

AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (P-D(14))

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

SECTION 1. ZONING CHANGE. Section 17 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(14), to One-Family Residential Zone, R-1:

Lot 10 of the Fresno Tract, containing approximately 16 acres; located between Granger Avenue and Modesto Irrigation District Lateral No. 3, and between the Tidewater Southern Railroad tracks and Our Lady of Fatima Church property.

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SECTION 2. ZONING MAP. Section Map 17 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 ~~thirty~~ (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 19th day of August, 1963, 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: Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED: Peter W. Johansen
~~Peter W. Johansen~~, Mayor
PETER W. JOHANSEN,

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 601-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 September, 1963, Councilman Hughes 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: Hughes, Mitchell, Patton, Shastid,
Tabbert, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: VanderWall

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 9, 1963

**Ordinance 601 C.S.
Exhibit A – Map**

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

AN ORDINANCE FIXING THE RATE OF TAXATION IN AND FOR THE CITY OF MODESTO FOR THE FISCAL YEAR 1963-1964.

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, 1963, and ending June 30, 1964, 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; and 2-18;

FOR THE GENERAL FUND	\$1.55
FOR THE BOND REDEMPTION AND INTEREST FUND	
(1) Municipal Improvement Bonds	
of 1947	\$.11
For the redemption of bonds	
and the payment of interest	
thereon that shall accrue	
during said fiscal year;	
FOR THE PARK FUND	\$.05
FOR THE LIBRARY FUND	<u>\$.06</u>
THE AGGREGATE OF SAID SUMS, TO WIT	\$1.77

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

FOR THE GENERAL FUND	\$1.55
FOR THE PARK FUND	\$.05
FOR THE LIBRARY FUND	<u>\$.06</u>
THE AGGREGATE OF SAID SUMS, TO WIT	\$1.66

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 26th day of August, 1963, by Councilman VanderWall, who moved its adoption, which motion being duly seconded by Councilman Shastid, was upon roll call carried by the following vote:

- AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Pauline P. Stanley
~~XXXXXXXXXXXXXXXXXXXX~~
PAULINE P. STANLEY, Acting City Clerk
(SEAL)

AN ORDINANCE ADDING ARTICLE 5 TO CHAPTER 1 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO ESTABLISHMENT OF A SPECIAL FUND FOR PARK PURPOSES.

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

SECTION 1. AMENDMENT OF CODE. Article 5 is hereby added to Chapter 1 of Title VIII of the Modesto Municipal Code to read as follows:

ARTICLE 5. PARK FUND

SEC. 8-1.501. CREATION OF FUND. A fund is hereby created for capital outlays under the provisions of that certain Act of the Legislature of the State of California entitled: "AN ACT TO PROVIDE FOR THE LEVY AND COLLECTION OF TAXES AND ASSESSMENTS FOR THE PURPOSE OF CREATING A FUND FOR CAPITAL OUTLAYS BY CITIES, COUNTIES, CITIES AND COUNTIES OR DISTRICTS", approved July 1, 1937, and being Chapter 717 of the Statutes of 1937, as thereafter amended by Chapter 341, Statutes of 1941, page 1590.

SEC. 8-1.502. TITLE OF FUND. Such fund shall be known as "Park Fund" and it shall remain inviolate for the making of such capital outlays as the Council shall direct to be made from such funds for the purpose of acquisition, development and maintenance of parks within the City of Modesto, and no moneys shall be disbursed therefrom excepting for such purposes, excepting upon consent of the electors obtained, as provided in said Act.

SEC. 8-1.503. LEVYING TAXES WITHIN LIMITATION OF CHARTER. Taxes may be levied upon the taxable property in said City for the raising of moneys for said fund, but no levy so made shall exceed the limitation imposed by the general laws of the State and by Section 1305 of the Charter of the City of Modesto upon the right of said City to impose taxes.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

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


Ord. No. 603-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 September, 1963, Councilman Shastid moved its final adoption, which motion being duly seconded by ~~Councilman~~ ^{Mayor} ~~John~~ Johansen, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid,
Tabbert, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: VanderWall

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 9, 1963

AN ORDINANCE AMENDING SECTION MAP 7 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (HIGBEE AND TROMBETTA)

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

SECTION 1. ZONING CHANGE. Section 7 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2:

Lots 1 to 5 inclusive, located on the west side of Tully Road, north of Rumble Road.

SECTION 2. ZONING MAP. Section Map 7 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 ~~thirty~~ thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 August, 1963, by Councilman Hughes, 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: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
~~Don O. Hammond~~ Mayor
PETER W. JOHANSEN,

ATTEST: Pauline P. Stanley
~~XXXXXXXXXXXXXXXXXXXX~~
PAULINE P. STANLEY, ACTING CITY CLERK

(SEAL)

Ord. No. 604-C.S.

FINAL ADOPTION CLAUSE

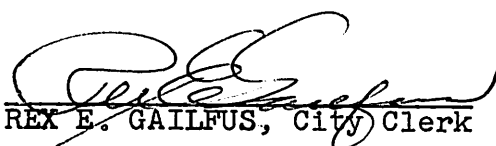
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 9th day of September, 1963, Councilman Hughes moved its final adoption, which motion being duly seconded by Councilman Patton, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid,
Tabbert, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: VanderWall

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 9, 1963

AN ORDINANCE REPEALING SECTION 4-7.108 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. Section 4-7.108 of Article 1 of Chapter 7 of Title IV of the Modesto Municipal Code is hereby repealed.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

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

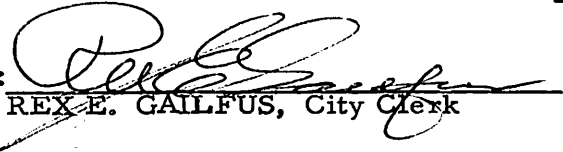
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of September, 1963, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman Patton, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmen:	Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen
NOES:	Councilmen:	None
ABSENT:	Councilmen:	VanderWall

APPROVED:


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

APPROVED AS TO FORM:

By


ALLEN GRIMES, City Attorney

Ord. No. 605-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 16th day of September, 1963, Councilman Shastid 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: Hughes, Patton, Shastid, Tabbert,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 16, 1963

AN ORDINANCE AMENDING SECTION 7-3.215 OF ARTICLE 2 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 7-3.202.1 THERETO; AMENDING SECTION 7-3.306 OF ARTICLE 3 OF CHAPTER 3 OF TITLE VII; ADDING SECTION 7-3.113 TO ARTICLE 1 OF CHAPTER 3 OF TITLE VII; AND ADDING SECTION 7-3.401.1 TO ARTICLE 4 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE, RELATING TO THE MODESTO CITY-COUNTY AIRPORT.

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

SECTION 1. AMENDMENT OF CODE. Section 7-3.113 is hereby added to Article 1 of Chapter 3 of Title VII of the Modesto Municipal Code to read as follows:

SEC. 7-3.113. FLIGHT INSTRUCTORS. No person shall hold himself out as a flight instructor or give flight instruction unless he has a valid and subsisting flight instructor rating and he is registered with the Airport Manager.

All persons giving flight instructions shall register with the Airport Manager who will acquaint them with the rules and regulations and satisfy himself that said persons do in fact have valid and subsisting flight instructor ratings.

SECTION 2. AMENDMENT OF CODE. Section 7-3.202.1 is hereby added to Article 2 of Chapter 3 of Title VII of the Modesto Municipal Code to read as follows:

SEC. 7-3.202.1. OPERATION OF MOTOR VEHICLES. No person shall operate, drive or park a motor vehicle in the aircraft tie down area as designated by the Airport Manager.

SECTION 3. AMENDMENT OF CODE. Section 7-3.215 of Article 2 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.215. REPAIRS AT DESIGNATED PLACES. No aircraft shall be permitted to remain on any part of the landing or take-off area for the purpose of repairs; and all repairs shall be effected at the places designated therefor. No person shall repair or do maintenance work on aircraft in the tie down area as designated by the Airport Manager.

SECTION 4. AMENDMENT OF CODE. Section 7-3.306 of Article 3 of Chapter 3 of Title VII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 7-3.306. REPAIRS ON AIRCRAFT IN HANGARS. Repairs on storage floors of hangars primarily used for aircraft storage shall be limited to inspection and replacement of minor parts. Changing of motors or major overhaul of motors and painting of aircraft is prohibited.

SECTION 5. AMENDMENT OF CODE. Section 7-3.401.1 is hereby added to Article 4 of Chapter 3 of Title VII of the Modesto Municipal Code to read as follows:

SEC. 7-3.401.1. DELINQUENT AIRCRAFT STORAGE ACCOUNTS. When an aircraft storage account is delinquent for fifteen (15) days or more, the Airport Manager may lock up the airplane until storage charges are paid. No aircraft on which any tie down fees or hangaring fees are unpaid may be removed without the prior written consent of the Airport Manager.

In addition to all other remedies provided by law for the collection and enforcement of charges or fees due for the tying down or hangaring of aircraft, the City shall have a lien upon aircraft for the tying down or hangaring thereof. Whenever such lien is lost by reason of loss of possession through trick, fraud or device, the repossession thereof by the City shall revive such lien. Any lien of the City upon aircraft for the tying down or hangaring thereof may be foreclosed in the same manner as is provided generally by the Civil Code of California for the foreclosure of liens upon personal property.

SECTION 6. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 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 16th day of September, 1963, by Councilman Hughes, 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: Hughes, Patton, Shastid, Tabbert, VanderWall,
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ALLEN GRIMES, City Attorney

Ord. No. 606-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 September, 1963, Councilman Shastid 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: Hughes, Mitchell, Patton, Shastid,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Tabbert

APPROVED

Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST:

REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 23, 1963

AN ORDINANCE REPEALING SECTION 4-2.09 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO INTOXICATION.

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

SECTION 1. REPEALS. Section 4-2.09 of Chapter 2 of Title IV of the Modesto Municipal Code is hereby repealed.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 September, 1963, by Councilman Shastid, 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: Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM: ALLEN GRIMES, City Attorney

Ord. No. 607-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 September, 1963, Councilman VanderWall 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: Hughes, Mitchell, Patton, Shastid,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Tabbert

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 23, 1963

AN ORDINANCE AMENDING SECTION MAP 17 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ALEXANDER, BRIGGS AND CHAPMAN)

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

SECTION 1. ZONING CHANGE. Section 17 of the Zoning Map is hereby amended to reclassify the following described property from Single-Family Residential Zone, R-1, to General Commercial Zone, C-2 :

Lots 3 and 4 of the Fresno Tract as per map filed March 14, 1903. Excepting therefrom that portion of said lot 3 lying South of the North line of Briggsmore Avenue.

SECTION 2. ZONING MAP. Section Map 17 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 ~~thirty~~ thirty (30) ~~days~~ 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.

Ordinance 608 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 23rd day of September, 1963, by Councilman Hughes, 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: Hughes, Mitchell, Patton, Shastid,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Tabbert

APPROVED: Peter W. Johansen
~~Mayor~~ Mayor
PETER W. JOHANSEN,

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

(SEAL)

Ord. No. 608-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 November, 1963, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Hughes, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Tabbert, VanderWall
Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Patton, Shastid

APPROVED 
PETER W. JOHANSEN, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 12, 1963

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN
AS THE MCHENRY VILLAGE CENTER ADDITION TO
THE CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by
McHenry Village, Inc.

on July 25, 1963, 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 MCHENRY VILLAGE CENTER
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
12th day of August, 1963, set said petition for hear-
ing at the hour of 8:00 o'clock P.M. on the 23rd day of
September, 1963, in the Council Chambers at the City Hall,
801 Eleventh Street in the City of Modesto, and

WHEREAS, it appears to said Council and the Council so
finds that a copy of the resolution giving notice of the proposed
annexation and fixing the time and place for hearing objections
to the proposed annexation was published in newspapers of general
circulation to wit: The Modesto Tribune, a newspaper pub-
lished in the City of Modesto on August 22, 1963,
and on August 29, 1963; and in the Turlock Daily
Journal, a newspaper published outside the City of Modesto, but
in the County of Stanislaus, on August 22, 1963, and
on August 29, 1963, for the time and in the manner
required by law, which publications were completed at least
twenty (20) days prior to the date set for hearing; that written
notice of the proposed annexation has been mailed by the City
Clerk of the City of Modesto to each person to whom land within
the territory proposed to be annexed was assessed on the last
equalized assessment roll available on the date the proceedings
were initiated, at the address as shown thereon, or as known to
said Clerk, and to any person who has filed his name and address
and the designation of the lands in which he has any interest,

either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, on the 23rd day of September, 1963, 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 McHENRY VILLAGE CENTER 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 attached hereto.

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

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1963, by Councilman Hughes, 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: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Tabbert

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM BY: ALLEN GRIMES
ALLEN GRIMES, City Attorney

MCHENRY VILLAGE CENTER 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, described as follows:

Beginning at a point on the existing City Limits as established by the McHenry Village Addition as per map filed May 11, 1954, as Instrument 11745, Stanislaus County Records, said point being on the Northern line of a 40 foot Public Road known as Granger Avenue, 249.50 feet East of the Section line that is common to Section 16 and Section 17; thence along the existing City Limits the following bearings and distances: North $00^{\circ}48'$ West, 112.00 feet, South $89^{\circ}39'$ East, 410.50 feet, South $00^{\circ}48'$ East, 112.00 feet, to the Northern line of Granger Avenue; thence leaving the City Limits along the Northern line of Granger Avenue, North $89^{\circ}39'$ West, 410.50 feet to the point of beginning, containing 1.055 acres more or less.

AN ORDINANCE ADDING CHAPTER 7 TO TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO DISPOSAL OF UNCLAIMED PROPERTY IN THE POSSESSION OF THE POLICE DEPARTMENT.

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

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

CHAPTER 7--DISPOSAL OF UNCLAIMED PROPERTY

SEC. 2-7.01. POLICE CHIEF TO RECEIVE FOUND PROPERTY AND FOUND MONEY. The Chief of Police shall make provision for receiving and safe-keeping found property and found money delivered to him or coming into his possession. A receipt shall be issued to the person delivering such property or such money.

SEC. 2-7.02. HOLDING AND DISPOSAL OF UNCLAIMED PROPERTY. Such property shall be stored in a safe place and such money deposited with the Director of Finance for a period of at least six (6) months unless sooner claimed by the true owner, and shall then be deemed to be unclaimed property or unclaimed money, subject to disposal as provided in this chapter.

SEC. 2-7.03. TRUE OWNER MAY CLAIM PROPERTY OR MONEY. During such time as any such property or money is so held, it may be delivered or paid to the true owner. Such property shall be delivered upon proof of ownership satisfactory to the Chief of Police after ten (10) days' notice by mail to any others who have asserted a claim of ownership, at any address given by such persons. Such money shall be paid to the true owner upon written order to the Director of Finance from the Chief of Police. The Chief of Police shall make such order upon the same proof of ownership and with the same notice as prescribed in the case of property. If ownership cannot be determined to the satisfaction of the Chief of Police, he may refuse to deliver such property or order the payment of such money to anyone until ordered to do so by a court.

SEC. 2-7.04. FINDER MAY RECLAIM PROPERTY OR MONEY. If the true owner does not appear during the time such property or money is so held, and claim the property or money, it may be delivered back to the finder, other than a City employee who found the same while performing his regular duty, if such finder has served written notice upon the City that he wishes to assert a claim to the property or money as a finder, and if he has complied with the requirement of the Civil Code governing the duties and obligations of a finder.

SEC. 2-7.05. UNCLAIMED MONEY TO BE DEPOSITED IN GENERAL FUND. All money so received by the Chief of Police and not delivered to the true owner during a six (6) month period or the finder shall thereafter be deposited in the general fund.

SEC. 2-7.06. UNCLAIMED PROPERTY TO BE USED BY CITY OR SOLD AT AUCTION. Upon expiration of the initial six (6) month period, any property so received and not delivered to the true owner or finder may be appropriated to the use of the City of Modesto upon order of the City Manager, and such property not appropriated to City use may be sold at public auction to the highest bidder. Notice of any such sale shall be given by the City Clerk at the direction of the Chief of Police at least five (5) days before the time fixed therefor by publication at least once in a newspaper of general circulation published in the County of Stanislaus.

SEC. 2-7.07. CONDUCT OF AUCTION. An auction for the sale of unclaimed property shall be conducted by the City Manager or his appointed representative.

SEC. 2-7.08. PROCEEDS TO BE DEPOSITED IN GENERAL FUND. After such auction is completed, the proceeds of the auction shall be delivered to the Director of Finance for deposit in the General Fund.

SEC. 2-7.09. UNSALABLE AND UNUSUABLE PROPERTY. Any property advertised and offered for sale but not sold and not suitable for appropriation to the use of the City shall be deemed to be of no value and shall be disposed of in such manner as the City Manager directs.

SEC. 2-7.10. DANGEROUS OR PERISHABLE PROPERTY. Any property coming into the possession of the Chief of Police which he determines to be dangerous or perishable may be disposed of immediately, without notice, in such manner as he determines to be in the public interest.

SEC. 2-7.11. CHAPTER NOT APPLICABLE. The provisions of this chapter shall not be deemed to apply to property or money subject to confiscation under the laws of the State of California or of the United States of America, and shall apply to property or money held as evidence only when the same is unclaimed by any person and no other provisions of law are applicable concerning its disposition.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1963, by Councilman Shastid,

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: Hughes, Mitchell, Patton, Shastid, VanderWall
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Tabbert

APPROVED: *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Rex E. Gailfus*
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Allen Grimes*
ALLEN GRIMES, City Attorney

Ord. No. 610-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 September, 1963, Councilman VanderWall 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: Hughes, Mitchell, Patton, Shastid,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Tabbert

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 30, 1963

AN ORDINANCE ADDING SECTION 7-3.113 TO ARTICLE 1 OF CHAPTER 3 OF TITLE VII OF THE MODESTO MUNICIPAL CODE, RELATING TO USE OF FIREARMS AND HUNTING AT THE MODESTO CITY-COUNTY AIRPORT.

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

SECTION 1. AMENDMENT OF CODE. Section 7-3.113 is hereby added to Article 1 of Chapter 3 of Title VII of the Modesto Municipal Code to read as follows:

SEC. 7-3.113. USE OF FIREARMS AND HUNTING PROHIBITED. No person, other than a person performing law enforcement duties, shall use firearms of any description, or air rifles, spring-guns, or any other form of weapons potentially inimical to wild life and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges in or upon the Modesto City-County Airport. Shooting into the Modesto City-County Airport area from beyond the airport boundaries is forbidden.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of September, 1963, by Councilman Shastid, 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: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Tabbert

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM: ALLEN GRIMES, City Attorney

Ord. No. 611-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 September, 1963, Councilman Shastid 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: Hughes, Mitchell, Patton, Shastid,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Tabbert

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS, City Clerk

EFFECTIVE DATE: October 30, 1963

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

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

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

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

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 Ten (10¢) 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.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 September, 1963, by Councilman Hughes, who moved its introduction and passage to print, which motion

Ord. No. 612-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 7th day of October, 1963, Councilman VanderWall 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: Mitchell, Shastid, VanderWall,
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Patton, Tabbert

APPROVED

Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST:

Rex E. Gailfus
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: November 6, 1963

AN ORDINANCE ADDING CHAPTER 7 TO TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE UNIFORM HEATING AND COMFORT COOLING CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 7 entitled "Uniform Heating and Comfort Cooling Code" is hereby added to Title IX of the Modesto Municipal Code to read as follows:

CHAPTER 7 - UNIFORM HEATING AND COMFORT COOLING CODE

ARTICLE 1. GENERAL PROVISIONS

SEC. 9-7.101. ADOPTION OF UNIFORM HEATING AND COMFORT COOLING CODE. That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as the "Uniform Heating & Comfort Cooling Code, 1962 Edition," adopted by the Western Plumbing Officials Association, which said Code provides for the protection of the public health and safety by prescribing minimum standards for the use, design and installation of heating and comfort cooling equipment; requiring a permit and inspection for the installation, alteration and replacement of said equipment; providing for the administration and enforcement of such requirements and prescribing penalties for violations thereof as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Uniform Heating and Comfort Cooling Code of the City of Modesto.

SEC. 9-7.102. ADMINISTRATIVE AUTHORITY. That the words "Chief Building Official" be inserted in the blank space provided in Section 1.1 of said Heating and Comfort Cooling Code.

SEC. 9-7.103. ASSISTANTS. That the words "Building Inspectors" be inserted in the blank space provided in Section 1.2 of said Heating and Comfort Cooling Code.

SEC. 9-7.104. QUALIFICATIONS. That Section 1.3 of said Heating and Comfort Cooling Code is hereby deleted.

SEC. 9-7.105. DEPARTMENT HAVING JURISDICTION. That Section 1.4 of said Heating and Comfort Cooling Code be amended to read as follows:

Section 1.4. The office of Chief Building Official is hereby made a part of the Department of Public Works.

SEC. 9-7.106. DUTIES OF THE ADMINISTRATIVE AUTHORITY. That subsections (b) and (i) of Section 1.5 of said Heating and Comfort Cooling Code are hereby deleted.

SEC. 9-7.107. APPLICATION FOR PERMIT. That Section 1.10 of said Heating and Comfort Cooling Code be amended to read as follows:

Section 1.10. (a) Application for a heating and comfort cooling permit, describing the work to be done, shall be made in writing to the Chief Building Official by the person, firm or corporation installing the work.

(b) The Chief Building Official may issue to an individual a special owner's permit authorizing said individual to do heating and comfort cooling work in, or about a building of which said individual is owner and in which he resides or intends to reside but not elsewhere; provided, that no heating and comfort cooling work authorized under any such special owner's permit shall be done, nor shall the owner holding any such permit allow any such work to be done, except personally by the owner to whom the permit is issued, or by a member of his immediate family; and if this or any other provision hereof shall be violated by the holder of such special owner's permit, such permit shall be subject to immediate cancellation by the Chief Building Official and the holder thereof shall be liable to the penalty provided for violation of this Code.

(c) If the Chief Building Official determines that the plans, specifications, drawings, descriptions or information furnished by the applicant is in compliance with this Code, he shall issue the permit applied for upon payment of the required fee herein-after fixed.

SEC. 9-7.108. COST OF PERMITS. That Section 1.11 of said Heating and Comfort Cooling Code be amended to read as follows:

Section 1.11. (a) Every applicant for a permit to install, add to, alter, relocate or replace heating and/or comfort cooling, 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 at the time of issuance, a fee in accordance with the following schedule, and at a rate provided for in each classification shown therein.

(b) Whenever heating and/or comfort cooling work is commenced other than stated herein and for which a heating and comfort cooling permit is subsequently permitted to be obtained, the applicant for such permit shall pay double the permit fee fixed by this section for the first violation and shall pay ten (10) times the permit fee fixed by this section or Twenty-Five and no/100ths (\$25.00) Dollars, whichever is greater, for each subsequent violation. Emergency work, when urgently necessary and so proven to the satisfaction of the Chief Building Official, shall not be subject to these increased fees providing that in all such cases a permit is obtained as soon as practicable.

(c) SCHEDULE OF FEES

1. For Issuing Each Permit	\$ 1.00
In Addition:	
2. Gas furnace of any nature whatsoever, per 100,000 B.T.U. or fraction thereof	2.00
3. For each air outlet of a duct air system ventilation, heating, or comfort cooling25
4. For the installation of each combustion products vent only, other than a fireplace	1.00
5. Gas piping permits at 25 cents per outlet (minimum fee)	1.00
6. For each appliance or equipment governed by this Code, but not classed as heating appliances50

AIR CONDITIONING INSTALLATIONS

1. Each unit of 1½ tons or less	1.00
2. Each additional ton or fraction thereof over said unit up to 14 tons50
3. Each unit of 14 tons or over	7.50
4. Each expansion coil or chilled water coil25
5. Each separate cooling tower	1.00
6. Evaporative coolers	1.00

(d) No heating and/or comfort cooling permit fee shall be required for the issuance of a plumbing permit to any governmental agency.

SEC. 9-7.109. APPROVALS. That Section 102 of said Heating and Comfort Cooling Code be amended to read as follows:

Section 102. (1) All heating appliances, comfort cooling or combustion air heating and comfort cooling appliances and accessory equipment regulated by this Code shall be of a type complying with this Code or of a type recommended and approved by a nationally recognized testing agency.

(2) All heating appliances installed shall be vented and of a type approved for vented use and shall be connected to an approved vent.

SEC. 9-7.110. PLANS AND SPECIFICATIONS. That subsection (a) of Section 105 of said Heating and Comfort Cooling Code be amended to read as follows:

(a) The Chief Building Official shall require the submission of plans, specifications and drawings, and may also require such other information as he may deem necessary, prior to the commencement of, and at any time during the progress of, any work regulated by this Code.

SEC. 9-7.111. BUSINESS LICENSE REQUIRED. Before any person shall engage in the business of performing or doing heating and/or ventilating work in the City, he shall first procure the necessary business license from the Director of Finance, in accordance with the provisions of Chapter 1 of Title VI of this Code.

SEC. 9-7.112. TELEPHONE PERMIT PROCEDURE. Notwithstanding the provisions of Sections 1.11 and 1.12 of this Code, the Director of Public Works is hereby authorized to establish a system for the issuance of routine permits upon telephonic request and to issue such directives and regulations as are deemed necessary to govern the operation and administration of such a system. Said directives and regulations shall have the force and effect of law and a violation thereof shall constitute a misdemeanor. Such a system may provide for the payment of permit fees on permits issued by telephone on an accounts receivable basis.

SEC. 9-7.113. NONRESPONSIBILITY OF THE CITY. Neither the City nor any department, nor any board, commission, officer or employee thereof shall be held liable or responsible for any damage or injury caused by or resulting from the issuance of or failure to issue or the revocation of any permit or certificate of inspection or the making of any inspection made under the provisions of this chapter.

SEC. 9-7.114. VIOLATIONS AND PENALTIES. That Section 110 of said Heating and Comfort Cooling Code be amended to read as follows:

Section 110. Any person violating any of the provisions of this chapter or any of the provisions of the Heating and Comfort Cooling Code, adopted by reference by Section 9-7.101 of this chapter, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not to exceed One Thousand and no/100ths (\$1,000.00) Dollars or by imprisonment in the County Jail of the County of Stanislaus for not to exceed one year, or by both such fine and imprisonment. Each separate day or any portion thereof during which any violation of this chapter or any violation of the Heating and Comfort Cooling Code occurs or continues shall be deemed to constitute a separate offense and upon conviction thereof shall be punishable as herein provided.

The issuance or granting of a permit or approval of plans and specifications shall not be deemed or construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter or any of the provisions of the Heating and Comfort Cooling Code. No permit presuming to give authority to violate or cancel any of said provisions shall be valid, except insofar as the work or use which it authorizes is lawful.

The issuance of a permit upon plans and specifications shall not prevent the Chief Building Official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction operations being carried on thereunder when in violation of this chapter or the Heating and Comfort Cooling Code or of any other law or from revoking any Certificate of Approval when issued in error.

Every permit issued by the Chief Building Official under the provisions of this chapter shall be null and void if the work authorized by such permit is not commenced within sixty (60) days from the date of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty (120) days. Before such work can be recommenced a new permit shall be obtained and the fee therefor shall be one half ($\frac{1}{2}$) the amount required for a new permit for such work, provided no changes have been made, or will be made in the original plans and specifications for such work; and provided further that such suspension or abandonment has not exceeded one year.

SEC. 9-7.115. PLANS AND SPECIFICATIONS. That subsection (c) of Section 803 of said Heating and Comfort Cooling Code be amended to read as follows:

(c) The location and size of all air ducts, air inlets, and air outlets along with the design air flow in cubic feet per minute (C.F.M.) of each air duct.

SEC. 9-7.116. LOCATION OF EQUIPMENT. That subsection (2) of subsection (c) of Section 805 of said Heating and Comfort Cooling Code be amended to read as follows:

(2) Every portion of any comfort cooling system which is installed in a side yard of a residential building shall not be closer than three (3') feet to the property line.

SEC. 9-7.117. AIR REQUIREMENTS. That sub-subsection (1) of subsection (a) of Section 806 of said Heating and Comfort Cooling Code be amended to read as follows:

(1) Every comfort cooling system regulated by this Code shall conform to the recommendations of the American Society of Heating, Refrigeration and Air Conditioning Engineers for required air changes per hour into the conditioned space.

SEC. 9-7.118. ELECTRICAL. That Section 807 of said Heating and Comfort Cooling Code is hereby deleted.

SEC. 9-7.119. EVAPORATIVE COOLERS. That Section 808 of said Heating and Comfort Cooling Code be amended by adding subsection (c) thereto to read as follows:

(c) Recirculation. Evaporative coolers hereafter installed, replaced or repaired in any place of business of whatsoever nature shall be provided with a recirculating pump installed in a suitable pan constructed of galvanized metal or other material of equal durability. All water supplying such pans shall be provided with a float valve so installed that the outlet of such valve shall be set two (2") inches above the extreme overflow level of the pan. A shutoff valve shall be installed near the inlet to the float valve.

SEC. 9-7.120. QUALITY OF MATERIALS. That subsection (e) of Section 903 of said Heating and Comfort Cooling Code be amended to read as follows:

(e) All joints and connections shall require metal screws (minimum of three (3) for diameters up to and including twelve (12") inches and a minimum of four (4) for diameters over twelve (12") inches) and shall be inspected prior to covering with tape or insulation material. This shall not apply to approved joints manufactured in a shop.

SEC. 9-7.121. FIRE DAMPERS. That Section 906 of said Heating and Comfort Cooling Code be amended by adding subsection (f) thereto to read as follows:

(f) All required fire dampers shall be shown on the approved plans.

SEC. 9-7.122. INSULATION OF DUCTS. That Table 9-E of said Heating and Comfort Cooling Code be amended to read as follows:

TABLE 9-E

Insulation of Ducts

Duct Location	Duct Length in Feet		
	0 thru 70 ft.	71 thru 150 ft.	151 ft. and longer
Roof or Exposed to Outside Air	C & W	C & W	C & W
Attics	B	B	C
Between Floor Crawl Spaces, Under Floor, Crawl Spaces, and Basements	B	B	C
Within the Conditioned Space*	None Required		
Cement Slab	None Required if Duct is Nonmetallic		

* Insulation may be omitted on duct work within a furred-down space over a hallway, provided the attic immediately above such duct space is insulated as specified in the above table.

SEC. 9-7.123. PLANS REQUIRED. That Section 1204 of said Heating and Comfort Cooling Code be amended to read as follows:

Section 1204. The Chief Building Official shall require the submission of plans, specifications, drawings and such other information as he may deem necessary, prior to the commencement of, and at any time during the progress of any work regulated by this Code.

SEC. 9-7.124. LIQUEFIED PETROLEUM GAS FACILITIES AND PIPING. That Section 1214 of said Heating and Comfort Cooling Code is hereby deleted.

SEC. 9-7.201. DEFINITIONS. For the purposes of this chapter, the following terms are defined as follows:

- (a) A "contractor" is a person who has a valid contractor's license in the proper classification issued by the State of California.
- (b) A "journeyman" is a person who is engaged in or labors at the work covered by this Code as an employee and who holds a valid Certificate of Competency.
- (c) An "apprentice" is a person who is engaged in learning the work covered by this Code as an employee under the direct supervision and in the immediate presence of a contractor or journeyman.

SEC. 9-7.202. CERTIFICATE OF COMPETENCY. Before any person shall engage in or labor at the work covered by this Code, 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 Examiners hereinafter provided for, after his requisite qualifications have been established by his passing an examination conducted by the Board, unless such person holds a valid Contractor's License in the proper classification issued by the State of California.

Any person possessing a valid Contractor's License in the proper classification issued by the State of California shall automatically be issued a Certificate of Competency by the Chief Building Official upon presentation of a valid license. Such person shall not be required to pay the fee for the Certificate of Competency established by Section 9-7.205(b) of this chapter.

Notwithstanding the foregoing paragraphs, the effective date for requiring persons to be holders of a Certificate of Competency shall be January 1, 1964.

SEC. 9-7.203. BOARD OF EXAMINERS.

(a) Creation. There is hereby created a Board of Examiners, hereinafter called the Board, which shall consist of five (5) members, one of whom shall be a contractor having a C-20 license issued by the State of California, one a contractor having a C-38 license issued by the State of California, two (2) journeymen as defined in this article, and the Chief Building Official or his designated representative who shall act as secretary. The members of the 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.

All of the members appointed to said Board shall hold office for their respective terms, unless sooner revoked for malfeasance in office, neglect of duty, incapacity, or for any reason that the City Council deems to be the best interest of the City of Modesto. Said removal may be made by the City Council without granting to the person so removed a hearing, either public or private, and without the necessity of there being filed with

said City Council or any other official or body of officials in said City any written charges. The dismissal by said Council of any member of said Board for any of the reasons herein stated shall be final and conclusive.

(b) Duties. The Board shall issue Certificates of Competency to such persons as may be entitled thereto and conduct examinations for the purpose of determining the competency and knowledge of such persons engaged in or laboring at the work covered by this Code. The examination shall, in the judgment of the Board, be such as to fairly determine the ability of the applicant to perform the work properly.

The Board shall keep an accurate record of all their official transactions and render such reports and statistics as may be required by the City.

The Board shall elect a chairman from their members who shall preside at all meetings. They shall adopt such rules and regulations as they see fit for the proper and efficient discharge of their official duties. They shall determine the character of the examination to be given any applicant and by majority vote pass or reject such applicant upon his showing as the case may be.

SEC. 9-7.205. APPLICATION.

(a) General. Any person who is required by this chapter to possess a Certificate of Competency shall make application therefor to the Board of Examiners on application forms provided for that purpose by the Secretary of the Board.

(b) 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.

SEC. 9-7.206. 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 a second time, the Board may refuse a third application until after the expiration of six (6) months. The application fee as prescribed in Section 9-7.205(b) shall be paid for each re-examination.

SEC. 9-7.207. TEMPORARY PERMIT. After a person claiming to be a journeyman has made application and paid the examination fee, the Chief Building Official, in his discretion, may issue to such person having paid the fee a temporary permit to engage work covered by this Code until the next examination is held by the Board. The Chief Building Official at any time may revoke such temporary permit.

SEC. 9-7.208. APPRENTICES.

(a) Supervision. No Certificate of Competency is required for an apprentice under the continuous supervision of a contractor or journeyman. Supervision shall be considered continuous if the contractor or journeyman

is not absent for more than one hour continuously nor more than two (2) days total during any one day.

(b) Number of Apprentices. No more than one apprentice shall be employed for each contractor or journeyman on any one continuous parcel of land.

SEC. 9-7.209. RENEWAL OF CERTIFICATE. 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.

SEC. 9-7.210. REVOCATION OF CERTIFICATE.

(a) The Board of Examiners, after a public hearing, may cancel any certificate issued by them to any person, if such person later shows incompetency or lack of knowledge in matters relevant to such certificate or if such certificate was obtained by fraud. If such certificate of any person be so cancelled or revoked, another such certificate shall not be granted to such person within twelve (12) months after the date of cancellation or revocation.

(b) Certificates are not transferable from one person to another and the lending of any certificate to another person shall be deemed cause for revocation.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 October, 1963, 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, Patton, Shastid, VanderWall,
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Tabbert

APPROVED: *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *REX E. GAILFUS*
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:
By *Allen Grimes*
ALLEN GRIMES, City Attorney

Ord. No. 613-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 October, 1963, Councilman Shastid 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: Mitchell, Patton, Shastid, VanderWall,
Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Hughes, Tabbert

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS, City Clerk

EFFECTIVE DATE: November 13, 1963

AN ORDINANCE AMENDING SECTION 16 OF THE ZONING MAP OF THE CITY OF MODESTO TO ESTABLISH INTERIM ZONING FOR CERTAIN PROPERTY LOCATED THEREON NEWLY ANNEXED TO THE CITY. (McHENRY VILLAGE CENTER ADDITION)

WHEREAS, McHenry Village Center Addition was annexed to the City of Modesto on September 25, 1963, and

WHEREAS, Section 10-2.1505 of the Modesto Municipal Code authorizes the Council, upon the recommendation of the Planning Commission, to temporarily classify newly annexed territory into zones other than R-1 classification by the adoption of an emergency interim ordinance in order to protect the public health, safety and welfare of the City,

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

SECTION 1. INTERIM ZONING. Section 16 of the Zoning Map of the City of Modesto is hereby amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference. The purpose of said amendment is to establish interim zoning for newly annexed territory as set forth on said map. Except for the interim zoning of newly annexed territory as shown on said map, the existing zoning shall continue in effect.

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure for preserving the public peace, health and safety. The following is a statement of facts showing its urgency. The property for which interim zoning is established by this ordinance is newly annexed to the City. The best utilization and development of said property requires the establishment of interim zoning pending the completion of formal zoning proceedings.

SECTION 3. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its 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 October, 1963, by Councilman Mitchell, 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: Mitchell, Patton, Shastid, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Tabbert

APPROVED:


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GALFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By


ROBERT C. BIENVENU, Assistant
City Attorney

**Ordinance 614 C.S.
Exhibit A – Map**

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

AN ORDINANCE AMENDING SECTION MAP 7 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (HIGBEE AND TROMBETTA)

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

SECTION 1. ZONING CHANGE. Section 7 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Zone, R-1, to Two-Family Zone, R-2:

Lot 26 in Block 13201 and Lot 22 in Block 13220.

SECTION 2. ZONING MAP. Section Map 7 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 ~~thirty~~ (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 October, 1963, by Councilman Shastid, 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: Mitchell, Patton, Shastid, VanderWall,
Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Hughes, Tabbert

APPROVED: Peter W. Johansen
~~XXXXXXXXXXXX~~ Mayor
PETER W. JOHANSEN,

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Allen Grimes
ALLEN GRIMES, City Attorney

Ord. No. 615-C.S.

FINAL ADOPTION CLAUSE

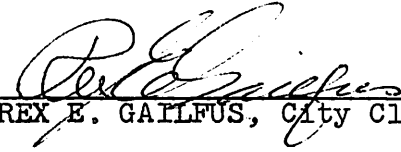
The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 28th day of October, 1963, Councilman Hughes moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Tabbert,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Patton

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GALLFUS, City Clerk

EFFECTIVE DATE: November 27, 1963

**Ordinance 615 C.S.
Exhibit A – Map**

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

AN ORDINANCE AMENDING SECTION 10-2.1505 OF ARTICLE 15 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND AMENDING SECTIONS 10-2.2704, 10-2.2708, AND 10-2.2709 OF ARTICLE 27 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. The following section of Article 15 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1505. CLASSIFICATION OF NEWLY ANNEXED TERRITORY.

(a) Except as provided in subsections (b) and (c) hereof, all land or territory annexed to the City after the effective date of this section shall automatically be classified with the City's zone classification most comparable to the County zone classification held immediately prior to its annexation or consolidation with the City as shown on the following conversion table, unless the Council specifically determines otherwise by ordinance.

<u>Stanislaus County</u>	<u>City of Modesto</u>
A-2	R-A
R-A	R-A
R-1	R-1
R-2	R-2
R-3	R-3
H-1	C-1
C-1	C-1
C-2	C-2
L-M	M-1
M	M-2

(b) Any land or territory annexed to the City after the effective date of this section which is unclassified or in a zoning classification that does not appear in the table specified in subsection (a) above shall be classified as R-1, Single Family Residential, provided, however, that nothing contained in this section shall preclude the Council from specifically determining the zoning of such annexed territory by ordinance adopted concurrently with the annexation, or thereafter.

(c) The application of County zoning in accordance with the provisions of subsections (a) and (b) of this section shall not prejudice the right of the Council or the Planning Commission to initiate rezoning of any land within the City at a date subsequent to annexation in accordance with the procedures set forth in Article 21 of this Chapter. The Council may establish specific zoning by ordinance for land or territory to be annexed. Such an ordinance may be adopted concurrently with the annexation.

SECTION 2. AMENDMENT OF CODE. The following sections of Article 27 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.2704. APPROVAL OF BUILDING PLANS. Prior to the issuance of the building permit for construction of buildings in a P-D zone, the working plans and specifications shall be checked and approved by the Secretary of the Planning Commission to assure compliance with the terms and conditions of approval by the Council.

SEC. 10-2.2708. DEVELOPMENT PLAN. An application for a P-D zone shall be made to the Planning Commission and shall include and be accompanied by a development plan. The P-D zone, when adopted, shall become part of the zoning map of the City of Modesto as provided for by Article 3 of this chapter and the development plan for such P-D zone shall be adopted by resolution.

(a) Any changes in the development plan which involve uses shall be made in accordance with the procedures set forth in Article 21 for an unclassified use permit.

(b) If changes are proposed to the development plan which do not involve new uses, the Secretary of the Planning Commission shall have the power to approve such changes, provided that they conform in principle to the approved development plan. If, in the opinion of the Secretary of the Planning Commission, the changes do not conform in principle to the approved development plan, such changes shall be referred to the Planning Commission for decision.

(c) The development plan shall include:

(1) A map showing any street system and lot design proposed within the zone. Any areas proposed to be dedicated or reserved for parks, parkways, playgrounds, school sites, public buildings and other such uses must be shown. Compliance with this requirement shall not be construed to relieve the applicant from compliance with the subdivision regulations or any other applicable regulations of the City of Modesto.

(2) A plot plan for each building site or sites in the proposed P-D zone or any portion thereof as required by the Planning Commission. A plot plan shall show the approximate location of all proposed buildings, indicating maximum and minimum distances between buildings and between buildings and property or building site lines.

(3) Elevations and/or perspective drawings of all proposed structures except single-family residences and their accessory buildings. Such drawings need not be the result of final architectural decisions and need not be in detail. The purpose of such drawings is to indicate within stated limits the height of proposed buildings and the general appearance of the proposed structures to the end that the entire development will have architectural unity and be in harmony with surrounding developments.

(4) Any or all of the following plans and diagrams may also be required by the Planning Commission or similar information may be required to be included on the plot plan or appended thereto:

(aa) Off-street parking and loading plan.

(ab) A circulation diagram indicating the proposed movement of vehicles, goods and pedestrians within the P-D zone and to and from adjacent public thoroughfares. Any special engineering features and traffic regulation devices needed to facilitate or insure the safety of this circulation pattern shall be shown.

(ac) Landscaping and tree planting plan.

(ad) A map showing the topography of the proposed zone at one foot contour intervals.

(ae) An economic feasibility report or market analysis.

SEC. 10-2.2709. DEVELOPMENT SCHEDULE.

(a) An application for a P-D zone shall be accompanied by a development schedule indicating to the best of the applicant's knowledge the approximate date when construction of the project can be expected to begin, the anticipated rate of development, and the completion date. The development schedule if approved by the Council, shall become part of the development plan and shall be adhered to by the owner of property in the P-D zone and his successors in interest. The City shall require posting of cash, a savings and loan certificate, or a performance bond issued by a corporate surety company in an amount to be determined by the City Engineer to cover the cost of public improvements adjacent to the proposed development prior to the issuance of the building permit for first phase of construction.

(b) From time to time the Planning Commission shall compare the actual development accomplished in the various P-D zones with the approved development schedules.

(c) If the owner or owners of property in P-D zones have failed to meet the approved development schedule, the Commission shall initiate proceedings under Article 21 of this chapter to repeal the P-D zone and rezone the property to the zone classification it held immediately prior to being zoned P-D.

(d) Upon request by the property owner and for good cause shown, the Planning Commission may extend the time limits of the development schedule provided that any request for an extension of these limits shall be on file in the office of the Planning Director at least thirty (30) days prior to the expiration of any time limit required by the development schedule. Any person dissatisfied with the decision of the Planning Commission may appeal to the Council in accordance with procedures set forth in Section 10-2.2110 of this Code for appeals.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 October, 1963, 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: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Patton

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Allen Grimes
ALLEN GRIMES, City Attorney

Ord. No. 616-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 November, 1963, Councilman Mitchell 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: Hughes, Mitchell, Tabbert, VanderWall,
Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Patton, Shastid

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 4, 1963

AN ORDINANCE AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE RELATING TO PARKING METERS AND REPEALING ORDINANCE NO. 612-C.S.

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

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

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

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.
- (j) PM-10 No time limit, 9 a.m. to 10 p.m. daily.

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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 half ($\frac{1}{2}$) 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.
- (j) PM-10 Five (5¢) cents per one hour or fraction.

SECTION 2. REPEALS. Ordinance No. 612-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 thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 October, 1963, by Councilman Mitchell, 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: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Patton

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Allen Grimes
ALLEN GRIMES, City Attorney

Ord. No. 617-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 November, 1963, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Hughes, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Tabbert, VanderWall,
Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Patton, Shastid

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 4, 1963

AN ORDINANCE AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO.

WHEREAS, Section 3-2.1501 of the Modesto Municipal Code provides that changes in the boundaries of the parking meter zones shall be made by ordinance adopting an amended Parking Meter Zoning Map, or section or unit thereof,

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

SECTION 1. PARKING METER ZONING CHANGE. The Parking Meter Zoning Map is hereby amended to reclassify the following described property from Parking Meter Zone, PM-3, to Parking Meter Zone, PM-10:

Off-street parking lot located at the southwest corner of 14th and J Streets in the City of Modesto.

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

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 October, 1963, by Councilman Tabbert, 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: Hughes, Mitchell, Shastid, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Patton

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORMS

BY Allen Grimes
ALLEN GRIMES, City Attorney

**Ordinance 618 C.S.
Exhibit A – Map**

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

Ord. No. 618- 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 November, 1963, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Hughes, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Patton, Shastid

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 4, 1963

AN ORDINANCE ADDING CHAPTER 3 TO TITLE VIII OF THE MODESTO MUNICIPAL CODE, ADOPTING POLICIES, PROCEDURES, RULES AND REGULATIONS GOVERNING PURCHASES OF SUPPLIES AND EQUIPMENT BY THE CITY AND ESTABLISHING A CENTRAL PURCHASING SYSTEM.

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

SECTION 1. Chapter 3 is hereby added to Title VIII of the Modesto Municipal Code to read as follows:

CHAPTER 3 -- CENTRAL PURCHASING SYSTEM

SEC. 8-3.01. AUTHORITY. In conformance with the provisions of Sections 801 and 1313 of the City Charter, the following policies and procedures governing the purchase of supplies and equipment by the City are established.

SEC. 8-3.02. ADOPTION OF CENTRAL PURCHASING SYSTEM. A central purchasing system is hereby established in order:

(a) To establish efficient procedures for the purchase of the City supplies, materials, equipment and contractual services at the lowest possible cost commensurate with quality needed.

(b) To exercise positive financial control over purchases.

(c) To clearly define authority for the purchasing function.

(d) To assure the quality of purchases.

SEC. 8-3.03. ORGANIZATION. The central purchasing system shall be a division of the Finance Department of the City under the supervision of the Director of Finance.

SEC. 8-3.04. DELEGATION OF PURCHASING AUTHORITY. The City Manager may authorize, in writing, any department to purchase supplies, materials, equipment and contractual services, provided that such purchases or contracts shall be made in conformity with the procedures established by this chapter. Such purchases or contracts shall be subject to review and control of the Purchasing Officer.

SEC. 8-3.05. GENERAL RESPONSIBILITIES AND DUTIES OF THE PURCHASING OFFICER. The position of Purchasing Officer is established by the Personnel Rules. The Purchasing Officer shall be appointed in accordance with the Personnel Rules and shall have the following responsibilities and duties:

(a) Subject to the provisions of this section, shall be responsible to the Director of Finance for contracting for and purchasing supplies, equipment, materials and contractual services required by all City departments and for the administration of all rules and regulations established by this chapter or by the City Charter.

Contractual services as used in this chapter shall not include the following, which shall be exempt from bidding requirements:

(1) Contracts involving the obtaining of professional or specialized skill such as, but not limited to, services rendered by attorneys, architects, engineers, accountants and specialized consultants.

(2) Where calling for bids on a competitive basis in the opinion of the Purchasing Officer is undesirable, impossible, unavailing or incongruous.

(3) Where the Purchasing Agency's requirements can be met solely by a single patented article or process.

(b) Encourage bulk and seasonal buying and prevent to the extent possible the subdivision of contracts and purchases to avoid the requirements of this chapter.

(c) Be responsible for assuring written specifications for supplies, materials, equipment and contractual services as may be needed to conform to good and accepted purchasing practices and to the provisions of this chapter.

(d) Prepare and maintain vendors' and contractors' files of persons, firms and corporations dealing in supplies, materials, equipment or services used by the City.

(e) Strive to obtain all Federal and other tax exemptions to which the City is entitled.

(f) Require that all supplies, materials, equipment or services purchased by the City be inspected by the respective receiving departments and that the procurement complies with the specifications.

(g) Make such recommendations as may be necessary to implement the rules and regulations of the central purchasing system.

(h) With the approval of the Council, join with the State of California and other units of government in cooperative purchasing plans when the best interest of the City would be served thereby.

SEC. 8-3.06. FORMAL CONTRACT PROCEDURES.

Except as provided in Section 8-3.05, all purchases in excess of the amount specified in Section 37902 of the Government Code of the State of California, and when directed by the City Manager for purchases in said amount or less, formal bid procedure shall be followed whereby the City shall purchase only from the lowest responsible bidder after:

(a) Notice Inviting Bids. Notice inviting bids shall be published in the official newspaper by one or more insertions, the first of which shall be at least seven (7) days before the time of bid opening, in accordance with

the provisions of Section 1307 of the City Charter. The required newspaper notice shall include a general description of the supplies, materials, equipment, and contractual services to be purchased, state where bid blanks and specifications may be secured and the time and place for opening bids.

Wherever feasible, the Purchasing Officer shall send copies of the bid proposal to prospective vendors and contractors. It shall be the responsibility of the Purchasing Officer to encourage as wide a response as possible from prospective vendors or contractors.

(b) Bid Deposits. Where required by the City Charter and when not so required but deemed necessary or desirable by the Purchasing Officer, all bids shall be accompanied by either a certified or cashier's check, or a bidder's bond executed by a corporate surety authorized to engage in such business in California, made payable to the City. Such security shall be in an amount not less than that specified in the notice inviting bids or in the specifications referred to therein, or if no amount is specified by the notice inviting bids, then in an amount not less than ten (10%) per cent of the aggregate amount of the bid. If the successful bidder neglects or refuses to enter into the contract, or provide supplies, materials, equipment, or contractual services according to specifications within the time specified in the notice inviting bids or specifications referred to therein, the amount of the bidder's security shall be declared forfeited to the City, and shall be collected and paid into its General Fund, and all bonds forfeited shall be prosecuted and the amount thereof collected and paid into such fund.

All bids not submitted with the required deposit shall be rejected. Unsuccessful bidders shall be entitled to the return of deposits when such have been required.

(c) Sealed Bids. Bids shall be sealed, shall be identified as bids on the envelope, shall be submitted at the place and no later than the time stated in the public notice inviting bids, and shall be opened at a public meeting at the time and place stated in the public notice. Bids received after the stated time shall not be accepted and shall be returned to the bidder unopened.

(d) Council May Reject Bids. The Council shall have the authority to accept or reject any or all bids, or to waive any informalities or minor irregularities in a bid.

The Council, after rejecting bids, or if no bids are received, may declare and determine that, in its opinion, based on estimates approved by the City Manager, the purchase in question may be made without a formal bid procedure and, after the adoption of a resolution to this effect by at least five (5) affirmative votes of the Council, may proceed to have

said purchase made in the manner stated without further observation of the provisions of this section.

(e) Lowest Responsible Bidder. In addition to price in determining the "lowest responsible bidder", consideration will be given to quality and performance of the commodity to be purchased, or service provided by the seller. Criteria for determining low bid shall include, but not be limited to, the following:

(1) The ability, capacity and skill of the bidder to provide the supplies, materials, equipment or contractual services as required.

(2) The ability of the bidder to provide the supplies, materials, equipment or contractual services within the time specified.

(3) The character, integrity, reputation, judgment, experience and efficiency of the bidder.

(4) The quality of performance of previous purchases from said bidder.

(5) The ability of the bidder to provide future maintenance, repair parts and services for the use of the commodity purchased.

(f) Faithful Performance Bond. When the specifications so provide, the successful bidder shall furnish surety in the form of certified or cashier's check, corporate surety bond or savings and loan certificate for faithful performance of the contract.

SEC. 8-3.07. WAIVER OF FORMAL BID PROCEDURES. Formal bid procedure shall not be required when such purchase:

(a) Shall be of urgent necessity for the preservation of life, health or property.

(b) Is waived by Council resolution passed by at least five (5) affirmative votes.

(c) Is available from only one source.

SEC. 8-3.08. OPEN MARKET PURCHASES. Except as otherwise provided by this chapter or when directed by the City Manager, all purchases of supplies, materials, equipment and contractual services involving an expenditure of City funds in the amount specified in Section 37902 of the Government Code of the State of California or less shall be purchased, when feasible and when in the best interest of the City, in the open market by letter, inquiry or telephone solicitations, without newspaper advertisement and without observing the procedure prescribed for the award of formal bid purchases.

Open market purchases, whenever possible and practicable, shall be based on at least three (3) competitive quotations (letter inquiries and/or telephone solicitations), and shall be awarded to the person, firm or corporation

submitting the lowest responsible quotation. In determining the lowest quotation, the City shall do so on the basis defined in Section 8-3.06(e) for establishing the lowest responsible bid used in formal bid purchases.

The Purchasing Officer shall keep a record of all open market orders and the quotations submitted in competition thereon. Such records shall be open to public inspection during business hours. Records of said open market orders or purchases may be disposed of by the Purchasing Officer following two (2) years from the date of the purchase.

SEC. 8-3.09. EMERGENCY PURCHASES. If an emergency occurs at times other than during regular business hours, the City Manager may authorize City department heads to purchase directly any supplies, materials, equipment, or contractual services where immediate procurement is essential to prevent delays in the work of the using department which may vitally affect the life, health or convenience of citizens. Except in events of defense or disaster, the authorized expenditure for each such emergency purchase shall not exceed the amount of Five Hundred and No/100ths (\$500.00) Dollars.

The head of such using department shall submit, as soon as possible, to the central purchasing division a record of the emergency purchase together with a report of the circumstances of the emergency.

SEC. 8-3.10. INSPECTION AND TESTING. All supplies, materials, equipment or contractual services shall be adequately inspected or tested by the receiving department (assisted by the using department when necessary) upon delivery to the City. Approval of commodities purchased shall be indicated in writing by the receiving department to the Accounting Division on forms provided by the Central Purchasing Division.

SEC. 8-3.11. PREFERENCE TO LOCAL MERCHANTS. Preference shall be given to the purchase of supplies, materials, equipment and contractual services from local merchants, quality and price being equal, if the local merchant meets the requirements of Section 8-3.06(e).

SEC. 8-3.12. COLLUSION WITH BIDDER. Any officer of the City or any department thereof who shall aid or assist a bidder in securing a contract to furnish supplies, materials, equipment or contractual services at a higher price than that proposed by any other bidder, or who shall favor one bidder over another by giving or withholding information, or who shall wilfully mislead any bidder in regard to the character of the materials or supplies called for, or who shall knowingly accept commodities of a quality inferior to those called for by the contract, or who shall knowingly certify to a greater amount of labor performed than has actually been performed, or to the receipt of a greater amount or different kind of materials or supplies than have actually been received, shall be deemed guilty of malfeasance and shall be removed from office.

SEC. 8-3.13. COLLUSION BY BIDDER. If at any time it shall be found that the person to whom a contract has been awarded has in presenting any bid or bids, colluded with any other party or parties for the purpose of preventing any other bid being made, then the contract so awarded shall be null and void.

SEC. 8-3.14. TRADE-IN ALLOWANCES. When replacing personal property belonging to the City, the Purchasing Officer is authorized to request quotations for trade-in allowances. Where the trade-in allowance is determined to be adequate and advantageous, the City Manager is authorized to accept said quotation. In those instances the Purchasing Officer is authorized to make the purchase.

SEC. 8-3.15. PURCHASING-REVOLVING FUND. A Purchasing-Revolving Fund has been created and is authorized for the use of the Purchasing Officer for the purchase of office, janitorial and other supplies for the use of all departments of the City. Said funds shall be accounted for as recommended by the National Committee of Governmental Accounting. By resolution the Council may provide the amount needed for the Purchasing-Revolving Fund and may, by resolution, increase or decrease the amount as the needs of the City change.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 1963, by Councilman Mitchell, 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: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None

ABSENT: Councilmen: Patton, Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS City Clerk

(SEAL)

APPROVED AS TO FORM:

By Allen Grimes
ALLEN GRIMES, City Attorney

Ord. No. 619-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 November, 1963, 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: Hughes, Mitchell, Tabbert, VanderWall,
Mayor Johansen


NOES: Councilmen: None

ABSENT: Councilmen: Patton, Shastid

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 12, 1963

AN ORDINANCE AMENDING ARTICLE 13 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO TRUCK ROUTES.

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

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

ARTICLE 13. TRUCK ROUTES

SEC. 3-2.1301. TRUCK ROUTES. (a) Use of Truck Routes. It shall be unlawful for the operator of any moving van, dump truck, tank truck, used or designed for the purpose of transporting petroleum products, or any vehicle or combination of vehicles designed or used for the transportation of commodities or materials, which vehicle or combination of vehicles extends more than nine (9') feet to the rear of the driving compartment of said vehicle or any vehicle or combination of vehicles whose load extends more than nine (9') feet to the rear of the driving compartment thereof, to operate said vehicle upon any street other than upon and over a truck route for any purpose other than to make a pickup or delivery, or to service or secure repairs to said vehicle. In traveling to or from the point of delivery, pickup, service to or repair of said vehicle, the operator of said vehicle shall drive as far as possible upon and over a truck route.

(b) Exemptions. Nothing herein shall be construed to prevent the driving and operating of fire apparatus upon any streets of the City, nor shall this chapter, by its terms, prevent equipment owned by the City from being operated upon any of the streets of the City. Neither shall this chapter by its terms be construed to apply to the moving of houses, buildings or structures upon and over the streets of the City. The provisions of this section shall not apply to:

(1) Passenger buses under the jurisdiction of the Public Utilities Commission; or

(2) Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

(c) Designation by Council. The Council is authorized to determine and designate truck routes by resolution, which designation shall become effective when appropriate signs are in place giving notice of said designations to the public.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 4th day of November, 1963, by Councilman Hughes, 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: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Patton, Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Allen Grimes
ALLEN GRIMES, City Attorney


Ord. No. 620-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 November, 1963, Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Hughes, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Tabbert, VanderWall,
Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Patton, Shastid

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 12, 1963

AN ORDINANCE AMENDING SECTION MAP 19 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (ALFORD AND BARTON)

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 One-Family Zone, R-1, to Planned-Development Zone, P-D (15) :

Beginning at a point on the north line of Teresa Street, a 40 foot street, and the center line of Grape Avenue, a 60 foot street; thence South 89° 44' 30" East, 380 feet to the east line of Carver Road; thence South 0° 31' East, 150 feet; thence north 89° 44' 30" West, 380 feet more or less to the center line of Grape Avenue; thence Northerly along the center line of Grape Avenue 150 feet more or less to the point of beginning, being located between Carver Road and Grape Avenue north of Orangeburg Avenue.

SECTION 2. USES. The following uses shall be permitted in said P-D (15) Zone ~~subject to securing a conditional use permit as required by Section 10-2.2704 of the Modesto Municipal Code;~~ subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, or by the Planning Commission if any changes not conforming in principle to the approved plan are proposed, as required by Section 10-2.2708(b) of the Modesto Municipal Code:

(a) Two (2) apartment buildings containing thirty-two (32) dwelling units; forty-eight (48) off-street parking spaces; landscaping.

Ordinance 621 C.S.
Exhibit A – Map

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

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 thirty (30) ~~sixty (60)~~ 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 November, 1963, 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: Hughes, Mitchell, Tabbert, VanderWall,
Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Patton, Shastid

APPROVED: Peter W. Johansen
~~BARCKECKENHORN~~, Mayor
PETER W. JOHANSEN,

ATTEST: REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ALLEN GRIMES, City Attorney

Ord. No. 621-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 ^{an adjourned} ~~the~~ regular meeting of the Council of the City of Modesto held on the 2nd day of December, 1963, Councilman VanderWall 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: Mitchell, Patton, Shastid, Tabbert,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Hughes

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 1, 1964

AN ORDINANCE ADDING ARTICLE 2 TO CHAPTER 7 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, RELATING TO THE UNIFORM HEATING AND COMFORT COOLING CODE.

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

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

ARTICLE 2. BOARD OF EXAMINERS

SEC. 9-7.201. DEFINITIONS. For the purposes of this chapter, the following terms are defined as follows:

(a) A "contractor" is a person who has a valid contractor's license in the proper classification issued by the State of California.

(b) A "journeyman" is a person who is engaged in or labors at the work covered by this Code as an employee and who holds a valid Certificate of Competency.

(c) An "apprentice" is a person who is engaged in learning the work covered by this Code as an employee under the direct supervision and in the immediate presence of a contractor or journeyman.

SEC. 9-7.202. CERTIFICATE OF COMPETENCY. Before any person shall engage in or labor at the work covered by this Code, 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 Examiners hereinafter provided for, after his requisite qualifications have been established by his passing an examination conducted by the Board, unless such person holds a valid Contractor's License in the proper classification issued by the State of California.

Any person possessing a valid Contractor's License in the proper classification issued by the State of California shall automatically be issued a Certificate of Competency by the Chief Building Official upon presentation of a valid license. Such person shall not be required to pay the fee for the Certificate of Competency established by Section 9-7.205(b) of this chapter.

Notwithstanding the foregoing paragraphs, the effective date for requiring persons to be holders of a Certificate of Competency shall be March 1, 1964.

Notwithstanding the foregoing paragraphs, a Certificate of Competency shall not be required for work on residential construction. For the purposes of this article residential construction shall mean single family dwellings and two (2) family dwellings. Multiple dwelling structures shall not be considered as residential construction.

SEC. 9-7.203. BOARD OF EXAMINERS.

(a) Creation. There is hereby created a Board of Examiners, hereinafter called the Board, which shall consist of five (5) members, one of whom shall be a contractor having a C-20 license issued by the State of California, one a contractor having a C-38 license issued by the State of California, two (2) journeymen as defined in this article, and the Chief Building Official or his designated representative who shall act as secretary. The members of the 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.

All of the members appointed to said Board shall hold office for their respective terms, unless sooner revoked for malfeasance in office, neglect of duty, incapacity, or for any reason that the City Council deems to be the best interest of the City of Modesto. Said removal may be made by the City Council without granting to the person so removed a hearing, either public or private, and without the necessity of there being filed with said City Council or any other official or body of officials in said City any written charges. The dismissal by said Council of any member of said Board for any of the reasons herein stated shall be final and conclusive.

(b) Duties. The Board shall issue Certificates of Competency to such persons as may be entitled thereto and conduct examinations for the purpose of determining the competency and knowledge of such persons engaged in or laboring at the work covered by this Code. The examination shall, in the judgment of the Board, be such as to fairly determine the ability of the applicant to perform the work properly.

The Board shall keep an accurate record of all their official transactions and render such reports and statistics as may be required by the City.

The Board shall elect a chairman from their members who shall preside at all meetings. They shall adopt such rules and regulations as they see fit for the proper and efficient discharge of their official duties. They shall determine the character of the examination to be given any applicant and by majority vote pass or reject such applicant upon his showing as the case may be.

SEC. 9-7.204. APPLICATION.

(a) General. Any person who is required by this chapter to possess a Certificate of Competency shall make application therefor to the Board of Examiners on application forms provided for that purpose by the Secretary of the Board.

(b) 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.

SEC. 9-7.205. 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 a second time, the Board may refuse a third application until after the expiration of six (6) months. The application fee as prescribed in Section 9-7.204(b) shall be paid for each re-examination.

SEC. 9-7.206. TEMPORARY PERMIT. After a person claiming to be a journeyman has made application and paid the examination fee, the Chief Building Official, in his discretion, may issue to such person having paid the fee a temporary permit to engage in work covered by this Code until the next examination is held by the Board. The Chief Building Official at any time may revoke such temporary permit.

SEC. 9-7.207. APPRENTICES.

(a) Supervision. No Certificate of Competency is required for an apprentice under the continuous supervision of a contractor or journeyman. Supervision shall be considered continuous if the contractor or journeyman is not absent for more than one hour continuously nor more than two (2) hours total during any one day.

(b) Number of Apprentices. No more than one apprentice shall be employed for each contractor or journeyman on any one continuous parcel of land.

SEC. 9-7.208. RENEWAL OF CERTIFICATE. 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.

SEC. 9-7.209. REVOCATION OF CERTIFICATE.

(a) The Board of Examiners, after a public hearing, may cancel any certificate issued by them to any person, if such person later shows incompetency or lack of knowledge in matters relevant to such certificate or if such certificate was obtained by fraud. If such certificate of any person be so cancelled or revoked, another such certificate shall not be granted to such person within twelve (12) months after the date of cancellation or revocation.

(b) Certificates are not transferable from one person to another and the lending of any certificate to another person shall be deemed cause for revocation.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 November, 1963, by Councilman Mitchell, 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: Hughes, Mitchell, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Patton, Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ALLEN GRIMES
ALLEN GRIMES, City Attorney

Ord. No. 622-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 18th day of November, 1963, Councilman Tabbert 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: Hughes, Mitchell, Tabbert, VanderWall,
Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Patton, Shastid

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: December 18, 1963

AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (GENE CRISMON)

WHEREAS, a verified application for an amendment to Section 28 of the Zoning Map was filed by Gene Crismon on September 27, 19 63, to reclassify from General Commercial Zone, C-2, to Multiple-Family Zone, R-3, the hereinafter described property, and

WHEREAS, after public hearing held on October 15, 19 63, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

- (1) The R-3 zoning will provide a transitional area between heavy commercial and single-family uses.
- (2) The area is across the street from back-up lots, and is adjacent on two (2) sides to General Commercial zoning.
- (3) The area will not generate as much vehicular traffic as it could if developed under its present C-2 (General Commercial) zoning.

WHEREAS, by Resolution No. 982, adopted on October 15, 19 63, the Planning Commission recommended to the Council that the application of Gene Crismon to amend Section 28 of the Zoning Map to reclassify the hereinafter described property from General Commercial Zone, C-2, to Multiple-Family Zone, R-3, be approved, and

WHEREAS, after public hearing held on November 18,

Ordinance 623 C.S.
Exhibit A – Map

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

19 63, the Council found and determined that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource,

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

SECTION 1. ZONING CHANGE. Section 28 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 Las Flores Avenue, a 60 foot street, and the center line of Cuesta Avenue, a 50 foot street; thence South 0° 54' East along the center line of Las Flores Avenue 137 feet; thence West 180 feet; thence North 0° 54' West 137 feet to the center line of Cuesta Avenue; thence easterly along the center line of Cuesta Avenue 180 feet to the point of beginning, being located at the southwest corner of Las Flores and Cuesta Avenues.

SECTION 2. ZONING MAP. Section 28 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 thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 November, 1963, 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: Hughes, Mitchell, Tabbert, VanderWall,
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Patton, Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Allen Grimes
ALLEN GRIMES, City Attorney

Ord. No. 623-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 ^{an adj. sess.} ~~the~~ regular meeting of the Council of the City of Modesto held on the 2nd day of December, 1963, Councilman VanderWall 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: Mitchell, Patton, Shastid, Tabbert,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Hughes

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 1, 1964

AN ORDINANCE AMENDING SECTION MAP 19 OF THE
ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (JOE TROMBETTA)

WHEREAS, a verified application for an amendment to
Section 19 of the Zoning Map was filed by Joe Trombetta
_____ on September 30,
19 63, to reclassify from One-Family Zone,
R-1, to Two-Family Zone, R-2,
the hereinafter described property, and

WHEREAS, after public hearing held on October 15,
19 63, it was found and determined by the Planning Commission
that rezoning of the property as requested is required by public
necessity, convenience and general welfare for the following
reasons:

- (1) The property is adjacent to R-2 zoning on the
south, and across Carver Road from Multiple-Family zoning.
- (2) The property is located on a collector street.
- (3) The rezoning will be a logical continuation and
completion of existing zoning patterns.

WHEREAS, by Resolution No. 985, adopted on October
15, 19 63, the Planning Commission recommended to the
Council that the application of Joe Trombetta
_____ to amend Section 19 of the Zoning Map to
reclassify the hereinafter described property from One-Family
_____ Zone, R-1, to Two-Family
Zone, R-2, be approved, and

WHEREAS, after public hearing held on November 18,

**Ordinance 624 C.S.
Exhibit A – Map**

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

19 63, the Council found and determined that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource,

NOW, THEREFORE, 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 One-Family Zone, R-1, to Two-Family Zone, R-2 :

Beginning at a point on the center line of Carver Road, a 60 foot street, and the north line of lot 2 extended in Block 6019; thence North $89^{\circ} 12' 30''$ East, 135 feet more or less to the center line of the north-south alley in Block 6019; thence South $0^{\circ} 47' 30''$ East 134 feet along the center line of said alley to the South lot line of lot 3, Block 6019; thence South $89^{\circ} 12' 30''$ West, 135 feet more or less to the center line of Carver Road; thence North $0^{\circ} 47' 30''$ West along the center line of Carver Road, 134 feet to the point of beginning, being located on the east side of Carver Road south of Clayton Avenue.

SECTION 2. ZONING MAP. Section 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 thirty (30) days after its final passage and adoption.

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

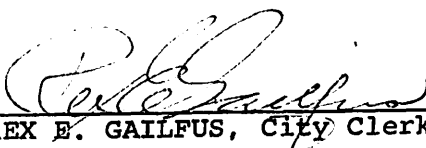
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of November, 1963, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Tabbert, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Tabbert, VanderWall,
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Patton, Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:


By ALLEN GRIMES, City Attorney

Ord. No. 624-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 2nd day of December, 1963, Councilman VanderWall 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: Mitchell, Patton, Shastid, Tabbert,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Hughes

APPROVED 
PETER W. JOHANSEN, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 1, 1964

AN ORDINANCE ADDING ARTICLE 16 TO CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO OFF-STREET PARKING AND AMENDING THE PARKING METER ZONING MAP OF THE CITY OF MODESTO.

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

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

ARTICLE 16. ESTABLISHMENT OF REGULATIONS AND USE OF PUBLIC OFF-STREET PARKING FACILITIES.

SEC. 3-2.1601. ESTABLISHMENT. (a) General. Municipal off-street parking lots are hereby established in the City. There shall be two (2) types of lots:

- (1) Those municipal off-street lots which are to be controlled by parking meters; and
- (2) Those municipal off-street parking lots operated by attendants or other appropriate means.

On those municipal off-street parking lots which are to be controlled by parking meters, the Director of Parking and Traffic shall cause parking meters to be installed and maintained.

(b) Parking Meter Lots. The municipal off-street parking lots which are controlled by meters are shown on the Parking Meter Zoning Map adopted by Section 3-2.1501 of this Code and are as follows:

- (1) PML-1 11th and G Street parking lot (PM-5 Zone)
- (2) PML-3 12th and I Street parking lot (southeast corner) (PM-9 Zone)
- (3) PML-4b 11th Street between H and I Street (lower level) parking lot (PM-7 Zone)
- (4) PML-7 12th and I Street parking lot (northeast corner) (PM-6 Zone)
- (5) PML-8 14th and J Street parking lot (PM-10 Zone)

- (6) PML-9 13th Street between J and K
Street parking lot (PM-3 Zone)
- (7) PML-10 8th Street between I and K
Street parking lot (PM-4 Zone)
- (8) PML-11 10th and H Street parking lot
(PM-8 Zone)

(c) Attendant Lots. The following municipal off-street parking lots are hereby established as attendant lots:

- (1) PAL-2 9th Street between I and J
Street parking lot
- (2) PAL-4a 11th Street between H and I
Street (street level)
parking lot
- (3) PAL-5 10th Street between K and L
Street parking lot
- (4) PAL-12 9th Street between J and K
Street parking lot (Modesto
Plymouth Parking Lot)

(d) Other Lots. The following municipal off-street parking lots are not controlled by parking meters nor operated as attendant lots:

- (1) PL-13 15th Street parking lot
- (2) PL-15 Fire Station parking lot
(north side)
- (3) PL-16 Fire Station parking lot
(south side)

SEC. 3-2.1602. TIME OF OPERATION OF ATTENDANT PARKING LOTS. The hours and the days upon which the operation of attendant parking lots shall be effective shall be established by resolution of the Council, which regulations shall be effective when so designated by appropriate markings or signs posted on said lots.

SEC. 3-2.1603. RATES OF ATTENDANT PARKING LOTS. The rates for the use of attendant parking lots shall be established by resolution of the Council, which regulations shall be effective when so designated by appropriate markings or signs posted on said lots.

SEC. 3-2.1604. VALIDATION. Tickets for vehicles parked on said attendant parking lots during the time that attendant parking is in effect may be validated by means of validation stamps affixed to such tickets. Such stamps shall be sold in advance at a price of fifteen (15¢) cents per stamp. Each fifteen (15¢) cent stamp affixed to the parking

ticket shall be good for parking for one hour or fraction thereof without additional charge.

SEC. 3-2.1605. OPERATIONAL PROCEDURE FOR MUNICIPAL OFF-STREET PARKING METER LOTS. The provisions and procedure specified in Article 15 of Chapter 2 of Title III of this Code shall govern the operation and use of municipal off-street parking meter parking lots.

SECTION 2. AMENDMENT OF PARKING METER ZONING MAP.

Under authority of Section 3-2.1501 of the Modesto Municipal Code, the Parking Meter Zoning Map is hereby amended as follows:

(a) Parking Meter Zoning Change. The Parking Meter Zoning Map is hereby amended to delete the following described property from Parking Meter Zone, PM-2:

9th Street between I and J Street parking lot

11th Street between H and I Street (street level) parking lot

10th Street between K and L Street parking lot

(b) Parking Meter Zoning Map. The Parking Meter Zoning Map of the City of Modesto is hereby amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

SECTION 3. DECLARATION OF EMERGENCY. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety. The following is a statement of the facts showing its urgency:

The traffic demand and congestion due to the forthcoming Christmas season creates a hazard to the public health and safety and additional off-street parking facilities would alleviate this condition.

SECTION 4. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall go into effect and be in full force and operation as of the date of its adoption.

SECTION 5. 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 18th day of November, 1963, by Councilman Hughes, 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: Hughes, Mitchell, Tabbert, VanderWall,
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Patton, Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Allen Grimes
ALLEN GRIMES, City Attorney

Ordinance 626 C.S.
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTIONS 6-7.204, 6-7.206, 6-7.207, 6-7.208, 6-7.210 AND 6-7.211 OF ARTICLE 2 OF CHAPTER 7 OF TITLE VI OF THE MODESTO MUNICIPAL CODE, RELATING TO MOTOR BUSES.

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

SECTION 1. AMENDMENT OF CODE. The following sections of Article 2 of Chapter 7 of Title VI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 6-7.204. CONTENTS OF PERMIT. If the application is granted and the permit issued, it shall contain the following statements:

(a) The name of the grantee.

(b) The term for which the permit is granted, which shall not exceed ten (10) years.

(c) A statement that the grantee is entitled by reason of the permit so granted, to procure a license to operate a motor bus on the streets of the City subject to the provisions of this article.

Such permit shall be signed in duplicate under the authority and pursuant to the direction of and on behalf of the Council by the City Clerk, and one copy filed in the office of the City Clerk and one copy delivered to the grantee.

SEC. 6-7.206. PAYMENT OF FEES. Notwithstanding anything to the contrary contained in this article, no license shall be issued hereunder unless prior to the granting thereof applicant shall have paid to the Director of Finance a license fee in the sum of Fifty and no/100ths (\$50.00) Dollars. Every application for a license submitted in accordance with the provisions of this article shall be accompanied by a cash deposit of not less than Fifty and no/100ths (\$50.00) Dollars, or by a certified check for said amount, payable to the City, as a fund out of which to pay all expenses connected with the application.

In the event the license is granted by the Council, said deposit shall constitute a license fee and will be deposited in the City treasury.

In the event the license is not granted by the Council, there shall be deducted from said deposit a sum sufficient to pay the expenses of processing said application and the balance remaining, if any, shall be returned to applicant. Costs to be deducted from said deposit shall include any and all expenses incurred by the City in connection with the advertising, traffic engineering, clerical work and granting of the application.

The issuance of a license under the provisions of this article shall not exempt the grantee from complying with the provisions of Chapter 1 of Title VI of this Code relating to licensing.

SEC. 6-7.207. REGULATIONS. In order to insure the safety of the public and in order to insure reasonably adequate service of any such grantee of a permit or license, the grantee of any such permit or license shall comply with each and all of the following requirements, the breach of any of which requirements shall be unlawful and shall be cause for the revocation or suspension of such permit or license in the discretion of the Council.

(a) He shall not at any time operate any such motor bus pursuant to said license unless he shall have given, and there is in full force and effect and on file with the City Clerk at all times during which said motor bus is being operated, a bond or policy of insurance of the grantee of said permit and license with a solvent and responsible surety or insurance company authorized to do business under the laws of the State, approved as to form and sufficiency of surety by the Council, and conditioned that the grantee, or any person operating a motor bus under said license as employee of the grantee, will pay all loss or damage that may result to any person or property from the negligent operation or defective construction of said motor bus or which may arise or result from any violation of any of the provisions of this article, or of any law of the City, or of the laws of the State. The recovery upon said bond or policy of insurance shall be not less than Twenty-Five Thousand and no/100ths (\$25,000.00) Dollars for the injury or death of one person resulting from any accident, Two Hundred Fifty Thousand and no/100ths (\$250,000.00) Dollars for two (2) or more persons injured in any single accident and Ten Thousand and no/100ths (\$10,000.00) Dollars for damage to property of others. Such bond or policy shall be given to the City, and shall by its terms, insure to and be for the benefit and protection of any and all persons and their heirs suffering loss or damage, either to person or property, as herein provided. Said bond or policy of insurance shall contain a provision that there is a continuing liability thereunder, notwithstanding any recovery thereon. If, at any time, in the judgment of said Council, said bond or policy is not sufficient for any cause, the Council may require the licensee to replace the same with another bond or policy satisfactory to the said Council, and in default thereof for a period of five (5) days, after notice to the licensee, the license and permit of said person may be suspended, unless and until replaced by another bond or policy of insurance conditioned as herein specified.

Nothing herein contained shall be construed to place any limit upon any recovery against the licensee or permittee.

No bond or policy of insurance given pursuant hereto may be revoked or cancelled unless and until the surety shall have given the assured thirty (30) days' previous notice thereof in writing, stating the reason for such cancellation and when the same shall be effective, and until also a copy of such notice of cancellation shall have been served upon the City Clerk of the City at least thirty (30) days prior to the date when such cancellation becomes effective.

(b) Any motor bus operating under the authority of such permit or license shall comply with all of the provisions established by the laws of the State.

(c) Every motor bus operated under the authority of such license or permit shall stop to take on and let off passengers at specified points, and wherever provisions shall be made therefor by the Council, shall stop next to the curb at spaces reserved for that purpose.

SEC. 6-7.208. SCHEDULE OF ROUTES. Current schedules as to routes, stopping places and operating times shall be filed with the City Clerk. Changes in the routes, stopping places and operating times shall be filed with the City Clerk at least ten (10) days before such change is to be placed in effect.

SEC. 6-7.210. REPORT OF REVENUES AND EXPENSES. Every motor bus company operating under a permit issued by the Council shall file with the City Clerk a duplicate of the annual report of revenues and expenses he is required to file with the Public Utilities Commission of the State of California as soon as practicable after the original has been filed with said Commission.

SEC. 6-7.211. SUSPENSION OF LICENSE FOR INOPERATION. If any holder of any permit or license hereunder shall for any consecutive period of more than sixty (60) days fail to operate motor buses thereunder, except when prevented from doing so by strikes, storms, destruction of property, acts of God or other unavoidable cause, the Council may at its option, revoke or suspend such license or permit.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

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

The foregoing ordinance was introduced at ^{an adjourned} ~~regular~~ meeting of the Council of the City of Modesto held on the 2nd day of December, 1963, 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, Patton, Shastid, Tabbert,
VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Hughes

APPROVED: *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Rex E. Gailfus*
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Allen Grimes*
ALLEN GRIMES, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been printed and published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 9th day of December, 1963, 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: Hughes, Mitchell, Patton, Shastid,
Tabbert, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Vander^Wall

APPROVED 
PETER W. JOHANSEN, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 8, 1964

AN ORDINANCE AMENDING SECTIONS 2-4.201 AND 2-4.202 OF ARTICLE 2 OF CHAPTER 4 OF TITLE II OF THE MODESTO MUNICIPAL CODE, RELATING TO CLAIM PROCEDURE.

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

SECTION 1. AMENDMENT OF CODE. Sections 2-4.201 and 2-4.202 of Article 2 of Chapter 4 of Title II of the Modesto Municipal Code are hereby amended to read as follows:

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 1 of Division 3.6 of the California Government Code commencing with Section 900 and following.

SEC. 2-4.202. SPECIAL CLAIMS PROCEDURE. Pursuant to the authority contained in Section 935 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 905(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 910 through 915.2 of the Government Code of the State of California, and said claims shall further be subject to the provisions of Section 945.4 of said Government Code.

(b) In addition to the requirements of subsection (a) of this section, and notwithstanding the exemption set forth in Section 905(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 910 through 915.2 of the Government Code of the State of California, and said claims shall further be subject to the provisions of Section 945.4 of said Government Code.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.


SECTION 3. PUBLICATION. 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 ~~at~~ an adjourned regular meeting of the Council of the City of Modesto held on the 2nd day of December, 1963, by Councilman Shastid, 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: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Hughes

APPROVED: 
PETER W. JOHANSEN, Mayor

ATTEST: 
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ALLEN GRIMES, City Attorney

Ord. No. 627-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 December, 1963, 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:	Hughes, Mitchell, Patton, Shastid, Tabbert, Mayor Johansen
NOES:	Councilmen:	None
ABSENT:	Councilmen:	VanderWall

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 8, 1964

AN ORDINANCE ADDING ARTICLE 5 TO CHAPTER 1 OF TITLE VII OF THE MODESTO MUNICIPAL CODE RELATING TO FEES FOR SERVICES OF CITY ENGINEER.

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

SECTION 1. AMENDMENT OF CODE. Article 5 is hereby added to Chapter 1 of Title VII of the Modesto Municipal Code to read as follows:

ARTICLE 5. GENERAL PROVISIONS

SEC. 7-1.501. FEES FOR SERVICES OF CITY ENGINEER. Fees for engineering services provided by the City Engineer shall be six (6%) per cent of the estimated cost of the work. The fee shall be paid to the Director of Finance on request of the City, and shall be based upon unit prices for the various items of work. The unit prices shall be determined by the City Engineer, based on current costs in the community.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 December, 1963, by Councilman VanderWall, 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: Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Hughes

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk
(SEAL)

APPROVED AS TO FORM BY: Allen Grimes
ALLEN GRIMES City Attorney

Ord. No. 628- 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 December, 1963, Councilman Tabbert 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: Hughes, Mitchell, Patton, Shastid,
Tabbert, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: VanderWall

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 8, 1964

AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (GEORGE KLEMM)

WHEREAS, a verified application for an amendment to Section 18 of the Zoning Map was filed by George Klemm on September 18, 1963, to reclassify from One-Family Zone, R-1, to Two-Family Zone, R-2, the following described property:

Beginning at a point on the center line of Rumble Road, a 60 foot street, and the center line of Nicks Way, a 50 foot street; thence easterly along the center line of Rumble Road, 693 feet more or less to the center line of an unnamed stub street in Renee Manor Unit #1; thence south along the center line of said unnamed street, 56.6 feet; thence easterly along the center line of the Cavil Drain 331 feet more or less to the center line of Dwight Lane; thence northerly along the center line of Dwight Lane to the north line of lot 11, extended, in Block 6648; thence easterly along the north line of said lot 11 to the center line of the north-south alley at the east boundary of Renee Manor Unit 1; thence north along the center line of said alley to the center line of Rumble Road; thence westerly along the center line of Rumble Road to its intersection with the center line of Secrest Way, a 60 foot street; thence northerly along the center line of Secrest Way to the north line of lot 9 extended in Block 13204; thence westerly along the north line of lots 1 to 9 inclusive in Block 13204 to the center line of Nicks Way; thence south along the center line of Nicks Way to the center line of Rumble Road, the point of beginning, said properties being lots 1 to 9 inclusive in Block 13204, lot 1 in Block 6649, and lots 12 and 13 in Block 6648, on the north and south sides of Rumble Road, and

WHEREAS, after public hearing held on October 15, 1963, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

- (1) The lots are on a collector street.
- (2) With the exception of Lot 12 in Block 6648, the properties do not front on single-family areas at present, nor will they in the future.
- (3) The proposed rezoning will permit a variety in housing types in a residential neighborhood.

(4) Through design and construction, the proposed development will be compatible with the surrounding area, and

WHEREAS, by Resolution No. 984, adopted on October 15, 1963, the Planning Commission recommended to the Council that the application of George Klemm to amend Section 18 of the Zoning Map to reclassify the hereinafter described property from One-Family Zone, R-1, to Two-Family Zone, R-2, be approved, and

WHEREAS, after public hearing held on November 25, 1963, the Council found and determined that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource,

NOW, THEREFORE, 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 One-Family Zone, R-1, to Two-Family Zone, R-2:

Beginning at a point on the center line of Rumble Road, a 60 foot street, and the center line of Nicks Way, a 50 foot street; thence easterly along the center line of Rumble Road, 693 feet more or less to the center line of an unnamed stub street in Renee Manor Unit #1; thence south along the center line of said unnamed street, 56.6 feet; thence easterly along the center line of the Cavil Drain 331 feet more or less to the center line of Dwight Lane; thence northerly along the center line of Dwight Lane to the north line of lot 11, extended, in Block 6648; thence easterly along the north line of said lot 11 to the lot line common to lots 12 and 13 in Block 6648; thence northerly along said lot line to the center line of Rumble Road; thence westerly along the center line of Rumble Road to its intersection with the center line of Secrest Way, a 60 foot street; thence northerly along the center line of Secrest Way to the north line of lot 9 extended in Block 13204; thence westerly along the north line of lots 1 to 9 inclusive in Block 13204 to the center line of Nicks Way; thence south along the center line of Nicks Way to the center line of Rumble Road, the

point of beginning, said properties being lots 1 to 9 inclusive in Block 13204, lot 1 in Block 6649, and lot 13 in Block 6648, on the north and south sides of Rumble Road.

SECTION 2. ZONING MAP. Section 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 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 December, 1963, by Councilman Patton, who moved its introduction and passage to print, which motion being duly seconded by ~~Councilman~~ Mayor Johansen, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Allen Grimes
ALLEN GRIMES, City Attorney

Ordinance 629 C.S.
Exhibit A – Map

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

Ord. No. 629-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 16th day of December, 1963, 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: Hughes, Mitchell, Patton, Tabbert,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Shastid

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 15, 1964

AN ORDINANCE AMENDING SECTION MAP 20 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (AMERICAN LUMBER COMPANY)

WHEREAS, a verified application for an amendment to Section 20 of the Zoning Map was filed by American Lumber Company on September 25, 1963, to reclassify from One-Family Zone, R-1, to Two-Family Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on October 15, 1963, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

- (1) The rezoning will provide a transition of uses inward from a collector and major street.
- (2) The property is across from R-3 and adjacent to commercial zoning.
- (3) The property faces a heavily travelled collector street at its intersection with a major street, and

WHEREAS, by Resolution No. 979, adopted on October 15, 1963, the Planning Commission recommended to the Council that the application of American Lumber Company to amend Section 20 of the Zoning Map to reclassify the hereinafter described property from One-Family Zone, R-1, to Two-Family Zone, R-2, be approved, and

WHEREAS, after public hearing held on December 2, ~~November 2~~

19 63, the Council found and determined that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource,

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

SECTION 1. ZONING CHANGE. Section 20 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Zone, R-1, to Two-Family Zone, R-2:

Beginning at a point at the intersection of the center lines of Alma Avenue, a 60 foot street, and West Roseburg Avenue, a 60 foot street; thence northerly along the center line of Alma Avenue North $0^{\circ} 56'$ West 165 feet; thence North $88^{\circ} 49'$ West 327.74 feet; thence South $0^{\circ} 56'$ East 165 feet to the center line of West Roseburg Avenue; thence South $88^{\circ} 49'$ East 327.76 feet along the center line of West Roseburg Avenue to the point of beginning, being located at the northwest corner of West Roseburg and Alma Avenues.

SECTION 2. ZONING MAP. Section 20 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 thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 December, 1963, by Councilman Hughes, 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: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Allen Grimes
ALLEN GRIMES, City Attorney

**Ordinance 630 C.S.
Exhibit A – Map**

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

Ord. No. 630-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 16th day of December, 1963, Councilman Hughes 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: Hughes, Mitchell, Patton, Tabbert,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Shastid

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 15, 1964

AN ORDINANCE AMENDING SECTION 3-1.229 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO FIRE PREVENTION.

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

SECTION 1. AMENDMENT OF CODE. Section 3-1.229 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code is hereby amended 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. (a) Except as otherwise provided in subsection (b) of this section, 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 southwesterly from the southwesterly property line of 9th Street; thence southeasterly along a line which is 175 feet southwesterly from and parallel with the said southwesterly property line of 9th Street, to its intersection with the said center line of B Street; thence northeasterly along the said center line of B Street, to the point of beginning.

(b) The provisions of this section shall not apply where the storage and use of liquefied petroleum gases in quantities greater than ten (10) gallons (water capacity) is permitted by this Code, as amended.

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.

(c) A permit from the Fire Prevention Bureau shall be required for the installation and use of liquefied petroleum gases in excess of ten (10) gallons (water capacity). A valid permit for any liquefied petroleum gas installation required by Article 5, Section 470 of the L.P.G. Safety Orders as issued by the Division of Industrial Safety, California Department of Industrial Relations as now existing or hereinafter amended shall be obtained prior to issuance of a hazardous permit by the Modesto Fire Department Fire Prevention Bureau.

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 except where it is permitted in accordance with Section 21.8.

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 21.8. Exceptions. (a) The storage and use of liquefied petroleum gases in any quantity shall be prohibited in the area designated as Fire Zone 1 except the use of liquefied petroleum gases in Fire Zone 1 may be permitted on a temporary basis by the Fire Prevention Bureau when it is required for building construction or repairs of buildings located within Fire Zone 1.

(b) The storage and use of liquefied petroleum gases shall be prohibited in buildings or on property or streets adjacent to property used for the following purposes: schools, churches, public assemblages, hospitals, carnivals, circuses, public parks, and similar uses involving gatherings of more than fifty (50) people and in hotels, motels and apartment buildings.

(c) The storage of liquefied petroleum gases in excess of ten (10) gallons (water capacity) may be permitted by the Fire Prevention Bureau on residential property when the prohibition of such storage would cause an undue hardship. When permitted the total aggregate storage of liquefied petroleum gases on any one residential property shall not exceed two hundred fifty (250) gallons (water capacity). The use of liquefied petroleum gases when permitted on residential property shall be limited to cooking and heating. The storage, handling and equipment used

shall comply with the standards as set forth by the National Board of Fire Underwriters and the Liquefied Petroleum Gas Safety Orders as issued by the Division of Industrial Safety, California Department of Industrial Relations as now existing or as hereafter amended.

(d) The storage and use of liquefied petroleum gases, where not otherwise limited or prohibited by this Code, may be permitted by the Fire Prevention Bureau in areas zoned C-M, M-1 and M-2. When permitted the storage of liquefied petroleum gases shall be limited to an aggregate total capacity of five hundred (500) gallons (water capacity) and the storage, handling and equipment used shall comply with the standards as set forth by the National Board of Fire Underwriters and the Liquefied Petroleum Gas Safety Orders as issued by the Division of Industrial Safety, California Department of Industrial Relations as now existing or as hereafter amended.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. 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 offence 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 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 December, 1963, 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: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Allen Grimes
ALLEN GRIMES, City Attorney

Ord. No. 631-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 December, 1963, 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: Mitchell, Patton, Shastid, Tabbert,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Hughes

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST. Rex E. Gailfus
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 22, 1964

AN ORDINANCE AMENDING SECTION 2-1.07 OF CHAPTER 1 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO CITY COUNCIL ORGANIZATION AND PROCEDURE.

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

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

SEC. 2-1.07. QUORUM. A majority of the members of the Council shall constitute a quorum for the transaction of business, but a less number than a quorum may adjourn from time to time. The Council may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. If all members are absent from any regular or adjourned regular meeting, the City Clerk may declare the meeting adjourned to a stated time and place. If he does, he shall cause written notice of the adjournment to be given in the same manner as provided in Section 2-1.02 for special meetings, unless the notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special or adjourned special meeting was held within twenty-four (24) hours after the time of adjournment. Whenever a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting shall be held, it shall be held at the hour specified for regular meetings by Section 2-1.01 of this Code.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. 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 December, 1963, by Councilman Mitchell, 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: Hughes, Mitchell, Patton, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED:

Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST:

Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

Allen Grimes
ALLEN GRIMES, City Attorney

Ord. No. 632-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 December, 1963, 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: Mitchell, Patton, Shastid, Tabbert,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Hughes

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: January 22, 1964

AN ORDINANCE AMENDING SECTION MAPS 28 &/OF THE
ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (HARRY KULLIJIAN)

WHEREAS, a verified application for an amendment to
Sections 28 & 33 of the Zoning Map was filed by Harry Kullijian
_____ on September 24
_____, 1963, to reclassify from Neighborhood Commercial Zone,
C-1, to General Commercial Zone, C-2,
the hereinafter described property, and

WHEREAS, after public hearing held on October 15
_____ and further considered on November 19, 1963,
1963, /it was found and determined by the Planning Commission
that rezoning of the property as requested is required by public
necessity, convenience and general welfare for the following
reasons:

1. The character of the area is set because of existing zoning and use;
2. Development of the vacant land on Yosemite Boulevard can be stimulated by rezoning to C-2;
3. The street will be better used for local traffic after development of the freeway; and
4. Future widening of the street will provide better local access and opportunity for development; and

WHEREAS, by Resolution No. 988, adopted on November 19,
_____, 1963, the Planning Commission recommended to the
Council that the application of Harry Kullijian
_____ to amend Sections 28 & 33 of the Zoning Map to
reclassify the hereinafter described property from Neighborhood
Commercial Zone, C-1, to General Commercial
Zone, C-2, be approved, and

WHEREAS, after public hearing held on October 15,

and further considered on November 19, 1963,
19 63 / the Council found and determined that the requested
rezoning is in accordance with the general plan and will
serve the public health, safety and general welfare and provide
the economic and social advantages resulting from orderly, planned
use of land resource,

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

SECTION 1. ZONING CHANGE. Sections 28 & 33 of the Zoning
Map is hereby amended to reclassify the following described property
from Neighborhood Commercial Zone, C-1,
to General Commercial Zone, C-2 :

Beginning at a point on the center line of Las Flores
Avenue and the center line of Yosemite Boulevard; thence
north 258 feet along the center line of Las Flores Avenue;
thence easterly parallel to the center line of Yosemite
Boulevard to the center line of Santa Barbara Avenue;
thence southerly 258 feet more or less along the center
line of Santa Barbara Avenue to the center line of
Yosemite Boulevard; thence westerly along the center
line of Yosemite Boulevard to the center line of the
north-Yosemite alley in Block 2053; thence southerly along
the center line of said alley, 143 feet; thence westerly
parallel to the center line of Yosemite Boulevard to
the west line of Santa Rosa Avenue; thence northerly
along the west line of Santa Rosa Avenue, 143 feet to
the center line of Yosemite Boulevard; thence westerly
along the center line of Yosemite Boulevard to the point
of beginning, said properties being located on the
north side of Yosemite Boulevard between Las Flores and
Santa Barbara Avenues, and on the south side of Yosemite
Boulevard between Santa Rosa Avenue and the alley in
Block 2053.

SECTION 2. ZONING MAP. Sections 28 & 33 of the Zoning
Map of the City of Modesto ^{are} ~~is~~ amended to appear as set forth on the
maps attached hereto, which ^{are} ~~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 thirty
(30) days after its final passage and adoption.

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

Ordinance 633 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 16th day of December, 1963, 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: Hughes, Mitchell, Patton, Tabbert, VanderWall,
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM

By Allen Grimes
ALLEN GRIMES, City Attorney

Ord. No. 633-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 January, 1964, Councilman VanderWall 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: Hughes, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GALLFUS, City Clerk

EFFECTIVE DATE: February 5, 1964

AN ORDINANCE ADDING ARTICLE 3 TO CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE, RELATING TO MANDATORY SEWER CONNECTION.

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

SECTION 1. AMENDMENT OF CODE. Article 3 is hereby added to Chapter 6 of Title V of the Modesto Municipal Code to read as follows:

ARTICLE 3. MANDATORY SEWER CONNECTION

SEC. 5-6.301. CONNECTION TO CITY SEWER SYSTEM REQUIRED. Every building or structure in the City in which plumbing fixtures are installed shall be connected to the City sewer system where a sewer lateral is available. This requirement shall apply to any building or structure existing at the time of the effective date of this article, as well as any building or structure thereafter constructed.

A public sewer is available for the purposes of this section when such public sewer or any building or any exterior drainage facility connected thereto is located within one hundred (100') feet from any proposed building or exterior drainage facility on any lot or premise which abuts and can be served by such public sewer.

SEC. 5-6.302. CONNECTION TO SEWER SYSTEM: WHEN REQUIRED. Every building or structure connected to a septic tank at the time a public sewer becomes available as defined in Section 5-6.301 shall be connected to the public sewer within five (5) years from the effective date of this article.

Every building or structure hereafter erected at a time a public sewer is not available shall be connected to the public sewer within five (5) years after the public sewer becomes available.

SEC. 5-6.303. CONNECTION TO SEWER SYSTEM: TERRITORY OUTSIDE CITY LIMITS: WHEN REQUIRED. Buildings or structures connected to septic tanks in territory not located within the city limits at the effective date of this article but which territory is subsequently annexed to the City, shall be connected to the public sewer within five (5) years from the effective date of annexation or within five (5) years after the public sewer becomes available, whichever occurs later.

SEC. 5-6.304. BUILDING PERMIT. No City building permit shall be issued for the installation, alteration or repair of any private sewage disposal system or part thereof, on any lot for which a connection with a public sewer is available as defined in this article.

SEC. 5-6.305. EXCEPTION. If the Council determines that extraordinary hardship will result from strict compliance with the provisions of this article, the Council, by resolution, may vary the conditions so that substantial justice may be done and the public interest secured, provided that such variation does not have the effect of nullifying the intent and purpose of this article.

SEC. 5-6.306. ENFORCEMENT RESPONSIBILITY. The City Manager shall insure enforcement of this article by assigning primary responsibility and coordinating the actions of the Director of Finance, the Director of Public Works and any other city department concerned.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 January, 196⁴, by Councilman Mitchell, 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: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Allen Grimes
ALLEN GRIMES, City Attorney

Ord. No. 634-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 January, 1964, Councilman VanderWall 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: Hughes, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GALLFUS, City Clerk

EFFECTIVE DATE: February 19, 1964

AN ORDINANCE AMENDING SECTION 9-6.31 OF CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO STREET CLOCKS.

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

SECTION 1. AMENDMENT OF CODE. Section 9-6.31 of Chapter 6 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-6.31. STREET CLOCKS. (a) Definition. Street clock as regulated by this chapter shall mean any timepiece erected upon the exterior of any building or structure for the convenience of the public and placed and maintained by some person for the purpose of advertising their place of business.

(b) Construction. (1) All street clocks as herein defined shall be constructed of incombustible material, including the frames, braces and supports thereof.

(2) Regulation of Size of Dial. The dial of such clocks shall be not less than thirty (30") inches nor more than sixty (60") inches in diameter.

(3) Requirements on Glass. Any glass forming a part of a clock or the sign thereon shall be safety glass at least one-quarter ($\frac{1}{4}$ ") inch thick and in case any single piece or pane of glass has an area exceeding three (3) square feet, it shall be constructed of wired glass, securely held in place.

(4) Service Openings. Service openings on street clocks shall be securely fastened by metal hinges, chains, screws or bolts.

(c) Location. All street clocks shall comply with the requirements set forth in Section 9-6.22 regulating wall signs, or Section 9-6.25 regulating projecting signs, in all respects concerning location, whichever applies, except that the size of the clocks shall be regulated as set forth in Section 9-6.31(b) (2).

(d) Erection. (1) Requirements. All street clocks shall comply with the requirements set forth in Section 9-6.22 regulating wall signs, or Section 9-6.25 regulating projecting signs, in all respects concerning erection, whichever applies.

(e) Erection of Street Clocks on Sidewalk Prohibited. The erection of a street clock upon a standard upon the sidewalk is prohibited.

(f) Limitation on Permits, General. No person shall be permitted to erect more than one street clock as herein defined for any place of business at any one location, except that corner properties may erect one wall mounted clock on each of its street frontages.

(g) Advertising Permitted. Only the name of the place of business erecting and maintaining such clock, or its slogan, shall be permitted as advertising matter on said clock.

(h) Must Keep Accurate Time. Such clock shall keep accurate time, and if this condition is not complied with, the clock shall be promptly repaired or removed by its owner.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 27th day of January, 1964, by Councilman Shastid, 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: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM: Allen Grimes
ALLEN GRIMES, City Attorney

Ord. No. 635-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 February, 1964, Councilman VanderWall 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: Hughes, Patton, Shastid, Tabbert,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 4, 1964

AN ORDINANCE AMENDING SECTION 6-1.106 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 6-1.106 of Article 1 of Chapter 1 of Title VI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 6-1.106. EXEMPTIONS. The provisions of this chapter shall not be deemed or construed to require the payment of a license tax to conduct, manage or carry on the following businesses or occupations:

(a) Charitable Institutions, Etc. From any institution or organization which is conducted, managed or carried on wholly for the benefit of charitable purposes, or from which profit is not derived either directly or indirectly by any person; nor shall any license be required for the conducting of any entertainment concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects, whenever the receipts of any such entertainment, concert, exhibition or lecture are to be appropriated to any church, or school, or to any religious or benevolent purpose within the City; nor shall any license be required for the conducting of any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, county or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition or lecture are to be appropriated for the purposes and objects for which such association or organization was formed, and from which profit is not derived, either directly or indirectly by any person; provided, however, that nothing in this section contained shall be deemed to exempt any such institution or organization from complying with the provisions of any law of the City requiring such institution or organization to obtain a permit from the proper board, or officer to conduct, manage or carry on any profession, trade, calling or occupation; provided that such institution or organization shall file with the Director satisfactory proof by affidavit that the receipts of such business are to be used for the purposes herein specified.

(b) Interstate Commerce. In any case where the payment of a license tax would cast an undue burden upon the right to engage in commerce with foreign nations or among the several states, or conflicts with the regulations of the United States Congress respecting interstate commerce,

but any applicant claiming exemption upon that ground shall file a verified statement with the Director disclosing the interstate or other character of his business entitling it to such exemption, which statement shall contain the name and location of the company or firm for which orders are to be solicited or secured, the name and address of the nearest local or state manager, the kind of goods, wares and merchandise to be delivered, the place from which the same are to be shipped or forwarded, the method of solicitation or taking orders, the location of any warehouse, factory or plant within the State, the method of delivery, the name and location of the residence of the applicant, and any other facts necessary to establish such claim of exemption. A copy of the order blank, contract form or other papers used by such person in taking orders shall be attached to the affidavit for the information of the Director. If it appears that the applicant is entitled to such exemption, the Director shall forthwith issue a free license.

(c) Disabled Veterans. Any disabled veteran who is physically unable to obtain a livelihood by manual labor and having honorable discharge or release papers showing disability incurred while in service in the armed forces of the United States, shall have the right to distribute circulars and hawk, peddle and vend any goods, wares or merchandise owned by him without the payment of any license or tax upon the following terms and conditions:

The applicant shall furnish evidence satisfactory to the Director that he is physically unable to obtain a livelihood by manual labor, an honorably discharged or released member of the armed forces of the United States and that he sustained disability while serving in the armed forces of the United States during a war or military campaign in which the United States was engaged.

(d) Agricultural Producers. The actual grower and producer of ranch, farm, orchard, vineyard or poultry produce or products, who, by himself or by an agent or employee, sells or delivers to the market or at a loading platform such produce or products actually produced or grown by him.

(e) Blind. Any business conducted, carried on or managed solely by a totally blind person.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

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

to its final adoption in The Modesto 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 27th day of January, 1964, 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: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Galfus
REX E. GALFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Allen Grimes
ALLEN GRIMES, City Attorney

Ord. No. 636-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 February, 1964, 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: Hughes, Patton, Shastid, Tabbert,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 4, 1964

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE, AMENDING SECTION 5-4.207 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTIONS 5-4.207.1 AND 5-4.207.2 THERETO, RELATING TO DOGS.

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

SECTION 1. AMENDMENT OF CODE. Article 1 of Chapter 4 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 1. DISEASED OR VICIOUS ANIMALS
AUTHORITY TO IMPOUND.

SEC. 5-4.101. ~~Whenever either the City Health Officer or the Poundmaster~~ Whenever either the City Health Officer/shall have reasonable cause to believe that any animal, either licensed or unlicensed, is diseased or vicious, or has bitten any person, ~~and~~ either the City Health Officer/is hereby authorized to quarantine said animal on the premises of the owner if/the City Health Officer/deems the restraint adequate or to impound such animal in the City Pound for such period of time as is required in order to observe, examine and determine whether or not the animal is diseased or vicious or constitutes a menace to the public health or safety.

SEC. 5-4.102. DUTY OF HEALTH OFFICER. The City Health Officer may have such animal observed and examined by a veterinarian or other qualified person, and if the animal is determined to be diseased, vicious, or to constitute a menace to public health or safety, the City Health Officer shall direct the Poundmaster to dispose of the animal and the Poundmaster shall carry out the directions of the City Health Officer in that regard. Otherwise, said animal shall be released to the owner or person entitled to its possession.

SEC. 5-4.103. EXPENSE BORNE BY OWNER. The cost of feeding, keeping or treating an animal impounded in accordance with the provisions of this article shall be borne by the owner thereof, or the person having legal custody of said animal ~~that~~ the time said animal is taken into custody by the Health Officer. ~~of the Poundmaster.~~ Said cost may be recovered by the City from said owner or person having legal custody of said animal at the time said ~~animal~~ Poundmaster is taken into custody by said Health Officer/in any action at law or in equity.

SEC. 5-4.104. DUTY TO REPORT. It is hereby made the duty of any person having knowledge that any animal has bitten a human being within the limits of the City to immediately report that fact to the Health Officer with full information in regard to the incident.

In the event that either the Chief of Police or the Poundmaster secures information that any animal is diseased, vicious or has bitten any person, or of the existence of any case of rabies or other animal disease dangerous to human beings or to animals in the City, he shall report the same to the Health Officer and thereafter carry out all the directions received by him from the City Health Officer in regard to the control of such disease, the quarantine of any animals, or any other directions that may be given to him by the City Health Officer in respect to the same.

not adopted

See Ord 639-C.S.

SEC. 5-4.105. VICIOUS DOGS. Any dog which on more than one occasion has bitten or otherwise injured any person other than his owner or a trespasser upon private premises where such dog is kept, or any dog which has otherwise demonstrated vicious, dangerous and fierce propensities, or any dog known to be vicious or dangerous to the safety of any person or animal shall not be allowed to run at large. The owner or person having control of a dog which is permitted to run at large in violation of this section shall be guilty of a misdemeanor.

If upon the trial of any such person the Court shall determine that such dog is vicious or dangerous to persons or other animals, the Court, in addition to any other penalty, may order that such dog be muzzled, that such dog be kept within a sufficient enclosure, or that such dog be delivered to the Poundmaster and by him destroyed.

SECTION 2. AMENDMENT OF CODE. Section 5-4.207 of Article 2 of Chapter 4 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-4.207. LEASH REQUIRED. (a) It shall be unlawful for any dog to be in or upon any public street, alley, park, park-way, or other public place in the City or in or upon any property belonging to said City, or in or upon any unenclosed lot or premises within the City, unless said dog shall be on a leash and is under the complete control of the person owning or at the time in possession of said dog. Said leash in no event shall be of a length greater than eight (8') feet.

(b) Any owner or person in possession of such dog who either wilfully or through failure to exercise due care or control shall permit any such dog to commit any nuisance on any property other than the street gutters outside of pedestrian ways or on any improved private property other than that of the owner or person having charge, care, control or custody of the dog shall be deemed guilty of a misdemeanor.

(c) Notwithstanding anything in this section to the contrary, no person shall be compelled to keep any dog in his possession on a leash while in or upon any public street, alley, park, park-way, or other public place in the City, if at the time said dog is securely confined in an automobile.

SECTION 3. AMENDMENT OF CODE. Sections 5-4.207.1 and 5-4.207.2 are hereby added to Article 2 of Chapter 4 of Title V of the Modesto Municipal Code to read as follows:

SEC. 5-4.207.1. TRESPASSING PROHIBITED. It shall be unlawful for any person owning or being in charge, care, control or custody of any dog to suffer or permit any such dog to trespass on private property.

SEC. 5-4.207.2. ENFORCEMENT PERSONNEL AUTHORIZED TO ENTER UPON PROPERTY. The Poundmaster, his deputies, and all other persons whose duties include the enforcement of this chapter are authorized to enter upon private property at any hour of the day or night when reasonably necessary to do so in the enforcement of this chapter and neither they nor the City shall be liable for any damage resulting from such entry.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 27th day of January, 1964, by Councilman VanderWall, 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: **Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen**
NOES: Councilmen: **None**
ABSENT: Councilmen: **None**

APPROVED: _____
PETER W. JOHANSEN, Mayor

ATTEST: _____
REX E. GALLFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ALLEN GRIMES, City Attorney

AN ORDINANCE AMENDING SECTIONS 4-4.604 AND 4-4.605
OF ARTICLE 6 OF CHAPTER 4 OF TITLE IV OF THE
MODESTO MUNICIPAL CODE, RELATING TO SUBDIVISION
OF LAND.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-4.604 and
4-4.605 of Article 6 of Chapter 4 of Title IV of the Modesto
Municipal Code are hereby amended to read as follows:

SEC. 4-4.604. ACTION ON FINAL MAP. (a) Approval
of Planning Commission. The Secretary of the
Planning Commission upon receiving the final map
from the subdivider or his agent shall examine
the same to determine whether said map conforms
with the tentative map and with all changes and
requirements imposed as a condition to the
acceptance of said tentative map by the Planning
Commission. If it is determined that the final
map does not conform, the subdivider shall be
advised of the changes or additions that must
be made before the final map can be certified by
the Secretary of the Planning Commission. If
the subdivider is not satisfied with the deter-
mination made by the Secretary of the Planning
Commission, he may appeal in writing, within ten
(10) days, to the Planning Commission. If
it is determined that the map is in conformity,
the Secretary of the Planning Commission shall
certify approval thereon.

(b) Approval by City Engineer. Upon approval
by the Secretary of the Planning Commission, the
final map and other data shall be submitted to
the City Engineer, who shall examine and determine
that the subdivision as shown is substantially the
same as it appeared on the tentative map, and any
approved alterations thereof, that all provisions
of the law and of this chapter applicable at the
time of approval of the tentative map have been
complied with, and that he is satisfied that the
map is technically correct. If the City Engineer
shall determine that full conformity therewith has
been made, he shall so certify on said map. In the
event a subdivision is partly in the City and partly
outside the City, the County Surveyor and the City
Engineer shall enter into an agreement by and with
the consent of their respective governing bodies,
providing that the County Surveyor may perform the
duties of the City Engineer or vice versa, or pro-
viding for an apportionment between them of said
duties. The County Surveyor or the City Engineer,
when by such agreement all such duties devolve upon

(Remainder of document)

either one, may after his performance thereof make the aforesaid certification upon said map and, when by such agreement said duties are apportioned between the County Surveyor and City Engineer, it shall be sufficient, if each shall, after the performance thereof, make a certification on said map, touching the duties performed by each. When all certificates required on the final map have been signed, except the approval certificate of the Council, the City Engineer shall transmit said map to the City Clerk.

(c) Approval by City Council. (1) At its first regular meeting following the filing of the final map with the City Clerk, the Council shall consider said map, the plan of subdivision, and the offers of dedication. The Council may reject any or all offers of dedication. In the event that all improvements required or conditions imposed upon approval under the terms of this chapter or by law are not completed before the filing of the final map, the Council may enter into an agreement with the subdivider for posting improvement security as provided in Section 4-4.605 of this article. In such case, when the agreement has been approved by the City Attorney as to form and by the City Engineer as to sufficiency, and when the improvement security has been approved by the City Attorney as to form and by the Director of Finance as to sufficiency, the Council may consider the final map.

(2) The Council within a period of not more than ten (10) days after the filing, shall approve said map if it is determined to be in conformity to the requirements of this article. The Council shall disapprove said map if it is determined to be not in conformity to this article and shall advise the subdivider of its disapproval, and the reason or reasons therefor. Within thirty (30) days the subdivider may file with the Planning Commission a map altered to conform to the requirements of the Council and to the procedures specified under this section.

(d) Action by City Clerk. The City Clerk upon the approval of the final map, the receipt of the necessary recording fee, and after the signatures and seals have been affixed, shall transmit the map to the County Recorder who shall record the same. No map shall have any force or effect until the same has been approved by the Council, and no title to any property described in any offer of dedication shall pass until recordation of the final map.

(e) Distribution. Immediately subsequent to the recordation of the final map the subdivider thereof shall furnish, at his own expense, copies of the final map and affidavit sheet as follows:

One reproduction of the final map and affidavit sheet on cloth to each of the following: County Assessor, County Recorder, County Surveyor and City Engineer, and to the City Planning Commission such blue line prints of the map as the

Commission may require for distribution to City and County officers.

SEC. 4-4.605. AGREEMENT AND SECURITY FOR IMPROVEMENTS. (a) Provisions of Agreement.

(1) Prior to the approval by the Council of the final map, the subdivider shall execute and file an agreement between himself and the City, specifying the period within which he shall complete all improvement work to the satisfaction of the City Engineer, and providing that if he shall fail to complete such work within such period, the City may complete the same and recover the full cost and expense thereof from the subdivider. The agreement shall also provide for inspection of all improvements by the City Engineer, and reimbursement of the City by the subdivider for the cost of such inspection.

(2) Such agreement may also provide:

(aa) For the construction of the improvements in units.

(ab) For extension of time under conditions therein specified.

(ac) For progress payments to the subdivider or his order from any deposit money which the subdivider may have made in lieu of providing surety bond, as provided by the next succeeding section; or savings and loan certificate and share; provided, however, that no such progress payment shall be made for more than ninety (90%) per cent of the value of any installment of work and provided that each such installment of work shall be completed to the satisfaction of the City Engineer.

(ad) For the financing and construction of any or all of such improvements under an appropriate special assessment act proceeding, which case the subdivider shall agree, in writing, to initiate, and so far as may be in his power, to consummate such proceedings, within such time as may be prescribed by the Council.

(b) Improvement Security. The subdivider shall also file with the aforesaid agreement, to insure his full and faithful performance thereof, a good and sufficient improvement security which may be in any of the following forms:

(1) A cash deposit or deposits,

(2) A bond or bonds issued by one or more duly authorized corporate sureties,

(3) A savings and loan certificate and share in accordance with Article 6 of Chapter 4 of Title II of the Modesto Municipal Code, or

(4) An instrument or instruments of credit from one or more financial institutions subject to regulations by the state or federal government alleging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the funds designated by the

instrument shall become trust funds for the purposes set forth in the instrument.

The required security shall be in an amount deemed sufficient by the City Engineer to cover the cost of said improvements, engineering, inspection, fees and incidental expenses.

The required improvement security shall be approved by the Director of Finance as to sufficiency and by the City Attorney as to form.

(c) Forfeiture of Improvement Security. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the City shall have to complete same, or if the subdivider shall fail to reimburse the City for the cost of inspection, engineering, fees and incidental expenses, the City shall call on the surety for reimbursement, or shall appropriate, from any cash deposits, savings and loan certificates and shares, or instruments of credit, funds for reimbursement. In any case, if the amount of the surety bond, savings and loan certificate and share, instrument of credit, or cash deposit shall exceed all cost and expense incurred by the City it shall release the remainder of such bond, savings and loan certificate and share or cash deposit. If the amount of the surety bond, savings and loan certificate and share, instrument of credit, or cash deposit shall be less than the cost and expense incurred by the City, the subdivider shall be liable to the City for such difference.

(d) Release of Improvement Security. No extension of time, progress payments from cash deposits, or release of surety bond, savings and loan certificate and share, instrument of credit or cash deposit shall be made except upon certification by the City Engineer that work covered thereby has been satisfactorily completed, and upon approval of the Council.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto 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 February, 1964, by Councilman Tabbert, 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: Hughes, Patton, Tabbert, VanderWall,
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell, Shastid

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM

BY Allen Grimes
ALLEN GRIMES, City Attorney

Ord. No. 638-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 February, 1964, Councilman VanderWall moved its final adoption, which motion being duly seconded by Councilman Hughes, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Patton, Shastid, Tabbert,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: March 18, 1964

AN ORDINANCE AMENDING ARTICLE 1 OF CHAPTER 4 OF TITLE V OF THE MODESTO MUNICIPAL CODE, AMENDING SECTION 5-4.209 OF ARTICLE 2 OF CHAPTER 4 OF TITLE V THEREOF, AND ADDING SECTIONS 5-4.207.1, 5-4.207.2, 5-4.207.3 AND 5-4.207.4 THERETO, RELATING TO DOGS.

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

SECTION 1. AMENDMENT OF CODE. Article 1 of Chapter 4 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

ARTICLE 1. DISEASED ANIMALS

SEC. 5-4.101. AUTHORITY TO IMPOUND. Whenever the City Health Officer shall have reasonable cause to believe that any animal, either licensed or unlicensed, is diseased or has bitten any person, the City Health Officer is hereby authorized to quarantine said animal on the premises of the owner if the City Health Officer deems the restraint adequate, or to cause such animal to be impounded in the City Pound for a period of ten (10) days in order to determine whether or not the animal is rabid or is suffering from any other animal disease dangerous to human beings or to animals in the City.

SEC. 5-4.102. DUTY OF HEALTH OFFICER. The City Health Officer may have such animal observed and examined by a veterinarian or other qualified person, and if the animal is determined to be rabid or to be suffering from any other animal disease dangerous to human beings or to animals in the City, the City Health Officer shall direct the Poundmaster to dispose of the animal and the Poundmaster shall carry out the directions of the City Health Officer in that regard. Otherwise, said animal shall be released to the owner or person entitled to its possession after payment of costs as provided by Section 5-4.103 of this article. No dog shall be destroyed unless notice has been given by the Poundmaster in accordance with the provisions of Section 5-4.213 of this chapter.

SEC. 5-4.103. EXPENSE BORNE BY OWNER. The cost of feeding, keeping or treating an animal impounded in accordance with the provisions of this chapter shall be borne by the owner thereof, or the person having legal custody of said animal at the time said animal is taken into custody. Said cost may be recovered by the City from said owner or person having legal custody of said animal at the time said animal is taken into custody in any action at law or in equity.

SEC. 5-4.104. DUTY TO REPORT. It is hereby made the duty of any person having knowledge that any animal has bitten a human being within the limits of the City to immediately report that fact to the Health Officer with full information in regard to the incident.

In the event that either the Chief of Police or the Poundmaster secures information that any animal is

diseased or has bitten any person, or of the existence of any case of rabies or other animal disease dangerous to human beings or to animals in the City, he shall report the same to the Health Officer and thereafter carry out all the directions received by him from the City Health Officer in regard to the control of such disease, the quarantine of any animals, or any other directions that may be given to him by the City Health Officer in respect to the same.

SECTION 2. AMENDMENT OF CODE. Sections 5-4.207.1, 5-4.207.2, 5-4.207.3 and 5-4.207.4 are hereby added to Article 2 of Chapter 4 of Title V of the Modesto Municipal Code to read as follows:

SEC. 5-4.207.1. VICIOUS DOGS. Any dog which on more than one occasion has bitten or otherwise injured any person other than his owner or a trespasser upon private premises where such dog is kept, or any dog which has otherwise demonstrated vicious or dangerous propensities, or any dog known to be vicious or dangerous to the safety of any person or animal shall not be allowed to run at large. The owner or person having control of a dog which is allowed to run at large in violation of this section shall be guilty of a misdemeanor.

If upon the trial of any such person it shall be determined that such dog is vicious or dangerous to persons or other animals, the Court, in addition to any other penalty, may order that such dog be muzzled, that such dog be kept within a sufficient enclosure, or that such dog be delivered to the Poundmaster and by him destroyed.

SEC. 5-4.207.2. TRESPASSING PROHIBITED. It shall be unlawful for any person owning or being in charge, care, control or custody of any dog to suffer or permit any such dog to trespass on private property.

SEC. 5-4.207.3. COMMISSION OF NUISANCE PROHIBITED. It shall be unlawful for any person owning or being in charge, care, control or custody of any dog to suffer or permit any such dog to commit a nuisance on improved private property other than that of the owner or person having charge, care, control or custody of the dog.

SEC. 5-4.207.4. RIGHT OF ENTRY INTO YARDS. Upon presentation of proper credentials the Health Officer, the Poundmaster, or their duly authorized representatives, or any police officer may enter at reasonable times upon the yards of private property, but not into private buildings, when reasonably necessary to do so in order to enforce the provisions of this chapter.

SECTION 3. AMENDMENT OF CODE. Section 5-4.209 of Article 2 of Chapter 4 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-4.209. DISTURBING THE PEACE. It shall be unlawful for any person in possession or control of a dog to permit said dog to disturb the peace and quiet of any of the citizens of the City. It shall be the duty of the Poundmaster or any police officer to impound any dog found to be disturbing the peace and quiet of any of the citizens of the City.

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

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 17th day of February, 1964, by Councilman Shastid, 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: Hughes, Patton, Shastid, Tabbert, VanderWall,
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GALLFUS
REX E. GALLFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY ALLEN GRIMES
ALLEN GRIMES, City Attorney

Ord. No. 639-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 February, 1964, Councilman Hughes 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: Hughes, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GALLFUS, City Clerk

EFFECTIVE DATE: March 25, 1964

AN ORDINANCE AMENDING SECTION MAP 7 OF THE
ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (J. W. BERCHEM)

WHEREAS, a verified application for an amendment to
Section 7 of the Zoning Map was filed by J. W. Berchem
_____ on December 5,
1963, to reclassify from One-Family Zone,
R-1, to Two-Family Zone, R-2,
the hereinafter described property, and

WHEREAS, after public hearing held on January 21,
1964, it was found and determined by the Planning Commission
that rezoning of the property as requested is required by public
necessity, convenience and general welfare for the following
reasons:

1. The property is located on a major street, is adjacent
to R-2 zoning on the north and south, and will be a logical
continuation of the Two-Family Zone.
2. The property backs on R-1 development and zoning, and

WHEREAS, by Resolution No. 64-6, adopted on January 21,
~~XXXXXXXXXX~~ 1964, the Planning Commission recommended to the
Council that the application of J. W. Berchem
_____ to amend Section 7 of the Zoning Map to
reclassify the hereinafter described property from One-Family
_____ Zone, R-1, to Two-Family
Zone, R-2, be approved, and

WHEREAS, after public hearing held on February 17,

19 64 , the Council found and determined that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource,

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

SECTION 1. ZONING CHANGE. Section 7 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Zone, R-1, to Two-Family Zone, R-2 :

Beginning at a point on the Southeast corner of Section 7, Township 3 South, Range 9 East, said point being at the intersection of the center lines of Tully Road and Rumble Road; thence North 0° 54' West 402.70 feet, which is the true point of beginning of this description; thence continuing North 0° 54' West along the center line of Tully Road 160.46 feet; thence North 89° 15' 40" West 308.30 feet to the East line of Lot 21, Block 13201; thence South 0° 54' East 160.46 feet; thence South 89° 15' 40" East 308.30 feet to the center line of Tully Road and the point of beginning, being located on the west side of Tully Road north of Rumble Road;

SECTION 2. ZONING MAP. Section 7 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 thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 17th day of February, 1964, by Councilman Hughes, 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: Hughes, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Mitchell

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By ALLEN GRIMES, City Attorney

**Ordinance 640 C.S.
Exhibit A – Map**

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

Ord. No. 640-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 2nd day of March, 1964, Councilman VanderWall 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: Hughes, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 1, 1964

AN ORDINANCE AMENDING SECTION MAP 28 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (CITY HOSPITAL)

WHEREAS, a verified application for an amendment to Section 28 of the Zoning Map was filed by Modesto City Hospital, Antasons, Inc., and G. N. Hilburn on December 18, 1963, to reclassify from Multiple-Family Zone, R-3, to Neighborhood Commercial Zone, C-1, the hereinafter described property, and

WHEREAS, after public hearing held on January 21, 1964, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. The property is adjacent to commercial zoning on two (2) sides.
2. The property contains a large, nonconforming use requiring the same zoning classification as that now requested.
3. The General Plan shows a hospital in this location and medical and dental offices adjacent to a hospital offer a desirable relationship to each other, and

WHEREAS, by Resolution No. 64-8, adopted on January 21, 1964, the Planning Commission recommended to the Council that the application of Modesto City Hospital, Antasons, Inc., and G. N. Hilburn to amend Section 28 of the Zoning Map to reclassify the hereinafter described property from Multiple-Family Zone, R-3, to Neighborhood Commercial Zone, C-1, be approved, and

WHEREAS, after public hearing held on February 17,

19 64, the Council found and determined that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource,

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

SECTION 1. ZONING CHANGE. Section 28 of the Zoning Map is hereby amended to reclassify the following described property from Multiple-Family Zone, R-3, to Neighborhood Commercial Zone, C-1:

Lots 17 to 28 inclusive in Block 129, and including the easterly one half of 17th Street, the northerly one half of "G" Street, and the westerly one half of the alley in Block 129 which are adjacent to said lots 17 to 28 inclusive; being located on the east side of 17th Street north of "G" Street.

SECTION 2. ZONING MAP. Section 28 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 thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 17th
day of February, 1964, by Councilman Shastid,
who moved its introduction and passage to print, which motion being
duly seconded by Councilman Hughes, was upon roll
call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Patton, Shastid, Tabbert,
VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Mitchell

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Allen Grimes
ALLEN GRIMES, City Attorney

**Ordinance 641 C.S.
Exhibit A – Map**

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

Ord. No. 641-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 2nd day of March, 1964, 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: Hughes, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 1, 1964

AN ORDINANCE AMENDING SECTION MAP 16 OF THE
ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING
CERTAIN PROPERTY LOCATED THEREON. (HIRLEMAN)

WHEREAS, a verified application for an amendment to
Section 16 of the Zoning Map was filed by John E. Hirleman, Jr.
on December 31, 1963, as follows:

1. To reclassify from One-Family Zone, R-1, to Two-Family Zone, R-2, the following described property:

Beginning at the quarter corner common to Sections 15 and 16, Township 3 South, Range 9 East, being further described as the center line of Coffee Road and the Cavil Drain; thence South $0^{\circ} 53'$ East, 25 feet along the center line of Coffee Road; thence North $89^{\circ} 30'$ West, 191.78 feet along the south line of the Cavil Drain to the true point of beginning of this description; thence North $89^{\circ} 30'$ West 199.54 feet; thence South $0^{\circ} 29'$ West 94.55 feet to the north line of Athens Avenue; thence North $89^{\circ} 30'$ West along the north line of Athens Avenue, 317.15 feet; thence North $0^{\circ} 29'$ East, 94.64 feet to a point on the south line of the Cavil Drain; thence North $89^{\circ} 30'$ West along the south line of the Cavil Drain 190.00 feet; thence South $0^{\circ} 29'$ West, 94.70 feet to a point on the north line of Athens Avenue; thence North $89^{\circ} 31'$ West, 243.30 feet along the north line of Athens Avenue to the beginning of a radial curve having a radius of 225 feet and a central angle of $32^{\circ} 49' 57''$; thence along said curve a distance of 128.93 feet; thence North $56^{\circ} 41' 03''$ West, 108.62 feet to a point on the south line of the Cavil Drain; thence North $89^{\circ} 30'$ West, 85.62 feet along the south line of the Cavil Drain; thence South $0^{\circ} 53' 30''$ East, 149.82 feet; thence South $89^{\circ} 31'$ East, 103.86 feet to a point on a radial curve having a radius of 125 feet; thence southerly along said curve through a central angle of $8^{\circ} 11' 37''$ a distance of 17.88 feet to the beginning of said curve; thence South $89^{\circ} 31'$ East, 50 feet; thence South $0^{\circ} 29'$ West, 47.18 feet; thence South $89^{\circ} 31'$ East, 859.90 feet; thence South $0^{\circ} 29'$ West, 376 feet; thence South $89^{\circ} 31'$ East, 247.25 feet; thence North $0^{\circ} 29'$ East, 496.00 feet to a point on the north line of Athens Avenue; thence North $89^{\circ} 31'$ West along the north line of Athens Avenue, 20 feet; thence North $0^{\circ} 29'$ East, 94.50 feet to the point of beginning.

2. To reclassify from One-Family Zone, R-1, to Multiple-Family Zone, R-3, the following described property:

Beginning at the quarter corner common to Sections 15 and 16, Township 3 South, Range 9 East, being further described as the center line of Coffee Road and the Cavil Drain; thence South $0^{\circ} 53'$ East, 25 feet; thence North $89^{\circ} 30'$ West, 25.01 feet to a point on the west line of Coffee Road and the south line of the Cavil Drain, which is the true point of beginning of this description; thence North $89^{\circ} 30'$ West, 166.77 feet along the south line of the Cavil Drain; thence South $0^{\circ} 29'$ West, 94.50 feet; thence South $89^{\circ} 31'$ East 20 feet; thence South $0^{\circ} 29'$ West, 496 feet; thence South $89^{\circ} 31'$ East, 160.85 feet to the west line of Coffee Road; thence North $0^{\circ} 53'$ West along the west line of Coffee Road, 590.61 feet to the point of beginning,

Basis of bearings and distances: Map of Brookdale Park No. 3 dated December 31, 1963, as received by the Planning Department, and

WHEREAS, after public hearing held on January 21, 1964, it was found and determined by the Planning Commission as follows:

1. That rezoning of a portion of the property described above is required by public necessity, convenience and general welfare for the following reasons:

(a) It will make possible a desirable variety of housing types in an area which is newly developing.

(b) The properties requested for R-3 zoning face on a major street and offer a transition between the major street and the single-family area.

2. That rezoning of the twelve (12) lots south of the corner lots on Reseda Lane and the corner lots on Athens Avenue is not required by public necessity, convenience and general welfare for the following reasons:

(a) They do not meet the criterion of location for duplexes on collector streets.

(b) There would be no reasonable way to prevent extension of R-2 uses south of the subdivision boundary.

3. That the lot fronting on Athens Avenue which is one lot removed from the Coffee Road frontage and for which

R-3 zoning is requested, does not front on a major street, and, therefore, does not meet the location criterion, and

WHEREAS, by Resolution No. 64-10, adopted on January 21, 1964, the Planning Commission recommended to the Council:

1. That Section 16 of the Zoning Map be amended to reclassify the hereinafter described property from One-Family Zone, R-1, to Multiple-Family Zone, R-3.

2. That the request to rezone to Two-Family Zone, R-2, and Multiple-Family Zone, R-3, that portion of the property not described in said recommendation, and

WHEREAS, after public hearing held on February 24, 1964, the Council found and determined that the rezoning as recommended by the Planning Commission is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource,

NOW, THEREFORE, 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 One-Family Zone, R-1, to Multiple-Family Zone, R-3, and the request to rezone to Two-Family Zone, R-2, and Multiple-Family Zone, R-3, that portion not hereinafter described is hereby denied:

Beginning at the quarter corner common to Sections 15 and 16, Township 3 South, Range 9 East, being further described as the center line of Coffee Road and the Cavil Drain; thence South $0^{\circ} 53'$ East, 25 feet; thence North $89^{\circ} 30'$ West, 25.01 feet to a point on the west line of Coffee Road and the south line of the Cavil Drain, which is the true point of beginning of this description; thence North $89^{\circ} 30'$ West, 113.27 feet along the south line of the Cavil Drain to the northwest corner of lot 1, Block 12936;

thence South 0° 29' West 94.48 feet to the south-west corner of lot 1, Block 12936; thence South 34° 19' West 60.19 feet to the northeast corner of lot 1, Block 12910; thence South 0° 29' West 446.00 feet along the west alley line in Block 12910; thence South 89° 31' East 160.85 feet to the west line of Coffee Road; thence North 0° 53' West 590.61 feet along the west line of Coffee Road to the point of beginning, more particularly described as being lot 1, Block 12936, and lots 8 through 11 and the excluded parcel belonging to Lawrence in Block 12910.

SECTION 2. ZONING MAP. Section 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 thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 February, 1964, by Councilman Hughes, 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: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX B. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY Allen Grimes
ALLEN GRIMES, City Attorney -4-

Ordinance 642 C.S.
Exhibit A – Map

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

Ord. No. 642-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 March, 1964, Councilman Hughes 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: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen
- NOES: Councilmen: None
- ABSENT: Councilmen: Tabbert

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX B. GAILFUS, City Clerk

EFFECTIVE DATE: April 8, 1964

AN ORDINANCE AMENDING SECTION MAP 18 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (KLEMM)

WHEREAS, a verified application for an amendment to Section 18 of the Zoning Map was filed by George Klemm on December 31, 1963, as follows:

1. To reclassify from One-Family Zone, R-1, to Two-Family Zone, R-2, the following described property:

Beginning at the Southwest corner of lot 6 of the Knapp Tract, said corner being on the center line of Prescott Road; thence South 89° 08' East along the south line of said lot 6 a distance of 141.15 feet to the point of beginning of this description; thence North 16° 46' 27" East 129.98 feet; thence North 0° 38' 25" West 376.94 feet; thence North 5° 59' 02" East 60.24 feet; thence North 0° 54' 10" East 100.00 feet to a point on the North line of the South half of said lot 6; thence South 89° 05' 50" East along said north line of the south half of lot 6 a distance of 436.29 feet; thence South 23° 35' East 200.13 feet; thence South 57° 31' West 95.93 feet; thence South 85° 31' 04" West 70.56 feet; thence South 49° 35' West 45.00 feet; thence North 85° 20' 28" West 233.31 feet; thence South 0° 38' 25" East 255.87 feet; thence South 1° 43' 13" East 50.05 feet; thence South 0° 52' West 100.00 feet to a point on said South line of lot 6; thence North 89° 08' West along said south line of lot 6 a distance of 142.26 feet to the point of beginning.

2. To reclassify from One-Family Zone, R-1, to Multiple-Family Zone, R-3, the following described property:

Beginning at the southwest corner of lot 6 of the Knapp Tract, said corner being on the centerline of Prescott Road; thence South 89° 08' East along the south line of said lot 6 a distance of 20.01 feet to a point on the East line of said Prescott Road and the point of beginning of this description; thence North 0° 38' 25" West along said East line of Prescott Road 662.15 feet to a point on the north line of the south half of said lot 6; thence South 89° 05' 50" East along said North line of the South half of lot 6 a distance of 169.70 feet; thence South 0° 54' 10" West 100.00 feet; thence South 5° 59' 02" West 60.24 feet; thence South 0° 38' 25" East 376.94 feet; thence South 16° 46' 27" West 129.98 feet to a point on said South line of lot 6; thence North 89° 08' West along said south line of lot 6 a distance of 121.14 feet to the point of beginning, and

WHEREAS, after public hearing held on January 21, 1964, it was found and determined by the Planning Commission as follows:

1. That rezoning of the property described above, with the exception of lot 10 in Block 6552, is required by public necessity, convenience and general welfare for the following reasons:

(a) The proposed rezoning will provide a desirable variety of housing types in a newly developing area, and will help satisfy the growing demand for units of this nature.

(b) The proposed R-3 development is adjacent to a major street.

(c) The R-2 zoning along Janna Avenue and the north-south street running parallel to Prescott Road will face R-2 and R-3 zoning and will be a transitional use between the major street with its higher density uses and the single-family area.

2. That rezoning of lot 10 in Block 6552 as requested is not required by public necessity, convenience and general welfare for the following reasons:

(a) It is across the street from R-1 development.

(b) The southerly line of lot 9 in Block 6552 provides a more logical terminus for the R-2 development, and

WHEREAS, by Resolution No. 64-11, adopted on January 21, 1964, the Planning Commission recommended to the Council:

1. That Section 18 of the Zoning Map be amended to reclassify the hereinafter described property from One-Family Zone, R-1, to Two-Family Zone, R-2.

2. That Section 18 of the Zoning Map be amended to reclassify the hereinafter described property from One-Family Zone, R-1, to Multiple-Family Zone, R-3.

3. That the request to rezone lot 10 in Block 6552 from One-Family Zone, R-1, to Two-Family Zone, R-2, be denied, and

WHEREAS, after public hearing held on February 24, 1964, the Council found and determined that the rezoning as recommended by the Planning Commission is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource,

NOW, THEREFORE, 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 One-Family Zone, R-1, to Two-Family Zone, R-2:

Commencing at the Southwest corner of lot 6 of said Knapp Tract, said corner being on the center-line of Prescott Road; thence South $89^{\circ} 08'$ East along the South line of said lot 6 a distance of 141.15 feet to the point of beginning of this description; thence North $16^{\circ} 46' 27''$ East 88.90 feet; thence North $9^{\circ} 52' 02''$ East 40.00 feet; thence North $0^{\circ} 38' 25''$ West 406.96 feet; thence North $21^{\circ} 16' 58''$ East 32.00 feet; thence North $0^{\circ} 54' 10''$ East 100.00 feet to a point on the North line of the South half of said lot 6; thence South $89^{\circ} 05' 50''$ East along said North line of the South half of lot 6 a distance of 436.29 feet; thence South $23^{\circ} 35'$ East 116.23 feet; thence South $46^{\circ} 03' 27''$ West 117.23 feet; thence South $32^{\circ} 20' 14''$ West 62.23 feet; thence South $49^{\circ} 35'$ West 45.00 feet; thence North $85^{\circ} 20' 28''$ West 233.31 feet; thence South $0^{\circ} 38' 25''$ East 255.87 feet; thence South $1^{\circ} 43' 13''$ East 50.05 feet; thence South $0^{\circ} 52'$ West 100.00 feet to a point on said South line of lot 6; thence North $89^{\circ} 08'$ West along said South line of lot 6 a distance of 142.26 feet to the point of beginning.

SECTION 2. ZONING MAP. Section 18 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Zone, R-1, to Multiple-Family Zone, R-3:

Commencing at the southwest corner of lot 6 of said Knapp Tract, said corner being on the center-line of Prescott Road; thence South $89^{\circ} 08'$ East

along the South line of said lot 6 a distance of 20.01 feet to a point on the East line of said Prescott Road and the point of beginning of this description; thence North 0° 38' 25" West along said East line of Prescott Road 662.15 feet to a point on the North line of the South half of said lot 6; thence South 89° 05' 50" East along said North line of the South half of lot 6 a distance of 169.70 feet; thence South 0° 54' 10" West 100.00 feet; thence South 21° 16' 58" West 32.00 feet; thence South 0° 38' 25" East 406.96 feet; thence South 9° 52' 02" West 40.00 feet; thence South 16° 46' 27" West 88.90 feet to a point on said South line of lot 6; thence North 89° 08' West along said South line lot 6 a distance of 121.14 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 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 thirty (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 February, 1964, 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: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
 NOES: Councilmen: None
 ABSENT: Councilmen: None

ATTEST: [Signature] APPROVED: Peter W. Johansen
 REX E. GAILFUS, City Clerk PETER W. JOHANSEN, Mayor

(SEAL)
 APPROVED AS TO FORM:
 By [Signature]
 ALLEN GRIMES, City Attorney

**Ordinance 643 C.S.
Exhibit A – Map**

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

Ord. No. 643-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 March, 1964, Councilman VanderWall 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: Hughes, Mitchell, Patton, Shastid,
VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Tabbert

APPROVED Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: REX E. GAILFUS
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 8, 1964

AN ORDINANCE AMENDING SECTION 3-2.1604 OF ARTICLE 16 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE, RELATING TO OFF-STREET PARKING.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.1604 of Article 16 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1604. VALIDATION. Tickets for vehicles parked on said attendant parking lots during the time that attendant parking is in effect may be validated by means of validation stamps affixed to such tickets. Such stamps shall be sold in advance. Each validation stamp affixed to the parking ticket shall be good for parking for one hour or fraction thereof without additional charge. The price for purchase of validation stamps for use on attendant parking lots shall be established by resolution of the Council.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in the Modesto 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 9th day of March, 1964, 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: Hughes, Mitchell, Patton, Shastid, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Tabbert

APPROVED: Peter W. Johansen

ATTEST: REX E. GAILFUS, City Clerk

PETER W. JOHANSEN, Mayor

(SEAL)
APPROVED AS TO FORM:

By Allen Grimes, City Attorney

Ord. No. 644-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 16th day of March, 1964, Councilman Shastid 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: Hughes, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Rex E. Gailfus*
REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 15, 1964

WHEREAS, a petition was filed with the City Clerk by June W. Coleman, Norton Coleman, Kenneth Duffin, Helen Duffin, Sylvan Union School District and City of Modesto on January 16, 1964, 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 CRESTWOOD TERRACE NO. 2 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 27th day of January, 1964, set said petition for hearing at the hour of 8:00 o'clock P.M. on the 9th day of March, 1964, 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 a newspaper of general circulation, to wit, The Modesto Tribune, a newspaper published in the City of Modesto on February 6, 1964, and on February 13, 1964, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest,

either legal or equitable, with said Clerk, which notices were mailed not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

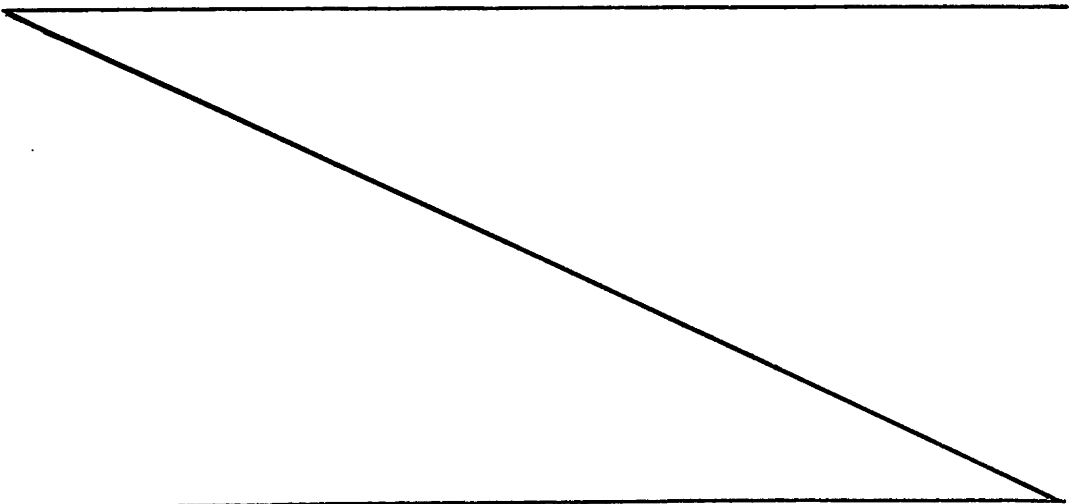
WHEREAS, on the 9th day of March, 1964, at the hour of 8:00 o'clock P.M., in the Council Chambers at the City Hall, 801 - 11th Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation 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 CRESTWOOD TERRACE NO. 2 ADDITION, is located in 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 9, 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 Southwestern corner of the Crestwood Terrace Addition as per description filed August 22, 1962, as Instrument 31905, Stanislaus County Records, said point also being on the Northern line of the Sherwood Manor Addition as per description filed July 15, 1959, as Instrument 20526 Stanislaus County Records; thence along said Northern line, North 89° 30' West, 659.05 feet, to the Southwestern corner of property conveyed to the Sylvan Union School District as per deed recorded December 18, 1962, as Instrument 47213, Stanislaus County Records; thence along the Western line of said School property, North 00° 45' 30" West, 719.34 feet, to the Northwestern corner of said School property, said point being the Southwestern corner of property conveyed to the City of Modesto as per deed recorded February 14, 1963, as Instrument 6030, Stanislaus County Records; thence along the Western line of said City property, North 00° 45' 30" West, 441.23 feet, to the Northwestern corner of said City property; thence along the Northern line of said City property, South 89° 30' East, 659.21 feet, to the Northeastern corner of said City property; thence along the Eastern line of said City property South 00° 45' East, 240.57 feet; thence South 89° 30' East, 659.29 feet, to a point on the existing City Limits as established by the Walnut Acres Addition as per description filed May 14, 1963, as Instrument 18496, Stanislaus County Records; thence along the City Limits the following bearings and distances, South 00° 44' 30" East, 260.00 feet; thence North 89° 30' West, 659.25 feet; thence South 00° 45' East, 240.00 feet, to the Northwestern corner of the Crestwood Terrace Addition as per description filed August 22, 1962 as Instrument 31905, Stanislaus County Records; thence South 00° 45' East, 420.00 feet to the point of beginning and containing 21.497 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 9th day of March, 19 64, by Councilman VanderWall, who moved its adoption and passage to print, which motion being duly seconded by Councilman Hughes, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid, VanderWall,
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Tabbert

APPROVED:

Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM BY: Allen Grimes
ALLEN GRIMES, City Attorney

AN ORDINANCE AMENDING SECTION MAP 16 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (McHENRY VILLAGE, INC.)

WHEREAS, a verified application for an amendment to Section 16 of the Zoning Map was filed by McHenry Village, Inc. on October 1, 19 63, to reclassify from Neighborhood Commercial and Interim General Commercial Zone, C-2, C-1 /to General Commercial Zone, C-2, the hereinafter described property, and

WHEREAS, after public hearing held on January 21, and continued to February 4, 1964, 19 64, /it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. Rezoning will be in conformance with the uses to the north and west and the same as existing zoning on adjacent property.
2. The property contains a large C-2 use which was previously recommended by the City.
3. The General Plan recommends a commercial shopping area in this location to serve the north section of the Modesto urban area, and

WHEREAS, by Resolution No. 64-21, adopted on February 4, 19 64, the Planning Commission recommended to the Council that the application of McHenry Village, Inc. to amend Section 16 of the Zoning Map to reclassify the hereinafter described property from Neighborhood Commercial and Interim General Commercial Zone, C-2, Commercial Zone, C-1 /to General Commercial Zone, C-2, be approved, and

WHEREAS, after public hearing held on March 9,

rezoning is in accordance with the general plan and will ...
serve the public health, safety and general welfare and provide
the economic and social advantages resulting from orderly, planned
use of land resource,

NOW, THEREFORE, 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 Neighborhood Commercial Zone, C-1,
and Interim General Commercial Zone, C-2,
to General Commercial Zone, C-2:

Beginning at a point 175 feet east of the center
line of McHenry Avenue on the north line of
Granger Avenue, a 40 foot street, said point
being the true point of beginning; thence
continuing South 89° 39' East along the north
line of Granger Avenue, 486 feet; thence North
0° 48' West, 112 feet; thence North 89° 39'
West, 486 feet; thence South 0° 48' East, 112
feet to the point of beginning on the North
line of Granger Avenue.

SECTION 2. ZONING MAP. Section 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 thirty
(30) days after its final passage and adoption.

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

meeting of the Council of the City of Modesto held on the 9th
day of March, 1964, 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: Hughes, Mitchell, Patton, Shastid, VanderWall,
Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Tabbert

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Gailfus
REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:
By Allen Grimes
ALLEN GRIMES, City Attorney

**Ordinance 646 C.S.
Exhibit A – Map**

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

Ord. No. 646-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 March, 1964, 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: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED



PETER W. JOHANSEN, Mayor

ATTEST:



REX E. GAILFUS, City Clerk

EFFECTIVE DATE: April 22, 1964

AN ORDINANCE REPEALING SECTION 4-4.803 OF ARTICLE 8 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO PARK FEES FOR SUBDIVISIONS.

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

SECTION 1. REPEALS. Section 4-4.803 of Article 8 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby repealed.

SECTION 2. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption, and any subdivision, the final map of which is approved after March 9, 1964, shall not be subject to the payment of park fees.

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 16th day of March, 1964, 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: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Peter W. Johansen
PETER W. JOHANSEN, Mayor

ATTEST: Rex E. Galfus
REX E. GALFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By Allen Grimes
ALLEN GRIMES, City Attorney

Ord. No. 647-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 March, 1964, Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Hughes, was upon roll call carried and the ordinance finally adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GALLFUS, City Clerk

EFFECTIVE DATE: April 22, 1964

AN ORDINANCE AMENDING SECTION 3-2.207 OF ARTICLE 2 OF CHAPTER 2 OF TITLE III OF THE MODESTO MUNICIPAL CODE; AMENDING SECTION 3-2.404 OF ARTICLE 4 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.807 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III; AMENDING SECTIONS 3-2.1002 AND 3-2.1006 OF ARTICLE 10 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.1104 OF ARTICLE 11 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.1203 OF ARTICLE 12 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.1301 OF ARTICLE 13 OF CHAPTER 2 OF TITLE III; AMENDING SECTION 3-2.1504 OF ARTICLE 15 OF CHAPTER 2 OF TITLE III; REPEALING SECTIONS 3-2.102, 3-2.110, 3-2.111, 3-2.112, 3-2.118, 3-2.119, 3-2.120 AND 3-2.122 OF ARTICLE 1 OF CHAPTER 2 OF TITLE III; AND REPEALING SECTION 3-2.805 OF ARTICLE 8 OF CHAPTER 2 OF TITLE III THEREOF, RELATING TO TRAFFIC REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Section 3-2.207 of Article 2 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.207. REPORT OF DAMAGE TO CERTAIN PROPERTY. (a) The driver of a vehicle involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, telephone pole, electric light or power pole, or resulting in damage to any tree, traffic control device or other property of a like nature located in or along any street, shall within twenty-four (24) hours after such accident make a written report of such accident to the Police Department of the City.

(b) Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person driving or in charge of such vehicle, the license number of every such vehicle, and shall briefly describe the property damaged in such accident.

(c) A driver involved in an accident shall not be subject to the requirements or penalties of this section if and during the time such driver is physically incapable of making a report, but in such event said driver shall make a report as required in subsection (a) within twenty-four (24) hours after regaining ability to make such report.

SECTION 2. AMENDMENT OF CODE. Section 3-2.404 of Article 4 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.404. AUTHORITY TO PROHIBIT TURNS AGAINST TRAFFIC STOP SIGNAL. The Director is hereby authorized to determine those intersections at which drivers of vehicles shall not make right or left turns against a red or stop signal and shall erect proper signs giving notice of such prohibition. No driver of a vehicle shall disobey the directions of any such sign.

SECTION 3. AMENDMENT OF CODE. Section 3-2.807 of Article 8 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.807. BICYCLE RIDING RESTRICTED. No person shall propel a bicycle within any sidewalk area in any business district as defined by Section 235 of the Vehicle Code of the State of California.

SECTION 4. AMENDMENT OF CODE. Sections 3-2.1002 and 3-2.1006 of Article 10 of Chapter 2 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-2.1002. USE OF STREETS FOR STORAGE OF VEHICLES PROHIBITED. (a) No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley in the City for more than a consecutive period of seventy-two (72) hours.

(b) In the event a vehicle is parked or left standing upon a street in excess of a consecutive period of seventy-two (72) hours, any member of the Police Department authorized by the Chief of Police may remove said vehicle from the street in the manner and subject to the requirements of the Vehicle Code of the State of California.

SEC. 3-2.1006. PARKING OF COMMERCIAL VEHICLES AND BUSES PROHIBITED IN RESIDENTIAL DISTRICTS. No person shall park any vehicle designed or used for the transporting of commodities or materials which vehicle extends more than nine (9') feet to the rear of the driving compartment of said vehicle, or any vehicle whose load extends more than nine (9') feet to the rear of the driving compartment thereof, upon any street or alley within any residential district of the City for any purpose other than to make a pickup or delivery, or when such vehicle is parked in connection with, and in aid of, the performance of a service to or on a property in the block in which such vehicle is parked. For the purposes of this section, a residential district shall mean any district which is classified as residential under the provisions of the zoning regulations of this Code.

SECTION 5. AMENDMENT OF CODE. Section 3-2.1104 of Article 11 of Chapter 2 of Title III of the Modesto Municipal

~~SEC. 3-2.1104. STANDING FOR LOADING OR UNLOADING ONLY. When authorized signs or markings as prescribed by Section 3-2.1101 of this article are utilized giving notice thereof, no person shall stop, stand or park any vehicle in a loading zone for a purpose or for a period of time longer than three (3) minutes for loading or unloading passengers and twenty (20) minutes for loading and unloading materials, unless otherwise indicated by posted signs.~~

Article 12 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1203. PARKING PROHIBITED AT CERTAIN TIMES ON CERTAIN STREETS. (a) No person shall park a vehicle between the hours of 4 a.m. and 5 a.m. of any day upon any paved street or part of a paved street outside of the area bounded by and including

Needham Street, Washington Street, Sierra Drive and Burney Street.

(b) No person shall park a vehicle between the hours of 3 a.m. and 4 a.m. of any day on any paved street or part of a paved street that runs in a north-westerly and southeasterly direction (numbered streets) inside of the area bounded by Needham Street, Washington Street, Sierra Drive and Burney Street.

(c) No person shall park a vehicle between the hours of 4 a.m. and 5 a.m. of any day on any paved street or part of a paved street that runs in a north-easterly and southwesterly direction (lettered streets) inside of the area bounded by Needham Street, Washington Street, Sierra Drive and Burney Street.

SECTION 7. AMENDMENT OF CODE. Section 3-2.1301 of Article 13 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 3-2.1301. TRUCK ROUTES. (a) Use of Truck Routes. It shall be unlawful for the operator of any moving van, dump truck, tank truck, used or designed for the purpose of transporting petroleum products, or any vehicle designed or used for the transportation of commodities or materials, which vehicle extends more than nine (9') feet to the rear of the driving compartment of said vehicle or any vehicle whose load extends more than nine (9') feet to the rear of the driving compartment thereof, to operate said vehicle upon any street other than upon and over a truck route for any purpose other than to make a pickup or delivery, or to service or secure repairs to said vehicle. In traveling to or from the point of delivery, pickup, service to or repair of said vehicle, the operator of said vehicle shall drive as far as possible upon and over a truck route.

(b) Towing. It shall be unlawful for the operator of any vehicle to tow or pull or push any other vehicle on any street of the City other than upon a truck route for any distance greater than is absolutely necessary.

(c) Exemptions. Nothing herein shall be construed to prevent the driving and operating of fire apparatus upon any streets of the City, nor shall this chapter, by its terms, prevent equipment owned by the City from being operated upon any of the streets of the City. Neither shall this chapter by its terms be construed to apply to the moving of houses, buildings or structures upon and over the streets of the City. The provisions of this section shall not apply to:

(1) Passenger buses under the jurisdiction of the Public Utilities Commission; or

(2) Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

(d) Designation by Council. The Council is authorized to determine and designate truck routes by resolution, which designation shall become

effective when appropriate signs are in place giving notice of said designations to the public.

SECTION 8. AMENDMENT OF CODE. Section 3-2.1504 of Article 15 of Chapter 2 of Title III of the Modesto Municipal Code is hereby amended to read as follows:

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

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

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

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 half ($\frac{1}{2}$) hour or fraction.

- (d) PM-4 Five (5¢) cents per two and one half (2½) 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 (½) hour or fraction.
- (g) PM-7 Five (5¢) cents per one half (½) hour or fraction.
- (h) PM-8 Five (5¢) cents per one half (½) hour or fraction.
- (i) PM-9 Five (5¢) cents per one half (½) hour or fraction.
- (j) PM-10 Five (5¢) cents per one hour or fraction.

SECTION 9. REPEALS. Sections 3-2.102, 3-2.110, 3-2.111, 3-2.112, 3-2.118, 3-2.119, 3-2.120 and 3-2.122 of Article 1 of Chapter 2 of Title III of the Modesto Municipal Code are hereby repealed.

SECTION 10. REPEALS. Section 3-2.805 of Article 8 of Chapter 2 of Title III of the Modesto Municipal Code is hereby repealed.

SECTION 11. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 12. 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

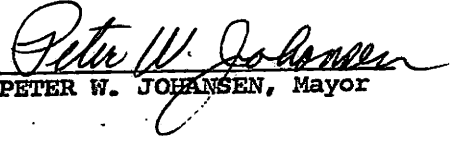
proceeded with in all respects as if this ordinance had not been adopted.

SECTION 13. 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 23rd day of March, 1964, by Councilman Shastid, 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: Hughes, Mitchell, Patton, Shastid, Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED:


PETER W. JOHANSEN, Mayor

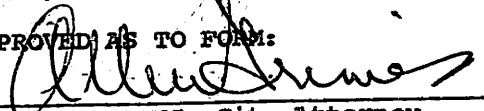
ATTEST:


REX E. GAILFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By


ALLEN GRIMES, City Attorney

Ord. No. 648-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 April, 1964, Councilman Mitchell 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: Mitchell, Tabbert, VanderWall,
Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: Hughes, Patton, Shastid

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GALLFUS, City Clerk

EFFECTIVE DATE: May 6, 1964

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. 519-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
EL VISTA, within the city limits	35 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

8

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 Boule- vard 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
TULLY ROAD, between Rumble and the northerly city limits	35 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. 519-C.S.
is hereby repealed.

SECTION 3. DECLARATION OF EMERGENCY. The Council of
the City of Modesto hereby finds and declares that the foregoing
ordinance is necessary as an emergency measure for preserving
the public peace, health and safety. The following is a statement
of the facts showing its urgency: To eliminate traffic hazards
and accidents which might occur to persons and property.

SECTION 4. EFFECTIVE DATE. Pursuant to Section 722 of
the Charter of the City of Modesto, this ordinance shall go into
effect and be in full force and operation as of the date of its
adoption.

SECTION 5. PUBLICATION. This ordinance shall be published
in full 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 6th
day of April, 1964, by Councilman Mitchell,
who moved its adoption 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: ~~Hughes~~, Mitchell, ~~Patton~~, Tabbert,
VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Patton, Shastid

APPROVED: Peter W. Johansen
Peter W. Johansen, Mayor

ATTEST: Rex E. Gailfus
Rex E. Gailfus, City Clerk

(SEAL)

APPROVED AS TO FORM: _____
Allen Grimes, City Attorney

AN ORDINANCE AMENDING SECTIONS 4-6.302, 4-6.303 AND 4-6.304 OF ARTICLE 3 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE AND AMENDING SECTION 4-6.708 OF ARTICLE 7 OF CHAPTER 6 OF TITLE IV THEREOF, RELATING TO TAXICABS.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-6.302, 4-6.303 and 4-6.304 of Article 3 of Chapter 6 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-6.302. OPERATION OF TAXIMETER. Every such taximeter shall register the charge to nearest ten (10¢) cents and be equipped with a flag or other mechanical device, and said flag shall be so attached and connected to the mechanism of said taximeter as to cause said mechanism to operate when said flag is in a position other than upright, and which said flag shall, when moved forward or downward, start the operation of said taximeter so that the same will operate in the manner defined in this article. However, said taximeter shall not be required to operate on any trip that begins, ends or goes outside the City limits. For those trips which have a beginning, ending or midpoint outside the City, the taxi driver shall inform the passenger before beginning the trip that it is a nonmetered trip and what the flat charge is.

SEC. 4-6.303. UNLAWFUL PRACTICES. It shall be unlawful for any driver of a taxicab while carrying passengers to display the flag or device attached to such taximeter in such a position as to denote that such vehicle is for hire or is not employed, or to have such flag or other attached device in such position as to prevent said taximeter from operating, unless, however, the trip begins, ends or goes outside the City limits, in which event the taximeter is not required to be in operation. It shall be unlawful for any driver to throw such flag or other device of a taximeter into a position which causes said taximeter to record when such vehicle is not actually employed or to fail to throw said flag or other device on such taximeter into a non-recording position each time a passenger is discharged and a fare collected.

SEC. 4-6.304. BASIS OF CHARGES. All charges for transportation of passengers in taxicabs operated in the City must be based on the charges indicated on said taximeter, and it shall be unlawful for any owner, driver or operator of any taxicab to charge any passenger any sum in excess of the sum indicated on said taximeter, unless, however, the trip begins, ends or goes outside the City limits, in which event a flat rate shall be charged as provided by Section 4-6.302 of this article.

SECTION 2. AMENDMENT OF CODE. Section 4-6.708 of Article 7 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

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

(a) Been convicted of a felony or a crime involving moral turpitude; pandering; using, possessing, selling or transporting narcotics; or imparting information for obtaining narcotics.

(b) Been convicted of driving recklessly or while under the influence of liquors or narcotics.

(c) Had his State driver's or chauffeur's license revoked or suspended.

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

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

(f) Violated any of the provisions of this chapter. The Chief of Police may also revoke a driver's permit if in his opinion the driver is unfit to operate a taxicab.

SECTION 3. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

SECTION 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 6th day of April, 1964, 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: ~~Hughes~~, Mitchell, ~~Patton~~, Tabbert, VanderWall, Mayor Johansen

NOES: Councilmen: None

ABSENT: Councilmen: ~~Hughes~~, Patton, Shastid

APPROVED: *Peter W. Johansen*
PETER W. JOHANSEN, Mayor

ATTEST: *Rex B. Gallfus*
REX B. GALLFUS, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Allen Grimes*
ALLEN GRIMES, City Attorney

Ord. No. 650-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 April, 1964, 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: Hughes, Mitchell, Patton, Shastid,
Tabbert, VanderWall, Mayor Johansen
NOES: Councilmen: None
ABSENT: Councilmen: None

APPROVED


PETER W. JOHANSEN, Mayor

ATTEST:


REX E. GAILFUS, City Clerk

EFFECTIVE DATE: May 13, 1964