes tend to prove that public convenience and necessity require the granting of a permit and such other information as the Council may require.

SECTION 2. AMENDMENT OF CODE. Section 3-8.05 of Chapter 8 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-8.05. Requirement for Certificate. No certificate shall be granted until the Council shall, after hearing, declare by resolution that the public convenience and necessity require the proposed ambulance service.

SECTION 3. AMENDMENT OF CODE. Section 3-8.05.1 is hereby added to Chapter 8 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-8.05.1. Public Hearing. In determining whether the public convenience and necessity require the operation of an ambulance service for which application is made, the Council shall hold such public hearing as may be necessary to determine that fact.

SECTION 4. AMENDMENT OF CODE. Section 3-8.05.2 is hereby added to Chapter 8 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-8.05.2. Investigation of Application. Upon the filing of a fully completed application for the permit to engage in the business of operating an ambulance, the City Clerk shall fix a time for a public hearing thereon before the Council for the purpose of determining whether the public convenience and necessity require the proposed service. Before any application is acted upon by the Council, the City Manager shall cause the Chief of Police to make an investigation and shall report his findings, in writing, to the Council on those matters set forth in Section 3-8.05.4 hereof. No permit shall be granted until the Council shall, after investigation and hearing, declare by resolution that the public convenience and necessity require the proposed service and that the same will promote the convenience, safety and welfare of the general public.

SECTION 5. AMENDMENT OF CODE. Section 3-8.05.3 is hereby added to Chapter 8 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-8.05.3. Notice of Hearing. Written notice of such hearing shall be given to all persons to whom permits for operation of ambulances have been theretofore issued. Due notice of the time and place of the public hearing before the City Council shall also be given to the general public by causing a notice of such hearing to be published in a newspaper of general circulation of the City at least ten (10) days before the hearing.

SECTION 6. AMENDMENT OF CODE. Section 3-8.05.4 is hereby added to Chapter 8 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-8.05.4. Issuance of Ambulance Operator's Permit. Upon completing its investigation and hearing, the Council shall grant the applicant a permit if it finds:

(1) That the vehicles described in the application and proposed to be used are adequate and safe for the purpose of carrying or transporting wounded, injured or sick persons;

(2) That the color scheme, insignia, name, monogram or other distinguishing characteristics proposed to be used upon such ambulance or ambulances is not in conflict with and does not imitate any color scheme, insignia, name, monogram or other distinguishing characteristics used by any other person, in such manner as to mislead or tend to mislead, deceive, or defraud the public; and

(3) That further ambulance service in the City is required by the public convenience and necessity and that the applicant is fit, willing and able to perform ambulance service and to conform to the provisions of this chapter, and such rules and regulations as may be promulgated by the Council. In making such findings, the Council shall take into consideration the number of ambulances already in operation, whether existing ambulance service is adequate to meet the public need, the probable effect of increased ambulance service on local traffic conditions, and the character, experience and responsibility of the applicant.

SECTION 7. AMENDMENT OF CODE. Section 3-8.05.5 is hereby added to Chapter 8 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-8.05.5. Form of Ambulance Operator's Permit. If the Council, by resolution, shall find and declare that the public convenience and necessity require the proposed ambulance service or will admit additional ambulance service, a permit to that effect shall be issued to the person or persons entitled thereto by having complied with the requirements of this chapter and all the requirements of this chapter having been met; and the Council in its discretion shall determine the total number of ambulances which may be operated under such permit. The permit when issued shall state the name and address of the applicant, the number of ambulances that may be operated under said permit, and the date of issuance thereof. No permit authorized hereunder shall be issued to any person who shall not have fully complied with all the requirements of this chapter.

SECTION 8. AMENDMENT OF CODE. Section 3-8.05.6 is hereby added to Chapter 8 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-8.05.6. Posting of Certificates of Public Convenience and Necessity. Each ambulance operator to whom the Council has issued a Certificate of Public Convenience and Necessity shall cause an authenticated copy of the certificate to be posted on the dashboard of the ambulance in a position clearly visible, or in some other area approved by the Council.

SECTION 9. AMENDMENT OF CODE. Section 3-8.07 of Chapter 8 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-8.07. Transfer of License. No license for the operation of an ambulance may be sold, assigned, mortgaged, or otherwise transferred without the consent of the Council.

Application for transfer of any license for an ambulance shall be subject to the same terms, conditions, and requirements as is the application for an original license.

SECTION 10. AMENDMENT OF CODE. Section 3-8.07.1 is hereby added to Chapter 8 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-8.07.1. Suspension and Revocation of Ambulance Permit. The Council may at any time revoke, suspend or change a permit granted the ambulance operator after proper notice to and opportunity of hearing given to the owner thereof if he fails to operate an ambulance authorized hereunder in accordance with the provisions of this chapter as now constituted or as the same may be hereafter amended.

SECTION 11. AMENDMENT OF CODE. Section 3-8.07.2 is hereby added to Chapter 8 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-8.07.2. Surrender of Suspended or Revoked Permits. All permits which have been suspended or revoked by the Council shall be surrendered to the City Clerk and the operation of all ambulances covered by such permits shall cease and the continued operation thereof shall thereafter constitute a violation of this chapter.

SECTION 12. AMENDMENT OF CODE. Section 3-8.10 of Chapter 8 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-8.10. Additional Vehicles. Any person holding a license to operate one or more ambulances as provided in this chapter, who desires to add to the number of such vehicles, shall do so only by obtaining a license therefor from the Council which shall be granted only upon application made in the same manner and under the same proceedings as are required in the instance of obtaining the original license as required by this chapter.

SECTION 13. AMENDMENT OF CODE. Section 3-8.11 of Chapter 8 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-8.11. Substitute Vehicles. Any person holding a license to operate one or more ambulances as provided in this chapter, who desires to substitute a different vehicle for a vehicle operated under such license, shall do so only upon obtaining from the Chief of Police permission therefor, which shall be granted only upon written application setting forth the particulars of such proposed substitution, and upon otherwise complying with the requirements of this chapter.

SECTION 14. AMENDMENT OF CODE. Section 3-8.21 is hereby added to Chapter 8 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-8.21. Present Operators. Each person operating a licensed ambulance business in the City on June 1, 1961, shall automatically be granted a Certificate of Public Convenience and Necessity to operate an ambulance business within the City for the number of ambulances then being operated within the City.

SECTION 15. REPEALS. Section 3-8.09 of Chapter 8 of Title III of the Modesto Municipal Code is hereby repealed.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1961, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 465-C.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 12th day of June, 19 61, Councilman Arata moved its final adoption, which motion being duly seconded by Councilman Johansen, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: June 27, 1961

AN ORDINANCE AMENDING SECTION 9-1.03.1 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO BUILDING REGULATIONS; AMENDING SECTION 9-2.09 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO PLUMBING CODE; AND AMENDING SECTIONS 9-3.206, 9-3.301, AND 9-3.401 OF CHAPTER 3 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO ELECTRICAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Section 9-1.03.1 of Chapter 1 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-1.03.1. FEES. That Section 303 of said Building Code be amended to read as follows:

Section 303. (a) Building Permit Fees. A fee for each building permit shall be paid to the Building Official as set forth in Table No. 3-A.

TABLE NO. 3-A -- BUILDING PERMIT FEES

TOTAL VALUATION	FEE
Less than \$20.00	No Fee
\$20.00 to and including \$100.00	\$ 1.00
More than \$100.00 to and including \$400.00	2.00
More than \$400.00 to and including \$700.00	4.00
More than \$700.00 to and including \$1,000.00	6.00
Each additional \$1,000.00 or fraction, to and including \$15,000.00	2.00
Each additional \$1,000.00 or fraction, to and including \$50,000.00	1.00
Each additional \$1,000.00 or fraction exceeding \$50,000.00	.50

Any person who shall commence any work for which a permit is required by this section 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 or Ten and no/100ths (\$10.00) Dollars, whichever is greater; 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 is an unreasonable delay in obtaining such permit a double fee or Ten and no/100ths (\$10.00) Dollars, whichever is greater, as provided herein shall be charged. Payment of such double fee or Ten and no/100ths (\$10.00) Dollars, whichever is greater, shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work or from any other penalties provided herein.

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

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

SECTION 2. AMENDMENT OF CODE. Section 9-2.09 of Chapter 2 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-2.09. Cost of Permits. That Section 1.12 of said Plumbing Code be amended to read as follows:

Section 1.12. (a) The Director of Finance shall assist the Chief Building Official as follows:

All fees hereinafter set forth in this section shall be collected by the Director of Finance. 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 Director of Finance and a fee collected by said Director of Finance and a receipt issued therefor. Said Director of Finance 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 Director of Finance. 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 Director of Finance 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 persons who shall commence any plumbing work for which a permit is required by this Plumbing 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 or Ten and no/100ths (\$10.00) Dollars, whichever is greater; 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 issuing each permit	\$ 1.00
In Addition:	
For each plumbing fixture	1.00
For each house drain	1.00
For each house sewer	2.50
For each leader to sewer on street	1.00
For each water distribution system	1.00
For each cooler (type) evaporator or refrigerator	1.00
For lawn sprinkler systems for each section control valve	.75
For each water treating or water using equipment	1.00
Gas piping permits at 25 cents per outlet (minimum fee)	1.00
Gas furnace of any nature whatsoever, per 100,000 BTU or fraction thereof	2.00
Other gas appliances, such as ranges, water heaters, space heaters, conversion burners, miscellaneous	.50

(b) No plumbing permit fee shall be required for the issuance of a plumbing permit to any governmental agency.

SECTION 3. AMENDMENT OF CODE. Sections 9-3.206, 9-3.301, and 9-3.401 of Chapter 3 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-3.206. PERMITS. FEES. (a) The Director of Finance shall assist the Chief Building Official by collecting the fees hereinafter set forth upon receipt of an approved application for a permit from the Chief Building Official. The Director of Finance shall collect from such applicant 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. It shall be unlawful for any person to do any electrical work for which a permit is required by this chapter without having obtained a permit therefor before commencing the work or within twenty-four (24) hours, excepting Saturdays, Sundays and holidays after commencing the work. Electrical work commenced other than stated herein for which an electrical permit is subsequently permitted to be obtained shall pay double the permit fee fixed by this section or Ten and no/100ths (\$10.00) Dollars, whichever is greater.

SCHEDULE OF FEES

Permits (Issuing and Filing) Each	\$ 1.00
Supplementary Permits, Each	None
Fixtures, Each	.15
Fused Switches - 30 Ampere	.25
(except motor 60 Ampere	.35
disconnects) 100 Ampere	.50
Over 100 Ampere	1.00
Outlets at which current is used or controlled:	
For the first 10, Each	.25
For 11 to 100, Each	.10
Excess of 100, Each	.05

Outlets for Cord Connected	
Air Conditioning Units	\$.50
Range, Dryer, Dishwasher, Water or	
Air Heater, Each	.50
Strings of Construction Lights or	
Strings of Outdoor Lights Consisting of:	
100 Lamps or Less	.50
101 to 300 Lamps	.75
Over 300, additional for each	.002
Motors:	
Less than 1 H.P.	.50
From 1 H.P. to 3 H.P., Each	1.50
From 3 to 10 H.P., Each	2.00
Over 10 H.P.	2.50
Moving motors where the switches and	
control equipment are not moved, the	
fee shall be $\frac{1}{2}$ of the above.	
Motor - Generator Sets, 50% greater than	
for motors alone.	
Generators, each K.V.S. capacity shall be	
considered as one Horsepower in a motor.	
Projector Machines, Dissolvers, etc.	1.00
Electric Signs, incandescent or flourescent	1.50
Electric Signs, luminous gas type, 1-4	
transformers	1.50
5 or more, Each	.35
Rectifiers or converters, per K.W.	.25
Electric Welder, per K.W.	.25
X-Ray Units, Each	2.00

(b) No electrical permit fee shall be required for the issuance of an electrical permit to any governmental agency.

SEC. 9-3.301. CONSTRUCTION REQUIREMENTS. Except as otherwise provided herein, the National Electrical Code, 1959 Edition, shall apply to work on domestic residences and apartment houses of not more than four (4) apartments. The latest edition of the Electrical Safety Orders of the Department of Industrial Relations of the State of California shall apply to all other work. Three (3) copies of each of the hereinbefore mentioned documents are on file in the Office of the City Clerk and are hereby incorporated by reference and made a part of this Code as though fully set forth herein. In addition to the foregoing, all work shall comply with the following requirements:

(a) General.

(1) All electrical materials or appliances installed in the City shall be listed or labeled by the Underwriters' Laboratories, Inc., or be approved by the City Electrician.

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

(3) Where the service conduit is extended to furnish a support for the service drop wires, only rigid conduit of not less than $1\frac{1}{4}$ " trade size may be used and shall not extend more than thirty (30") inches beyond the last support.

(4) Substandard service equipment shall be brought up to standard on any and all remodeling jobs or in any case where additional wiring is installed.

(5) Wiring over 25 volts within Fire District No. 1 as described in this Code, shall be in metal raceway. Wiring over 25 volts outside said Fire District No. 1 shall be in metal raceway except for dwellings, private garages, small sheds and apartment houses of not more than four (4) apartments.

(6) Exposed wiring shall be run in straight lines and all turns made at right angles. Cables shall follow the building surfaces.

(7) Electrical metallic tubing shall not be used in the ground floor slab or in any location where it would be in contact with the ground. All sizes of electrical metallic tubing shall have insulating liners or insulating bushings at each connector.

(8) Armoured cable or flexible conduit may be used only by special permission except that lengths of armoured cable or flexible conduit not to exceed thirty (30") inches may be used on motors or equipment.

(9) On panel and switchboards all circuits shall be identified by means of painting or other approved methods. Type S (nonamperable) fuses shall be required in all new fuse panels and in existing installations showing evidence of over-fusing.

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

(11) The water supply system shall be used for the service ground if connection can be made with a run not to exceed fifty (50') feet. Otherwise, an approved rod electrode shall be used.

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

(13) All new temporary power pole services shall be at least 50 ampere capacity with properly protected outlets. Existing equipment with smaller capacity may be used until January 1, 1963.

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

(b) Domestic Residences, Flats, and Apartment Houses of Not More Than Four (4) Apartments.

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

(2) Each kitchen shall have at least two (2) receptacle circuits which may also feed other rooms.

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

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

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

(6) Service equipment shall be located on the outside of all dwellings. The outer end of the service raceway shall be terminated where it is accessible to the serving agency.

(7) Approved service entrance cable may be used for service conductors, range, dryer and water heater circuits or subpanel feeders.

(8) Bell or chime transformers shall be installed in metal boxes at fuse cabinets or mounted on outlet boxes adjacent thereto, or if in the attic, within three (3') feet of the scuttle hole.

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

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

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

(1) Lights sufficient to illuminate every public hallway, passageway, stairway, fire escape egress, elevator, water closet compartment, and toilet rooms shall be provided with separate circuits for the accommodation of the emergency lighting in apartment houses containing more than two (2) apartments above the first floor, hotels not more than two (2) stories in height, and public assemblies not above the second floor. Lights shall be kept burning twenty-four (24) hours per day and night throughout the year sufficient in volume to properly illuminate the above whenever there is insufficient natural light to permit a person to read in any part thereof.

(2) A separate service shall be required for the emergency lighting supply in each of the following:

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

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

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

(d) For all hospitals.

(3) Every exit doorway from an area with an occupant load of more than fifty (50) persons shall be marked with an approved illuminated exit sign.

(d) Commercial and Industrial Buildings.

(1) Convenience outlets in commercial installations shall be wired with not less than No. 12 AWG wire with a maximum of six (6) outlets per circuit.

(2) Service equipment may be located at the nearest readily accessible point within the building served. The outer end of the service raceway shall be terminated where it is accessible to the serving agency.

SEC. 9-3.401. CERTIFICATE OF COMPETENCY REQUIRED. Before any person shall engage in, or labor at the trade of an electrician as a journeyman, he must be the holder of a certificate of competency issued by the Chief Building Official pursuant to the order therefor made by the Board of Electrician Examiners hereinafter provided for, after his requisite qualifications have been established by his passing an examination conducted by the Board.

(a) Creation. There is hereby created a Board of Electrician Examiners, hereinafter called the Board, which shall consist of five (5) members, two (2) of whom shall be electrical contractors licensed by the State of California, two (2) of whom shall be journeymen holding certificates of competency, and the Chief Building Official, or his designated representative. The members of this Board other than the Chief Building Official, or his designated representative, shall be appointed in accordance with and for the terms prescribed in Section 1102 of the Charter of the City of Modesto.

(b) Duties. The duties of the Board shall consist of examining applicants for a certificate of competency as set forth in Section 9-3.401 of this chapter. The Board shall hold such examinations under such rules and regulations as may be adopted by the Board.

(c) Re-examination. Any person who fails to pass the examination as prescribed by the Board may apply for re-examination after the expiration of ninety (90) days. Should such person fail to pass the second time, the Board may refuse a third application until after the expiration of six (6) months. Application fee as prescribed in Section 9-3.401 (d) shall be paid for each re-examination.

(d) Examination Fee. A fee of Two and 50/100ths (\$2.50) Dollars shall be paid to the Board for the first and for every additional examination taken by any person applying to the Board for a certificate of competency. The Board shall pay all fees so collected to the Director of Finance.

(e) Temporary Journeyman's Permit. After a person claiming to be a journeyman electrician has made application and paid the fee for a journeyman electrician's examination the Chief Building Official, in his discretion, may issue to such person having paid the fee, a temporary permit to engage in electrical work until the next examination is held by the Board. The Chief Building Official at any time may revoke such temporary permit.

(f) Helpers and Apprentices. No electrician's helper or apprentice shall do or perform any electrical work except with a person who has a certificate of competency, who shall be held responsible for the work of such electrician's helper or apprentice. An electrician's helper or apprentice is one engaged in learning the electrician's trade.

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

SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after July 1, 1961.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of June, 1961, by Councilman Johansen, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

ATTEST: REX E. GAILFUS, City Clerk

(SEAL)

APPROVED: Don D. Hammond

DON D. HAMMOND, Mayor

Ord. No. 466-C.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 12th day of June, 1961, Councilman Johansen 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: Arata, Johansen, Knoles, Mitchell, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 1, 1961

AN ORDINANCE AMENDING SECTION MAP 18 OF THE
ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (ELLIS)

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

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

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

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

SECTION 2. USES. The following uses shall be permitted
in said P-D(5) Zone subject to securing a conditional use permit
as required by Section 10-2.2704 of the Modesto Municipal Code:

The following C-1 uses:

The following general merchandising stores:

Variety
Dry goods, notions and general merchandise,
but not including department stores

The following food stores:

Grocery
Meat, fish, egg and poultry provided there
shall be no sales of live poultry or
animals and no killing of fowl, fish or
animals
Fruit and vegetables
Candy, nut and confectionery

Dairy products
Bakery, catering establishment
Delicatessen
Coffee, tea, spices and health foods
Frozen food lockers, individual retail rental

The following automobile service facilities:
Service station
Parking area

The following apparel and accessory stores:
Men's and boys' clothing and furnishings
Women's ready to wear
Women's accessory and specialty
Children's and infants'
Shoe
Family clothing
Custom tailors
Custom dressmaking

The following home furnishings and equipment stores:
Drapery, curtain and upholstery material
China, glassware and metalware
Miscellaneous home furnishings, such as
pictures, frames, lamps and shades,
awnings, and window shades
Radio and television
Musical instruments and records

The following building materials stores:
Paint, glass and wallpaper
Hardware, limited to household and garden hardware

The following eating and drinking establishments:
Cafe, ice cream parlor, commercial lunch service,
cafeteria, excluding the following:
Dancing and entertainment, except music
Dispensing of alcoholic beverages, except
beer

The following miscellaneous retail businesses:
Drug and proprietary medicine
Liquor, for consumption off the premises
Book and stationery; office supply
Sporting goods
Jewelry
Florist, greenhouse, plant materials nursery
Cigar store and stand
News dealer and newsstand
Music
Camera and photographic supply
Gift, novelty and souvenir
Luggage and leather goods
Autograph and philatelist supply
Artists' supplies and art shop
Toys
Christmas tree sales
Five-and-ten-cent store
Ice dealer, provided storage of not more than
five (5) tons capacity is provided
Garden supply
Pet store

The following finance, insurance and real estate businesses:

- Bank
- Credit agency
- Security and commodity broker, dealer, exchange and service
- Insurance carrier, agent, broker and service
- Realtor and real estate; abstractor; subdivider and developer
- Holding and other investment company

The following personal services:

- Laundry agency; dry cleaning agency; self-service laundry; coal and fuel sales service
- Photographic studio; film processing
- Barber shop; beauty shop
- Shoe repair shop; shoe shine parlor
- Hat cleaning, hemstitching, embroidering and sewing shops
- Tailor shop, including pressing, alteration and garment repair
- Diaper service

The following miscellaneous business services:

- Advertising agency, including agency for outdoor and miscellaneous advertising
- Consumer credit reporting agency; mercantile reporting agency; adjustment and collection agency
- Duplicating, addressing, mailing, mailing list and stenographic services, blueprinting and photostating services
- Window cleaning; disinfecting and exterminating service; janitorial service, floor waxing and office cleaning
- Accounting, auditing and bookkeeping services

The following miscellaneous repair services:

- Electrical repair shop
- Watch, clock and jewelry repair
- Bicycle repair shop
- Locksmith shop; gunsmith shop
- Musical instrument repair
- Camera repair; fountain pen repair; key duplicating; lawn mower sharpening and repair; saw, knife and tool sharpening and repair

The following educational services:

- Library
- Music, art, dramatic, language, children's dancing schools

The following miscellaneous services

- Engineering and architectural service
- Office of actuaries, lecturers and writers
- Art studio
- Baby sitters' agency
- Taxi stand
- Coal and fuel sales office
- Interior decorating service

Signs pertaining only to a use conducted within the building or on the lot or to the lease or sale of the property, or to trespassing

The following C-2 uses:

The following building materials stores:
Hardware

The following general merchandise stores:
Department store

The following apparel and accessory stores:
Furrier and fur shop

The following furniture, home furnishings, and
equipment stores:
Furniture; household appliance
Floor covering
Weather stripping

The following eating and drinking places:
Eating place

The following personal services:
Fur repair and fur storage

SECTION 3. ZONING MAP. Section Map 18 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1961, by Councilman Knoles, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

ATTEST: REX E. GAILFUS, City Clerk

APPROVED

DON D. HAMMOND, Mayor

(SEAL)

Ord. No. 467-C.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 19th day of June, 1961, Councilman Johansen moved its final adoption, which motion being duly seconded by Councilman Knoles, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Tabbert, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 4, 1961

Ordinance 467 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION MAP 32 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BLOCKS 43, 44, PORTIONS OF BLOCKS 31, 32, 33, 34, 42 AND 45)

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

SECTION 1. ZONING CHANGE. Section 32 of the Zoning Map is hereby amended to reclassify the following described property from General-Commercial Zone, C-2, to Commercial-Industrial Zone, C-M:

All of Blocks 43 and 44
Lots 1 through 4 in Block 31
Lots 1 through 16 in Block 32
Lots 1 through 16 in Block 33
Lots 13 through 16 and the south 15 feet of Lot 12 in Block 34
Lots 13 through 16, and the south 15 feet of Lot 12, Lots 17 through 20 and the south 15 feet of Lot 21 in Block 42
Lots 1 through 4 and Lots 29 through 32 in Block 45, such property fronting on both sides of 7th St. and west side of 8th St. and extending from the south side of G St. to the north side of I St.,

SECTION 2. ZONING MAP. Section Map 32 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1961, by Councilman Arata, who moved its introduction and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 468-C.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 19th day of June, 1961, Councilman Knoles moved its final adoption, which motion being duly seconded by Councilman Tabbert, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Tabbert, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 4, 1961

Ordinance 468 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CARVER-ORANGEBURG AREA)

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

SECTION 1. ZONING CHANGE. Section 19 of the Zoning Map is hereby amended to reclassify the following described property from Single-Family Zone, R-1, to Neighborhood-Commercial Zone, C-1:

Lots 1 through 3 and the West 100 feet of Lots 4 and 5 in Block 6082. All of Lot 5 in Block 6081, such property being located on the east side of Carver Road, north of Orangeburg Avenue.

SECTION 2. ZONING MAP. Section Map 19 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of June, 1961, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Tabbert, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Arata, Johansen, Knoles, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

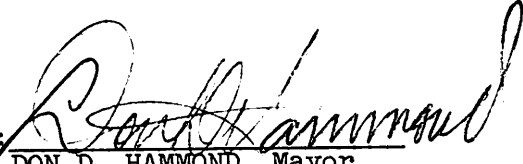
Ord. No. 469-C.S.

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 19th day of June, 1961, Councilman VanderWall 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: Arata, Johansen, Knoles, Tabbert, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: July 4, 1961

**Ordinance 469 C.S.
Exhibit A – Map**

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

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
 THE EAST FLOYD NO. 3 ADDITION TO THE CITY OF
 MODESTO.

WHEREAS, a petition was filed with the City Clerk by
U. Z. BRANNON and GENEVA R. BRANNON

on April 26, 1961, to annex to the City of Modesto
 under the provisions of the Annexation of Uninhabited Territory Act
 of 1939, as amended, certain uninhabited territory, hereinafter
 described and designated as the EAST FLOYD NO. 3
 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 May, 1961, set said petition for
 hearing at the hour of 8:00 o'clock p.m. on the 26th day of
June, 1961, in the Council Chambers at the
 City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
 finds that a copy of the resolution giving notice of the proposed
 annexation and fixing the time and place for hearing objections to
 the proposed annexation was published in newspapers of general cir-
 culation to wit: The Modesto Bee, a newspaper
 published in the City of Modesto on May 24, 1961,
 and on May 31, 1961; and in the Turlock Daily
 Journal, a newspaper published outside the City of Modesto, but in
 the County of Stanislaus, on May 24, 1961,
 and on May 31, 1961, 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 terri-
 tory proposed to be annexed was assessed on the last equalized
 assessment roll available on the date the proceedings were initiated,

3

at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 26th day of June, 1961, at the hour of 8:00 o'clock p.m., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated the EAST FLOYD NO. 3 ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

EAST FLOYD NO. 3 ADDITION

All that real property in the State of California, County of Stanislaus, Section 16, Township 3 South, Range 9 East, Mount Diablo Base and Meridian and being a portion of Lot 21, of Coffee Colony, as per map filed January 13, 1906, in Volume 2 of Maps, Page 22, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits as established by the East Floyd No. 2 Addition, as per description filed June 29, 1960, as Instrument 18292, Stanislaus County Records, said point also being the Southwestern corner of property conveyed to P. U. Knutson, et ux, as per deed recorded December 2, 1947, as Instrument 30718, Stanislaus County Records; thence along the City Limits and the Eastern line of said East Floyd No. 2 Addition North $0^{\circ} 53'$ West, 737.24 feet to the Northwestern corner of property conveyed to Maurice E. Boyd, et ux, as per deed recorded June 24, 1955, as Instrument 18356, Stanislaus County Records; thence along the Northern line of said Boyd property South $89^{\circ} 27' 57''$ East, 346.00 feet; thence parallel to and 346.00 feet East of the Eastern line of said East Floyd No. 2 Addition, South $0^{\circ} 53'$ East, 737.24 feet to a point on the Southern line of the Knutson property; thence along the Southern line of said Knutson property, North $89^{\circ} 27' 57''$ West, 346.00 feet, to the point of beginning, containing 5.85 Acres more or less.

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 19 61, by Councilman Knoles, who moved its adoption and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmen:	Johansen, Knoles, Tabbert, VanderWall, Mayor Hammond
NOES:	Councilmen:	None
ABSENT:	Councilmen:	Mitchell

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

ORDINANCE NO. 471 -C.S.

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

WHEREAS, the 1960-61 fiscal year of the City of Modesto ends on June 30, 1961, and

WHEREAS, there will be an interim period between June 30, 1961, and the adoption of the budget for the fiscal year beginning July 1, 1961, and terminating June 30, 1962, and

WHEREAS, the 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 Four Hundred Thousand and no/100ths (\$400,000.00) Dollars, 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, 1961, and continuing until the adoption of the budget for the fiscal year 1961-1962.

SECTION 2. That pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption and shall apply, commencing on and after July 1, 1961, but shall be superseded upon the adoption of the budget for the 1961-1962 fiscal year.

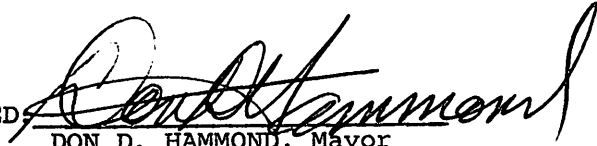
SECTION 3. That this ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of June, 1961, by Councilman Knoles, who

moved its adoption, which motion being duly seconded by
Councilman Johansen, was upon roll call carried
and the ordinance adopted by the following vote:

AYES: Councilmen: Johansen, Knoles, Tabbert, VanderWall, Mayor
Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE ADDING SECTION 3-1.234.1 TO ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO FIRE PREVENTION REGULATIONS; AMENDING SECTION 4-7.601 OF ARTICLE 6 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO WEEDS, RUBBISH AND DEBRIS, ADDING SECTION 4-7.601.1 THERETO, AND AMENDING SECTION 4-7.604 THEREOF; AND ADDING SECTION 7-2.08 TO CHAPTER 2 OF TITLE VII OF THE MODESTO MUNICIPAL CODE, RELATING TO STREET TREES.

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

SECTION 1. AMENDMENT OF CODE. Section 3-1.234.1 is hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.234.1. ACCUMULATIONS OF WASTE MATERIALS. That Section 28.5 of said Fire Prevention Code be amended to read as follows:

Section 28.5. Accumulations of waste paper, hay, grass, straw, weeds, litter or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any roof or in any court, yard, vacant lot or open space, or upon any public street, sidewalk, easement or alley abutting thereon. All weeds, grass, vines or other growth, when the same endangers property or is liable to be fired, shall be cut down and removed by the owner or occupant of the property, including all weeds, grass, vines or other growth, growing in or upon any public street, sidewalk, easement or alley abutting said property.

SECTION 2. AMENDMENT OF CODE. Section 4-7.601 of Article 6 of Chapter 7 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-7.601. WEEDS, RUBBISH AND DEBRIS DECLARED A NUISANCE. All weeds, rubbish and debris located upon any private property or any public street, sidewalk, easement or alley abutting thereon within the City, which constitutes a fire menace, or which is otherwise a menace to health or safety is hereby declared to be a public nuisance, which nuisance shall be abated as provided in this article.

SECTION 3. AMENDMENT OF CODE. Section 4-7.601.1 is hereby added to Article 6 of Chapter 7 of Title IV of the Modesto Municipal Code to read as follows:

9.

SEC. 4-7.601.1. REMOVAL OF WEEDS, RUBBISH AND DEBRIS. It is hereby made the duty of every property owner to destroy or remove such weeds, rubbish and debris as are described in Section 4-7.601 from his private property and from the abutting half of the street and/or alley, and between the sidelines thereof as extended. The word "street" as used in this article shall be deemed to include the sidewalk space thereof.

SECTION 4. AMENDMENT OF CODE. Section 4-7.604 of Article 6 of Chapter 7 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-7.604. NOTICE TO REMOVE RUBBISH. Upon the failure of any owner to destroy or remove such weeds, rubbish and debris as are described in Section 4-7.601 to Section 4-7.602, inclusive, in the manner described therein, the owner of the real property involved shall be notified by the Street Superintendent of said City to remove the same within a period of seven (7) days. Such notice shall be in writing or printed and shall be posted in a conspicuous place upon said property for a period of seven (7) days. If at the end of such period mentioned in said notice, such owner has failed to comply with said notice, then the Street Superintendent shall cause such weeds, rubbish and debris to be removed from said property and shall charge the expense of such work of removing the same to the owner of the property.

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

SECTION 5. AMENDMENT OF CODE. Section 7-2.08 is hereby added to Chapter 2 of Title VII of the Modesto Municipal Code to read as follows:

SEC. 7-2.08. DUTY TO TRIM TREES. Notwithstanding other provisions of this chapter, it is hereby made the duty of every person owning or occupying any land or lots of land within the City to keep all private trees extending over any street or alley trimmed up to a height of not less than twelve (12') feet except that a height of not less than seven (7') feet shall be permitted over the sidewalk area, and also to keep said space clear of debris.

SECTION 6. 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 7. 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 10th day of July, 1961, by Councilman Knoles, who moved its introduction and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Knoles, Tabbert, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 472-C.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 17th day of July, 1961, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Knoles, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Knoles, Mitchell, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: August 1, 1961

ORDINANCE NO. 473 -C.S.

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

WHEREAS, the 1960-1961 fiscal year of the City of Modesto ends
on June 30, 1961, and

WHEREAS, by Ordinance No. 471-C.S. adopted June 26, 1961,
the Council appropriated the sum of Four Hundred Thousand and no/100ths
(\$400,000.00) Dollars for the payment of the customary and usual current
expenses of the City for the period commencing July 1, 1961, and continuing
until the adoption of the budget for the fiscal year 1961-1962, and

WHEREAS, it appears that an additional appropriation for the
usual current expenses of the City will be needed to cover the interim period
prior to the adoption of the budget for the fiscal year beginning July 1, 1961,
and terminating June 30, 1962,

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

SECTION 1. The additional sum of Four Hundred Thousand and
no/100ths (\$400,000.00) Dollars, or such portion thereof as may be necessary,
is hereby appropriated for the payment of customary and usual current expenses
of the City of Modesto for the period commencing July 1, 1961, and continuing
until the adoption of the budget for the fiscal year 1961-1962.

SECTION 2. That pursuant to Section 722 of the Charter of the
City of Modesto, this ordinance shall take effect upon adoption and shall apply,
commencing on and after July 1, 1961, but shall be superseded upon the adoption
of the budget for the 1961-1962 fiscal year.

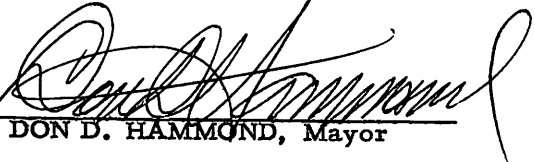
SECTION 3. That this ordinance shall be published in full at least
once in The Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of
the Council of the City of Modesto held on the 24th day of July, 1961,
by Councilman Mitchell, who moved its adoption, which motion being
duly seconded by Councilman VanderWall, was upon roll call carried and


the ordinance adopted by the following vote:

AYES: Councilmen: Johansen, Knoles, Mitchell, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
THE GISH ADDITION TO THE CITY OF
MODESTO.

WHEREAS, a petition was filed with the City Clerk by
Lance E. Ellis, Carol L. Ellis, Harold E. Gish and
Mae C. Gish

on May 8, 1961, to annex to the City of Modesto
under the provisions of the Annexation of Uninhabited Territory Act
of 1939, as amended, certain uninhabited territory, hereinafter
described and designated as the GISH
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
5th day of June, 1961, set said petition for
hearing at the hour of 8:00 o'clock p.m. on the 24th day of
July, 1961, in the Council Chambers at the
City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
finds that a copy of the resolution giving notice of the proposed
annexation and fixing the time and place for hearing objections to
the proposed annexation was published in newspapers of general cir-
culation to wit: The Modesto Bee, a newspaper
published in the City of Modesto on June 19, 1961,
and on June 26, 1961; and in the Turlock Daily
Journal, a newspaper published outside the City of Modesto, but in
the County of Stanislaus, on June 19, 1961,
and on June 26, 1961, 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 terri-
tory proposed to be annexed was assessed on the last equalized
assessment roll available on the date the proceedings were initiated,

at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 24th day of July, 1961, at the hour of 8:00 o'clock p.m., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated as the GISH ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

GISH ADDITION

All that real property in the State of California, County of Stanislaus, Section 13, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Park Manor Addition, as per description filed June 2, 1960, as Instrument 15668, Stanislaus County Records, said point being on the quarter section line and the Southeastern corner of property conveyed to Lance E. and Carol L. Ellis, as per deed recorded December 30, 1960, as Instrument 37087, Stanislaus County Records; thence along the quarter section line and the Southern line of said Ellis property, South $89^{\circ} 21' 30''$ West, 1326.82 feet to a point on the Eastern line of a 40 foot County Road known as Conant Avenue as per road deed filed July 18, 1930, Volume 401, Page 383, Stanislaus County Records; thence along the Eastern line of said Conant Avenue, North $0^{\circ} 18' 30''$ West, 338.13 feet to the Northern line of said Ellis property; thence along the Northern line of said Ellis property, North $89^{\circ} 21' 30''$ East, 1326.98 feet to a point on the existing City Limits; thence along the City Limits, South $0^{\circ} 16' 30''$ East, 338.13 feet to the point of beginning, containing 10.30 Acres more or less.

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto 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 24th day of July, 1961, by Councilman VanderWall, who moved its adoption and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Knoles, Mitchell, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

ORDINANCE NO. 475 -C.S.

AN ORDINANCE AMENDING SECTION 11-1.04 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 11-1.04.1 THERETO RELATING TO WATER RATES AND REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 11-1.04 of Chapter 1 of Title XI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 11-1.04. WATER SERVICE CONNECTION CHARGES. The following schedule of costs shall be paid by consumers for water service connections:

3/4"	service	\$30.00
1"	service	36.00
1 1/2"	service	42.00
2"	service	48.00

For installations by the City for services larger than two (2") inches the City shall charge costs plus ten (10%) percent.

SECTION 2. AMENDMENT OF CODE. Section 11-1.04.1 is hereby added to Chapter 1 of Title XI of the Modesto Municipal Code to read as follows:

SEC. 11-1.04.1. WATER MAIN CONNECTION CHARGES. In addition to the water service connection charges imposed by Section 11-1.04, the following water main connection charges shall apply.

(a) Territory Within the City Prior to July 1, 1947. For all water service in all areas within the City prior to July 1, 1947, the minimum main connection charge shall be Twenty-Five and no/100ths (\$25.00) Dollars for each water connection to all property serving an area containing not more than seven thousand square feet (7,000), and an additional one half (1/2¢) cent for each foot in excess of seven thousand square feet (7,000) so serviced.

(b) Territory Annexed After July 1, 1947. For all water services in areas annexed to the City after July 1, 1947, minimum main connection charge to existing mains shall be One Hundred and no/100ths (\$100.00) Dollars for each water connection to serve an area containing not more than seven thousand square feet (7,000), and an additional one half (1/2¢) cent for each foot in excess of seven thousand square feet (7,000) so serviced.

(c) Territory Outside the City. In territory outside the City limits, the minimum main connection charge shall be One Hundred Fifty and no/100ths (\$150.00) Dollars for each water connection to serve an area containing no more than seven thousand square feet (7,000) and an additional one half (1/2¢) cent for each square foot in excess of seven thousand square feet (7,000) so serviced.

(d) Alternate Provisions. Notwithstanding the provisions of subsection (c) above, where water main extensions are required before water service can be provided outside the City, as an alternate method of financing such extensions, the City may enter into a special agreement with the person desiring water service which shall provide the basis upon which water mains will be constructed and financed. Such an agreement, among other things, may include the requirement of annexation of any territory so served to the City at the earliest opportunity.

(e) Allocation of Costs. Notwithstanding the provisions of subsections (a), (b) and (c) above, the Director of Public Works is hereby authorized to approve and process applications for water service to portions of parcels of land in accordance with the rates specified in the above subsections subject to all of the following terms and conditions:

(1) That the property involved can reasonably be served by the municipal water system.

(2) The total area of such parcels of land to be served shall be not less than twenty thousand square feet (20,000) and the portion of the parcel to be served shall be not less than six thousand square feet (6,000) in area.

(3) A fee of Ten and no/100ths (\$10.00) Dollars shall be paid to the City and shall accompany the application for the purpose of covering the costs of inspection of the premises to make the determination specified in subsections (1) and (2) above.

(4) Connection fees shall be payable based on the size of the portion of the parcel to be served and shall be paid in accordance with the applicable provisions of the Municipal Code.

(5) Water service fees shall be payable in accordance with the Municipal Code provisions relating to water service generally.

(6) The portion of the area to be served shall be recorded by means of a sketch map on the water service card filed in the Department of Public Works.

(7) In addition to the remedies for violations to the provisions of this Code, as an additional and alternate remedy, the Director of Public Works shall have the authority to immediately discontinue water service without requirement of notification in the event that he shall determine that water supplied to serve the area under the permit is used on other premises.

SECTION 3. 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 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 7th day of August, 1961, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor
Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Knoles, Shastid

APPROVED


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 475-C.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 14th day of August, 1961, Councilman Johansen moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Mitchell, Tabbert, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles, Shastid

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GALLFUS, City Clerk

EFFECTIVE DATE: August 29, 1961

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

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

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

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

- (a) 1 collection per week (1 container): \$1.00 per month
- (b) 1 collection per week (2 containers): 1.50 per month
- (c) 2 collections per week (1 container): 2.00 per month

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

Garbage collectors shall be authorized to collect garbage fees on a bi-monthly basis which shall include the service for the month immediately preceding and the month immediately following the first of the month in which they are billed.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation on and after September 1, 1961.

B

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 7th day of August, 1961, by Councilman Johansen, who moved its introduction and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor
Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Knoles, Shastid

APPROVED


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 476-C.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 14th day of August, 19 61, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Johansen, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Mitchell, Tabbert, VanderWall,

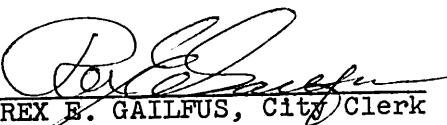
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Knoles, Shastid

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: September 1, 1961

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF
MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1962,
AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto a proposed budget for the 1961-62 fiscal year 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

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 and are 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 "City of Modesto Preliminary Budget, 1961-62", presented by the City Manager to the City Council at its meeting held on June 5th, 1961, and as thereafter amended by the City Council, a copy of which budget, as amended is on file in the office of the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1962, and the several amounts stated therein 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 authorize the expenditure of funds from the Reserves 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 Reserve for specific purposes.

SECTION 4. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 5. 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 7th day of August, 1961, by Councilman Johansen, who moved its adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried by the following vote:

AYES: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond

NOES Councilmen: None

ABSENT: Councilmen: Knoles, Shastid

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1961-1962.

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 purposes 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, 1961, and ending June 30, 1962, the rates of taxation hereinafter specified, said rates being upon each One Hundred and no/100ths (\$100.00) Dollars of the valuation according to the equalized assessment roll, to wit:

- (a) Tax Code Areas Nos. 2-1; 2-2; 2-6; 2-7; 2-8; 2-9; 2-11; 2-16; 2-17; 2-18; 2-19; 2-20; 2-24; 2-25; and 2-26;

FOR THE GENERAL FUND. \$ 1.40
 FOR THE BOND REDEMPTION AND INTEREST FUND

- (1) Municipal Improvement Bonds of 1947. \$.13
 For the redemption of bonds and the payment of interest thereon that shall accrue during said fiscal year;

FOR THE LIBRARY FUND. \$.11
 THE AGGREGATE OF SAID SUMS TO WIT \$ 1.64

- (b) Tax Code Areas Nos. 2-3, 2-4, and 2-5:

FOR THE GENERAL FUND. \$ 1.40
 FOR THE LIBRARY FUND. \$.11
 THE AGGREGATE OF SAID SUMS TO WIT \$ 1.51

SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect and be in full force and operation upon adoption.

SECTION 4. PUBLICATION. 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 7th day of August, 1961, by Councilman VanderWall, who moved its adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried by the following vote:

AYES: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor
Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Knoles, Shastid

APPROVED


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE AMENDING SECTION 4-7.1303 OF ARTICLE 13 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO SOUND TRUCKS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-7.1303 of Article 13 of Chapter 7 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-7.1303. NONCOMMERCIAL USE OF SOUND TRUCKS.

(a) Registration Required. No person shall use, or cause to be used, a sound truck with its sound amplifying equipment, in operation, or sound amplifying equipment in the streets or public places in the City before filing a registration statement with the City Clerk in writing. This registration statement shall be filed in duplicate and shall state the following:

- (1) Name and home address of the applicant.
- (2) Address of place of business of applicant.
- (3) License number and motor number of the sound truck to be used by applicant, if any.
- (4) Name and address of person who owns the sound trucks, or sound amplifying equipment.
- (5) Name and address of person having direct charge of sound truck, or sound amplifying equipment.
- (6) Names and addresses of all persons who will use or operate the sound truck, or sound amplifying equipment.
- (7) The purpose for which the sound truck or sound amplifying equipment will be used.
- (8) A general statement as to the section or sections of the City in which the sound truck or sound amplifying equipment will be used.
- (9) The proposed hours of operation of the sound truck, or sound amplifying equipment.
- (10) The number of days of proposed operation of the sound truck, or sound amplifying equipment.
- (11) A general description of the sound amplifying equipment which is to be used.
- (12) The maximum sound producing power of the sound amplifying equipment to be used. State the following:

(aa) The wattage to be used.

(ab) The volume in decibels of the sound which will be produced.

(ac) The approximate maximum distance for which sound will be thrown from its source.

(b) Registration Statement Amendment. All persons using or causing to be used, sound trucks or sound amplifying equipment for noncommercial purposes shall amend any registration statement filed pursuant to subsection (a) of this section within forty-eight (48) hours after any change in the information therein furnished.

(c) Registration and Identification. The City Clerk shall return to each applicant under subsection (a) of this section, one copy of said registration statement duly certified by the City Clerk as a correct copy of said application. Said certified copy of the application shall be in the possession of any truck or sound amplifying equipment at all times while the sound amplifying equipment is in operation and said copy shall be promptly displayed and shown to any policeman of the City of Modesto upon request. The City Clerk shall also furnish one copy of the registration statement duly certified, to the Chief of Police.

(d) Regulations for Use. Noncommercial use of sound amplifying equipment in operation shall be subject to the following additional regulations:

(1) The only sounds permitted are music or human speech.

(2) Operation shall be permitted only between the hours of 9 o'clock A.M. and 5 o'clock P.M. except that operation shall be permitted on Thursdays between the hours of 9 o'clock A.M. and 9 o'clock P.M. Provided, however, that no operations shall be authorized on Sundays and legal holidays.

(3) Sound amplifying equipment shall not be operated on a truck unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic. Where stopped by traffic the said sound amplifying equipment shall not be operated for longer than one minute at each such stop.

(4) Sound shall not be issued within one hundred (100) yards of hospitals, schools or churches.

(5) No sound truck or sound amplifying equipment shall be erected, maintained or operated in any area zoned as residential by the zoning regulations of this Code.

(6) No sound truck or sound amplifying equipment shall be erected, maintained or operated within two hundred (200') feet of the boundary of any area zoned as residential by the zoning regulations of this Code.

(7) The human speech and music amplified shall not be profane, lewd, indecent or slanderous.

(8) The volume of sound shall be controlled so that it will not be audible for a distance in excess of two hundred (200') feet from its source and so that said volume is not unreasonably loud, raucous, jarring, disturbing or a nuisance to persons within the area of audibility.

(9) No sound amplifying equipment shall be operated with an excess of fifteen (15) watts of power in the last stage of amplification.

SECTION 2. 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 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 14th day of August, 1961, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmen:	Johansen, Mitchell, Tabbert, VanderWall, Mayor Hammond
NOES:	Councilmen:	None
ABSENT:	Councilmen:	Knoles, Shastid

APPROVED:


DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE ADDING SECTION 4-4.803.1 TO ARTICLE 8 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO THE SUBDIVISION OF LAND; ADDING CHAPTER 5 ENTITLED "STREET TREES" TO TITLE XII OF THE MODESTO MUNICIPAL CODE; AND REPEALING CHAPTER 2 OF TITLE VII OF THE MODESTO MUNICIPAL CODE, RELATING TO STREET TREES.

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

SECTION 1. AMENDMENT OF CODE. Section 4-4.803.1 is hereby added to Article 8 of Chapter 4 of Title IV of the Modesto Municipal Code to read as follows:

SEC. 4-4.803.1. STREET TREES. Each subdivider of a subdivision, the tentative map of which is approved by the Planning Commission after the effective date of this section, shall pay to the City at the time of approval of the final map as a condition of such approval such sum as may be established by resolution of the Council for each residential lot in the subdivision. The purpose of such requirement is to provide funds for the cost of furnishing, locating, planting and fertilizing street trees and providing and installing supports for street trees in such subdivision. Street trees shall be planted and maintained in accordance with the provisions of Chapter 5 of Title XII of this Code.

SECTION 2. AMENDMENT OF CODE. Chapter 5 entitled "Street Trees" is hereby added to Title XII of the Modesto Municipal Code to read as follows:

CHAPTER 5 - STREET TREES

SEC. 12-5.01. DEFINITIONS. For the purpose of this Chapter the words and phrases used herein shall have the following meaning unless the context shows a different meaning:

- (a) "Department" shall mean the Parks and Recreation Department.
- (b) "Director" shall mean the Director of Parks and Recreation.
- (c) "Street Tree Plan" shall mean an official adopted plan for the planting of certain varieties of trees in public rights-of-way or planting easements within the City.
- (d) "Official Street Trees" shall be those specified in the Street Tree Plan.
- (e) "Planting Strip" shall mean that portion of the public right of way between the curb, or curb line, and the adjacent property line used for the purpose of planting and maintaining city street trees.
- (f) "Planting Easement" shall mean that portion of land made available as a public easement for the purpose of planting and maintaining city street trees.
- (g) "Maintain" or "Maintenance", when used in reference to street trees, shall mean and include pruning, spraying, mulching, fertilizing, cultivating, supporting, treating for disease or injury, or any other similar act which promotes the life, growth,

health or beauty of street trees.

(h) "Planting Season" shall mean that period of the year when trees are normally dormant, commonly known as the "bare root season", usually from about November to March.

SEC. 12-5.02. **STREET TREE PLAN.** The Parks and Recreation Department, in cooperation with the Planning Department, shall prepare or have prepared a Street Tree Plan. Such plan, when approved by the City Manager, shall be submitted to the Planning Commission which shall review said plan and submit its recommendations thereon to the Council. After making any revisions thereto which it may deem advisable, the Council shall adopt such plan by resolution. The Director of Parks and Recreation shall, from time to time, recommend any revisions thereto. Amendments to the plan shall be made in the same manner as the original adoption. Said plan shall include the types, varieties, and locations of street trees to be planted. Said plan shall include a map of the City which graphically portrays the varieties of trees to be planted on designated streets.

SEC. 12-5.03. **RESPONSIBILITIES, DUTIES AND AUTHORITY OF THE DIRECTOR.** The Director, under the general supervision of the City Manager, shall have the authority and responsibility to do the following:

(a) Carry out the provisions of this Chapter.

(b) Remove or replace any tree located within a planting strip or easement, in accordance with the provisions of this Chapter.

(c) Enter in or upon any part of a planting strip or easement or adjacent property as is reasonably necessary for the purpose of planting and maintaining street trees.

SEC. 12-5.04. **PLANTING AND MAINTENANCE.** (a) Except as otherwise provided in this section, within the limits of funds provided in the City budget, the City will supply, replace, plant and maintain street trees in all planting strips and planting easements within the City.

(b) Fees shall be charged to provide the cost of furnishing, locating, planting and fertilizing street trees as provided in Section 4-4.803.1 of Article 8 of Chapter 4 of Title IV of this Code.

(c) The City, by mutual agreement, may provide and plant street trees in subdivisions outside of the City at a fee to be established by resolution of the Council, which fee shall not be less than that charged within the City.

(d) No maintenance of street trees will be provided by the City in areas not within the City except by special agreement nor on privately owned property except in public planting strips or public planting easements.

(e) The property owner or occupant, as the case may be, shall be responsible for watering street trees located in planting strips or easements abutting said property.

SEC. 12-5.05. **REMOVALS AND MAINTENANCE.** (a) The Director shall be responsible for inspection, maintenance, removal and replacement of street trees planted within planting strips or easements. The Director may cause street trees or other plant material planted in a planting strip or easement to be removed by the City if they are deemed by the Director to be unhealthy, hazardous, undesirable or causing excessive damage to existing public improvements or street trees.

(b) The Director shall have the authority to require property owners to take such action as is necessary to control insects, scales, parasites, fungus, and other injurious pests or plant material that would cause serious injury to street trees and other plant material within the City. The City shall notify the property owner in writing, describing the conditions and stating the control necessary to correct the condition, and establishing a reasonable time limit within which the corrective steps shall be taken.

(c) The Director shall have the authority to require property owners to remove any tree, shrub, vine, or other plant material from private property if it is determined by the Director to be seriously interfering with the growth and health of any street tree.

(d) In the event a property owner desires to remove a tree from the planting strip or easement abutting his property, he or his authorized agent shall make application to the Department. The Director shall determine whether or not such tree is required to be retained in order to preserve the intent and purpose of the Street Tree Plan. In making his determination, the Director shall consider the inconvenience or hardship which retention of the tree would cause the property owner, and consider also the condition, age, desirability of variety and location of the tree. If the Director finds that the tree may be removed without violating the intent and spirit of the Street Tree Plan, he may authorize the property owner to remove such tree at his own expense and liability. If a permit is granted for removal of a street tree, all removal work shall be completed within sixty (60) days from the date of issuance of the permit, and shall be under the general supervision of, and in accordance with, rules established by the Director. All tree stumps shall be removed to a depth specified by the Director. All removal permits shall be void after the expiration of sixty (60) days from the date of issuance, unless extended by the Director.

SEC. 12-5.06. PROTECTION. (a) No person shall remove, trim, prune, spray, or cut any street trees in a planting strip or easement without first obtaining a permit from the Director.

(b) No person shall interfere or cause any person to interfere with any work being done under the provisions of this Chapter by any employee of the City, or by any person, or firm doing work for the City or under a permit granted by the City.

(c) It shall be unlawful for any person to injure or destroy by any means any tree planted or maintained by the City in planting strips or easements, including, but not limited to, the following:

(1) Constructing a concrete sidewalk or driveway or otherwise filling up the ground around any street tree so as to shut off air or water from its roots.

(2) Piling building materials, equipment, or other substance around any tree.

(3) Pouring any deleterious material on any tree or on the ground near any tree.

(4) Posting any sign, poster, notice, or other object on any tree, tree stake or guard, or fastening any guy wire, cable, rope, nails, screws, or other device to any tree, tree stake or guard.

(5) Causing or encouraging any fire or burning near or around any tree.

(d) No person shall plant a tree or other plant material in a planting strip or easement other than lawn or other similar planting materials, unless approved by the Director.

SEC. 12-5.07. DUTY TO TRIM TREES. Notwithstanding other provisions of this Chapter, it is hereby made the duty of every person owning or occupying any land or lots of land within the City to keep all private trees extending over any street or alley trimmed up to a height of not less than twelve (12') feet except that a height of not less than seven (7') feet shall be permitted over the sidewalk area, and also to keep said space clear of debris.

SEC. 12-5.08. COOPERATION WITH OTHER DEPARTMENTS AND AGENCIES.

(a) The Public Works Department shall notify the Parks and Recreation Department of any applications for new curb, gutter, sidewalk or driveway installation, or other improvement which might require the removal of or cause injury to any street tree, or interfere with the fulfillment of the Street Tree Plan.

(b) Any public utility maintaining any overhead wires or underground pipes or conduits shall obtain permission from the Director before performing any maintenance to said wires, pipes, or conduits, which would cause injury to street trees. Said public utility shall in no way injure, deface, prune, or scar any street tree until their plans and procedures have been approved by the Director.

(c) The Director shall be permitted to inspect any and all maintenance or operational work performed by public utilities which might affect street trees. During the performance of said work, if in the opinion of the Director, it would cause excessive or unnecessary injury to any street tree, the Director shall have the authority to stop said maintenance and operational work and arrange with said public utility another method of maintenance or operational work satisfactory to the City.

(d) The provisions of subsections (b) and (c) of this section shall not apply to emergency public utility maintenance work which is performed during nonworking hours for City personnel.

SEC. 12-5.09. LIABILITY. Nothing in this Chapter shall impose any liability upon the City, or members of the Council, or any of its officials or employees, nor relieve the owner or occupant of any private property from the duty to keep his private property, sidewalks, and planting strips abutting such private property in a safe condition, free from hazards to public use.

SEC. 12-5.10. APPEALS. Any person excepting to any denial, suspension or revocation by the Director of a permit applied for or held by him pursuant to the provisions of this Chapter, or excepting to any other administrative action taken by the Director in administering the provisions of this Chapter may appeal to the Council. Such an appeal shall be taken in accordance with the procedure prescribed by Chapter 4 of Title I of this Code.

SECTION 3. REPEALS. Chapter 2 of Title VII of the Modesto Municipal Code, consisting of Sections 7-2.01 through 7-2.08, inclusive, is hereby repealed.

SECTION 4. 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 5. PUBLICATION. This ordinance shall be published in full

at least once at least three (3) days prior to its final adoption in the Modesto 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 21st day of August, 1961, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Shastid, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Mitchell, Shastid, Tabbert, ~~ACIDOG~~ Mayor Pro Tempore
Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Knoles, VanderWall, Mayor Hammond

APPROVED: Peter W. Johansen
~~PETER W. JOHANSEN, MAYOR~~
PETER W. JOHANSEN, Mayor Pro Tempore

ATTEST: Pauline P. Stanley
~~PAULINE P. STANLEY, CITY CLERK~~
Pauline P. Stanley, Acting City Clerk

(SEAL)

Ord. No. 480-C.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 28th day of August, 1961, Councilman Knoles moved its final adoption, which motion being duly seconded by Councilman Johansen, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Knoles, Shastid, Tabbert, Mayor
Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell, VanderWall

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: September 12, 1961

AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (GRANT)

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

SECTION 1. ZONING CHANGE. Section 19 of the Zoning Map is hereby amended to reclassify the following described property from Single-Family Zone, R-1, to Two-Family Zone, R-2 :

Beginning at a point at the intersection of the center lines of Carver Road and Roseburg Avenue; thence northerly along the center line of Carver Road 412.49 feet; thence easterly along the north line of lot 4, Block 6019 extended a distance of 135 feet to the center line of the north south alley in Block 6019; thence southerly along the center line of said alley 278 feet to the center line of the east west alley in Block 6019; thence easterly along the center line of said alley 157.16 feet to the east line of lot 11 in Block 6019 extended; thence southerly along the east line of lot 11 in Block 6019 extended 134.16 feet to the center line of Roseburg Ave.; thence westerly along the center line of Roseburg Ave. 290.52 feet to the point of beginning, consisting of lots 4 to 11 inclusive in Block 6019 of Westland Manor #2.

SECTION 2. ZONING MAP. Section Map 19 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 3. 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 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 28th day of August, 1961, by Councilman Knoles, who moved its introduction and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Johansen, Knoles, Shastid, Tabbert, Mayor Hammond
- NOES: Councilmen: None
- ABSENT: Councilmen: Mitchell, VanderWall

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ordinance 481 C.S.
Exhibit A – Map

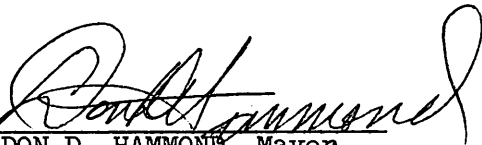
Oversized map folded and bound within Ordinance Book. Unable to
remove safely for scanning.

Ord. No. 481-C.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 11th day of September, 1961, Councilman Johansen moved its final adoption, which motion being duly seconded by Councilman Tabbert, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Mitchell, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: Pauline P. Stanley
~~REX EXCOGANDERUS, CITY CLERK~~
PAULINE P. STANLEY, Acting City Clerk

EFFECTIVE DATE: September 26, 1961

AN ORDINANCE AMENDING SECTIONS 10-2.236 AND 10-2.263 OF ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; AMENDING SECTIONS 10-2.603 AND 10-2.604 OF ARTICLE 6 OF CHAPTER 2 OF TITLE X; AMENDING SECTIONS 10-2.703, 10-2.704 AND 10-2.705 OF ARTICLE 7 OF CHAPTER 2 OF TITLE X; AMENDING SECTIONS 10-2.801, 10-2.804, 10-2.805 AND 10-2.806 OF ARTICLE 8 OF CHAPTER 2 OF TITLE X; AMENDING SECTIONS 10-2.901, 10-2.904, 10-2.905 AND 10-2.906 OF ARTICLE 9 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE X; AMENDING SECTION 10-2.1619 OF ARTICLE 16 OF CHAPTER 2 OF TITLE X; AND ADDING SECTIONS 10-2.202.2 AND 10-2.232.1 TO ARTICLE 2 OF CHAPTER 2 OF TITLE X, RELATING TO ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. The following sections are hereby added to Article 2 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.202.2. APARTMENT HOTEL. A hotel as defined in this Chapter which also includes one or more dwelling units as defined in this Chapter.

SEC. 10-2.232.1. HOTEL. Any building other than a motel containing rooms intended or designed to be used, rented or hired out to be occupied, or which are occupied for sleeping purposes by sixteen (16) or more guests when such rooms are open to occupancy by the general public.

SECTION 2. AMENDMENT OF CODE. The following sections of Article 2 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.236. LODGING HOUSE. A building where lodging only is provided for compensation to more than three (3) lodgers other than members of the proprietor's family, but to not more than fifteen (15) lodgers.

SEC. 10-2.263. STORY. That portion of a building included between the surface of any floor and the surface of the floor next above it. If there be no floor above it, then the space between such floor and the ceiling next above it shall be considered a story. A basement, cellar or depressed private garage shall not be considered as a story when computing the height of a building, unless the ceiling thereof is more than five (5') feet above grade.

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SECTION 3. AMENDMENT OF CODE. The following sections of Article 6 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.603. FRONT YARD. Every lot shall maintain a front yard not less than fifteen (15') feet in depth or the average of existing front yards in the block where fifty (50%) per cent or more of the block is developed, provided that in no case shall the front yard be less than six (6') feet or be required to be more than fifteen (15') feet in depth, except that for garages and carports opening onto the front street the minimum distance between the opening of such carport or garage and the front street line shall be twenty (20') feet.

SEC. 10-2.604. SIDE YARDS. The minimum side yard for any dwelling shall be six (6') feet and the total width of the two (2) required side yards shall be not less than twelve (12') feet. The minimum side yard for a private garage or other accessory building shall be six (6') feet, except that a private garage or other accessory building located at least twelve (12') feet in the rear of the main building requires no side yard provided that no portion of the building shall overhang the property line. On corner lots the side yard which faces on a street shall be not less than fifteen (15') feet for both main and accessory buildings, or the average of existing buildings where more than fifty (50%) per cent of the frontage is developed, but in no case shall the side yard be less than six (6') feet or be required to be more than fifteen (15') feet, except that for garages and carports opening onto the side street the minimum distance between the opening of such garage or carport and the side street line shall be twenty (20') feet.

SECTION 4. AMENDMENT OF CODE. The following sections of Article 7 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.703. FRONT YARD. Every lot shall maintain a front yard not less than fifteen (15') feet in depth or the average of existing front yards in the block where fifty (50%) per cent or more of the block is developed, provided that in no case shall the front yard be less than six (6') feet or be required to be more than fifteen (15') feet in depth, except that for garages and carports opening onto the front street the minimum distance between the opening of such carport or garage and the front street line shall be twenty (20') feet.

SEC. 10-2.704. SIDE YARDS. The minimum side yard for any main building shall be six (6') feet and the total width of the two (2) required side yards shall be not less than twelve (12') feet. The minimum side yard for a private garage or other accessory building shall be six (6') feet, except that private garages and other accessory buildings located at least twelve (12') feet in the rear of the main building require no side yard, provided no portion of the building shall overhang the property line. On corner lots the side yard which faces on a street shall be not less than fifteen (15') feet for both main and accessory buildings, or the average of existing buildings where more than fifty (50%) per cent of the frontage is developed, but in no case shall the side yard be less than six (6') feet or be required to be more than fifteen (15') feet, except that for garages and carports opening onto the side street the minimum distance between the opening of such garage or carport and the side street line shall be twenty (20') feet.

SEC. 10-2.705. AREA. The minimum required lot area shall be as follows:

(a) For main buildings other than dwellings, six thousand (6,000) square feet.

(b) For dwellings, six thousand (6,000) square feet, provided that one dwelling unit shall be permitted for each two thousand (2,000) square feet of lot area up to six thousand (6,000) square feet of lot area and one dwelling unit shall be permitted for each one thousand (1,000) square feet of lot area over and above six thousand (6,000) square feet.

SECTION 5. AMENDMENT OF CODE. The following sections of Article 8 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.801. PERMITTED USES. In a C-1 zone only the following uses are permitted:

(a) The following general merchandising stores:

(1) Variety.

(2) Dry goods, notions and general merchandise, but not including department stores.

(b) Food stores.

(c) The following automobile service facilities:

- (1) Service station.
- (2) Parking area.
- (3) Parking garage.

(d) Apparel and related accessory stores.

(e) The following home furnishings and equipment stores:

- (1) Drapery, curtain and upholstery material.
- (2) China, glassware and metalware.
- (3) Miscellaneous home furnishings, such as pictures, frames, lamps and shades, awnings and window shades.
- (4) Radio and television.
- (5) Musical instruments and records.

(f) The following building materials stores:

- (1) Paint, glass and wallpaper.
- (2) Hardware, limited to household and garden hardware.
- (3) Building supply store, limited to retail sales.

(g) The following eating and drinking establishments, provided that all drive-ins shall be subject to the granting of a conditional use permit by the Board of Zoning Adjustment.

(1) Cafe, ice cream parlor, commercial lunch service, cafeteria, excluding the following:

(aa) Dancing and entertainment, except music.

(ab) Dispensing of alcoholic beverages, except beer and wine.

(h) The following miscellaneous retail businesses:

- (1) Drug and proprietary medicine.
- (2) Liquor, for consumption off the premises.
- (3) Book and stationery; office supply.
- (4) Sporting goods.
- (5) Jewelry.

nursery. (6) Florist, greenhouse, plant materials

(7) Cigar store and stand.

(8) News dealer and newsstand.

(9) Music.

(10) Camera and photographic supply.

(11) Gift, novelty and souvenir.

(12) Luggage and leather goods.

(13) Autograph and philatelist supply.

(14) Artists' supplies and art shop.

(15) Toys.

(16) Christmas tree sales.

(17) Five-and-ten-cent store.

(18) Ice dealer, provided storage of not more than five (5) tons capacity is provided.

(19) Garden supply.

(20) Pet store.

(i) Business and professional offices.

(j) The following personal services:

(1) Laundry agency; dry cleaning agency; self-service laundry.

(2) Photographic studio; film processing.

(3) Barber shop; beauty shop.

(4) Shoe repair shop; shoe shine parlor.

(5) Hat cleaning, hemstitching, embroidering and sewing shops.

(6) Tailor shop, including pressing, alteration and garment repair.

(7) Diaper service.

(8) Ambulance service.

(k) The following miscellaneous business services:

(1) Advertising agency, including agency for outdoor and miscellaneous advertising.

(2) Consumer credit reporting agency; mercantile reporting agency; adjustment and collection agency.

(3) Duplicating, addressing, mailing, mailing list and stenographic services; blueprinting and photostating services.

(4) Window cleaning; disinfecting and exterminating service; janitorial service, floor waxing and office cleaning.

(5) Accounting, auditing and bookkeeping services.

(1) The following miscellaneous repair services:

(1) Electrical repair shop.

(2) Watch, clock and jewelry repair.

(3) Bicycle repair shop.

(4) Locksmith shop; gunsmith shop.

(5) Musical instrument repair.

(6) Camera repair; fountain pen repair; key duplicating; lawn mower sharpening and repair; saw, knife and tool sharpening and repair; handyman repair service.

(m) Amusement and recreation services subject to the granting of a conditional use permit by the Board of Zoning Adjustment.

(n) Frozen food lockers, individual retail rental.

(o) The following educational services:

(1) Library.

(2) Music, art, dramatic, language, children's dancing schools.

(3) Correspondence school.

(p) The following miscellaneous services:

(1) Art studio.

(2) Baby sitters' agency.

(3) Taxi stand.

(4) Coal and fuel sales office.

(5) Interior decorating service.

(g) Signs pertaining only to a use conducted within the building or on the lot or to the lease or sale of the property, or to trespassing.

(r) The following residential-type uses:

(1) Lodging house; boarding house.

(2) Motel; hotel; membership hotel; apartment hotel.

(3) Nonprofit membership organization, private club; fraternity, sorority; lodge.

(s) The following uses upon the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this Chapter:

(1) Church; wedding chapel; funeral service.

(2) Child day care for more than six (6) children, in addition to members of the family.

(3) Rest home.

(4) Public buildings or grounds operated by any governmental agency.

(5) Public utilities or utilities operated by mutual agencies including electrical substations, gas metering stations, telephone exchanges, power boosters, or conversion plants, with the necessary buildings, apparatus or appurtenances thereto.

(6) Radio or television transmitter.

(7) Tower.

(8) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.

(t) Processing, packaging, treating or storing of materials to be sold at retail on the premises or to be sold wholesale; and manufacture of products to be sold at retail on the premises or on other lawfully existing commercial premises in the City of Modesto operated by the occupant of the premises where such products are manufactured, subject to the provisions and limitations of Section 10-2.802.

(u) Accessory uses and buildings customarily incidental to the above.

SEC. 10-2.804. FRONT YARD. No lot in a C-1 zone need provide a front yard.

SEC. 10-2.805. SIDE YARDS. No lot in a C-1 zone need provide side yards except as required herein. Whenever the side of a lot is adjacent to a residential zone boundary, there shall be provided a side yard of not less than ten (10') feet on the side of the lot adjacent to the zone boundary line.

SEC. 10-2.806. BUILDING PLACEMENT. No building shall be erected closer than ten (10') feet to the rear lot line of any lot zoned for "C" purposes when such lot abuts upon property classified for "R" purposes and no alley intervenes.

SECTION 6. AMENDMENT OF CODE. The following sections of Article 9 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.901. PERMITTED USES. In a C-2 zone only the following uses are permitted:

- (a) Any use permitted in the C-1 (Neighborhood Commercial) Zone.
- (b) The following residential-type services:
 - (1) Hotel.
 - (2) Rooming house; boarding house.
 - (3) Motel.
 - (4) Membership hotel and lodging house.
- (c) The following building materials stores:
 - (1) Heating and plumbing equipment dealer.
 - (2) Electrical supply.
 - (3) Hardware.
 - (4) Roofing sales.
- (d) The following general merchandise stores:
 - (1) Department store.
 - (2) Mail order house.
- (e) The following automotive dealers:
 - (1) Motor vehicle dealer, new and used vehicles.
 - (2) Tire, battery and accessory dealer, not including tire recapping and vulcanizing.

(3) Automotive trailer, airplane, motorcycle, motorboat, or automotive parts dealer. ✓

(f) The following apparel and accessory stores:

(1) Furrier and fur shop.

(g) The following furniture, home furnishings, and equipment stores:

(1) Furniture; household appliance.

(2) Floor covering.

(3) Weather stripping.

(h) The following eating and drinking places:

(1) Eating place.

(2) Drinking place.

(i) The following miscellaneous retail businesses:

(1) Antique store.

(2) Secondhand store.

(3) Farm and garden supply store, farm machinery sales, storage, repair and rental conducted wholly within an entirely enclosed building.

(4) Ice dealer.

(5) Orthopedic and artificial limb store.

(6) Stone monument business, retail sales only, excluding stone cutting and blasting, other than lettering.

(j) The following personal services:

(1) Funeral service.

(2) Fur repair and fur storage.

(3) Steam bath; massage.

(k) The following miscellaneous business services:

(1) News syndicate.

(2) Employment agency.

(3) Sign painting shop.

(4) Auctioneer's establishment.

(5) Coin operated machine rental service.

(6) Detective and watching agency.

- (7) Armored car service.
- (8) Public address system business.
- (9) Commercial research agency and testing laboratory.
- (10) Advertising signs and structures.
- (11) Printing shop.
- (12) Car laundry, subject to the granting of a conditional use permit by the Board of Zoning Adjustment.

(1) The following automobile repair services and garages:

(1) Automobile rental; trailer rental.

(2) Automobile repair, excluding painting, upholstering, and body and fender work, except that which is incidental to general repair.

(m) The following miscellaneous repair services:

(1) Upholstery and furniture repair.

(2) Leather goods repair.

(n) The following motion picture establishments:

(1) Motion picture distribution.

(2) Motion picture service business.

(3) Motion picture theater, indoor.

(o) Amusement and recreation services, provided that the following shall be subject to the granting of a conditional use permit by the Board of Zoning Adjustment:

(1) Carnival.

(2) Circus.

(p) Radio or television broadcasting studio.

(q) Vocational school.

(r) Private museum or art gallery.

(s) Nonprofit membership organization, except a church.

(t) Nonprofit educational and scientific research agency.

(u) Bus terminal.

(v) Express office.

(w) Hobby shop; house equipment display, hospital supply.

(x) Insulation sales.

(y) Travel bureau; taxidermists; taxicab central office, cab maintenance, storage and repair, excluding painting, upholstering, and body and fender work, except that which is incidental to general repair.

(z) Small animal hospital subject to securing (1) approval of the City Health Department prior to securing building permit, and (2) approval of Building Department concerning general requirements and specifications, including one hour fire wall restrictive construction, throughout, and the use of acoustical plaster or its equivalent, so that the animal noises will not be heard outside the premises.

(aa) Processing, packaging, treating, storing or manufacturing of products to be sold at retail on the premises or to be sold wholesale, subject to the provisions and limitations of Section 10-2.902.

(ab) Accessory uses and buildings customarily incidental to the above.

SEC. 10-2.904. FRONT YARD. No lot in a C-2 zone need provide a front yard.

SEC. 10-2.905. SIDE YARDS. No lot in a C-2 zone need provide side yards except as required herein. Whenever the side of a lot is adjacent to a residential zone boundary, there shall be provided a side yard of not less than ten (10') feet on the side of the lot adjacent to the zone boundary line.

SEC. 10-2.906. BUILDING PLACEMENT. No building shall be erected closer than ten (10') feet to the rear lot line of any lot zoned for "C" purposes when such lots abut upon property classified for "R" purposes and no alley intervenes.

SECTION 7. AMENDMENT OF CODE. The following section of Article 14 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1401. PERMITTED USES. All of the following, and all matters directly related thereto are declared to be uses possessing characteristics of such unique and special form as to make impractical their being included automatically in any classes of use as set forth in

the various zones herein defined, and the authority for the location and operation thereof shall be subject to review and the issuance of an unclassified use permit. The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonably incompatible with type of use permitted in surrounding area and for the further purpose of stipulating such conditions as may reasonably assure that the basic purposes of this Chapter shall be served. Factors to be considered are (1) damage or nuisance from noise, smoke, odor, dust, vibration, etc; (2) hazard from explosion, contamination or fire; (3) hazard occasioned by unusual volume or character of traffic or the congregating of a large number of people or vehicles. Unclassified use permits shall be processed in the manner specified in Article 21 of this Chapter.

- (a) Airport and landing field.
- (b) Borrow pit to a depth of over three (3') feet.
- (c) Cemetery.
- (d) Columbarium, crematory, and mausoleum, provided these uses are specifically excluded from the R-A, R-1 and R-2 zones, unless inside of a cemetery.
- (e) Dump.
- (f) Educational institutions.
- (g) Equestrian establishment.
- (h) Labor camp.
- (i) Open air theater.
- (j) Race track and rodeo.
- (k) Trailer camp.
- (l) Institution for treatment of alcoholics.
- (m) Hospital; mental hospital; sanitarium.

SECTION 8. AMENDMENT OF CODE. The following section of Article 16 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1619. LIMITATION OF NUMBER OF DWELLING STRUCTURES ON A LOT AND DIVISION OF LOTS CONTAINING MORE THAN REQUIRED AREA. Any lot in a residential zone may be used for only one dwelling structure

containing not more than the number of dwelling units permitted in the zone for the area of the lot, except for group dwellings in multiple-family zones, and provided that for lots containing more than the required minimum lot area additional dwelling structures may be erected on the property only after subdivision of the land in compliance with the provisions of Chapter 4 of Title IV of this Code. Each lot shall have frontage on a dedicated public street equal in length to the required width of the lot for square or rectangular lots and not less than forty (40') feet for any lot.

SECTION 9. 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 10. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 28th day of August, 1961, by Councilman Johansen, who moved its introduction and passage to print, which motion being duly seconded by Councilman Tabbert, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Knoles, Shastid, Tabbert, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell, VanderWall

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 482-C.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 5th day of September, 1961, Councilman Johansen moved its final adoption, which motion being duly seconded by Councilman Shastid, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Mitchell, Shastid, Tabbert,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: VanderWall

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: September 20, 1961

AN ORDINANCE AMENDING SECTIONS 12-5.04 AND 12-5.06 OF CHAPTER 5 OF TITLE XII OF THE MODESTO MUNICIPAL CODE, RELATING TO STREET TREES.

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

SECTION 1. AMENDMENT OF CODE. Section 12-5.04 of Chapter 5 of Title XII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 12-5.04. PLANTING AND MAINTENANCE. (a) Except as otherwise provided in this section, within the limits of funds provided in the City budget, the City will supply, replace, plant and maintain street trees in all planting strips and planting easements within the City.

(b) Fees shall be charged to provide the cost of furnishing, locating, planting and fertilizing street trees as provided in Section 4-4.803.1 of Article 8 of Chapter 4 of Title IV of this Code.

(c) The City, by mutual agreement, may provide and plant street trees in subdivisions outside of the City at a fee to be established by resolution of the Council, which fee shall not be less than that charged within the City.

(d) No maintenance of street trees will be provided by the City in areas not within the City except by special agreement nor on privately owned property except in public planting strips or public planting easements.

(e) The property owner or occupant, as the case may be, shall be responsible for watering street trees located in planting strips or easements abutting said property.

(f) This section shall not prevent any person, firm or public utility from installing and maintaining any overhead wires or underground pipes or conduits lawfully on, over or under public streets, public rights of way or planting strips, subject to the provisions and requirements of Chapter 4 of Title IV of this Code. The Director, when reviewing plans for planting, maintenance or removal of street trees shall consider the effect upon existing overhead wires or underground pipes or conduits and shall avoid unnecessary disturbance to or relocation of said facilities.

SECTION 2. AMENDMENT OF CODE. Section 12-5.06 of Chapter 5 of Title XII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 12-5.06. PROTECTION. (a) No person shall remove, trim, prune, spray, or cut any street trees in a planting strip or easement without first obtaining permission from the Director.

(b) No person shall interfere or cause any person to interfere with any work being done under the provisions of this Chapter by any employee of the City, or by any person or firm doing work for the City or under a permit granted by the City.

(c) No person shall interfere or cause anyone to interfere with or damage any overhead wires or underground pipes or conduits while removing, trimming, pruning, spraying, or cutting any street trees in a planting strip or easement. The owner of such facilities shall be notified when such work may interfere with or cause damage to the facilities. The cost of repair of the damage to overhead wires, underground pipes or conduits shall be the responsibility of the person, firm or corporation doing or causing the work to be done. The City of Modesto and its officers and employees shall be exempt from the provisions of this subsection.

(d) It shall be unlawful for any person to injure or destroy by any means any tree planted or maintained by the City in planting strips or easements, including, but not limited to, the following:

(1) Constructing a concrete sidewalk or driveway or otherwise filling up the ground around any street tree so as to shut off air or water from its roots.

(2) Piling building materials, equipment, or other substance around any tree.

(3) Pouring any deleterious material on any tree or on the ground near any tree.

(4) Posting any sign, poster, notice, or other object on any tree, tree stake or guard, or fastening any guy wire, cable, rope, nails, screws, or other device to any tree, tree stake or guard.

(5) Causing or encouraging any fire or burning near or around any tree.

(e) No person shall plant a tree or other plant material in a planting strip or easement other than lawn or other similar planting materials, unless approved by the Director.

SECTION 3. 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 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 18th day of September, 1961, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Mitchell, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 483-C.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 25th day of September, 1961, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Johansen, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Patton, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 10, 1961

ORDINANCE NO. 484 -C.S.

AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO AND REPEALING SECTION 1 OF ORDINANCE NO. 451-C.S.

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

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

SEC. 3-2.1401. DECREASE OF STATE LAW MAXIMUM SPEED. Pursuant to authority contained in the California Vehicle Code, it is hereby determined upon the basis of an engineering and traffic survey that the speed limit permitted by State law outside of business and residence districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets, and it is hereby declared that the prima facie speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof:

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
BOWEN, from Geneva Drive to the easterly city limits	25 miles per hour
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
CARVER ROAD, from Evergreen Street north to northerly city limits	25 miles per hour
CENTER STREET, entire length in city	25 miles per hour
DEL VALE, entire length in city	25 miles per hour
EMERALD, from Maze Road to the southerly city limits	25 miles per hour
ENSLLEN, between Granger and Orangeburg	25 miles per hour
FAIRMONT AVENUE, between Virginia and McHenry	25 miles per hour
FLOYD AVENUE, within the city limits	30 miles per hour

FRANKLIN, between California and Laurel	25 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
HADDON, between La Loma and Conejo Avenue	25 miles per hour
HATCH ROAD, within the city limits	35 miles per hour
JEFFERSON, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Avenue and 9th Street	25 miles per hour
KEARNEY, entire length in city	25 miles per hour
LA LOMA, entire length in city	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MADISON, entire length in city	25 miles per hour
MILLER, from La Loma to Conejo	25 miles per hour
MORTON BOULEVARD, from Grand Street to La Loma Avenue	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the southerly city limits	25 miles per hour
ORANGEBURG AVENUE, east of McHenry Avenue	35 miles per hour
STODDARD, between McHenry and Virginia	25 miles per hour
SUNRISE, from Lucerne to the northerly city limits	25 miles per hour
TULLY ROAD, from Coldwell to Woodman Way	25 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour

SECTION 2. REPEALS. Section 1 of Ordinance No. 451-C.S. is hereby repealed.

SECTION 3. 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 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 18th day of September, 1961, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Mitchell, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS City Clerk

(SEAL)

Ord. No. 484-C.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 25th day of September, 1961, Councilman Johansen moved its final adoption, which motion being duly seconded by Councilman Shastid, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Patton, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 10, 1961

AN ORDINANCE AMENDING SECTION 4-5.08 OF CHAPTER 5 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO ADVERTISING ON SIDEWALKS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-5.08 of Chapter 5 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-5.08. ADVERTISING MERCHANDISE ON SIDEWALK PROHIBITED. No person owning or occupying any premises fronting on a public street shall place any goods, wares or merchandise, for the purpose of exhibition, display or advertisement, on any portion of the sidewalk in front of said premises, nor suffer any goods, wares or merchandise to remain thereon, nor suspend any goods, wares or merchandise, or any advertising banner or device over any portion thereof. The provisions of this section shall not apply to sales promotion events of community-wide interest and importance when sponsored by a bona fide merchants' association provided that such sales promotion activities are first approved by the Council. In granting its approval, the Council may impose such conditions, restrictions and requirements as it deems necessary or desirable in order to protect the public interest and promote the general welfare.

SECTION 2. 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.

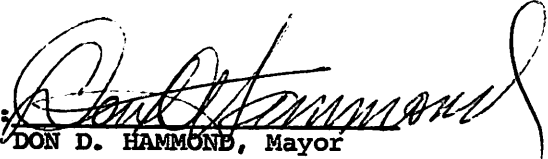
SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Tribune, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of October, 1961, by Councilman Johansen, who moved its introduction and passage to print, which motion being duly seconded by Councilman Tabbert, was upon roll call carried and ordered printed and published by the

following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:



DON D. HAMMOND, Mayor

ATTEST:



REX E. GALFUS, City Clerk

(SEAL)

Ord. No. 485-C.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 October, 1961, Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Tabbert, was upon roll call carried and the ordinance finally adopted by the following vote:

- AYES: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: Pauline Stanley
~~RECORDED & INDEXED~~
PAULINE STANLEY, Acting City Clerk

EFFECTIVE DATE: October 24, 1961

AN ORDINANCE AMENDING SECTION 3-2.1401 OF ARTICLE 14 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO SPEED LIMITS IN THE CITY OF MODESTO AND REPEALING SECTION 1 OF ORDINANCE NO. 484-C.S.

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

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

SEC. 3-2.1401. DECREASE OF STATE LAW MAXIMUM SPEED. Pursuant to authority contained in the California Vehicle Code, it is hereby determined upon the basis of an engineering and traffic survey that the speed limit permitted by State law outside of business and residence districts as applicable upon the following streets is greater than is reasonable or safe under the conditions found to exist upon such streets, and it is hereby declared that the prima facie speed limit shall be as hereinafter set forth on those streets or parts of streets herein designated when signs are erected giving notice thereof:

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>
ALICE, from Sycamore to McHenry	25 miles per hour
BOWEN, from Geneva Drive to the easterly city limits	25 miles per hour
BRIGGSMORE, from McHenry to Tully Road	30 miles per hour
CARVER ROAD, from Evergreen Street north to northerly city limits	25 miles per hour
CENTER STREET, entire length in city	25 miles per hour
DEL VALE, entire length in city	25 miles per hour
EMERALD, from Maze Road to the southerly city limits	25 miles per hour
ENSLIN, between Granger and Orangeburg	25 miles per hour
FAIRMONT AVENUE, between Virginia and McHenry	25 miles per hour
FLOYD AVENUE, within the city limits	30 miles per hour
FRANKLIN, between California and Laurel	25 miles per hour

GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
HADDON, between La Loma and Conejo Avenue	25 miles per hour
HATCH ROAD, within the city limits	35 miles per hour
JEFFERSON, from Paradise Road to 8th Street	25 miles per hour
K STREET, between Washington Avenue and 9th Street	25 miles per hour
KEARNEY, entire length in city	25 miles per hour
LA LOMA, entire length in city	25 miles per hour
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MADISON, entire length in city	25 miles per hour
MILLER, from La Loma to Conejo	25 miles per hour
MORTON BOULEVARD, entire length in city	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the southerly city limits	25 miles per hour
ORANGEBURG AVENUE, east of McHenry Avenue	35 miles per hour
SHERWOOD, from Orangeburg to Northern Boulevard	25 miles per hour
STODDARD, between McHenry and Virginia	25 miles per hour
SUNRISE, from Lucerne to the northerly city limits	25 miles per hour
TULLY ROAD, from Coldwell to Woodman Way	25 miles per hour
WESTERN WAY, between Sutter Avenue and Roselawn Avenue	25 miles per hour
WRIGHT, from Sycamore to McHenry	25 miles per hour

SECTION 2. REPEALS. Section 1 of Ordinance No. 484-C.S.

is hereby repealed.

SECTION 3. 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 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 16th day of October, 1961, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Tabbert, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 486-C.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 30th day of October, 19 61, Councilman Johansen moved its final adoption, which motion being duly seconded by Councilman Shastid, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: November 14, 1961

ORDINANCE NO. 487 -C.S.

AN ORDINANCE AMENDING SECTION 2-3.103 OF ARTICLE 1 OF CHAPTER 3 OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO ADMINISTRATIVE DEPARTMENTS, AND AMENDING ARTICLE 2 OF CHAPTER 4 OF TITLE II, RELATING TO CLAIM PROCEDURE.

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

SECTION 1. AMENDMENT OF CODE. Section 2-3.103 of Article 1 of Chapter 3 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-3.103. ACTING CITY MANAGER. In the case of absence or disability of the City Manager, the Deputy City Manager, or such other officer of the City as shall be appointed City Manager pro tempore by the Council, shall perform the duties and exercise the powers of the City Manager.

SECTION 2. AMENDMENT OF CODE. Article 2 of Chapter 4 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 2. CLAIM PROCEDURE

SEC. 2-4.201. GENERAL. The provisions of this article recognize that the general claims procedure against local public agencies, including the City, is governed by the provisions of Chapter 2 of Division 3.5 of the California Government Code commencing with Section 700 and following.

SEC. 2-4.202. SPECIAL CLAIMS PROCEDURE. Pursuant to the authority contained in Section 730 of the Government Code of the State of California and Section 1312 of the City Charter, the City establishes the following claims procedure for those claims against the City for money or damages not now governed by State or local law.

(a) Notwithstanding the exception contained in Section 703(c) of the Government Code of the State of California, all claims by public officers or employees for fees, salaries, wages, overtime pay, holiday pay, compensating time off, vacation pay, sick leave pay, and other expenses or allowances claimed due from the City, shall be presented within the time limitations and in the manner

prescribed by Sections 711 through 716 of the Government Code of the State of California, and said claims shall further be subject to the provisions of Section 710 of said Government Code.

(b) In addition to the requirements of subsection (a) of this section, and notwithstanding the exemption set forth in Section 703(c) of the Government Code of the State of California, all claims against the City for damages or money, when a procedure for processing such claim is not otherwise provided by State or local law, shall be presented within the time limitations and in the manner prescribed by Sections 711 through 716 of the Government Code of the State of California, and said claims shall further be subject to the provisions of Section 710 of said Government Code.

SEC. 2-4.203. AUTHORIZATION TO APPROVE CLAIMS. The City Manager, Deputy City Manager and/or Acting City Manager of the City is hereby authorized to approve payment of all claims against the City except those required by law to be approved by the Council, and to sign all checks, drafts or warrants for and on behalf of the City.

SEC. 2-4.204. FACSIMILE SIGNATURE. Facsimile signatures on checks, drafts or warrants of the City in lieu of personal signatures are hereby authorized.

SECTION 3. 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 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 16th day of October, 1961, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

ATTEST: REX E. GAILLUS, City Clerk
(SEAL)

APPROVED: 

DON D. HAMMOND, Mayor

Ord. No. 487-C.S.

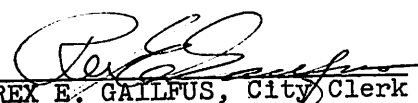
FINAL ADOPTION CLAUSE

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 30th day of October, 1961, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Tabbert, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: November 14, 1961

AN ORDINANCE AMENDING CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE AND REPEALING ARTICLE 11 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO COLLECTION AND DISPOSAL OF GARBAGE AND GARDEN REFUSE.

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

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

CHAPTER 5 - GARBAGE AND GARDEN REFUSE
COLLECTION AND DISPOSAL.

SEC. 5-5.01. DEFINITIONS. The following words and phrases whenever used in this Chapter shall be construed as defined in this section unless otherwise apparent from the context.

(a) "Disposal Area" shall mean any area designated or approved by the Council from time to time for the purpose of disposal of garbage and garden refuse.

(b) "Garbage" shall mean the putrescible animal, fish, food, fowl, fruit or vegetable matter or waste resulting from the preparation, storage, handling, decay or consumption of such substances. "Garbage" shall also mean and include rubbish as defined in subsection (f) of this section.

(c) "Garbage Collector" shall mean any person or the agents or employees thereof to whom a license shall have been issued for the collection of garbage as provided in this Chapter.

(d) "Garden Refuse" shall mean all leaves, weeds, grass cuttings, vines, shrubbery, brush and tree limbs not exceeding four (4") inches in diameter nor four (4') feet in length created, accumulated or produced upon any premises in the City.

(e) "Garden Refuse Collector" shall mean any person or the agents or employees thereof to whom a license or contract shall have been issued for the collection of garden refuse in the City.

(f) "Rubbish" shall mean nonputrescible, useless, unused, unwanted, or discarded material or debris, either combustible or noncombustible, other than garden refuse, resulting from normal community or business activities, or materials which by their presence may injuriously affect the health, safety and comfort of persons, and depreciate property values in the vicinity thereof.

(g) "Swill" shall mean all classes of putrescible or easily decomposable animal or vegetable matter, and shall include matter or substance used in the preparation, cooking, dealing in, or storage of meats, fowls, fish, fruits and vegetables that are subject to immediate decay and the attraction of flies and rodents, and which shall have a property value.

(h) "Swill Collector" shall mean any person or the agents or employees thereof to whom a license shall have been issued by the City under the terms of this Chapter to collect, receive, carry or transport swill through the streets, alleys or public places of said City.

SEC. 5-5.02. GARBAGE SERVICE REQUIRED: DECLARATION OF POLICY. The accumulation, collection, removal and disposal of garbage must be controlled by the City for the protection of the public health, safety, and welfare. The Council finds that to give practical effect to this policy a comprehensive system for the periodic collection, removal, and disposal of garbage from all premises in the City is essential, and benefits all occupants of premises in the City, and, therefore, all such occupants are made liable for the collection charges established by the Council for the collection and disposal of garbage.

SEC. 5-5.03. SEGREGATION AND DISPOSITION OF WASTE MATERIALS. Every commercial and industrial producer of garbage may at his option segregate the same into rubbish on the one hand, and swill on the other. Where the garbage is so segregated, the swill may be sold to the swill collector. No garbage or swill shall be fed to fowl or animals at a garbage disposal area or at segregation sites.

SEC. 5-5.04. USE OF PROPER CONTAINERS BY PRODUCERS OF GARBAGE. All garbage of whatsoever nature, unless otherwise disposed of as in this Chapter permitted, and all swill, shall be placed by the person upon whose premises the same shall have been produced, in a watertight and fly-tight galvanized metal ~~rubber or plastic~~ container, of not less than ten (10) nor more than thirty-three (33) gallons net capacity of a design satisfactory to the Health Officer, which container shall be kept clean and continuously closed except when garbage or swill is being dumped into or removed therefrom, and shall at all times be closed with a tight cover to prevent the access of flies and rodents to the content thereof. The maximum weight of loaded containers shall not exceed eighty (80) pounds. The contents of such container shall be collected by the garbage collector not less than once a week, and more often if deemed necessary by the Health Officer, or otherwise disposed of as provided by this Chapter. If the producer thereof shall elect to segregate nonputrefactive material from the other garbage, the said nonputrefactive material may be placed in a box or barrel located near the said garbage container, but the material so segregated shall be kept in a dry condition in accordance with regulations of the Health Officer. Receptacles shall be placed at such a point on the premises as to be easily accessible to the collector. The receptacles shall not be placed or allowed to remain in any alley, sidewalk or public street. In the event that in the opinion of the Health Officer, the receptacle used by the producers of garbage, swill and refuse does not meet the requirements as set forth in this section, or in the event that said receptacle leaks, or for any

other reason is unhealthful or detrimental to the public health and welfare of the citizens of the City, the Health Officer shall have the right, and it shall be his duty, to confiscate and destroy said receptacle.

If similar types of receptacles are used for garbage and garden refuse, garbage receptacles must be plainly marked as such and used only for that purpose. No garbage shall be placed in garden refuse containers.

SEC. 5-5.05. FREQUENCY AND MANNER OF COLLECTION OF GARBAGE AND SWILL. Collection of garbage shall be made at least once a week, and collections of swill shall be made daily provided that from apartments and tenements housing more than eight (8) families, having a common garbage receptacle, collections of garbage shall be made daily. The collector shall transfer the contents of all containers into the vehicle provided therefor without spilling any materials on the stairs, walks, yards, or streets, and shall make delivery to the disposal area on the same day that such garbage is collected.

SEC. 5-5.06. USE OF PROPER CONTAINERS BY PRODUCERS OF GARDEN REFUSE. All garden refuse shall be placed by the person upon whose premises the same shall have been produced in suitable containers each of which when filled shall not exceed eighty (80) pounds in weight. Tree trimmings, brush, and tree limbs, not to exceed four (4") inches in diameter need not be placed in containers, but when containers are not used shall be placed in bundles securely tied at each end, with said bundles not to exceed four (4') feet in length nor two (2') feet in diameter, and shall not exceed eighty (80) pounds in weight. Tree trunks, tree stumps and limbs exceeding four (4") inches in diameter will not be collected.

Suitable containers are defined as metal containers, metal washtubs, wooden containers, and heavy paste-board boxes in good condition. The interior surface of the containers shall be smooth and have no interior projection which interferes with the emptying of the containers. The use of sacks or bags is expressly prohibited.

SEC. 5-5.07. FREQUENCY AND MANNER OF COLLECTION OF GARDEN REFUSE. The collection of garden refuse shall be made by the garden refuse collector at least once each week. The collector shall transfer the contents of all containers into the vehicle provided therefor without spilling any materials on yards, streets or alleys.

Persons desiring to have garden refuse collected shall place it in the abutting alley, if one exists. Where alleys do not exist, garden refuse shall be placed in the abutting street for collection. When placed in the streets garden refuse containers shall be placed in a compact manner back of the curb line so as not to obstruct drainage. When placed in alleys garden refuse containers shall not extend into the alley more than three (3') feet.

Not more than two (2) cubic yards of garden refuse shall be placed in the street or alley for any one collection. All garden refuse for each premise shall be placed in one location.

Garden refuse shall be put out for collection not later than 5 o'clock a.m. on collection day.

SEC. 5-5.08. REGULATION OF GARBAGE AND GARDEN REFUSE COLLECTING VEHICLES AND HOURS OF COLLECTION. No collection shall be made and no vehicle used in making such collections shall be or remain within the limits of the central business district as may be hereafter defined by the Director of Public Works, between the hours of 10 o'clock a.m. of any day and 6:30 o'clock p.m. of the same day. Vehicles used in the collection of swill shall be of metal, shall be watertight, and shall be provided with a metal cover. Vehicles used in the collection of garbage and garden refuse shall be completely enclosed and shall be of a mechanical packer type. Vehicles used in the collection of combustible or salvageable materials from the central business district shall be of metal, shall be watertight, and shall be provided with a suitable canvas cover which shall be in place at all times except for loading and unloading of the waste materials. Every vehicle used in the collection of garbage, swill or garden refuse, shall be well painted and shall be kept in a clean, sanitary condition. Each such vehicle shall be properly marked in a conspicuous place showing the name of the person, firm or corporation acting as garbage or swill collector, and the number of the vehicle.

SEC. 5-5.09. UNLAWFUL TO DEPOSIT, BURY OR BURN GARBAGE OR SWILL. It shall be unlawful to deposit, bury or burn any garbage or swill within the City limits of the City, except at the disposal area; provided, however, that nonputrefactive and non-combustible waste matter may be made use of when leveled and properly covered for the filling in of holes, depressions and low lots within the City limits. The provisions of this section shall not apply to rubbish as defined by Section 5-5.01(f) of this Chapter.

SEC. 5-5.10. USE OF DISPOSAL AREA. (a) By Licensed Collectors. The disposal area may be used for the disposal of garbage, swill or garden refuse by all persons licensed by the City to engage in the business of collecting garbage, swill or garden refuse within the City on the following terms:

(1) A charge of Three and 50/100ths (\$3.50) Dollars per load is hereby fixed as a charge for the privilege of using said disposal area by collectors for the disposal or deposit thereof of garbage, swill or garden refuse produced within the City and collected by such collectors.

(2) No garbage, swill or garden refuse produced outside the City limits shall be disposed of or deposited at the disposal area.

(3) All garbage, swill and garden refuse disposed of or deposited at said disposal area shall be deposited in accordance with signs directing the disposal thereof, or as and where directed by the person in charge of the disposal area.

(b) By Individuals. The disposal area may be used for the disposal of garbage, swill or garden refuse by individuals upon whose premises the same shall have been produced subject to the following terms:

(1) Disposal charges:

(aa) For disposal of quantities not exceeding fifty (50) gallons in capacity, fifty (50¢) cents per load.

(ab) For quantities exceeding fifty (50) gallons, and not exceeding the capacity of a pickup truck, Two and no/100ths (\$2.00) Dollars per load.

(ac) For quantities exceeding the capacity of a pickup truck, Three and 50/100ths (\$3.50) Dollars per load.

(2) No garbage or swill produced outside the City limits shall be disposed of or deposited at the disposal area.

(3) All garbage, swill and garden refuse disposed of or deposited at said disposal area shall be deposited as and where directed by the person in charge of the disposal area, but shall not be deposited until fees have been collected by the person in charge of said disposal area.

(4) Use of the disposal area by individuals shall not relieve them from the responsibility of obtaining and continuing garbage service by a licensed collector as required by Section 5-5.02 of this Chapter or from the liability of the payment of garbage collection charges imposed by Section 5-5.26 of this Chapter.

(c) General Regulations. All use of the disposal area is subject to the following rules and regulations:

(1) No material which cannot be safely or conveniently handled in the disposal operation shall be deposited.

(2) No ashes shall be deposited unless they are thoroughly cold.

(3) No explosives or highly inflammable material shall be deposited.

(4) Fires are prohibited in disposal area.

(5) Salvaging is prohibited in disposal area.

(6) Loitering is prohibited in disposal area.

(7) No material shall be deposited in the disposal area, except between the hours of 8 o'clock a.m. and 6 o'clock p.m. on Mondays through Saturdays. The disposal area shall not be open on Sundays and holidays.

(d) City Vehicles. Vehicles operated by the City of Modesto shall be allowed use of the disposal area without charges therefor.

SEC. 5-5.11. LICENSE TO TRANSPORT GARBAGE OR SWILL REQUIRED. It shall be unlawful for any person to collect garbage, swill or garden refuse within the City or transport the same upon or through any street or public place of the City unless such person is an employee or agent of the City, or has been granted a license by the Council so to do, or is the employee of a person who has been so licensed or is the actual producer of such garbage, swill or garden refuse, or his employee, then and there engaged in transporting the same from the premises where produced to any area where public disposal of garbage, swill or garden refuse is permitted.

It shall be unlawful for any person acting as an employee of the actual producer of such garbage, swill or garden refuse to collect or transport such garbage, swill or garden refuse from more than one actual producer thereof, or for such employee or any producer to combine or commingle within the City the garbage, swill or garden refuse of one producer with that of another, or for any person to act as the employee of more than one producer for the purpose of collecting or transporting garbage, swill or garden refuse upon or through any street or public place of the City.

SEC. 5-5.12. LICENSE REQUIRED TO COLLECT SWILL. It shall be unlawful for any person to engage in the business of collecting swill in the City and/or transporting the same through any public way or street of the City unless such person is an agent or employee of the City or has been granted a license to do so by the Council as provided in this Chapter.

SEC. 5-5.13. LICENSE FEE FOR COLLECTION OF SWILL. The license fee for the privilege of engaging in the business of collecting swill in the City and/or transporting the same through or upon the public streets, alleys or other places of and in the City shall be the sum of Fifty and no/100ths (\$50.00) Dollars per calendar quarter, or fraction thereof, payable in advance.

SEC. 5-5.14. LICENSE REQUIRED TO COLLECT GARBAGE. It shall be unlawful for any person to engage in the business of collecting garbage in the City and/or transporting the same through any public way or street of the City, unless such person is an employee or agent of the City or has been granted a license by the Council to collect and transport garbage in the City by the Council as provided in this Chapter.

SEC. 5-5.15. LICENSE FEE FOR COLLECTION OF GARBAGE. The license fee for the privilege of engaging in the business of collecting garbage, including waste material, refuse and rubbish in the City and/or transporting the same through the public streets, alleys or other places of and in the City, shall be the sum of Twenty-Five and no/100ths (\$25.00) Dollars per annum, or fraction thereof, payable in advance. In addition to the annual fee, the collector shall be required to pay quarterly to the City within thirty (30) days following the close of the preceding quarter an amount equivalent to five (5%) per cent of the gross receipts derived from the furnishing of such garbage collection services within the City for the preceding quarter. Quarters shall terminate on March 31, June 30, September 30 and December 31. Said license fee shall entitle the person paying the same to employ as many trucks as is necessary to service the area which the collector has been licensed to serve.

SEC. 5-5.16. APPLICATIONS FOR LICENSES. Applications for licenses under this Chapter shall be submitted in writing to the City Clerk. Each application shall contain the following information:

(a) The name and address of the applicant. If the applicant is a firm or partnership, the names of all the members shall be listed; if the applicant is a corporation, the names and titles of each of the officers shall be listed;

(b) The purpose for which the license is sought;

(c) The area within which the applicant desires to collect garbage or swill; and

(d) The number, kind and capacity of the vehicles and other equipment to be used for such purposes.

Each application shall be accompanied by the deposit of license fees required by the provisions of this Chapter. If the application complies with the provisions of this Chapter, the City Clerk shall present it to the Council for its consideration. The Council shall refer said application to the City Manager for investigation and report. The Council shall specify the term for which said license is granted, if granted, and as a condition of granting the requested license, may impose such other conditions with respect to granting said license as it may deem to be in the best interests of the public health and general welfare. No license shall be granted except by action of the Council by resolution following a public hearing thereon. All licenses to collect garbage granted pursuant to this Chapter shall be exclusive insofar as they relate to the collection of garbage. Licenses to collect swill may be exclusive or nonexclusive as determined by the Council.

SEC. 5-5.17. NUMBER OF LICENSES LIMITED. In order to preserve the health, safety and welfare of the people of the City, the Council hereby retains the authority to limit the number of licenses for the collection of garbage which may be issued under this Chapter.

SEC. 5-5.18. LICENSE. Every license granted by the Council pursuant to the provisions of this Chapter shall cover the following matters:

- (a) The name and address of the person to whom the license is issued;
- (b) The area within which the person to whom the license is issued may render collection services;
- (c) The nature of the collection services which are authorized;
- (d) Whether the license is exclusive or non-exclusive; provided, however, that all licenses to collect garbage shall be exclusive;
- (e) The term for which the license is granted; and
- (f) Such other conditions as the Council may provide.

SEC. 5-5.19. INSURANCE REQUIREMENTS FOR ALL LICENSED COLLECTORS. It shall be unlawful for any person granted a license pursuant to the provisions of this Chapter, to operate any vehicle pursuant to said license unless there shall be filed and deposited with the City Clerk of the City a policy of insurance executed and delivered by a corporate surety company authorized to carry on an insurance business in this State, the financial responsibility of which company shall heretofore be approved by the City Clerk by the terms of which said insurance company assumes responsibility for injuries to persons, or damage to property caused by the operation of said vehicle in the following amounts, to wit:

- (a) One Hundred Thousand and no/100ths (\$100,000.00) Dollars for the death of or injury to any one person in any one accident, or occurrence;
- (b) Three Hundred Thousand and no/100ths (\$300,000.00) Dollars for the death of or injuries to two (2) or more persons in any one accident or occurrence; and
- (c) Fifty Thousand and no/100ths (\$50,000.00) Dollars for damage to property of others resulting from any one accident or occurrence.

Such policy of insurance shall cover both the City of Modesto, the members of the Council and its officers, employees and agencies, and the collector.

SEC. 5-5.20. BOND REQUIREMENTS FOR PERSONS LICENSED TO COLLECT GARGAGE. Each person granted a license to collect garbage pursuant to the provisions of

this Chapter shall file with the City Clerk a corporate surety bond satisfactory to the City in the sum of One Thousand and no/100ths (\$1,000.00) Dollars for each vehicle used for collection purposes within the City, not to exceed the sum of Ten Thousand and no/100ths (\$10,000.00) Dollars, conditioned upon the faithful performance of the terms and conditions of said license, and compliance with the provisions of this Chapter insofar as they are applicable to said licensees.

SEC. 5-5.21. RECORDS REQUIRED BY PERSONS LICENSED TO COLLECT GARBAGE. Each person granted a license to collect garbage pursuant to the provisions of this Chapter shall maintain detailed records of all receipts and expenditures received or incurred in the operation of such business, including all fees collected for garbage collection and disposal services rendered. The City, its officers and employees, shall be entitled to inspect, audit and copy such books and records upon notice at all reasonable times.

SEC. 5-5.22. ANNUAL REPORT REQUIRED BY PERSONS LICENSED TO COLLECT GARBAGE. On or before March 1st of each year, each person granted a license to collect garbage pursuant to the provisions of this Chapter shall file with the Director of Finance a detailed financial statement setting forth all receipts and expenditures received or incurred in the operation of said business during the preceding calendar year.

SEC. 5-5.23. TERMINATION OF LICENSES. Any license granted pursuant to the provisions of this Chapter shall automatically terminate upon the failure of the licensee to pay the license fees therefor as required by the provisions of this Chapter within thirty (30) days after said license fees become due and payable.

SEC. 5-5.24. TRANSFER OF LICENSES. No license granted by the Council pursuant to the provisions of this Chapter, or any interest therein, shall be sold, assigned, mortgaged or otherwise transferred without the prior consent of the Council, by resolution, in accordance with the procedure specified in Section 5-5.16 of this Chapter. The Council may grant or deny, or impose such conditions with respect to the transfer of a license, or any interest therein, as it may deem to be in the interests of the public health and general welfare.

SEC. 5-5.25. REVOCATION OF LICENSES. Any license granted by the Council pursuant to the provisions of this Chapter may be revoked by the Council if after conducting a public hearing on said revocation, the Council finds and determines that the person doing business by virtue of such license has failed to comply with any of the terms of said license or of this Chapter or fails to render satisfactory collection services.

SEC. 5-5.26. RATES TO BE CHARGED FOR COLLECTION OF GARBAGE. The following rates shall be charged by licensed collectors of garbage to the residents of the City of Modesto for the collection of garbage:

(a) One collection per week, One and no/100ths (\$1.00) Dollar per month.

(b) Two (2) collections per week, Two and no/100ths (\$2.00) Dollars per month.

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

Garbage collectors shall be authorized to collect garbage fees on a bimonthly basis, which shall include the service for the month immediately preceding and the month immediately following the first of the month in which they are billed.

Any owner or occupant of any premises may contract with the licensed collector for special haul services for the removal of rubbish or garden refuse in excess of regular services. Rates charged for such special haul services shall be reasonable.

Rates charged by licensed collectors for collection of garbage and rubbish from commercial and industrial accounts shall be as negotiated between the collectors and the customers. Each licensed collector shall furnish a current schedule of such rates to the Director of Finance who shall maintain such rates on file.

No charges shall be made by licensed collectors of garbage to residents of the City of Modesto for the collection of garden refuse in the quantities authorized by Section 5-5.07 of this Chapter.

SEC. 5-5.27. RIGHT TO DISCONTINUE GARBAGE SERVICES FOR FAILURE TO PAY. Garbage service to any place for which the charge for such service is delinquent for a period of sixty (60) days from date of billing may be discontinued by the licensed collector within five (5) days after written notice is given by the garbage collector to the occupant of the premises that the service will be discontinued for reason of nonpayment of charges following the expiration of five (5) days from the giving of such notice. Each licensed collector shall furnish a copy of such notice of discontinuance to the Health Officer, the property owner and the Director of Public Works within twenty-four (24) hours after such notice has been given. If the service is discontinued for failure to pay charges, the service shall not be resumed until the delinquent charges are paid, except as provided by Section 5-5.28.

SEC. 5-5.28. REMEDIES OF THE CITY AS A RESULT OF DISCONTINUANCE OF GARBAGE SERVICES FOR FAILURE TO PAY. In the event that the garbage collector shall serve notice of discontinuance of services by reason of nonpayment of charges in accordance with the provisions of Section 5-5.27 of this Chapter, the City may provide garbage services for said premises with its own forces, or may contract with the collector for the provision of such services at a rate of One and no/100ths (\$1.00) Dollar per collection. Said charge for services shall be a civil debt due and owing the City. The owner of said premises shall be liable to the City for the payment of such special garbage collection services. In the event the City contracts with the garbage collector for furnishing such special services, the collector shall furnish the Director of Finance with a list of the names and addresses of premises served with the amount of charges on or before the fifth day of each month covering services rendered for the preceding month. Such services shall be billed for by and collected by the Director of Finance in the same manner that sewer services and water services are billed and collected as provided by the Municipal Code. All unpaid accounts for such special garbage collection services provided for any premises shall be a lien against the real property.

SEC. 5-5.29. OWNERS' LIABILITY FOR PAYMENT OF GARBAGE COLLECTION SERVICES. Owners of occupied premises shall be responsible for the payment of garbage collection services rendered to premises owned by them, although payments will be accepted from tenants. In the event that such tenants refuse to pay for garbage collection services rendered, the owner of said premises shall be given a written notice thereof by the garbage collector.

SEC. 5-5.30. UNLAWFUL TO PERMIT GARBAGE TO ACCUMULATE. (a) Every person shall keep the premises occupied by him and every owner of any unoccupied premises or property shall keep the same in a clean and sanitary condition and shall not cause, suffer or permit any garbage to accumulate or remain on such premises or property for a period in excess of one week.

(b) When the maintenance of any material or any condition referred to in this section, in the opinion of the Health Officer, shall be or tend to become dangerous to the health of the inhabitants of the City, the Health Officer shall give the person or persons responsible for said material or condition, a notice to remove the same or to abate said nuisance within twenty-four (24) hours or any such other reasonable time as the said Health Officer may designate. The failure of said person or persons to comply with said notice is hereby declared to be unlawful.

SEC. 5-5.31. CONTAINERS REQUIRED. It shall be unlawful for any person occupying any premises within the City, or for any person owning, controlling or maintaining any premises within the City where garbage or swill is created, produced or accumulated, to fail

or neglect to procure a sufficient number of approved containers for receiving and holding all garbage and swill which is produced, created or accumulated upon the premises.

SEC. 5-5.32. APPLICATION OF OTHER PROVISIONS OF THE MUNICIPAL CODE. The provisions of Chapter 1 of Title VI of the Municipal Code shall not apply to persons licensed under the provisions of this Chapter.

SEC. 5-5.33. ENFORCEMENT RESPONSIBILITY. The Health Officer shall be responsible for enforcing the provisions of this Chapter relating to or affecting health and sanitation. The Director of Finance shall be responsible for administering the provisions of this Chapter pertaining to fiscal matter. The Director of Public Works shall be responsible for the general administration of the provisions of this Chapter subject to the approval of the City Manager.

SECTION 2. REPEALS. Article 11 of Chapter 7 of Title IV of the Modesto Municipal Code is hereby repealed.

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

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

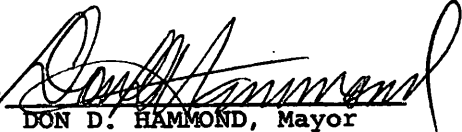
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of October, 1961, by Councilman Johansen, who moved its introduction and passage to print, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 488-C.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 30th day of October, 1961, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Johansen, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: November 14, 1961

AN ORDINANCE AMENDING CHAPTER 4 OF TITLE II OF THE MODESTO MUNICIPAL CODE BY ADDING ARTICLE 5 THERETO RELATING TO BID PROCEDURE FOR PUBLIC WORKS CONTRACTS.

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

SECTION 1. AMENDMENT OF CODE. Article 5 entitled "Bid Procedure for Public Works Contracts" is hereby added to Chapter 4 of Title II of the Modesto Municipal Code to read as follows:

ARTICLE 5. BID PROCEDURE FOR PUBLIC WORKS CONTRACTS

SEC. 2-4.501. GENERAL REQUIREMENTS. The general requirements relating to the award of contracts for public works is contained in Section 1307 of the City Charter. The purpose of this article is to implement the provisions of that section.

SEC. 2-4.502. FILING OF BIDS. All bids for public works projects shall be sealed and filed with the City Clerk no later than the opening time specified in the Notice for Bids. The City Clerk shall be custodian of such bids and shall keep all things pertaining thereto confidential until they are opened and declared.

SEC. 2-4.503. OPENING OF BIDS. All bids shall be publicly opened and declared at the time and place fixed in the Notice Inviting Bids. Thereafter, the bids shall be tabulated and analyzed by the head of the department supervising the proposed work, who shall submit them, together with his recommendations thereon, to the City Manager. The City Manager shall review the bids and submit them to the Council, along with his recommendations at the next regular meeting of the Council.

SEC. 2-4.504. BONDS. At the time of the execution of the contract, the contractor shall execute and file with the City Clerk a good and sufficient corporate surety bond or assign to the City a certificate issued by a savings and loan company authorized to do business in the State of California in the sum of not less than one-half ($\frac{1}{2}$) of the total amount payable by the terms of the contract. The provisions of such bond as herein required shall be in accordance with the provisions of general law set forth in Chapter 3, Division 5, Title I of the Government Code of the State of California, as now in effect and as hereafter amended.

In addition to the foregoing bond, or savings and loan certificate, the contractor shall execute and file with the City Clerk at the time of the execution of the contract, a good and sufficient corporate

surety performance bond guaranteeing performance of the contract in a sum of not less than one-half ($\frac{1}{2}$) of the total amount payable by the terms of the contract.

SECTION 2. 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 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 30th day of October, 1961, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Patton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 489-C.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 6th day of November, 1961, Councilman Johansen moved its final adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and the ordinance finally adopted by the following vote:

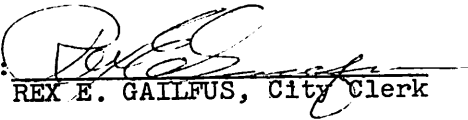
AYES: Councilmen: Johansen, Mitchell, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Patton, Shastid, Tabbert

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: November 21, 1961

ORDINANCE NO. 490 -C.S.

AN ORDINANCE REPEALING ORDINANCE NO. 488-C.S. ENTITLED "AN ORDINANCE AMENDING CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE AND REPEALING ARTICLE 11 OF CHAPTER 7 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO COLLECTION AND DISPOSAL OF GARBAGE AND GARDEN REFUSE" OF THE CITY OF MODESTO.

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

SECTION 1. REPEALS. Ordinance No. 488-C.S. entitled "An Ordinance Amending Chapter 5 of Title V of the Modesto Municipal Code and Repealing Article 11 of Chapter 7 of Title IV of the Modesto Municipal Code, Relating to Collection and Disposal of Garbage and Garden Refuse" adopted by the Council of the City of Modesto on the 16th day of October, 1961, is hereby repealed.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the immediate adoption of the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety. The following is a statement of facts showing its urgency: The matter of the collection and disposal of garbage and garden refuse affects the public health and safety of the people of the City of Modesto. Unless this ordinance is adopted immediately no adequate provisions will exist for the collection and disposal of garbage and garden refuse in the City to the prejudice and injury of the public peace, health and safety. A proper system for the accumulation, collection and removal and disposal of garbage and garden refuse must be established for the protection of the public health, safety and general welfare.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto this ordinance shall take effect and be in full force and operation as of the date of its adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full in The Modesto Tribune, the official newspaper of the City of Modesto, within fifteen (15) days after its adoption.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1961, by Councilman VanderWall, who moved its adoption and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Johansen, Mitchell, Tabbert, VanderWall,
Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Patton, Shastid

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE AMENDING SECTIONS 8-2.402, 8-2.403 AND 8-2.404 OF ARTICLE 4 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE, RELATING TO SALES AND USE TAX.

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

SECTION 1. AMENDMENT OF CODE. Sections 8-2.402, 8-2.403 and 8-2.404 of Article 4 of Chapter 2 of Title VIII of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 8-2.402. PURPOSE. The Council of the City of Modesto hereby declares that this article is adopted to achieve the following, among other, purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

(a) To adopt a sales and use tax law which complies with the requirements and limitations contained in Part 1.5 of Division 2 of the Revenue and Taxation Code of the State of California;

(b) To adopt a sales and use tax law which incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the said Revenue and Taxation Code;

(c) To adopt a sales and use tax law which imposes a ninety-two and one-half one hundredths (0.925) of one (1%) per cent tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practical to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes;

(d) To adopt a sales and use tax law which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this article.

SEC. 8-2.403. SALES TAX. (a) (1) For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers in the City at a rate of ninety-two and one-half one hundredths (0.925) of one (1%) per cent of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the City of Modesto on and after the operative date of this article.

(2) For the purposes of this article, all retail sales are consummated at the place of business

of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-State destination or to a common carrier for delivery to an out-of-State destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the State sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the Board of Equalization.

(b) (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of said Code, as amended and in force and effect on April 1, 1957, applicable to sales taxes are hereby adopted and made a part of this section as though fully set forth herein.

(2) Wherever, and to the extent that in Part 1 of Division 2 of the said Revenue and Taxation Code, the State of California is named or referred to as the taxing agency, the City of Modesto shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of the City of Modesto for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State of California; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action be taken by or against the City or any agency thereof, rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this article; and neither shall the substitution be deemed to have been made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the State under the provisions of Part 1 of Division 2 of the said Revenue and Taxation Code; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the State under the said provisions of that Code; and, in addition, the name of the City shall not be substituted for that of the State in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the said Revenue and Taxation Code as adopted.

(3) If a seller's permit has been issued to a retailer under Section 6068 of the said Revenue and Taxation Code, an additional seller's permit shall not be required by reason of this section.

(4) There shall be excluded from the gross receipts by which the tax is measured:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) Receipts from sales to operators of common carriers and waterborne vessels of property to be used or consumed in the operation of such common carriers or waterborne vessels principally outside of this City.

SEC. 8-2.404. USE TAX. (a) An excise tax is hereby imposed on the storage, use or other consumption in the City of Modesto of tangible personal property purchased from any retailer on or after the operative date of this article, for storage, use or other consumption in the City, at the rate of ninety-two and one-half one hundredths (0.925) of one (1%) per cent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

(b) (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of said Code, as amended and in force and effect on April 1, 1957, applicable to use taxes are hereby adopted and made a part of this section as though fully set forth herein.

(2) Wherever, and to the extent that, in Part 1 of Division 2 of the said Revenue and Taxation Code the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of this City for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State of California; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the City or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this article; and neither shall the substitution be deemed to have been made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the State under the provisions of Part 1 of Division 2 of the said Revenue and Taxation Code, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provisions of that Code; and in addition, the name of the City shall not be substituted for that

of the State in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the said Revenue and Taxation Code as adopted, and the name of the City shall not be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 nor in the definition of that phrase in Section 6203.

(3) There shall be exempt from the tax due under this section:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this State.

(iii) The storage or use of tangible personal property in the transportation or transmission of person, property or communications or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California.

(iv) The use or consumption of property purchased 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.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after January 1, 1962.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 13th day of November, 1961, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call

carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Mitchell, Tabbert, VanderWall, Mayor
Hammond

NOES: Councilmen: None

ABSENT: Councilmen: Patton, Shastid

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

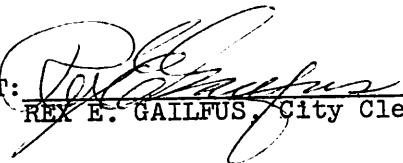
Ord. No. 491-C.S.

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 20th day of November, 1961, Councilman Johansen moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 1, 1962

ORDINANCE NO. 492 -C.S.

AN ORDINANCE AMENDING SECTION 8-2.404 OF ARTICLE 4 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE, RELATING TO SALES AND USE TAX.

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

SECTION 1. AMENDMENT OF CODE. Section 8-2.404 of Article 4 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-2.404. USE TAX. (a) An excise tax is hereby imposed on the storage, use or other consumption in the City of Modesto of tangible personal property purchased from any retailer on or after the operative date of this article, for storage, use or other consumption in the City, at the rate of ninety-two and one-half one hundredths (0.925) of one (1%) per cent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to State sales or use tax regardless of the place to which delivery is made.

(b) (1) Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the said Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of said Code, as amended and in force and effect on April 1, 1957, applicable to use taxes are hereby adopted and made a part of this section as though fully set forth herein.

(2) Wherever, and to the extent that, in Part 1 of Division 2 of the said Revenue and Taxation Code the State of California is named or referred to as the taxing agency, the name of this City shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of this City for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the State of

California; nor shall the name of the City be substituted for that of the State in any section when the result of that substitution would require action to be taken by or against the City or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this article; and neither shall the substitution be deemed to have been made in those sections, including but not necessarily limited to, sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the State under the provisions of Part 1 of Division 2 of the said Revenue and Taxation Code, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the State under the said provisions of that Code; and in addition, the name of the City shall not be substituted for that of the State in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the said Revenue and Taxation Code as adopted, and the name of the City shall not be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 nor in the definition of that phrase in Section 6203.

(3) There shall be exempt from the tax due under this section:

(i) The amount of any sales or use tax imposed by the State of California upon a retailer or consumer.

(ii) The storage, use or other consumption of tangible personal property, the gross receipts from the sale of which has been subject to sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this State.

(iii) The storage or use of tangible personal property in the transportation or transmission of persons, property or communications or in the generation, transmission or distribution of electricity or in

the manufacture, transmission or distribution of gas in intrastate, interstate, or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the State of California.

(iv) The use or consumption of property purchased 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.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after January 1, 1962.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 December, 1961, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Tabbert, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Mitchell, Shastid, Tabbert
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Patton

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)


Ord. No. 492-C.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 11th day of December, 1961, Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid,
Tabbert, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: VanderWall

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 1, 1962

ORDINANCE NO. 493 -C.S.

AN ORDINANCE AMENDING SECTIONS 3-2.1501, 3-2.1503, 3-2.1504, 3-2.1505, 3-2.1506, 3-2.1510, AND 3-2.1511 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO PARKING METERS IN THE CITY OF MODESTO, AND REPEALING ARTICLE 16 THEREOF RELATING TO OFF-STREET PARKING.

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

SECTION 1. AMENDMENT OF CODE. The following sections of Article 15 of Chapter 2 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-2.1501. ESTABLISHMENT OF PARKING METER ZONES. The Council from time to time may establish and designate parking meter zones as parking conditions require. The time limitations for legal parking in parking meter zones shall be those established by the Director based on engineering surveys, and the time limitations shall be indicated by appropriate signs posted in such zones. The parking meter zones shall be as follows:

<u>Parking Meter Zones</u>	<u>Designation</u>
On-street parking meters	PM-1
Off-street parking meters	PM-2
(a) 9th Street between I and J Street parking lot	
(b) 11th Street between H and I Street (street level) parking lot	
(c) 10th Street between K and L Street parking lot	
(d) 14th and J Street parking lot	
Off-street parking meters 13th Street between J and K Street parking lot	PM-3
Off-street parking meters 8th Street between I and K Street parking lot	PM-4
Off-street parking meters 11th and G Street parking lot	PM-5

Off-street parking meters 12th and I Street parking lot (northeast corner)	PM-6
Off-street parking meters 11th Street between H and I Street (lower level) parking lot	PM-7
Off-street parking meters 10th and H Street parking lot	PM-8
Off-street parking meters 12th and I Street parking lot (southeast corner)	PM-9

The locations and boundaries of the various zones are shown on the parking meter zoning map of the City of Modesto. Said map and all notations, references and other information shown thereon are hereby made a part of this chapter. Where uncertainty exists as to the boundary of any zone, the following rules shall apply:

(a) Wherever the zone boundary is indicated as being approximately upon the center line of a street, alley or block, or along or adjacent to a property line, then, unless otherwise definitely indicated on the map, the center line of such street, alley or block, or such property line, shall be construed to be the boundary of such zone.

(b) Where the zone lines are shown adjacent to the street property line, the zone boundary shall be construed to be the street property line.

(c) Where such zone boundary lines cannot be determined by the above rules, their location may be found by the use of the scale appearing upon the map.

(d) Where the application of the above rules does not clarify the zone boundary location, the Council shall interpret the map.

SEC. 3-2.1503. METHOD OF PARKING. The Director shall cause lines or markings to be painted or placed upon the pavement adjacent to each parking meter designating the parking space for which said meter is to be used, and each vehicle parked adjacent or next to any parking meter shall park within the lines or markings so established. It shall be unlawful for any person to back into a parking space when signs are erected giving notice thereof.

SEC. 3-2.1504. TIME LIMITS AND RATES OF FEES. It shall be unlawful for any person to cause, allow, permit, or suffer any vehicle registered in his name or operated or controlled by him to be parked in any parking space for more than the time indicated by proper signs placed on such parking meter or zone

indicating the maximum parking time allowed in such parking space or any time during which the meter is displaying a signal indicating that the space is illegally in use, except during the time necessary to set the said meter to show legal parking.

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

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

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

- (a) PM-1 One (1¢) cent per twelve (12) minutes or fraction.
- (b) PM-2 Five (5¢) cents per one-half ($\frac{1}{2}$) hour or fraction.
- (c) PM-3 Five (5¢) cents per one hour or fraction.
- (d) PM-4 Five (5¢) cents per two and one-half ($2\frac{1}{2}$) hours or fraction.
- (e) PM-5 Ten (10¢) cents first two (2) hours or fraction; ten (10¢) cents next two (2) hours or fraction; ten (10¢) cents next five (5) hours or fraction; thirty (30¢) cents for nine (9) hours.
- (f) PM-6 Five (5¢) cents per one-half ($\frac{1}{2}$) hour or fraction.
- (g) PM-7 Five (5¢) cents per one-half ($\frac{1}{2}$) hour or fraction.

(h) PM-8 Five (5¢) cents per one-half ($\frac{1}{2}$) hour or fraction.

(i) PM-9 Five (5¢) cents per one-half ($\frac{1}{2}$) hour or fraction.

SEC. 3-2.1505. COINS USABLE IN METERS. A sign or legend shall be placed on each parking meter, or in each zone in adequate numbers, to enable parkers to readily determine the days and hours when the requirement to deposit coins therein shall apply, the value of the coins to be deposited, and a limited period of time for which parking is lawfully permitted in the parking meter zone in which such meter is located.

SEC. 3-2.1506. DEPOSITING COINS. When any vehicle shall be parked in any space along side of or next to which a parking meter is located in accordance with the provisions of this article, the operator of said vehicle upon so parking shall, and it shall be unlawful to fail to deposit immediately, a coin of the appropriate denomination indicated on the legend posted in the zone or on the parking meter.

SEC. 3-2.1510. EXEMPTION OF CITY VEHICLES. Vehicles owned or operated by the City shall be exempted from the provisions of this article when said vehicles are being used in line of duty.

SEC. 3-2.1511. PARKING OF COMMERCIAL TRUCKS IN METERED ZONES. Commercial trucks may park only in parking zone PM-1. When so parked to load or unload merchandise they are exempt from depositing coins for a period of not to exceed fifteen (15) minutes.

SECTION 2. REPEALS. Article 16 of Chapter 2 of Title III of the Modesto Municipal Code is hereby repealed.

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

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 18th day of December, 1961, by Councilman VanderWall, who

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

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ordinance 493 C.S.
Exhibit A – Map

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

Ord. No. 493-C.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 December, 1961, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Johansen, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Patton, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 10, 1962

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
 THE MacDANNALD ADDITION TO THE CITY OF
 MODESTO.

WHEREAS, a petition was filed with the City Clerk by
W. CARL RAINES, FLEETA RAINES, DAROLD W. MacDANNALD, MARION L.

MacDANNALD, SUE HASSAPAKIS, ANTHONY HASSAPAKIS, ESTELL OLLAR, & DOLORES OLLAR

on November 3, 1961, to annex to the City of Modesto
 under the provisions of the Annexation of Uninhabited Territory Act
 of 1939, as amended, certain uninhabited territory, hereinafter
 described and designated as the MacDANNALD
 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
13th day of November, 1961, set said petition for
 hearing at the hour of 8:00 o'clock p.m. on the 26th day of
December, 1961, in the Council Chambers at the
 City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
 finds that a copy of the resolution giving notice of the proposed
 annexation and fixing the time and place for hearing objections to
 the proposed annexation was published in newspapers of general cir-
 culation to wit: The Modesto Tribune, a newspaper
 published in the City of Modesto on November 23, 1961,
 and on November 30, 1961; and in the Turlock Daily
 Journal, a newspaper published outside the City of Modesto, but in
 the County of Stanislaus, on November 22, 1961,
 and on November 29, 1961, 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 terri-
 tory proposed to be annexed was assessed on the last equalized
 assessment roll available on the date the proceedings were initiated,

at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 26th day of December, 1961, at the hour of 8:00 o'clock p.m., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated the MacDANNALD ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

MacDANNALD ADDITION

All that real property in the State of California, County of Stanislaus, Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of Lot 5 of the Spencer Colony as per map filed December 16, 1904, in Volume 2 of Maps, Page 3, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits as established by the boundary description of the Mark Twain Addition, filed June 22, 1956, Instrument Number 17230, Stanislaus County Records, said point being at the intersection of the Southern line of the Franklin School property and center line of Modesto Irrigation District Lateral Number 5; thence along the Southern line and its Westerly extension of said Franklin School property and existing City Limits, North $89^{\circ} 47'$ West, 790.68 feet, to a point on the North-South quarter section line of said Section 31; thence continuing along the existing City Limits, North $89^{\circ} 48' 30''$ West, 31.04 feet, to a point on the Western line of a 50 foot County Road known as Emerald Avenue; thence along the Western line of Emerald Avenue and the existing City Limits, South $3^{\circ} 05' 35''$ East, 20.61 feet; thence continuing along the Western line of Emerald Avenue and existing City Limits, South $0^{\circ} 11' 30''$ East, 240.42 feet, to a point on the Westerly extension of a Southern line of the property described in the deed to Darold W. MacDannald, et al, Recorded May 24, 1960, as Instrument 14962 in Volume 1614, Page 699, Stanislaus County Records; thence leaving the existing City Limits and going along the Southern line and its Westerly extension of said MacDannald property, South $89^{\circ} 47'$ East, 290.00 feet; thence along a Western line of said MacDannald property, South $00^{\circ} 11' 30''$ East, 163.62 feet; thence along the most Southern line of said MacDannald property, South $89^{\circ} 47'$ East, 552.15 feet, to a point on the center line of the Modesto Irrigation District Lateral Number 5; thence along said center line, North $03^{\circ} 07'$ West, 425.20 feet, to the point of beginning, containing 7.012 Acres more or less.

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto 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 26th day of December, 1961, by Councilman Johansen, who moved its adoption and passage to print, which motion being duly seconded by Councilman Shastid, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Patton, Shastid, Tabbert, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
 THE GLENN ADDITION TO THE CITY OF
 MODESTO.

WHEREAS, a petition was filed with the City Clerk by
SAMUEL J. KLOR, NORMAN E. RINGER, DUANE WALKER, E. J. DENENHOLZ, HOWARD F.
NACHTMAN, J. W. ROCHE, MAE ROCHE, JOE MINENI, JR. and NINA MINENI
 on October 11, 1961, to annex to the City of Modesto
 under the provisions of the Annexation of Uninhabited Territory Act
 of 1939, as amended, certain uninhabited territory, hereinafter
 described and designated as the GLENN
 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
13th day of November, 1961, set said petition for
 hearing at the hour of 8:05 o'clock p.m. on the 26th day of
December, 1961, in the Council Chambers at the
 City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
 finds that a copy of the resolution giving notice of the proposed
 annexation and fixing the time and place for hearing objections to
 the proposed annexation was published in newspapers of general cir-
 culation to wit: The Modesto Tribune, a newspaper
 published in the City of Modesto on November 23, 1961,
 and on November 30, 1961; and in the Turlock Daily
 Journal, a newspaper published outside the City of Modesto, but in
 the County of Stanislaus, on November 22, 1961,
 and on November 29, 1961, 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 terri-
 tory proposed to be annexed was assessed on the last equalized
 assessment roll available on the date the proceedings were initiated,

at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 26th day of December, 1961, at the hour of 8:05 o'clock p.m., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated the GLENN ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

GLENN ADDITION

All that certain real property situate in the State of California, County of Stanislaus, Sections 16 and 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the McHenry Village Addition as per description filed May 11, 1954 as Instrument 11745, Stanislaus County Records, said point being the intersection of the Westerly quarter-quarter section line of said Section 16 and the Northern line of a 40 foot Public Road known as Granger Avenue; thence along said quarter-quarter section line and the existing City Limit, North $0^{\circ} 51' 30''$ West, 130.00 feet; thence continuing along the existing City Limit, South $89^{\circ} 39'$ East, 150.00 feet, to the Western line of the Camellia Gardens Tract, as per map filed June 19, 1950, in Volume 17 of Maps, Page 5, Stanislaus County Records; thence along said Western line of the Camellia Gardens Tract and its Southerly extension, South $0^{\circ} 51' 30''$ East, 150.00 feet, to the Center Line of said Granger Avenue, said Center Line being the Section Line common to Sections 16 and 21 and also being the Northern line of Lot 2 of the Coolidge Colony as per map filed November 15, 1910, in Volume 5 of Maps, Page 17, Stanislaus County Records; thence continuing South $0^{\circ} 51' 30''$ East, 20.00 feet, to the Southern line of said Granger Avenue; thence along the Southern line of Granger Avenue, parallel with the Northern line of said Lot 2, South $89^{\circ} 39'$ East, 47.00 feet to the Eastern line of property conveyed to Joe Mineni, Jr., et ux, by deed recorded May 23, 1961, as Instrument 16322, Stanislaus County Records; thence along the Eastern line of said Mineni property, parallel with the Western line of said Lot 2, South $0^{\circ} 51' 30''$ East, 310.16 feet, more or less, to the Southeastern corner of said Mineni property; thence along the Southern line of said Mineni property and its Westerly extension, said line also being the Southern line of the Northern half of said Lot 2, North $89^{\circ} 40'$ West, 197.00 feet, to the Western line of said Lot 2 and the Western quarter-quarter section line of said Section 21; thence along said Western line of Lot 2 and the quarter-quarter section line, North $0^{\circ} 51' 30''$ West, 330.21 feet, more or less, to the Northwestern corner of said Lot 2 and the Center Line of Granger Avenue; thence continuing along the quarter-quarter section line, North $0^{\circ} 51' 30''$ West, 20.00 feet, to the point of beginning, containing 1.987 acres, more or less.

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto 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 26th day of December, 19 61, by Councilman VanderWall, who moved its adoption and passage to print, which motion being duly seconded by Councilman Patton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Patton, Shastid, Tabbert, VanderWall,
Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE AMENDING SECTIONS 10-2.270 AND 10-2.271 OF ARTICLE 2 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; ~~AMENDING SECTION 10-2.501 OF ARTICLE 5 OF CHAPTER 2 OF TITLE X~~ AND ADDING SECTIONS 10-2.211.1, 10-2.211.2, 10-2.247.1, 10-2.247.2, 10-2.270.1, 10-2.270.2, 10-2.270.3, AND 10-2.271.1 TO ARTICLE 2 OF CHAPTER 2 OF TITLE X; ADDING SECTIONS 10-2.1510, 10-2.1511 AND 10-2.1512 TO ARTICLE 15 OF CHAPTER 2 OF TITLE X; AND ADDING SECTIONS 10-2.1711 AND 10-2.1712 TO ARTICLE 17 OF CHAPTER 2 OF TITLE X, RELATING TO ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. The following sections are hereby added to Article 2 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.211.1. CAMP CAR. A vehicle with or without motive power, which is designed for human habitation and which contains plumbing, heating, or electrical equipment.

SEC. 10-2.211.2. CAMPER. A structure having no wheels or foundation, used as temporary housing and which may contain cooking facilities, and which is designed for transport by a pickup truck.

SEC. 10-2.247.1. MOBILE HOME. A vehicle, other than a motor vehicle designed or used as semipermanent housing, designed for human habitation, for carrying persons and property on its own structure, and for being drawn by a motor vehicle and shall include a trailer coach.

(a) A dependent mobile home is one not equipped with a toilet for sewage disposal.

(b) An independent mobile home is one equipped with a toilet for sewage disposal.

SEC. 10-2.247.2. MOBILE HOME PARK. Any area or tract of land where one or more mobile home lots are rented or held out for rent, and shall include a trailer park.

SECTION 2. AMENDMENT OF CODE. The following section of Article 2 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.270. TRAILER PARK, RECREATIONAL. Any area or tract of land, within a designated recreational area, where one or more travel trailer, camp car or tent camping lots are rented or held out for rent, and which is occupied for not more than six (6) months in any calendar year.

SECTION 3. AMENDMENT OF CODE. The following sections are hereby added to Article 2 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.270.1. TRAILER PARK, TEMPORARY. Any area or tract of land where space is rented or held out for rent to one or more travel trailers or camp cars, and which is established for one operation not to exceed eleven (11) days, and is then removed.

SEC. 10-2.270.2. TRAILER PARK, TRAVEL. Any area or tract of land or a separate designated section within a mobile home park where lots are rented or held out for rent to one or more owners or users of trailer coaches used for travel or recreational purposes.

SEC. 10-2.270.3. TRAILER, TRAVEL. A trailer coach, not exceeding thirty (30') feet in body length and/or eight (8') feet in width, used primarily for travel or recreational purposes.

SECTION 4. AMENDMENT OF CODE. The following section of Article 2 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.271. TRUCK.

(a) A motor vehicle designed or used for the transportation of persons, commodities or materials and having one or more of the following characteristics:

(1) The vehicle has an unladen weight of more than five thousand (5,000) pounds.

(2) The vehicle is rated as one ton or greater capacity.

(3) The vehicle extends nine (9') feet or more to the rear of the driving compartment.

(b) Notwithstanding the provisions of paragraph (a) herein this definition shall not include any passenger vehicle with a capacity of fewer than ten (10) passengers.

SECTION 5. AMENDMENT OF CODE. The following section is hereby added to Article 2 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.271.1. TRUCK TRAILER. A vehicle without motive power designed to be drawn by a truck.

~~SECTION 6. AMENDMENT OF CODE. The following section of Article 5 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:~~

~~SEC. 10-2.510. PERMITTED USES. Truck trailers used for the following uses are permitted as a condition of their space being provided and allowed:~~

~~(1) A second mobile home or park trailer shall be permitted in accordance with Article 20 of this code.~~

~~(2) Developments as required by Section 10-2.1607.~~

~~(3) The parking areas described by this code and accessory uses permitted by this code are accessory to a commercial use of the lot, zone or district and shall be permitted in the same manner as accessory uses permitted by this code.~~

~~(4) Accessory uses and buildings customarily incidental to the use.~~

6.

SECTION/~~EX~~ AMENDMENT OF CODE. The following sections

are hereby added to Article 15 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.1510. PERMITTED LOCATIONS OF MOBILE HOMES, TRAVEL TRAILERS, CAMP CARS AND CAMPER.

(a) It shall be unlawful for any person to place, keep or maintain, or permit to be placed, kept or maintained, any mobile home, except a travel trailer, upon any lot, piece or parcel of land within the residential zones of the City, except in a mobile home park.

(b) It shall be unlawful for any person to place, keep or maintain, or permit to be placed, kept or maintained, a travel trailer, camp car, or camper upon any lot, or piece or parcel of land within the residential zones of the City, except in a mobile home park or a travel trailer park, with the following exceptions:

(1) One such facility may be placed, kept or maintained wholly within a structure lawfully existing on the premises; or

(2) One such facility may be placed, kept or maintained upon any lot, piece or parcel of land within the residential zones of the City provided that it shall be located no closer than fifteen (15') feet to any street line and provided further that no part of any travel trailer, camp car, or camper shall be maintained, kept or placed closer than three (3') feet to any building used for human habitation.

(3) Notwithstanding any provisions contained herein, such facility may be located anywhere on the lot, except in a clear vision zone of a corner lot as defined in Section 10-2.1609 hereof, for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes or for the temporary storage not to exceed seven (7) days of such facility owned by a bona fide guest of the occupants of the premises.

(4) Notwithstanding any provision contained herein, a camp car or mounted camper which is not more than seventy-eight (78") inches in height and seventy-two (72") inches in width shall be exempt from the provisions of this section.

(c) It shall be unlawful for any person to place, keep or maintain, or permit to be placed, kept or maintained, any mobile home, travel trailer, camp car or camper upon any lot, piece or parcel of land within the nonresidential zones of the City other than in a mobile home park or trailer park except for storage, sale, or business use, as permitted in such zone.

SEC. 10-2.1511. PERMITTED LOCATIONS OF BOATS AND BOAT TRAILERS.

(a) It shall be unlawful for any person to place, keep or maintain, or permit to be placed, kept or maintained, any boat or boat trailer upon any lot, piece or parcel of land within the residential zones of the City with the following exceptions:

(1) Boats or boat trailers may be placed, kept or maintained wholly within a structure lawfully existing on the premises; or

(2) Boats or boat trailers may be placed, kept or maintained upon any lot, piece or parcel of land within the residential zones of the City provided that ~~no part of any boat or boat trailer~~ shall be located ~~no closer than~~ fifteen (15') feet to any street line.

(3) Notwithstanding any provisions contained herein, such boat or boat trailer may be located anywhere on the lot, except in a clear vision zone of a corner lot as defined in Section 10-2.1609 hereof, for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, or for the temporary storage not to exceed seven (7) days of such facility owned by a bona fide guest of the occupants of the premises.

SEC. 10-2.1512. PERMITTED LOCATIONS OF TRUCKS AND TRUCK TRAILERS. It shall be unlawful for any person to place, keep or maintain, or permit to be placed, kept or maintained, any truck or truck trailer in any residential zone of the City, except for pickup or delivery service, or public agency or utility company vehicles while used on official business, or as part of the operation of a legally existing nonconforming use, provided that in no case shall such truck or truck trailer be parked at any location in the residential zone longer than required for such pickup or delivery service or official business, other than within the grounds of a legally existing nonconforming use located within the residential zone and of which operation the truck or truck trailer is a part.

7. SECTION/Rx AMENDMENT OF CODE. The following sections

are hereby added to Article 17 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.1711. REQUIRED REMOVAL OF NONCONFORMING MOBILE HOMES, TRAVEL TRAILERS, CAMP CARS AND CAMPERS. Mobile homes, travel trailers, camp cars and campers lawfully located within the City immediately prior to the effective date of Section 10-2.1510 may be maintained for six (6) months, although existence of such mobile home, travel trailer, camp car and camper does not conform to the provisions of Section

10-2.1510; provided that all such nonconforming mobile homes, travel trailers, camp cars and campers shall be relocated or removed from such nonconforming location not later than six (6) months from the effective date of said Section 10-2.1510.

SEC. 10-2.1712. REQUIRED REMOVAL OF NONCONFORMING BOATS AND BOAT TRAILERS. Boats and boat trailers lawfully located within the City immediately prior to the effective date of Section 10-2.1511 may be maintained for six (6) months although existence of such boats and boat trailers does not conform to the provisions of Section 10-2.1511; provided that all such nonconforming boats and boat trailers shall be relocated or removed from such nonconforming location not later than six (6) months from the effective date of said Section 10-2.1511.

8.

SECTION/~~ix~~ 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.

9.

SECTION/~~ix~~ 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 8th day of January, 1962, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Shastid, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert,
VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 496-C.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 15th day of January, 1962, Councilman Johansen moved its final adoption, which motion being duly seconded by Councilman VanderWall, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 30, 1962

AN ORDINANCE AMENDING ARTICLE 7 OF CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO CARD ROOMS.

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

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

ARTICLE 7. LICENSING AND REGULATION OF CARD ROOMS

SEC. 4-1.701. LICENSE REQUIRED. No person shall engage in, or carry on, or maintain or conduct, or cause to be engaged in, carried on, maintained or conducted, any card room in the City without first having secured a license from the City so to do, according to each and every requirement of this article, or without complying with each and every regulation contained herein pertaining to such card room.

SEC. 4-1.702. CARD ROOM--DEFINED. For the purpose of this article a "card room" is hereby defined to be any space, room or enclosure, furnished or equipped with a table used or intended to be used as a card table for the playing of cards and similar games, and the use of which is available to members of any non-profit society, club, fraternal, labor or other organization, or to the public or any portion of the public, provided that "card room" shall not include a room in which the sole card game played is bridge or whist.

SEC. 4-1.703. APPLICATION FOR LICENSE. (a) An applicant for a card room license shall submit his application to the Chief of Police, which application shall be under oath, and shall include, among other things, the true names and addresses of all persons financially interested in the business. The term "persons financially interested" shall include all persons who share in the profits of the business, on the basis of gross or net revenue. The past criminal record, if any, of the applicant and of all persons financially interested in the business shall be shown on such application. The application shall also be accompanied by finger prints and recent photograph of the applicant and of persons financially interested in the business. A license may be issued only to citizens of the United States who have resided in the County of Stanislaus for at least two (2) years immediately preceding the issuance of such license. The Chief of Police shall either grant or deny the application for a card room license within sixty (60) days after said application is filed with him.

(b) The Chief of Police shall deny any applicant for a card room license a license to operate such card room if:

(1) Said applicant has previously been convicted of a felony;

(2) Said applicant has previously been convicted of any narcotics violation;

(3) Said applicant is not in the opinion of the Chief of Police a fit and proper person to operate a card room;

(4) Said card room is to be located within any area of the City which is wholly residential; or, if said card room is adjacent to a residential area, and in the opinion of the Chief of Police, the issuance of said card room permit would tend to cause a police problem or public nuisance;

(5) Said card room is to be located within six hundred (600') feet of a public school, church, hospital, or children's playground, or any other public facility where the presence of said card room might tend to promote a demoralizing effect, or cause a police problem, or create a public nuisance.

(c) The action of the Chief of Police in denying such a license on the basis of subsection (3) or subsection (4) or subsection (5) of this section shall be subject to an appeal to the Council. Notice of such appeal shall be filed with the City Clerk within ten (10) days after the denial of said license. Upon failure to file such notice within the ten (10) day period the action of the Chief of Police in denying such license shall be final and conclusive.

SEC. 4-1.704. EMPLOYEE WORK PERMITS. (a) Card room employees must obtain a work permit from the Chief of Police. Card room employees for the purpose of this article are defined as dealers, overseers, and others directly connected with the operation and supervision of the card tables and excluding waitresses, bartenders, culinary workers and others not connected with such operation and supervision. Applications for such work permits shall be submitted under oath and contain the past criminal record, if any, of the applicant and such information as may be deemed by the Chief of Police necessary to determine whether the applicant is a proper person to be issued a card room work permit. The application shall also be accompanied by finger prints and recent photograph of the applicant. A work permit shall be issued only to citizens of the United States who have resided in the County of Stanislaus for at least one year immediately preceding the issuance of such work permit. The Chief of Police shall deny to such applicant a work permit if:

(1) Said applicant has previously been convicted of a felony;

(2) Said applicant has previously been convicted of any narcotics violation, or violation of gambling laws or ordinances;

(3) Said applicant is not in the opinion of the Chief of Police a fit and proper person to engage in such work.

Each application for a work permit shall be accompanied by a fee of Ten and no/100ths (\$10.00) Dollars and shall be valid for a period of one year. The Ten and no/100ths (\$10.00) Dollar fee shall not be returned in the event that said work permit is refused, revoked or suspended

as hereinafter provided. Only one such work permit shall be required each year, even though the holder of said work permit may change his place of employment within the City of Modesto.

(b) The action of the Chief of Police in denying such a work permit on the basis of the applicant not being a fit and proper person shall be subject to an appeal to the Council. Notice of such appeal shall be filed with the City Clerk within ten (10) days after the denial of said work permit. Upon failure to file such notice within the ten (10) day period, the action of the Chief of Police in denying such work permit shall be final and conclusive.

SEC. 4-1.705. SUSPENSION AND REVOCATION. The Chief of Police shall have the right for cause to revoke or suspend any card room license or card room work permit issued hereunder and to take possession of such permits. Any of the grounds upon which the Chief of Police shall be required to refuse to issue an initial card room license or card room work permit shall also constitute grounds for such revocation or suspension. In addition, the failure of a holder of a card room license or card room work permit to comply with the provisions of this article shall also constitute grounds for revocation or suspension of such license or work permit. The action of the Chief of Police in this respect shall be subject to an appeal to the Council. Notice of such appeal shall be filed with the City Clerk within ten (10) days after the revocation or suspension. Upon failure to file such notice within the ten (10) day period, the action of the Chief of Police in revoking or suspending the license or work permit shall be final and conclusive.

SEC. 4-1.706. NONTRANSFERABLE. No person shall be granted a license to conduct more than one card room. No card room license shall be assignable or transferable.

SEC. 4-1.707. CARD ROOM REGULATIONS. Except as hereinafter provided no person shall operate a card room in violation of any of the following regulations:

- (1) Not more than one card room shall be located at any one address;
- (2) Not more than seven (7) tables shall be permitted in any card room;
- (3) Not more than eight (8) players shall be permitted at any one card table;
- (4) Card rooms shall be located on the ground floor;
- (5) No minor shall be permitted in any card room, or to participate in any game played therein;
- (6) All card rooms shall be closed at 12 o'clock p.m. and shall remain closed until 10 o'clock a.m.;
- (7) All card rooms shall be open to police inspection during all hours of operation;

(8) Each card table shall have assigned to it a card room employee whose duty shall be to supervise the game and see to it that it is played strictly in accordance with the terms of this article, and with the provisions of the Penal Code of the State of California. This person may have more than one table under his supervision. He shall not, however, participate in the game;

(9) No person who is in a state of intoxication shall be permitted in any card room;

(10) No alcoholic beverage shall be served, consumed, or allowed to remain in any card room.

(11) Each card room operator shall post rates of play in a public place in said card room and keep said rates currently charged posted at all times in a location visible to the public. Each card room operator shall also file a current list of rates charged with the Chief of Police. No changes in rates shall be made without first filing such new rates with the Chief of Police. No card room operator shall charge any rates other than those shown as posted and as filed with the Chief of Police.

The provisions of subparagraphs (1), (2), (4), (6), (8), (10) and (11) of this section shall not apply to a nonprofit society, club, fraternal, labor or other organization which has qualified for a license without fee under Section 4-1.711.

SEC. 4-1.708. LICENSE FEE FOR CARD ROOMS. There shall be collected for each card table licensed hereunder the sum of Twenty and no/100ths (\$20.00) Dollars per table per month, payable quarterly in advance.

SEC. 4-1.709. POSTING LICENSE. The licensee shall post and keep posted the license so granted to him, or each certificate or renewal thereof, in a conspicuous place on the premises for which the same is granted.

SEC. 4-1.710. SHILLS AND DUMMIES PROHIBITED. It shall be unlawful for any card room operator to employ a person to act in the capacity of a shill or dummy; and it shall be unlawful for any person to act in the capacity of a shill or dummy. As used in this section, the term "shill" shall mean an accomplice of a gambler who participates in a card game, or, one who starts a card game to encourage others to play. The term "dummy" shall mean one who plays in a card game acting for a card room operator while ostensibly acting for himself.

SEC. 4-1.711. CLUB LICENSES. (a) A nonprofit society, club, fraternal, labor or other organization having adopted by-laws and duly elected officers or directors and members and having been in actual existence and operation for more than one year, may be granted a license without fee by the Chief of Police if he determines, from affidavits and evidence submitted to him that:

(1) The card tables are for the exclusive use of the members of the society, club, fraternal, labor or other organization;

(2) No charge is made for use of the card tables;

(3) Dues of the society, club or organization are payable not more often than once each month;

(4) The playing of cards or the furnishing of card tables for use by members is, in fact, only an incidental reason for the existence of the club.

It shall be the responsibility of an applicant seeking a license without fee to furnish to the Chief of Police such evidence as he may require in order to determine whether the applicant qualifies for such a license.

(b) The action of the Chief of Police in denying a license without fee shall be subject to an appeal to the Council. Notice of such appeal shall be filed with the City Clerk within ten (10) days after the denial of such license without fee. Upon failure to file such a notice within the ten (10) day period, the action of the Chief of Police in denying such license without fee shall be final and conclusive.

SEC. 4-1.712. EXEMPTIONS. Constituent lodges of fraternal organizations which have had lodges in California for twenty-five (25) years or more, and whose general laws or ordinances prohibit gambling or card playing for money on the premises occupied by such lodges, shall not be required to apply for or obtain a license:

(1) When the card tables are for the exclusive use of members of the fraternal organization, or nonpaying guests;

(2) No charge is made for the use of the card tables.

SEC. 4-1.713. STATE LAW VIOLATIONS. The Council hereby declares that it is not the intention of this article to permit the licensing of any card room for the playing of any game prohibited by the laws of the State, including but not limited to those games enumerated in Section 330 of the Penal Code of the State of California, which section includes banking and percentage games.

SEC. 4-1.714. APPLICATION TO EXISTING CARD ROOMS. Every person engaging in, carrying on, maintaining, or conducting or causing to be engaged in, carried on, maintained, or conducted any card room in the City upon the effective date of this article, shall be required within ten (10) days thereafter to make application for a license as required by this article. Any person not possessing a license as required by Section 4-1.701 following the expiration of thirty (30) days following the effective date of this article who continues to operate a card room shall be guilty of a misdemeanor.

SEC. 4-1.715. APPLICATION TO EXISTING EMPLOYEE WORK PERMITS. Every person employed by a card room as a dealer, overseer, or in any other capacity directly connected with the operation and supervision of the card tables excluding waitresses, bartenders, culinary workers and others not connected with such operation

and supervision, in the City upon the effective date of this article, shall be required within ten (10) days thereafter to make application for an employee work permit as required by this article. Any such person not possessing an employee work permit as required by Section 4-1.704 following the expiration of thirty (30) days from the effective date of this article who continues to act as a card room employee as defined by said Section 4-1.704, shall be guilty of a misdemeanor.

SECTION 2. 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, provided however, that the license fees established by Section 4-1.708 shall become effective April 1, 1962.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 22nd day of January, 1962, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 

DON D. HAMMOND, Mayor

ATTEST: 

REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 497-C.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 5th day of February, 19 62, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Tabbert, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: February 20, 1962

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
 THE EMERALD GARDENS ADDITION TO THE CITY OF
 MODESTO.

WHEREAS, a petition was filed with the City Clerk by
Harold B. Monighan and Jean I. Monighan

on December 4, 1961, to annex to the City of Modesto
 under the provisions of the Annexation of Uninhabited Territory Act
 of 1939, as amended, certain uninhabited territory, hereinafter
 described and designated as the EMERALD GARDENS
 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
11th day of December, 1961, set said petition for
 hearing at the hour of 8:00 o'clock p.m. on the 22nd day of
January, 1962, in the Council Chambers at the
 City Hall, 801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
 finds that a copy of the resolution giving notice of the proposed
 annexation and fixing the time and place for hearing objections to
 the proposed annexation was published in newspapers of general cir-
 culation to wit: The Modesto Tribune, a newspaper
 published in the City of Modesto on December 21, 1961,
 and on December 28, 1961; and in the Turlock Daily
 Journal, a newspaper published outside the City of Modesto, but in
 the County of Stanislaus, on December 21, 1961,
 and on December 28, 1961, 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 terri-
 tory proposed to be annexed was assessed on the last equalized
 assessment roll available on the date the proceedings were initiated,

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at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 22nd day of January, 1962, at the hour of 8:00 o'clock p.m., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated as the EMERALD GARDENS ADDITION, is located in the County of Stanislaus, State of California, is contiguous to the City of Modesto, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

EMERALD GARDENS ADDITION

All that certain real property situate in the State of California, County of Stanislaus, Section 31, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the interior quarter corner of said Section 31; thence along the North-South quarter line, North $0^{\circ} 11' 30''$ West, 215.00 feet; thence South $89^{\circ} 54' 07''$ West, 30.00 feet to a point on the Western line of a Public Road known as Emerald Avenue and the existing City Limits as established by the Mark Twain Addition as per description filed June 22, 1956, as Instrument 17230, Stanislaus County Records, and the true point of beginning; thence along the Southern line and its Westerly projection of property conveyed to Harold B. Monighan, et ux, by deed recorded October 18, 1961, as Instrument 33695, Stanislaus County Records; North $89^{\circ} 54' 07''$ East, 372.97 feet to the Western line of the Modesto Irrigation District Lateral No. 5; thence along said Western line of Lateral No. 5, North $34^{\circ} 36' 52''$ East, 703.40 feet; thence continuing along said Western line of Lateral No. 5, on a tangent curve concave to the Northwest, having a radius of 242.00 feet, a Central Angle of $24^{\circ} 25' 36''$, and a curve distance of 103.17 feet; thence along the Northern line and its Westerly projection of said Monighan property, North $76^{\circ} 53' 56''$ West, 836.21 feet to a point on the Western line of Emerald Avenue and the existing City Limits; thence along said Western line of Emerald Avenue and the existing City Limits, South $0^{\circ} 11' 30''$ East, 863.75 feet to the point of beginning, containing 11.132 Acres, more or less.

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

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

SECTION 5. The City Clerk is hereby authorized and directed to prepare a certified copy of this ordinance under seal, giving the date of its passage and transmit the same to the Secretary of State of the State of California as required by the provisions of Section 35316 of the Government Code of the State of California.

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

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

SECTION 8. This ordinance shall be published in full at least once in The Modesto 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 22nd day of January, 1962, by Councilman VanderWall, who moved its adoption and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED:


DON D. HAMMOND, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

AN ORDINANCE REPEALING SECTIONS 3-2.801 AND 3-2.811 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO TRAFFIC REGULATIONS.

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

SECTION 1. REPEALS. Sections 3-2.801 and 3-2.811 of Article 8 of Chapter 2 of Title III of the Modesto Municipal Code are hereby repealed.

SECTION 2. 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 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 12th day of February, 1962, by Councilman VanderWall, who moved its introduction and passage to print, which motion being duly seconded by Councilman Johansen, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmen:	Johansen, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor, Hammond
NOES:	Councilmen:	None
ABSENT:	Councilmen:	None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REK E. GAILFUS City Clerk

(SEAL)

Ord. No. 499-C.S.

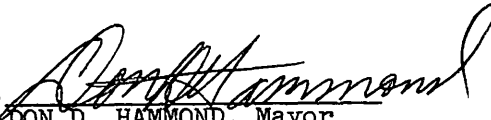
FINAL ADOPTION CLAUSE

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 19th day of February, 1962, Councilman Patton moved its final adoption, which motion being duly seconded by Councilman Shastid, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Hammond

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 6, 1962

AN ORDINANCE AMENDING SECTION MAP 8 OF THE
 ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
 CERTAIN PROPERTY LOCATED THEREON. (MODESTO'S
 NEIGHBORHOOD CHURCH)

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

SECTION 1. ZONING CHANGE. Section 8 of the Zoning Map is hereby amended to reclassify the following described property from Single-Family Zone, R-1, to Planned-Development Zone, P-D (7) :

Beginning at a point on the southern right-of-way line of Woodrow Avenue 850.64 feet east of the east right-of-way line of Tully Road extended; thence southerly 640 feet to the south boundary of Lot 48 of the Standiford Colony; thence westerly along the south boundary line of Lots 48 and 49 of Standiford Colony a distance of 515 feet; thence northerly a distance of 430 feet; thence easterly 145 feet; thence northerly 232 feet to the southern right-of-way line of Woodrow Avenue; thence easterly along the southern right-of-way line of Woodrow Avenue a distance of 365 feet to the point of beginning being located south of Woodrow Avenue east of Tully Road.

SECTION 2. USES. The following uses shall be permitted in said P-D (7) Zone subject to securing a conditional use permit as required by Section 10-2.2704 of the Modesto Municipal Code:

(a) One hundred three (103) rental apartments for occupancy by persons as approved by Federal Housing Administration, Housing Title 231; and accessory buildings and uses as shown on the plan titled, "Site Plan - Senior Citizens Apartments for the Modesto Neighborhood Church, Modesto, California", dated May 15,

1961, revised September 26, 1961, as amended on its face and which is on file in the office of the Planning Director, subject also to the following conditions:

(1) Sewer facilities shall be approved by the Council prior to commencement of construction.

(2) An adequate program of maintenance of grounds and landscaping shall be provided.

(3) A twenty (20) foot wide driveway shall be provided from Tully Road to the bus loading area of the development and shall continue southward to serve two (2) tiers of parking adjacent to the development, such driveway and parking area to be improved to City standards.

(4) No commercial uses on the property shall be provided for services to other than residents of the facility.

(5) Curb, gutter, sidewalk and street surfacing shall be installed to City standards on Woodrow Avenue adjacent to the development.

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

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 12th day of February, 1962, by Councilman Johansen, who moved its introduction and passage to print, which motion being duly seconded by Councilman Shastid, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)


Ord. No. 500-C.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 5th day of March, 1962, Councilman Johansen moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Johansen, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Hammond
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: 
DON D. HAMMOND, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 20, 1962

**Ordinance 500 C.S.
Exhibit A – Map**

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