

AN ORDINANCE AMENDING SECTION MAP 5-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (LIVERMORE ACRES, INC.)

WHEREAS, a verified application for an amendment to Section 5-4-9 of the Zoning Map was filed by LIVERMORE ACRES, INC. on June 15, 1967, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on July 18, 1967, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 67-73, adopted on July 18, 1967, the Planning Commission recommended to the Council that the application of Livermore Acres, Inc. to amend Section 5-4-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the 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.

SECTION 2. ZONING CHANGE. Section 5-4-9 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:

All that portion of Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian. In the County of Stanislaus, State of California and more particularly described as follows: Lots 13 to 28, inclusive, Block 3145 in Fairway Estates Unit Number 2, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on July 11, 1966, in Volume 21 of maps, map number 51. Including the southerly 30 feet of Pelton Avenue, the westerly 30 feet of Roselawn Avenue and the easterly 10 feet of Colorado Avenue adjacent to the above described property,

SECTION 3. ZONING MAP. Section 5-4-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of August, 1967, by Councilman Robinson, 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, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: *L. H. Davies*  
~~XXXXXXXXXXXXXXXXXXXX~~, Mayor  
LEE H. DAVIES

ATTEST: *W. T. Chynoweth*  
~~XXXXXXXXXXXXXXXXXXXX~~, City Clerk  
W. T. CHYNOWETH  
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By *Samuel B. Fey*  
Planning Department



Ordinance 851 C.S.  
Exhibit A – Map

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

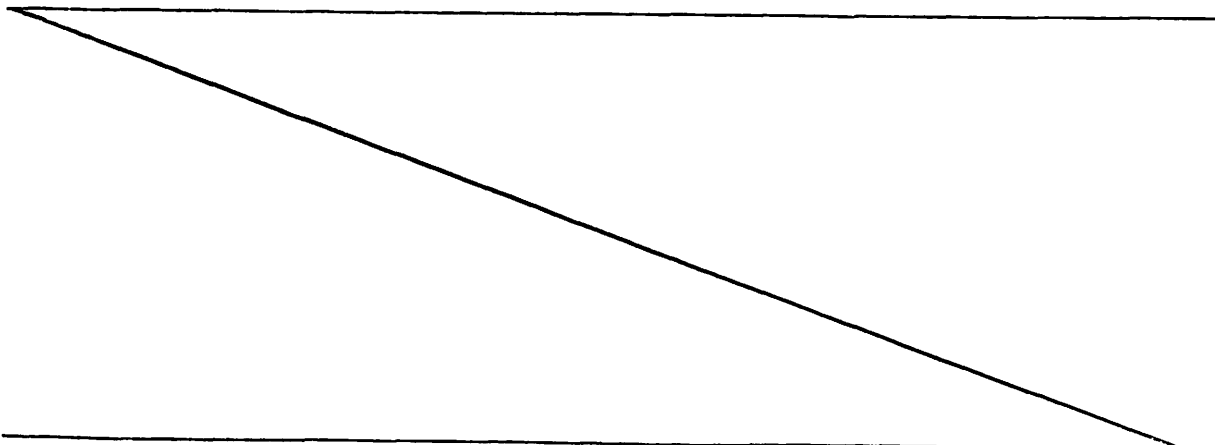
AN ORDINANCE APPROVING THE ANNEXATION OF CERTAIN  
TERRITORY KNOWN AS THE SUNRISE ADDITION  
TO THE CITY OF MODESTO.

WHEREAS, certain proceedings have been instituted under the Annexation Act of 1913, as amended, and other laws pertaining to annexation for the purpose of submitting to the qualified electors residing in certain territory hereinafter described, and generally designated as Sunrise Addition, the question whether or not said territory shall be annexed to, incorporated in, and made a part of said City of Modesto, and whether or not the property in said territory shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election, and

WHEREAS, the City Council finds that each and every and all of the requirements of law pertaining to said annexation proceedings and the election in said territory have been fully complied with,

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

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



All that real property in the State of California, County of Stanislaus, being a portion of Section 21, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Beginning at a point on the existing City Limits as established by the Northwestern corner of the FAIR ADDITION (151), as per description filed February 8, 1963, as Instrument 5123, Stanislaus County Records, said point being Southerly 20.00 feet and Westerly 25.00 feet from the West quarter corner of Section 21, and also being the intersection of the Westerly extension of the Southern line of 40 foot East Roseburg Avenue and a line which is parallel with and 25.00 feet, measured at right angles, Westerly from the West line of Section 21 and the center line of 86 foot McHenry Avenue; thence along said parallel line and the existing City Limits as established by the Eastern line of the NORTH CENTRAL ADDITION (49), as per description filed July 15, 1953, as Instrument 17507, Stanislaus County Records, North  $0^{\circ} 56'$  West, 350.33 feet to the Southwestern corner of the HELM ADDITION (142), as per description filed December 13, 1962, as Instrument 46565, Stanislaus County Records; thence along the existing City Limits on the Southern line of said Helm Addition, South  $89^{\circ} 48' 35''$  East, 674.85 feet to the Southeastern corner of the Helm Addition; thence leaving the City Limits and along lines established by the MENSINGER TRACT NO. 4, as per map filed August 1, 1946, in Volume 14 of Maps, Page 68, Stanislaus County Records, the following bearings and distances: South  $89^{\circ} 48' 35''$  East, 10.00 feet to the Western line of a 10 foot alley in Block 1130; thence along the Western line of said alley, South  $0^{\circ} 56' 45''$  East, 235.00 feet to the Westerly extension of the Northern line of Lot 2 of Block 1130; thence along said Northern line and its Westerly and Easterly extensions, South  $89^{\circ} 48' 35''$  East, 162.43 feet to the center line of 60 foot Collier Avenue; thence along said center line, South  $0^{\circ} 55' 35''$  East, 0.22 feet to the Westerly extension of the Northern line of the South half of Lot 27 in Block 1128; thence along said Westerly extension and the Northern line, South  $89^{\circ} 49'$  East, 152.50 feet to the Western line of a 20 foot alley in Block 1128; thence along said Western line of the alley, North  $0^{\circ} 55' 35''$  West, 10.00 to the Westerly extension of the Northern line of Lot 22 in Block 1128; thence along said Northern line and its westerly and Easterly extensions, South  $89^{\circ} 49'$  East, 172.50 feet to the center line of 60 foot Trombetta Avenue; thence along said center line, South  $0^{\circ} 55' 35''$  East, 12.50 feet to the Westerly extension of the Northern line of the South half of Lot 22 in Block 1127; thence along said Westerly extension and said Northern line, South  $89^{\circ} 49'$  East, 152.44 feet to the Western line of a 20 foot alley in Block 1127; thence along said Western line and the Western line of the alley in Block 1136, North  $0^{\circ} 54'$  West, 1013.13 feet; thence leaving the Mensinger Tract No. 4 and along the Westerly extension and the Northern line of the South half of Lot 2 of the SUBDIVISION OF LOTS 21 AND 22 OF THE MENSINGER COLONY, as per map filed April 15, 1927, in Volume 11 of Maps, Page 2, Stanislaus County Records, South  $89^{\circ} 48'$  East, 350.70 feet to the Eastern line of said Lot 2; thence along the Eastern line of Lot 2, said line also being the Western line of Lot 24 of the MENSINGER COLONY, as per map filed May 18, 1909, in Volume 4 of Maps, Page 25, Stanislaus County Records, North  $0^{\circ} 54'$  West, 214.45 feet to the Northern line of Lot 24; thence along the Northern line of Lots 24, 25 and 28, said line being the Northern line of the South half of the Northwest quarter of Section 21 and the center line of 50 foot East Orangeburg Avenue, South  $89^{\circ} 48'$  East, 793.33 feet to a line which is parallel with and 197.00 feet, measured at right angles, Westerly from the Eastern line of Lot 28; thence along said parallel line, South  $0^{\circ} 49'$  East, 306.11 feet to a line which is parallel with and 306.11 feet, measured at right angles, Southerly from the Northern line of Lot 28; thence along said parallel line, South  $89^{\circ} 48'$  East, 32.00 feet to a line which is parallel with and 165.00 feet, measured at right angles, Westerly from the Eastern line of Lot 28;

thence along said parallel line, South  $0^{\circ} 49'$  East, 213.44 feet to a line which is parallel with and 140.00 feet, measured at right angles, Northerly from the Southern line of Lot 28; thence along said parallel line, South  $89^{\circ} 48'$  East, 165.00 feet to the Eastern line of Lot 28, said Eastern line being the North-South quarter section line of Section 21; thence along the Eastern line of Lot 28 and the quarter section line, South  $0^{\circ} 48' 30''$  East, 140.00 feet to the Southeastern corner of Lot 28 and the center line of 50 foot Dawn Drive as shown on the map of SUNRISE HOMES, as per map filed June 25, 1945, in Volume 14 of Maps, Page 36, Stanislaus County Records; thence along the center line of Dawn Drive, South  $89^{\circ} 45' 10''$  East, 660.84 feet to the center line of 60 foot Sarah Avenue, said line being the Eastern line of the West half of the Southwest quarter of the Northeast quarter of Section 21; thence along said center line, South  $0^{\circ} 40' 20''$  East, 8.57 feet to the Westerly extension of the Northern line of Lot 13 of Block 1142, as shown on the map of the SUTTER SCHOOL TRACT, as per map filed July 20, 1949, in Volume 16 of Maps, Page 60, Stanislaus County Records; thence along said Northern line and its Westerly and Easterly extensions, North  $89^{\circ} 08' 40''$  East, 177.00 feet to the Eastern line of a 20 foot alley in Block 1142; thence along said Eastern line and the Western line of Lot 12 of Block 1142, North  $0^{\circ} 40' 20''$  West, 162.62 feet to the Northwestern line of Lot 11; thence along the Northwestern line of Lots 11, 10, 9, 8 and the Western 19.32 feet of Lot 7, North  $50^{\circ} 25'$  East, 239.32 feet; thence along the Northwestern line of the Eastern 35.70 feet of Lot 7 and all of Lot 6, North  $51^{\circ} 39' 30''$  East, 90.71 feet to the Northeastern line of Lot 6; thence along said Northeastern line of Lot 6 and its Southeasterly extension, South  $39^{\circ} 35'$  East, 183.20 feet to the Southeastern line of Badgley Drive; thence along said Southeastern line, South  $50^{\circ} 25'$  West, 6.96 feet to the Northeastern corner of Lot 12 of Block 1121 of the Sutter School Tract; thence along the Northeastern line of Lot 12, South  $39^{\circ} 35'$  East, 113.79 feet to the Southeastern corner of Lot 12 and the Southwestern corner of Lot 13, said point being on the Northwestern line of the Modesto Irrigation District Lateral Number 4; thence along the Southeastern line of Lot 13 and the Northwestern line of said Lateral Number 4, North  $49^{\circ} 30' 40''$  East, 58.10 feet to the center line of 40 foot El Vecino Avenue, said line being the Eastern line of the Southwest quarter of the Northeast quarter of Section 21; thence along said quarter quarter section line, South  $0^{\circ} 39' 30''$  East, 156.26 feet to a point on the Southeastern line of Lateral Number 4, said point being on the existing City Limits as established by the Northern corner of the EL VECINO NO. 2 ADDITION (182), as per description filed September 28, 1965, as Instrument 37540, Stanislaus County Records; thence along the Southeastern line of Lateral Number 4 and the existing City Limits, South  $49^{\circ} 30' 40''$  West, 860.10 feet to the Western line of said El Vecino No. 2 Addition; thence leaving the City Limits and continuing along the Southeastern line of Lateral Number 4, South  $49^{\circ} 30' 40''$  West, 507.57 feet, and South  $39^{\circ} 59' 40''$  West, 445.99 feet to a point on the Western line of 40 foot Sunrise Avenue, said line being 20.00 feet Westerly from the North-South quarter section line of Section 21, and said point being on the existing City Limits as established by the Northeastern corner of the JOHN MUIR PARK TRACT ADDITION (10), as per description filed January 20, 1941, as Instrument 886, Stanislaus County Records; thence along the existing City Limits and the John Muir Park Tract Addition the following bearings and distances: South  $89^{\circ} 21' 40''$  West, 158.12 feet to the Northwestern line of Lateral Number 4; South  $40^{\circ} 15' 34''$  West, 890.36 feet; South  $88^{\circ} 12' 15''$  West, 544.37 feet; South  $0^{\circ} 53' 15''$  East, 10.00 feet on the center line of 60 foot Kimble Street; thence along the existing City Limits as established by the LESLIEHUGH TRACT, BLOCK 624 ADDITION (19), as per description filed August 11, 1948, as Instrument 16775, Stanislaus County Records, South  $88^{\circ} 12' 15''$  West,

536.50 feet; thence along the existing City Limits as established by the O'SHEA ADDITION (105), as per description filed January 21, 1960, as Instrument 1679, Stanislaus County Records, South 88° 12' 15" West, 130.00 feet, and South 0° 53' 15" East, 518.05 feet; thence along the existing City Limits as established by the LESLIEHUGH TRACT ADDITION (7), as per description filed January 3, 1939, as Instrument 3, Stanislaus County Records, South 0° 53' 15" East, 15.00 feet, and North 89° 58' West, 421.14 feet; thence along the existing City Limits as established by the COVELL ADDITION (72), as per description filed August 22, 1956, as Instrument 22580, Stanislaus County Records, North 0° 56' West, 245.28 feet; thence along the existing City Limits as established by the ALLEN ADDITION (101), as per description filed November 10, 1959 as Instrument 32914, Stanislaus County Records, the following bearings and distances: North 0° 56' West, 60.00 feet; North 88° 57' East, 92.00 feet on the Northern line of 60 foot Hintze Avenue; and North 0° 56' West, 125.00 feet; thence along the existing City Limits as established by the FAIR ADDITION (151), as per description filed February 8, 1963, as Instrument 5123, Stanislaus County Records, the following bearings and distances: North 0° 56' West, 100.94 feet; South 88° 50' East, 9.47 feet; North 0° 56' West, 195.47 feet; North 89° 51' West, 119.99 feet; North 0° 56' West, 12326 feet; South 89° 51' East, 69.22 feet on the Northern line of 40 foot East Fairmont Avenue; North 0° 56' West, 360.00 feet; South 89° 51' East, 3.75 feet on the Northern line of 50 foot Corson Avenue; North 0° 56' West, 126.65 feet; North 89° 51' West, 80.65 feet; North 0° 56' West, 176.90 feet; South 89° 51' East, 80.00 feet on the Northern line of 40 foot Palm Avenue; North 0° 56' West, 196.00 feet; North 89° 51' West, 80.00 feet; North 0° 56' West, 98.00 feet; and North 89° 51' West, 237.00 feet on the Southern line of 40 foot East Roseburg Avenue to the point of beginning, containing 128.825 Acres, more or less.

be, and the same is hereby approved.

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

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

SECTION 4. That the said territory hereinabove described shall, after such annexation, be subjected to taxation equally with the property within the City of Modesto to pay the bonded indebtedness of the City of Modesto for acquisition, construction or completion of municipal improvements outstanding or authorized at the date of the first publication of the notice of the election to be held to determine whether or not said property shall be annexed to the City.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 19 67, by Councilman Mitchell, introduction and adoption who moved its ~~adoption and passage~~ ~~adoption and passage~~ which motion being duly seconded by Councilman Smith, was upon roll call

carried and the ordinance ordered printed and published by the following vote:

AYES: Councilmen: Mitchell, Simon, Smith and Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Robinson, Shastid

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Paul H. Wood  
Public Works Department  
68-31-67

ORDINANCE NO. 853 -C. S.

AN ORDINANCE AMENDING SECTION 5-6.02 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWER SERVICE CHARGES.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.02 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.02 SEWER SERVICE CHARGES. Each person owning property within the Sewer District, or which is in the process of being annexed to the Sewer District, shall pay a sewer service charge to the City in accordance with the following rates:

(a) Residential.

(1) In all areas within the City limits as of July 1, 1950, the monthly sewer service charges for dwelling units connected to the sewage system shall be:

Each single family dwelling on a lot. . . . .	\$1.15
One (1) additional dwelling unit on the same lot. . . . .	.70
Each dwelling unit in a duplex. . . . .	.90
Each dwelling unit in an apartment building or dwelling group. . . . .	.70

(2) In areas annexed to the City after July 1, 1950, and prior to July 1, 1960, the monthly sewer service charges for dwelling units connected to the sewage system shall be:

Each single family dwelling on a lot. . . . .	\$1.50
One (1) additional dwelling unit on the same lot. . . . .	.90
Each dwelling unit in a duplex. . . . .	1.15
Each dwelling unit in an apartment building or dwelling group. . . . .	.90

(3) In areas annexed to the City after July 1, 1960, the monthly sewer service charges for dwelling units connected to the sewage system shall be:

Each single family dwelling on a lot. . . . .	\$1.95
One (1) additional dwelling unit on the same lot. . . . .	1.15
Each dwelling unit in a duplex. . . . .	1.50
Each dwelling unit in an apartment building or dwelling group. . . . .	1.15

(4) Monthly sewer service charges for dwelling units within the City limits as of July 1, 1967, not connected to the sewage system and for which sewer service is available, shall be:

(1)

Each single family dwelling on a lot. . . . .	\$1.00
One (1) additional dwelling unit on the same lot. . . . .	.60
Each dwelling unit in a duplex. . . . .	.80
Each dwelling unit in an apartment building or dwelling group. . . . .	.60

(5) In those areas which are outside the City and inside the Sewer District as of July 1, 1967, the monthly sewer service charges for dwelling units connected to the sewage system shall be:

Each single family dwelling on a lot. . . . .	\$2.35
One (1) additional dwelling unit on the same lot. . . . .	1.40
Each dwelling unit in a duplex. . . . .	1.80
Each dwelling unit in an apartment building or dwelling group. . . . .	1.40

(6) In areas outside the Sewer District, the monthly sewer service charges for dwelling units connected to the sewage system shall be Six and no/100ths (\$6.00) Dollars per month per dwelling unit paid bi-monthly.

(b) Commercial.

(1) Charges for all commercial users inside the City limits connected to the sewage system shall be sixty-five (65%) percent of the bi-monthly water bill, provided that all water used on the premises is from City facilities. In addition thereto, if any or all water used by any commercial user is from other than City facilities, user shall install metering facilities approved by the Director at the user's expense and the sewer service charge shall be an amount equal to sixty-five (65%) percent of the charges which would be made were such water from City facilities. In no event shall charges for commercial users be less than a bi-monthly rate of Three and no/100ths (\$3.00) Dollars.

(2) Charges for all commercial users outside the City limits but inside the Sewer District as of July 1, 1967, connected to the sewage system shall be one hundred twenty (120%) percent of the sewer service rate charged commercial users inside the City.

(3) Charges for commercial users outside the Sewer District connected to the sewage system shall be the charges for commercial users inside the City limits multiplied by three (3).

(4) Monthly sewer service charges for commercial users inside the City limits as of July 1, 1967, not connected to the sewage system and for which sewer service is available, shall be One and 50/100ths (\$1.50) Dollars.

(c) Industrial.

(1) Monthly charges for industrial users inside the City limits shall be as follows, based on either sewage discharge or water used:

FLOW	CHARGE
3,000 CF or less . . . . .	\$10.00 per month
Next 12,000 CF. . . . .	.11 per 100 CF
Next 185,000 CF. . . . .	.09 per 100 CF
Next 300,000 CF. . . . .	.08 per 100 CF
Next 500,000 CF. . . . .	.06 per 100 CF
Over 1,000,000 CF. . . . .	.04 per 100 CF

If the B. O. D. of the industrial waste is over 300 ppm, then an additional charge of Eighty (\$.80) Cents per one hundred (100) pounds of B. O. D. will be made for the B. O. D. in excess of three hundred (300) ppm, as set forth in Section 5-6.13(d) herein.

(2) Monthly charges for industrial users outside the City limits and inside the Sewer District, shall be as follows, based on either sewage discharge or water used:

FLOW	CHARGE
3,000 CF or less . . . . .	\$20.00 per month
Next 12,000 CF. . . . .	.16 per 100 CF
Next 185,000 CF. . . . .	.13 per 100 CF
Next 300,000 CF. . . . .	.11 per 100 CF
Next 500,000 CF. . . . .	.08 per 100 CF
Over 1,000,000 CF. . . . .	.05 per 100 CF

If the B.O.D. of the industrial waste is over three hundred (300) ppm, then an additional charge of Eighty (\$.80) Cents per one hundred (100) pounds of B.O.D. will be made for the B.O.D. in excess of three hundred (300) ppm, as set forth in Section 5-6.13(d) herein.

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

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

(f) Special Situations. Anything to the contrary contained in this Chapter notwithstanding, the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged for furnishing sewer services to governmental agencies, and to any user outside of the boundaries of the Sewer District, at rates different from those heretofore set forth.

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: Unless the foregoing ordinance is adopted

without delay, areas newly annexed to the City will have to pay over three (3) times as much for sewer service as other residents of the City because of the time lag necessary to annex territory to the Modesto Municipal Sewer District.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of September, 1967, by Councilman Mitchell, who moved its introduction and adoption which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance ordered and printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Simon, Smith and Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Shastid

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:  
BY W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:  
BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

AN ORDINANCE AMENDING SECTIONS 10-2.2901 AND 10-2.2903 OF ARTICLE 29 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 10-2.2903.2 TO ARTICLE 29 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO HIGHWAY FRONTAGE ZONE.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.2901 and Section 10-2.2903 of Article 29 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.2901. Purpose. The Highway Frontage (H-1) Zone is intended to permit a pattern of varied uses of property which front on major streets, which are important intercity transportation links. The regulations are meant to control the use, design and site layout so as to:

- (a) Promote a free traffic flow on the major street.
- (b) Assure compatibility among the uses along the major street and with existing and future uses in adjacent zoning districts.
- (c) Supply an area for the conduct of:
  - (1) Retail, service, and institutional uses not ordinarily found in shopping centers.
  - (2) Uses generally dependent on a regional, rather than a local, population for their support.
  - (3) Uses requiring a large land area for successful operation.
- (d) Encourage development of an open, uncrowded nature that will enhance the entrance to the city and discourage development that will extend unplanned "commercial strips."

SEC. 10-2.2903. Permitted Uses. The following uses, subject to securing a use permit from the Planning Commission, are permitted in an H-1 Zone, unless the Planning Commission finds that the specific use applied for on a particular site does not meet the purposes set forth in Section 10-2.2901 above.

- (a) Major Utility and Transportation Installations.
  - (1) Utilities.
    - (aa) Communications equipment buildings.
    - (ab) Transmitter towers, radio and television.

(ac) Gas metering stations.

(b) Multi-Family Uses.

(1) Boarding or rooming house.

(2) Multiple dwelling unit.

(3) Nonprofit membership organization with residential accommodations for members only.

(c) Educational and Institutional Uses with Residential Accommodations.

(1) Convent.

(2) Home for the aged.

(3) Hospital, general.

(4) Monasteries.

(5) Nursing home.

(6) Orphanages.

(7) Rest home.

(d) Residential Planned Unit Development. (A development planned as a unit and consisting of single-family, two-family, or multiple dwellings and other related uses.)

(1) Dwellings.

(aa) Single-family.

(ab) Two-family.

(ac) Multiple.

(2) Related public uses or private recreational or institutional uses or cultural facilities.

(3) Necessary service installations.

(4) Commercial services designed to serve the residents of the development.

(e) Educational, Cultural, Institutional and Recreational Uses Serving Urban Region or Major Subareas.

(1) Public.

(aa) Art gallery.

(ab) Botanical garden.

(ac) Administrative office.

(ad) Meeting hall (capacity unlimited).

(ae) Museum.

- (af) Recreation center.
- (ag) School.
- (2) Private (noncommercial).
  - (aa) Church.
  - (ab) Club or recreation facility.
  - (ac) Parish house.
  - (ad) Art gallery.
  - (ae) Club or recreation facility (membership not limited).
  - (af) Meeting hall (capacity unlimited).
  - (ag) Museum.
  - (ah) School.

(f) Travelers' Living Accommodations. (Transient living service establishments depending on a large trade area.)

- (1) Hotel.
- (2) Motel.
- (3) Trailer park.
- (g) Business and Professional Offices.
- (h) Retail Trade and Consumer Services Establishments.
  - (1) Apparel and accessories.
  - (2) Automobile dealers, new and used cars.
  - (3) Automobile tire, battery and accessory shops.
  - (4) Eating and drinking places.
  - (5) Furniture, home furnishings and equipment.
  - (6) General merchandise stores.
  - (7) Miscellaneous retail stores.
  - (8) Parking lots or parking structures for passenger automobiles.
  - (9) Radio and television studios.
- (i) General Consumer and Business Services. (Depending on trade from a large area.)
  - (1) Business services
  - (2) Catering establishments.
  - (3) Motion picture production distribution service.

(4) Printing, job or commercial.

(5) Vending machine rental.

(j) Special Retail Trade and Consumer Service Establishments. (Depending on trade from a wide area and with some objectionable elements likely because of processes used materials handled, or character of traffic generated.)

(1) Ambulance service (when not a part of a hospital).

(2) Automotive repair, services and garages, excluding:

(aa) Body repair shops.

(ab) Paint shops.

(ac) Tire recapping and retreading.

(ad) Truck repair.

(3) Carpentry shop or custom woodworking or custom furniture.

(4) Food lockers, rental for individual households.

(k) Special Business, Consumer and Miscellaneous Repair Services. (Serving a large area.)

(1) Animal hospital.

(2) Animal shelter or pound.

(3) Miscellaneous repair shops.

(4) Package delivery service.

(1) Commercial Amusement and Entertainment Establishments Requiring Large Site and/or Generating Large Traffic Volumes.

(1) Arena, auditoriums or stadiums, unlimited capacity.

(2) Golf course.

(3) Golf driving range.

(4) Miniature golf course.

(5) Skating rink.

(m) Warehousing and Storage. (To be conducted in an entirely enclosed building.)

SECTION 2. AMENDMENT OF CODE. Section 10-2.2903.2 is hereby added to Article 29 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.2903.2. Use Permits Applications. H-1 Zone use permits shall be applied for and processed as follows:

(a) H-1 Zone use permits shall be granted by the Planning Commission.

(b) Upon the filing of an application for a use permit, the Secretary of the Planning Commission shall set the matter for a public hearing at a subsequent meeting of the Commission and give notice as provided in subsection (b) of Section 10-2.2206.

(c) No more than forty (40) days following the public hearing on a use permit, the Planning Commission shall announce its findings by resolution and said resolution shall recite, among other things, the facts and reasons which, in its opinion, make the granting or denial of a use permit necessary to carry out the provisions and general purpose of this Chapter, and shall order that a use permit be granted or denied, and if such resolution orders that a use permit be granted, it shall also recite such conditions and limitations as the Commission may impose.

(d) Not later than ten (10) days following the rendering of a decision ordering that a use permit be granted or denied, a copy of the resolution shall be mailed to the applicant and his attorney, if any, at the address shown on the application filed with the Secretary of the Planning Commission.

(e) The resolution of the Planning Commission in granting or denying a use permit shall become final and effective fifteen (15) days after the date of adoption of the resolution granting or denying the use permit unless within such fifteen (15) day period an appeal is filed with the Council by any person dissatisfied with the decision of the Planning Commission. The filing of such appeal within such time limit shall stay the effective date of the order of the Planning Commission until such time as the Council has acted on the appeal as hereafter set forth in this Chapter.

(f) Upon receipt of a written appeal filed with the Council as provided herein, the Secretary of the Planning Commission shall thereupon transmit to the Council the Planning Commission's complete record of the case.

(g) Within not to exceed forty (40) days following the receipt of the written appeal, the Council shall conduct a duly advertised public hearing, public notice of which shall be given as provided in subsection (a) of Section 10-2.2206.

(h) The Council shall announce its findings and decisions by formal resolution not more than forty (40) days following the hearing, and said resolution shall recite, among other things, the facts and reasons which in the opinion of the City Council, make the granting or denial of a use permit necessary to carry out the general purpose of this Chapter, and shall order that the use permit be granted or denied or modified subject to such conditions or limitations that it may impose.

(i) The action of the Council shall be final and conclusive.

(j) Not later than ten (10) days following the adoption of a resolution by the Council ordering that a use permit be granted or denied, a copy of such resolution shall be mailed to the applicant and opponent, and one copy shall be attached to the Planning Commission file of the case and said file returned to the Secretary of the Planning Commission for permanent filing.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1967, 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, Shastid, Simon, Smith

NOES: Councilmen: Mayor Davies

ABSENT: Councilmen: Robinson

APPROVED:

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(Seal)

Approved as to form:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of September, 1967, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Simon , was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid,  
Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 25, 1967

AN ORDINANCE AMENDING SECTION 10-2.2709 OF ARTICLE 27 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO P-D ZONES.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.2709 of Article 27 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

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 for an application to prezone a P-D zone shall indicate the approximate time period, after the property is annexed to the City and the P-D zone becomes effective, when construction of the project can be expected to begin, the anticipated rate of development, and the anticipated time to completion. 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.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of September, 1967, by Councilmen 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, Shastid, Simon, Smith, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Robinson

ATTEST:

APPROVED:

Lee H. Davies  
LEE H. DAVIES, Mayor

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(Seal)

APPROVED AS TO FORM:

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of September, 1967, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Simon , was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid,  
Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: None

APPROVED

  
LEE H. DAVIES, Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: October 25, 1967

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE  
ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. (Robert Bomberger)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Robert Bomberger on June 15, 1967, to reclassify from One-Family Residential Zone, R-1, to Multiple-Family Residential Zone, R-3, the hereinafter described property:

All that portion of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, and more particularly described as follows:

Beginning at the West quarter corner of said Section 15 at a point on the centerline of Coffee Road, thence North  $89^{\circ} 45' 50''$  East 943.00 feet; thence South  $0^{\circ} 53'$  East 297.00 feet; thence along the arc of a curve to the left tangent to the last named course and having a radius of 900.00 feet, through a central angle of  $29^{\circ} 57' 46''$  for a distance of 470.65 feet; thence along the arc of a curve concave to the south and having a radius of 2000.00 feet through a central angle of  $0^{\circ} 34' 45''$  for a distance of 20.40 feet; thence tangent to said last named curve South  $74^{\circ} 36'$  West 478.41 feet; thence along the arc of a curve to the right tangent to said last named course and having a radius of 1800.00 feet through a central angle of  $14^{\circ} 31'$  for a distance of 456.05 feet; thence South  $89^{\circ} 07'$  West 129.09 feet to a point on said centerline of Coffee Road; thence North  $0^{\circ} 53'$  West 939.51 feet to the point of beginning.

Including also the Westerly 25 feet of Coffee Road between the South line of Lot 11, Block 12910, and the North line of Lot 1, Block 12936 of Brookdale Park No. 3 Subdivision and adjacent to the above described property.

and

WHEREAS, after a public hearing held on July 18, 1967, the Planning Commission expressed its desire to hear a portion of the applicant's proposal based on two (2) separate Planned Development (P-D) zones; and

WHEREAS, the public hearing was continued to September 5, 1967, at which time said application was amended to request two (2) P-D zones, one for the construction of an apartment building complex and the other for a Boy Scout Service Center, and

WHEREAS, the public hearing which was continued to September 5, 1967, was adjourned to September 8, 1967, and

WHEREAS, at the adjourned public hearing on September 8, 1967, it was found and determined by the Planning Commission that rezoning to R-3 of the remaining portion of the original R-3 application as hereinafter described, which excludes the two (2) P-D zones withdrawn from the original application for R-3 zoning by request of the Planning Commission, is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 67-94 adopted on September 8, 1967, the Planning Commission recommended to the Council that the following portion of the original application of Robert Bomberger for rezoning to amend Section 15-3-9 of the Zoning Map to reclassify said hereinafter described property from One-Family Residential Zone, R-1, to Multiple-Family Residential Zone, R-3, be approved.

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the amended request for 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.

SECTION 2. ZONING CHANGE. Section 15-3-9 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:

All that portion of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, and more particularly described as follows:

Commencing at the West quarter corner of said Section 15 at a point on centerline of Coffee Road; thence South  $0^{\circ} 53'$  East 340.00 feet to the true point of beginning; thence north  $89^{\circ} 45' 50''$  East 944.03 feet; thence along the arc of a curve having a radius of 900.00 feet, through a central angle of  $10^{\circ} 18' 48''$  for a distance of 162.00 feet; thence south  $89^{\circ} 45' 50''$  West 230.85 feet; thence south  $0^{\circ} 53'$  East 333.62 feet; thence south  $74^{\circ} 36'$  West 159.94 feet; thence along the arc of a curve to the right tangent to said last named course and having a radius of 1800 feet through a central angle of  $14^{\circ} 31'$  for a distance of 456.05 feet; thence south  $89^{\circ} 07'$  West 129.09 feet

to a point on said centerline of Coffee Road; thence North 0° 53' West 599.51 feet to the true point of beginning.

SECTION 3. ZONING MAP. Section 15-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1967, 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, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. Chynoweth, City Clerk  
(SEAL)

Approved as to form:

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

Approved as to Description:

By Planning Department  
Planning Department

Ord. No. 856-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1967, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 22, 1967

Ordinance 856 C.S.  
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BOMBERGER)

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

SECTION 1. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from One-Family Residential Zone, R-1, to Planned Development Zone, P-D (34); Planned Development Zone, P-D (35); Planned Development Zone, P-D (36):

From R-1 to P-D (34)

All that portion of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, and more particularly described as follows:

Commencing at the Southwest corner of the Northwest quarter of the Southwest quarter of said Section 15, thence North  $89^{\circ} 47' 15''$  east 911.70 feet to the true point of beginning of this description; thence continuing North  $89^{\circ} 47' 15''$  East 400.00 feet to the Southeast corner of said Northwest quarter of the Southwest quarter of Section 15; thence north  $0^{\circ} 52' 30''$  West 622.94 feet to a point on a curve concave to the south; thence along the arc of said curve having a radius of 2000 feet through a central angle of  $7^{\circ} 49' 10''$  for a distance of 272.95 feet; thence tangent to said last named curve South  $74^{\circ} 36'$  West 136.27 feet; thence south  $0^{\circ} 52' 30''$  East 533.90 feet to the true point of beginning.

From R-1 to P-D (35)

All that portion of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California and more particularly described as follows:

Commencing at a point on the centerline of Vera Cruz Drive on the South line of Coffee Plaza Subdivision; thence South  $0^{\circ} 53'$  East 297.00 feet; thence along the arc of a curve to the left tangent to the last named course and having a radius of 900.00 feet, through a central angle of  $13^{\circ} 03' 10''$  for a distance of 205.03 feet to the true point of beginning; thence south  $89^{\circ} 45' 50''$  West 230.85 feet; thence South  $0^{\circ} 53'$  East 333.62 feet; thence North  $74^{\circ} 36'$  East 318.47 feet; thence along the arc of a curve to the right tangent to said last named course and having a radius of 2000 feet through a central angle of  $0^{\circ} 34' 45''$  for a distance of 20.40 feet; thence along the arc of a curve concave to the Northeast having a radius of 900 feet

through a central angle of 16°54' 36" for a distance of 265.62 feet to the true point of beginning.

From R-1 to P-D (36)

All that portion of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian in the County of Stanislaus, State of California, and more particularly described as follows:

Beginning at the West quarter corner of said Section 15 at a point on center-line of Coffee Road; thence North 89° 45' 50" East 943.00 feet; thence South 0° 53' East 297.00 feet; thence along the arc of a curve to the left tangent to the last named course and having a radius of 900.00 feet, through a central angle of 2° 44' 22" for a distance of 43.03 feet; thence South 89° 45' 50" West 944.03 feet to a point on said centerline of Coffee Road; thence North 0° 53' West 340.00 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D (34), P-D (35) and P-D (36) Zones which are hereinafter set forth after their designation subject to securing approval of the Secretary of the Planning Commission if the plans for construction conform in principle to the approved plans, or by the Planning Commission if any changes not conforming in principle to the approved plans are proposed, as required by Section 10-2.2708 (b) of the Modesto Municipal Code:

P-D (34) Uses:

(A) Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to issuance of a building permit:

- (1) 134 bed convalescent hospital.
- (2) A 10,000 square foot, short-term nursing care hospital.
- (3) A 10,000 square foot pediatrics convalescent hospital.
- (4) 112 parking spaces.

P-D (35) Uses:

(A) Said uses are as shown on the Development Plan and subject to compliance with Section 10-22704 of the Municipal Code prior to the issuance of a building permit:

- (1) A 5,813 square foot single-story building to be used as a Boy Scout Service Center. Said building to provide space for the following uses; executive offices, field staff offices, storage rooms, meeting room, kitchen facilities, lobby, lounge, and rest rooms.
- (2) 76 car parking spaces.

P-D (36) Uses:

(A) Said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

- (1) A total of 116 apartment units.
- (2) 174 parking spaces.

SECTION 3. ZONING MAP. Section Map 15-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1967, 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, Robinson, Shastid, Simon, Smkth, Mayor Davies

NOES: Councilmen: None

ABSENT:: Councilmen: None

APPROVED: Lee H. Davies  
Lee H. Davies, Mayor

ATTEST: W. T. Chynoweth  
W. T. Chynoweth, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Philip W. Jones  
Planning Department

Ord. No. 857-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1967, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith,  
Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 22, 1967

Ordinance 857 C.S.  
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTIONS ~~MAP~~ <sup>AND 8-4-9</sup> 5-4-9 / OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFY-  
FYING CERTAIN PROPERTY LOCATED THEREON. (Ralph C.  
Sanders)

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

SECTION 1. ZONING CHANGE. Sections 5-4-9 / <sup>and 8-4-9</sup> of the  
<sup>are</sup>  
Zoning Map ~~is~~ hereby amended to reclassify the following-described  
property from Single-Family (R-1)  
to Planned-Development Zone, P-D 33 :

All that portion of Sections 5 and 8 Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, and more particularly described as follows: Lots 1 to 5, inclusive, and the East 0.057 chains of Lot 8 of the Rio Grande Colony, according to the map thereof, filed in the office of the County Recorder of Stanislaus County, California, on July 5, 1912 in Volume 6 of Maps, at page 47.

Except that portion of said Lots 1 and 2 described as commencing at the Southeast corner of said Lot 1; thence North 0° 18' West, 7.782 chains; thence North 88° 53' West, 6.047 chains; thence South 0° 26' West; 10.002 chains; thence North 46° 45' East, 3.183 chains; thence South 88° 51' East, 3.846 chains to the point of beginning.

Also, excepting that portion of lots 3, 4, 5 and 8 of said Rio Grande Colony described as follows: Beginning at the southwest corner of lot 5, thence North 88° 51' 48" West, 3.76 feet; thence North 0° 26' East, 81.065 feet; thence North 71° 14' 42" East, 510.82 feet; thence along a curve concave to the south, having a central angle of 8° 06' 39" and a Radius of 1000 feet a distance of 141.56 feet to the east line of lot 3; thence South 0° 26' West, 100.365 feet; thence South 46° 46' 52" West, 276.27 feet; thence North 88° 51' 48" West, 415.75 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(33) Zone 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: Said uses are as shown on the development plan subject to compliance with Section 10-2.2704 of the Modesto Municipal Code prior to the issuance of a building permit:

- (1) A total of 145 apartment units; and
- (2) At least 224 parking spaces.

SECTION 3. ZONING MAP. Sections ~~Map~~ <sup>and 8-4-9</sup> 5-4-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 9th day of October, 1967, by Councilman Mitchell, 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, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Phillip W. Jones  
Planning Department

Ord. No. 858-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 23rd day of October, 1967, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: November 22, 1967

**Ordinance 858 C.S.  
Exhibit A – Map**

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

AN ORDINANCE AMENDING SECTIONS 5-5.10, 5-5.25, 5-5.27 and 5-5.28 OF CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE, AND ADDING SECTION 5-5.26 THERETO RELATING TO GARBAGE COLLECTION AND DISPOSAL.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-5.10 and 5-5.25 of Chapter 5 of Title V of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 5-5.10 LICENSE TO TRANSPORT GARBAGE OR SWILL REQUIRED. (a) It shall be unlawful for any person to collect garbage or swill within the City, or transport the same upon or through any street or public place of the City unless such person is an employee or agent of the City, or has been granted a license by the Council so to do, or is the employee of a person who has been so licensed or is a commercial or industrial producer of such garbage or swill, or his employee, then and there engaged in transporting the same from commercial or industrial premises where produced to any area where public disposal of garbage or swill is permitted.

(b) It shall be unlawful for a commercial or industrial producer, of such garbage or swill, or his employee, to transport the same upon or through any street or public place of the City unless such commercial or industrial producer has notified the Health Officer in writing of the manner in which and the place at which such commercial or industrial producer will be disposing of such garbage or swill. If, in the opinion of the Health Officer, such manner of disposal or place of disposal will be detrimental to the public health or welfare, the Health Officer shall have the right to require such commercial or industrial producer of such garbage or swill to dispose of the same through a licensed garbage or swill collector.

(c) It shall be unlawful for any person acting as an employee of a commercial or industrial producer of such garbage or swill to collect or transport such garbage or swill from more than one commercial or industrial producer thereof, or for such employee or any commercial or industrial producer to combine or commingle within the City the garbage or swill of one commercial or industrial producer with that of another, or for any person to act as the employee of more than one commercial or industrial producer for the purpose of collecting or transporting garbage or swill upon or through any street or public place of the City.

SEC. 5-5.25. RATES TO BE CHARGED FOR COLLECTION OF GARBAGE. The following rates shall be charged to the residents of the City of Modesto for the collection of garbage:

- |     |                                      |                  |
|-----|--------------------------------------|------------------|
| (a) | 1 collection per week (1 container)  | \$1.10 per month |
| (b) | 1 collection per week (2 containers) | \$1.65 per month |

(c) 2 collections per week (1 container): \$2.20 per month

(d) 2 collections per week (2 containers): \$3.30 per month

These rates shall apply for service when containers are placed in such points on the premises as to be easily accessible to the collector and not more than one hundred (100') feet from the curb when streets are used for collection, or more than thirty (30') feet from the real property line when alleys are used for collection. When more than the number of containers is used as indicated in the above rates, and the containers are collected at the same time, fifty-five (55¢) cents per month per container shall be charged for each additional container used. The additional charge shall be multiplied by the number of pickups required per week. When containers are located at greater distances there shall be added to the regular rate an additional charge of twenty-five (25¢) cents per month, per container, for each additional fifty (50') feet or portion thereof traveled. The rate shall be multiplied by the number of pickups per week.

Garbage rates may be collected on a bi-monthly basis which shall include the service for the month immediately preceding and the month immediately following the first of the month in which they are billed.

SECTION 2. AMENDMENT OF CODE. Section 5-5.26 is hereby added to Chapter 5 of Title V of the Modesto Municipal Code to read as follows:

SEC: 5-5.26. COLLECTION OF GARBAGE RATES BY CITY. Licensed collectors of garbage may collect the rates set forth in Section 5-5.25 above for the collection of garbage or said licensed collectors of garbage may enter into an agreement with the City of Modesto whereby the City will collect said rates for said licensed collectors.

Such an agreement shall set forth the respective duties and responsibilities of the licensed collectors and the City regarding the collection of said rates.

SECTION 3. AMENDMENT OF CODE. Sections 5-5.27 and 5-5.28 of Chapter 5 of Title V of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 5-5.27. METHOD OF COLLECTION OF GARBAGE RATES BY CITY. If an agreement is entered into between the licensed collectors of garbage and the City of Modesto as provided for in Section 5-5.26 above, then, and in such event the following provisions shall be applicable to and determine the method of collection of such garbage rates by the City of Modesto:

(a) The charge for garbage service shall be added to the charges for water service and/or sewer service and payment of the total amount must be made in accordance with Section 11-1.11 of this Code regulating the payment of water service charges, and Section 5-6.11 of this Code regulating the payment of sewer service charges.

(b) Delinquent payment of charges for garbage service shall be treated in the same manner as delinquency for payment of water service charges and/or sewer service charges, as specified in Sections 11-1.11 and 5-6.11 of this Code. Discounts for advance payment of garbage rates shall be made in the same manner as discounts for advance payments of water service charges and/or sewer service

charges in accordance with Sections 11-1.11 and 5-6.11 of this Code.

(c) All charges for garbage collection shall be billed to the following persons:

(i) In the case of any person whose premises are connected with the municipal water system, then to the person who requested such connection to the municipal water system or his successor in interest, or to any person requesting that such bill be charged to him.

(ii) In the case of any person whose premises are not connected to the municipal water system, then to the person who requested the connection to the sewage system or his successor in interest, or if no such request was made, then to the owner of record of such premises on the date on which such premises are required hereby to commence garbage collection services, or to the successors in interest to such person, or to any person requesting that such bill be charged to him.

(d) Each charge for garbage collection service levied pursuant to this section on any premises within the City of Modesto is hereby made a lien upon such premises, and any steps authorized by law may be taken by the City to enforce payment of such lien.

(e) In each case where a bill for garbage collection service shall become delinquent, the Director of Finance shall cause the premises to be disconnected from the municipal water and/or sewage system. Whenever premises have been disconnected from either or both the municipal water system and the municipal sewage system for the non-payment of garbage collection charges, such premises shall not be reconnected to either the municipal water system or the municipal sewage system until all delinquent fees, charges, and rates have been paid, together with such reasonable charges for reconnection as may be established from time to time by resolution adopted by the City Council

SEC. 5-5.28 OWNERS' LIABILITY FOR PAYMENT OF GARBAGE COLLECTION SERVICES TO MULTIPLE DWELLINGS. Owners of multiple dwellings or apartments (two (2) or more families) shall be responsible for the payment of garbage collection services rendered to premises owned by them, although payments will be accepted from tenants.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of November, 1967, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon,

was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

By: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 859-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of November, 1967, Councilman Mitchell moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: December 13, 1967

AN ORDINANCE ADDING SECTION 10-2.2003.1 TO ARTICLE 20 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. Section 10-2.2003.1 is hereby added to Article 20 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.2003.1. REQUIRED SHOWING FOR EXTENSION OF A USE ACROSS A ZONE BOUNDARY LINE. Before the Board of Zoning Adjustment may permit a use authorized on either portion of a lot divided by a zone boundary to extend into the other portion of the lot as provided in Section 10-2.1904 (d), it shall be shown:

(a) That permitting such extension of a use will not be materially detrimental to the public welfare or injurious to the property or improvements in such vicinity and zones in which the property is located,

(b) That permitting such extension of a use will maintain the degree of compatibility made the purpose of this Chapter with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such extension is proposed.

(c) That permitting such extension of a use will not adversely affect the comprehensive General Plan.

When permitting such extension as provided in Section 10-2.1904(d) the Board may impose such conditions as it deems necessary or desirable to protect the public health, safety, or welfare, in accordance with the purpose and intent of this Chapter. Applications, notices, hearings and appeals shall be in accordance with the provisions of this Article for conditional use permits and variances.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1967, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll

call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon,  
Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 860-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 20th day of November, 1967, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Mitchell, Robinson, Shastid, Simon, Smith,  
Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Hughes

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: December 20, 1967

## 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 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 2. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, being an emergency ordinance, this ordinance shall take effect and be in full force and operation as of the date of its adoption. This ordinance is required to preserve the public safety due to the approaching Christmas shopping season and the need for additional off-street parking to accommodate shoppers and eliminate traffic congestion on city streets.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of November, 1967, by Councilman Shastid, who moved its introduction and adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

ATTEST:

APPROVED:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

Lee H. Davies  
LEE H. DAVIES, Mayor

(SEAL)

APPROVED AS TO FORM:

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

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 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 2. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, being an emergency ordinance, this ordinance shall take effect and be in full force and operation as of the date of its adoption. This ordinance is required to preserve the public safety due to the approaching Christmas shopping season and the need for additional off-street parking to accommodate shoppers and eliminate traffic congestion on city streets.

SECTION 3. PUBLICATION. This ordinance shall be published in full at least once in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of November, 1967, by Councilman Robinson, who moved its introduction and adoption, 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, Robinson, Shastid, Simon,  
Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

ATTEST:

APPROVED: Lee H. Davies

LEE H. DAVIES, Mayor

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM: Elwyn L. Johnson

ELWYN L. JOHNSON, City Attorney

Ordinance 862 C.S.  
Exhibit A – Map

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

AN ORDINANCE AMENDING ARTICLE 2 OF CHAPTER 4 OF TITLE XII OF THE MODESTO MUNICIPAL CODE, RELATING TO THE USE OF PARK AND RECREATION AREAS AND FACILITIES.

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

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

ARTICLE 2. USE OF PARK AND RECREATION AREAS AND FACILITIES

SEC. 12-4.201 DEFINITIONS. Unless otherwise expressly stated, whenever used in this article, the following words shall be defined as follows;

(1) "Park" shall mean any areas set aside for recreational uses, areas conserved for their scenic interest, playgrounds, beaches, recreation centers, golf courses, model plane fields, and any other areas owned or operated by the City of Modesto and which are intended for active or passive recreational purposes. The word "park" shall also include any buildings, equipment, plants or other facilities located in any park.

(2) "Director" shall mean the Director of Parks and Recreation of the City of Modesto.

(3) "City Council" shall mean the legislative body of the City of Modesto.

SEC. 12-4.202. GENERAL REGULATIONS GOVERNING USE OF PARKS. It shall be unlawful and a misdemeanor for any person, firm or corporation to do or cause or permit to be done any of the acts hereinafter specified within any park owned or operated by the City of Modesto.

(1) To enter or trespass in any area, building or facility which is fenced and locked or enclosed and locked.

(2) To ride or bring any horse or other similar animal or to propel a vehicle in or upon any area of a park, except those areas specifically provided and designated for such purposes, unless prior written permission is obtained from the Director.

(3) To drive or operate any motor vehicle in any park in excess of fifteen (15) miles per hour.

(4) To park any automobile or other vehicle in any park at any place other than designated parking areas. Places where parking is permitted shall be designated by appropriate signs.

(5) To operate gasoline powered go-carts, model airplanes, boats or midget cars in any park except on designated areas.

(6) To clean, wash, polish or make other than emergency repairs upon any automobile, motorcycle or

self-driven vehicle in any park.

(7) To carry or bring any firearm, air gun, slingshot, firecrackers or fireworks into any park.

(8) To make a fire in any park other than in stoves, pits or braziers provided by the City, unless prior written permission is obtained from the Director.

(9) To bring into any park any material which will, if spilled or spread, be injurious to the turf or plant growth.

(10) To cut or remove any wood, turf, rock, tree, flower, shrub, sand or gravel from any park unless prior written permission is obtained from the Director.

(11) To throw or dispose of in any park any bottles, tin cans, broken glass, paper, clothes, cast iron, rubbish, soil, tree trimmings, garbage, ashes, or other debris of any kind except in approved containers provided by the City.

(12) To remove, damage or destroy any athletic equipment provided by the City, normal wear and tear excepted.

(13) To move or remove from one location to another any part or parts of field equipment.

(14) To move or remove from one location to another any equipment used for park maintenance.

(15) To open or close any valve pertaining to the water mains or sprinkler system or to expose or interfere with any gas pipe, hydrant, stopcock, sewer, catch basin, back-flow preventer, or other similar device in any park.

(16) To cut, break or deface in any way any buildings, equipment, grounds or other facilities of any park.

(17) To wound, kill or catch any bird or other wild animal in any park.

(18) To indulge in indecent or riotous conduct or language or to otherwise make noises in such a manner as to disturb any picnic, meeting, concert or exhibition in any park.

(19) To operate a public address system without prior written permission of the Director. This prohibition shall not include the use of small portable radios used to receive regularly broadcasted programs, as long as such radios are operated at such a volume as not to disturb other persons present in the park.

(20) To unnecessarily disturb or interfere with spectators or participants in any event conducted in any park or to enter any area provided for or occupied by spectators or participants at any such event for the purpose of doing any such act.

(21) To camp or lodge in or upon any park unless prior written permission is obtained from the Director.

(22) To sell refreshments, food stuffs or novelties in any park or on any street immediately adjacent thereto without the prior written permission of the Director or the City Council.

(23) To practice, carry on, conduct or solicit for any trade, occupation, business or profession in any park without the prior written permission of the City Council.

(24) To play or engage in any game or contest in any park except in such places as are specially provided or designated for that purpose.

(25) To play upon any tennis courts wearing shoes other than those having vulcanized soles and heels, commonly known as tennis shoes.

(26) To refuse to open any tennis court being used for singles play to doubles play at the end of the set being played when other persons are waiting, unless prior written permission is obtained from the Director.

(27) To refuse to relinquish any tennis court being used for doubles play at the end of the set being played when other persons are waiting, unless prior written permission is obtained from the Director.

(28) To use any tennis courts for tennis tournaments, team practices or other special events of any kind without the prior written permission of the Director or the City Council.

(29) To play or engage in the hitting of golf balls in any park, except on driving ranges and golf courses.

(30) To ride bicycles through any children's playground area.

(31) To discard lighted or unlighted cigars or cigarettes in children's playground areas.

(32) To wade or swim in any pool in any park except when supervised.

(33) To use any park facility for which a charge is now or hereafter made without first having paid the fee requested and having received the required permit.

(34) To enter any park facility for which a charge is made without first paying the full legal charge made for such entrance unless such entrance is by the consent or permission of the person or persons in charge.

(35) To use any park facility or equipment which has been reserved or which is indicated by an authorized or official sign to have been reserved without first having received the written permission of the Director.

(36) To remove any authorized or official sign indicating that any park facility or equipment is reserved.

(37) For any male person to resort to any toilet set apart for women, and for any female person to resort to any toilet set apart for men, provided that this prohibition shall not apply to children accompanied by their father, mother or guardian.

(38) To loiter or remain in any park at any time between midnight and daylight of the following morning, unless prior written permission is obtained from the Director or the City 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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1967, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Mitchell, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Robinson

APPROVED:

Lee H. Davies  
LEE. H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 863-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 4th day of December, 1967, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 3, 1968

AN ORDINANCE ADDING ARTICLE 8 TO CHAPTER 2 OF  
TITLE VIII OF THE MODESTO MUNICIPAL CODE, RELATING  
TO IMPOSING A DOCUMENTARY STAMP TAX ON THE SALE  
OF REAL PROPERTY

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

SECTION 1. AMENDMENT OF CODE. Article 8 is hereby added  
to Chapter 2 of Title VIII of the Modesto Municipal Code to read as  
follows:

ARTICLE 8

REAL PROPERTY TRANSFER  
LAW

SEC. 8-2.801. SHORT TITLE. This article shall be  
known as the "Real Property Transfer Tax Law of the  
City of Modesto". It is adopted pursuant to the  
authority contained in Part 6.7 (commencing with  
Section 11901) of Division 2 of the Revenue and  
Taxation Code of the State of California.

SEC. 8-2.802. TAX IMPOSED. There is hereby imposed  
on each deed, instrument or writing by which any  
lands, tenements, or other realty sold within the  
City of Modesto shall be granted, assigned, trans-  
ferred or otherwise conveyed to, or vested in, the  
purchaser or purchasers, or any other person or  
persons, by his or their direction, when the con-  
sideration of value of the interest or property  
conveyed (exclusive of the value of any lien or  
encumbrances remaining thereon at the time of sale)  
exceeds one hundred dollars (\$100), a tax at the rate  
of twenty-seven and one-half cents (\$0.275) for each  
five hundred dollars (\$500) or fractional part thereof.

SEC. 8-2.803. PAYMENT OF TAX. Any tax imposed pursuant  
to Section 8-2.802 hereof shall be paid by any person  
who makes, signs or issues any document or instrument  
subject to the tax or for whose use or benefit the  
same is made, signed or issued.

SEC. 8-2.804. SECURITY FOR DEBTS. Any tax imposed  
pursuant to this article shall not apply to any instru-  
ment in writing given to secure a debt.

SEC. 8-2.805. LIABILITY FOR TAX. The United States or  
any agency or instrumentality thereof, any state or  
territory, or political subdivision thereof, or the  
District of Columbia shall not be liable for any tax  
imposed pursuant to this article with respect to any  
deed, instrument, or writing to which it is a party, but  
the tax may be collected by assessment from any other  
party liable therefor.

SEC. 8-2.806 REORGANIZATION OR ADJUSTMENT. Any tax  
imposed pursuant to this article shall not apply to  
the making, delivering or filing of conveyances to  
make effective any plan of reorganization or adjustment--

(a) Confirmed under the Federal Bankruptcy Act, as  
amended;

(b) Approved in an equity receivership proceeding in a

court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title 11 of the United States Code, as amended;

(c) Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title 11 of the United States Code, as amended; or

(d) Whereby a mere change in identity, form or place of organization is effected.

Subdivisions (a) to (d), inclusive, of this section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five years from the date of such confirmation, approval or change.

**SEC. 8-2.807. ORDERS OF THE SECURITIES AND EXCHANGE COMMISSION.** Any tax imposed pursuant to this article shall not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision (a) of Section 1083 of the Internal Revenue Code of 1954; but only if--

(a) The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate to effectuate the provisions of Section 79k of Title 15 of the United States Code, relating to the Public Utility Holding Company Act of 1935;

(b) Such order specifies the property which is ordered to be conveyed;

(c) Such conveyance is made in obedience to such order.

**SEC. 8-2.808. TRANSFER OF INTEREST IN PARTNERSHIP, ETC.**

(a) In the case of any realty held by a partnership, no levy shall be imposed pursuant to this article by reason of any transfer of an interest in a partnership or otherwise, if--

(1) Such partnership (or another partnership) is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and

(2) Such continuing partnership continues to hold the realty concerned.

(b) If there is a termination of any partnership within the meaning of Section 708 of the Internal Revenue Code of 1954, for purposes of this article such partnership shall be treated as having executed an instrument whereby there was conveyed, for fair market value (exclusive of the value of any lien or encumbrance remaining thereon), all realty held by such partnership at the time of such termination.

(c) Not more than one tax shall be imposed pursuant to this article by reason of a termination described in subdivision (b), and any transfer pursuant thereto with respect to the realty held by such partnership at the time of such termination.

**SEC. 8-2.809. COUNTY RECORDER TO ADMINISTER.** The County Recorder shall administer this article in conformity with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any county ordinance adopted pursuant thereto.

SEC. 8-2.810 . CLAIMS FOR REFUNDS. Claims for refund of taxes imposed pursuant to this article shall be governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the State of California.

SECTION 2. EFFECTIVE DATE. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 3. OPERATIVE DATE. This ordinance shall become operative at 12:01 A.M. on January 1, 1968.

SECTION 4. COPIES TO BE FILED. Upon its adoption the City Clerk shall file copies of this ordinance with the County Recorder and County Auditor of Stanislaus County.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of November, 1967, by Councilman Mitchell, who moved its introduction and adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Mitchell, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Robinson

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

AN ORDINANCE AMENDING SECTION MAP 16-3-9  
OF THE ZONING MAP OF THE CITY OF MODESTO,  
RECLASSIFYING CERTAIN PROPERTY LOCATED  
THEREON. (PFEIFER) (SOUTH SIDE OF FLOYD  
AVENUE WEST OF JASMIN AVENUE)

WHEREAS, the Modesto City Council, by Ordinance 697-C.S., effective January 7, 1965, rezoned from One-Family Residential, R-1, to Planned Development Zone, P-D(19), the following described property:

Beginning at the Northwest corner of Lot 16 of the Coffee Colony according to the official map thereof filed in the office of the Recorder of Stanislaus County, California on January 13, 1906; thence South  $0^{\circ} 42' 30''$  East along the west line of said Lot 16 a distance of 224.18 feet to the north line of Village Manor Unit No. 2; thence South  $89^{\circ} 29'$  East a distance of 330.35 feet; thence North  $0^{\circ} 45' 10''$  West a distance of 89.00 feet to the southeast corner of land conveyed to Enoch F. Ward by deed filed in the office of the Recorder of Stanislaus County California in Volume 1510 of official records at Page 100; thence westerly along the south line of said Ward property 96.00 feet to the southwest corner of said Ward property; thence North along the west line of said Ward property 135 feet, more or less, to the North line of said Lot 16 of the Coffee Colony; thence North  $89^{\circ} 27' 17''$  West along the North line of said Lot 16 a distance of 234.19 feet to the point of beginning; being located on the south side of Floyd Avenue, north of Bruce Court, west of Jasmin Avenue; and

WHEREAS, by Resolution No. 64-609, adopted November 23, 1964, the City Council approved a development schedule which called for completion of the first phase of development to be on or before June 30, 1966; and

WHEREAS, by Resolution No. 66-71, adopted June 21, 1966, the Planning Commission granted an extension of time for the entire development schedule which provided that the first phase of development be completed on or before June 30, 1967; and

WHEREAS, Sec. 10-2.2709(c) requires that property zoned P-D revert to its prior zone if the approved development schedule is not met by the owner; and

WHEREAS, the property owner has not met the approved development schedule and has indicated his willingness to let the property revert to its former zone; and

WHEREAS, by Resolution No. 67-113, adopted on November 7, 1967, the Planning Commission, after a public hearing, recommended to the Council that Section 16-3-9 of the Zoning Map be amended to rezone the above described property from Planned Development Zone, P-D(19) to One-Family Residential Zone (R-1).

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning is required by the public necessity, convenience and general welfare for the following reasons:

1. The applicant has been unable to develop the subject property as P-D(19) within the specified amended time schedule.
2. Section 10-2.2709(c) of the Municipal Code requires that the subject property revert to its prior zone if the approved development schedule is not met by the owner.

SECTION 2. ZONING CHANGE. Section 16-3-9 of the Zoning Map is hereby amended as shown 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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of December, 1967, by Councilman Smith, 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, Mitchell, Robinson, Shastid, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AT TO FORM:

BY: Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

BY: Planning Department  
Planning Department

Ord. No. 865-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1968, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Simon, Smith  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 1, 1968

**Ordinance 865 C.S.  
Exhibit A – Map**

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

AN ORDINANCE AMENDING SECTION 10-2.2706 OF ARTICLE 27 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND ADDING SECTION 10-2.2711 THERETO, RELATING TO PLANNED DEVELOPMENT ZONE.

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

SECTION 1. AMENDMENT OF CODE. Section 10-2.2706 of Article 27 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.2706. AREA REQUIREMENTS. No planned Development Zone shall be approved for an area of less than one acre, except in the downtown area bounded by Needham Avenue, Downey Avenue, Burney Street, D Street, Ninth Street and "O" Street.

SECTION 2. AMENDMENT OF CODE. Section 10-2.2711 is hereby added to Article 27 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.2711. PURPOSE AND STANDARDS - DOWNTOWN AREA. The purpose of a smaller minimum area for Planned Development Zones in the downtown area bounded by Needham Avenue, Downey Avenue, Burney Street, D Street, Ninth Street and "O" Street is to encourage the development of high density residential units which may be developed in conjunction with retail, office, and personal and professional service uses within said downtown area. In order to accomplish this purpose, the following general standards shall constitute guidelines in considering and determining appropriate and reasonable conditions to apply to any Planned Development Zone in said downtown area.

It is not intended that these standards be mandatorily imposed, but that they be applied when reasonable under the facts and circumstances developed through the study and consideration of a particular Planned Development application.

(a) The lot area of a Planned Development Zone will be a minimum of 14,000 square feet.

(b) One dwelling unit will be permitted for each 600 square feet of lot area.

(c) A minimum of 100 square feet of common usable open space will be provided for each dwelling unit.

(d) One parking space will be provided for each dwelling unit and one parking space per 500 square feet of retail, office, and service uses will be provided.

(e) Reasonable front, side and back yard areas will be provided when a development is proposed adjacent to residential areas, and other areas when appropriate, to maintain site compatibility.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of December, 1967, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Hughes

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 866-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 2nd day of January, 1968, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 1, 1968

AN ORDINANCE AMENDING SECTION 4-4.503 OF ARTICLE 5 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, RELATING TO PARCEL MAPS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-4.503 of Article 5 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-4.503 FINAL PARCEL MAPS. (a) Filing Within Eighteen (18) Months of Tentative Approval. The subdivider or his agent may file a final parcel map with the City Engineer for his examination and certification within eighteen (18) months after the approval or conditional approval of the tentative map. A one year extension of the tentative map may be granted by the Planning Commission if they determine that conditions affecting the parcel split and improvements required as a condition of the parcel split have not substantially altered. Such final parcel map shall be prepared by a registered civil engineer or licensed land surveyor and shall substantially conform to the tentative parcel map and conditions thereto as approved by the Planning Commission.

(b) Checking and Recording Fees. A tracing of the final parcel map shall be filed with the City Engineer together with a checking fee as established by the City Council. In addition to the checking fee, an amount equal to that required by the County Recorder for recording the map shall be paid to the City at the time of filing the final parcel map.

(c) Form of Final Parcel Map. The final parcel map shall conform to the provisions of Section 4-4.602 for final subdivision maps where applicable. The map shall show the definite location of the parcel or parcels and particularly their relation to surrounding surveys. The definite location of the remainder of the original parcel need not be shown.

The final parcel map may be compiled from record data when sufficient survey information exists on filed maps to locate and retrace the exterior boundary lines of the parcel map and when the location of at least one of these boundary lines can be established from an existing monument line. In any case, the parcel map may be based upon a field survey made in conformance with the Land Surveyor's Act.

(d) Approval by City Engineer. Upon receipt of the final parcel map, together with the checking and recording fees, and any required improvement security, the City Engineer shall examine the same to determine whether said map is technically correct and substantially conforms with the tentative map and with all changes and requirements imposed as conditions of approval by the Planning Commission. The City Engineer shall also refer the final parcel map to the Secretary of the Planning Commission for examination and determination if all of the lots and parcels created by said map conform with the requirements of the zoning regulations of the City of Modesto. If the City Engineer shall determine that the final parcel map fully conforms with all of the requirements set forth herein, he shall so certify on said map.

(e) Certification by City Engineer. Upon certification by the City Engineer, the final parcel map shall be transmitted to the City Clerk who shall cause said map to be

recorded in the office of the County Recorder.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto, held on the 8th day of January, 1968, 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, Robinson, Shastid, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Smith

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

BY W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

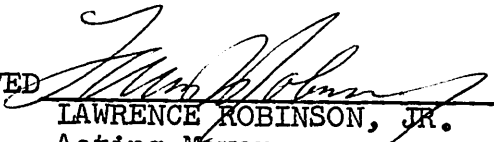
Ord. No. 867-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of January, 1968, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon  
NOES: Councilmen: None  
ABSENT: Councilmen: Smith, Mayor Davies

APPROVED

  
LAWRENCE ROBINSON, JR.  
Acting Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 14, 1968

ORDINANCE NO. 868-C.S.

AN ORDINANCE REPEALING CHAPTER 5 OF TITLE I OF THE  
MODESTO MUNICIPAL CODE RELATING TO CITATION PROCEDURE

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

SECTION 1. REPEALS. Chapter 5 of Title I 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 Bee, the official newspaper of the City of Modesto .


The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of January, 1968, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon

NOES: Councilmen: None

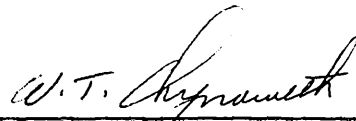
ABSENT: Councilmen: Smith, Mayor Davies

APPROVED:

  
LAWRENCE ROBINSON, JR.  
Acting Mayor

ATTEST:

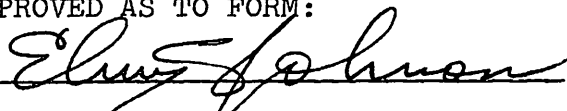
By

  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
ELWYN L. JOHNSON, City Attorney

Ord. No. 868-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1968, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 21, 1968

AN ORDINANCE ADDING SECTION 10-2.1514 TO ARTICLE 15 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE; REPEALING SECTION 10-2.1617 OF ARTICLE 16 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE AND AMENDING SECTION 10-2.1618 THEREOF, RELATING TO ZONING REGULATIONS.

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

SECTION 1. Section 10-2.1514 is hereby added to Article 15 of Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

SEC. 10-2.1514. STREET DEDICATION AND IMPROVEMENT.

(a) Requirement. No building or structure shall be erected or enlarged, and no building permit shall be issued therefor, on any lot in any R - 2 Zone (except a lot on which a maximum of two (2) dwelling units are permitted) or less restrictive zone (as such order of restrictiveness is set forth in Section 10-2.302 of this Code), if such lot abuts a State Highway, Arterial (Major) or Collector Street, as shown on the City's Select Street System Map adopted from time to time by the City Council, unless the one-half ( $\frac{1}{2}$ ) of the street which is located on the same side of the center of the street as such lot has been dedicated and improved for the full width of the lot so as to meet the standards for such street provided in subsection (h) of this section, or such dedication and improvement has been assured to the satisfaction of the Director of Public Works. As used in this section, the center of the street shall mean the established center line of the street. Where uncertainty exists as to the exact location of the established center line of any street, the City Council shall determine such location after recommendation by the Director of Public Works.

(1) The maximum area of land required to be so dedicated shall not exceed twenty-five (25%) per cent of the area of any such lot which was of record on March 6, 1968, in the Stanislaus County Recorder's Office.

(2) No such dedication shall be required of those portions of such a lot occupied by a main building which was existing on March 6, 1968.

(3) No additional improvements shall be required on such a lot where complete roadway, curb, gutter, sidewalk and street light improvements exist within the present right of way contiguous thereto.

(4) No building or structure shall be erected on any such lot after March 6, 1968, within the dedication required by subsection (h) of this section.

(b) Exceptions. The provisions of subsection (a) of this section shall not apply to the following construction:

(1) One single-family dwelling with customary accessory buildings when erected on a vacant lot.

(2) Additions and accessory buildings incidental to a residential building legally existing on the lot, provided no additional dwelling units or guest rooms are created.

(3) Additions and accessory buildings incidental to a non-residential building existing on the lot on March 6.

1968, provided that the total cumulative floor area of all such additions and accessory buildings shall not exceed two hundred (200) square feet.

(c) Dedication Procedure.

(1) Any person required to dedicate land by the provisions of this section shall make an offer to dedicate properly executed by all parties of interest. Such offer shall be on a form approved by the City Attorney be in such terms as to be binding on the owner, his heirs, assigns or successors in interest; and shall continue until the City accepts or rejects such offer or until one year from the date such offer is filed with the Director of Public Works for processing, whichever occurs first. The offer shall provide that the dedication will be complete upon acceptance by the City. The offer shall be recorded by the City Clerk in the Office of the County Recorder of Stanislaus County upon its acceptance by the City Attorney and City Manager. The offer shall be promptly processed by the City Departments concerned, in order to complete the dedication within one year. If the offer is rejected by the City or not processed within one year, the City Clerk shall issue a release from such offer which shall be recorded in the Office of the County Recorder unless the parties making the offer wish to have the time extended.

(2) For purposes of this section, dedication shall be considered as satisfactorily assured when the City Attorney and City Manager accept for recordation the offer to dedicate provided for herein.

(d) Improvement Procedure.

(1) Any person required to make improvements by the provisions of this section shall either make and complete the same to the satisfaction of the Director of Public Works or shall prior to issuance of a building permit, file a bond with the City in such an amount as the Director of Public Works shall estimate and determine to be necessary to complete all of the improvements required before the issuance of a certificate of occupancy by the Chief Building Official.

(2) Such bond may be either a cash bond, savings and loan certificate or a bond executed by a company authorized to act as a surety in this State. The bond shall be payable to the City and be conditioned upon the faithful performance of any and all work required to be done, and that should such work not be done or completed within the time specified, the City may at its option, cause the same to be done or completed, and the parties executing the bond shall be firmly bound under a continuing obligation for the payment of all necessary costs and expenses incurred in the construction thereof. The bond shall be executed by the owner of the lot as principal, and if a surety bond, shall also be executed by a corporation authorized to act as a surety under the laws of the State of California.

(3) Whenever the owner elects to deposit a cash bond, or savings and loan certificate, the City is authorized, in the event of any default on his part, to use any or all of the deposit money to cause all of the required work to be done or completed, and for payment of all costs and expenses therefor. Any money remaining shall be refunded to the owner.

(4) When a substantial portion of the required improvement has been completed to the satisfaction of the Director of Public Works and the completion of the remaining improve-

ments is delayed due to conditions beyond the owner's control, the Director of Public Works may accept the completed portion and consent to a proportionate reduction of the surety bond in an amount estimated and determined by the Director of Public Works to be adequate to assure the completion of the required improvements remaining to be made.

(5) Whenever a surety bond has been filed in compliance with this section, the City is authorized, in the event of any default on the part of the principal, to enforce collection, under such bond, for any and all damages sustained by the City by reason of any failure on the part of the principal faithfully and properly to do or complete the required improvements, and in addition may cause all of the required work to be done or completed, and the surety upon the bond shall be firmly bound for the payment of all necessary costs thereof.

(6) The term of the bond shall begin on the date of the deposit of the cash or savings and loan certificate or the filing of the surety bond, and shall end upon the date of the completion to the satisfaction of the Director of Public Works of all improvements required to be made. The fact of such completion shall be endorsed by a statement thereof signed by the Director of Public Works, and the deposit shall be returned to the owner, or the surety bond may be exonerated at any time thereafter.

(7) For the purposes of this section, improvement shall be considered as satisfactorily assured when the City accepts the cash or surety bond provided for herein or the improvements required to be made have been completed to the satisfaction of the Director of Public Works.

(e) Issuance of Building Permits After Certification of Dedication and Improvement. When all dedication and improvements required by this section have been completed or satisfactorily assured a building permit may be issued.

(f) Fees Waived. Notwithstanding any other provisions of this Code to the contrary, no fee shall be charged for the rendering of any service by the City in connection with any dedication or improvement required by the provisions of this section and not a part of a subdivision or parcel map proceeding.

(g) Lots Affected by Street Widening. On a lot which is affected by street widening required by the provisions of this section, all required yards, setbacks, parking area, loading space and building locations for new buildings or structures or additions to buildings or structures shall be measured and calculated from the new lot lines being created by said widenings provided, however, that for the purpose of establishing the required front yard depth on a frontage where the ultimate street line has been determined under the provisions of this section, the depths of all existing front yards may be measured from such ultimate street line instead of the front lot line.

In applying all other provisions of this chapter, the area of such lot shall be considered as that which existed immediately prior to such required street widening.

(h) Improvement Standards.

(1) All State Highways, Arterial (Major) and Collector streets shall be constructed and improved in accordance with the Standard Plans and Specifications of the City of

(2) The Director of Public Works may approve and allow such variations and deviations from the aforesaid requirements as he determines are made necessary by the conditions of the terrain and the existing improvements contiguous to the property involved.

(i) Appeal.

(1) Any person required to dedicate land or make improvements under the provisions of this section may appeal any determination made by the Director of Public Works in the enforcement or administration of the provisions of this section to the City Council. Such an appeal shall be made in writing, and shall state in clear and concise language the grounds therefor.

(2) The City Council may make such modifications in the requirements of this section or may grant such waivers or modifications of the determinations which are appealed to them as they shall determine are required to prevent any unreasonable hardship under the facts of each case so long as each such modification or waiver is in conformity with the general spirit and intent of the requirements of this section.

(j) City May Share the Cost of Making Unusual Improvements. Under proper application to the City Council and upon recommendation of the Director of Public Works, the City may accept and provide for contribution toward the cost of making any improvement required by the provisions of this section which the Director of Public Works determines will cost an amount greatly in excess of the cost to other property owners who are required to make improvements under the provisions of this section in the immediate vicinity of the said improvement.

(k) Director of Public Works to Determine Street Alignment. Whenever uncertainty exists as to the proper application of the provisions of this section in the matter of street alignment, the Director of Public Works shall determine their application in conformity with the spirit and intent of this section.

(l) Written Notification to Permit Applicants Required. When the Director of Public Works determines that the provisions of this section are applicable to any building permit application, he shall inform the permit applicant of his determination, of the specific requirements of this section which he determines to be applicable thereto and of the availability and procedure for appeal of his determination to the City Council.

SECTION 2. Section 10-2.1617 of Article 16 of Chapter 2 of Title X of the Modesto Municipal Code is hereby repealed.

SECTION 3. Section 10-2.1618 of Article 16 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1618. SUBSTANDARD LOTS. When a lot has less than the minimum required area or width as set forth in any of the zones contained herein, or in a precise plan and was created through dedication of part of the lot area for street widening purposes or was of record on the effective date of this chapter or is a part of a subdivision the tentative map of which was

approved by the City or County Planning Commission prior to the effective date of this chapter, such lot shall be deemed to have complied with the minimum required lot area and width as set forth in any such zone or precise plan, except that such substandard lot shall qualify for only one single-family residence; provided, however, that if such substandard lot contains the minimum required lot area for a use in the zone in which such lot is located and if the width of such lot is not less than fifty (50') feet, then the lot may qualify for such use. On such substandard lot the width of each side yard for a dwelling may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width provided that on interior lots no side yard shall be less than three (3') feet and on corner and reversed corner lots no side yard on the side street shall be less than seven and one-half (7½') feet and the other side yard shall be not less than three (3') feet.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1968, by Councilman Hughes, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith,  
Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Robinson

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

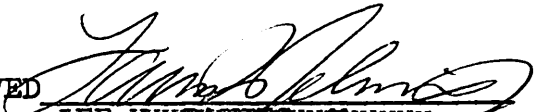
By Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

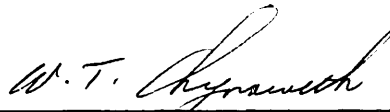
Ord. No. 869-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of February, 1968, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Hughes, Mitchell, Shastid, Smith, Simon, Acting Mayor Robinson
- NOES: Councilmen: None
- ABSENT: Councilmen: Mayor Davies

APPROVED   
~~LEE H. DAVIES, Mayor~~  
 LAWRENCE ROBINSON, JR.  
 Acting Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 6, 1968

AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO TO PREZONE CERTAIN PROPERTY LOCATED THEREON. (SHERWOOD MORTGAGE COMPANY)

WHEREAS, a verified application for an amendment to Section 18-3-9 of the Zoning Map was filed by Sherwood Mortgage Company on December 5, 1967, to prezone to two-family residential zone, R - 2 the following described property, and

WHEREAS, after a public hearing held on December 19, 1967, it was found and determined by the Planning Commission that pre zoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution 67-124, adopted on December 19, 1967, the Planning Commission recommended to the Council that the application of Sherwood Mortgage Company to amend Section 18-3-9 of the Zoning Map to prezone the hereinafter described property to two-family residential zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested pre zoning 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.

SECTION 2. ZONING CHANGE. Section 18-3-9 of the Zoning Map is hereby amended to prezone the following described property to two-family residential zone, R-2:

All that certain real property situate in the North half of Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the County of Stanislaus, State of California, described as follows:

Beginning at the intersection of the centerline of Carver Road with the North line of the Southwest Quarter of the Northeast Quarter of said Section 18; thence South  $89^{\circ} 07' 45''$  East 30.01 feet to the Northwest corner of Lot 1, Block 6666 of Wyldewood Park No. 2 according to the Official Map thereof recorded in Volume 20 of Maps at page 80, Stanislaus County Records; thence continuing South  $89^{\circ} 07' 45''$  East along the North line of said Lot 1, Block 6666 a distance of 67.56 feet; thence North  $0^{\circ} 52' 15''$  East 125.00 feet; thence South  $89^{\circ} 07' 45''$  East 28.89 feet; thence North  $0^{\circ} 46' 30''$  West 865.46 feet; thence North  $89^{\circ}$

13' 30" East 98.00 feet; thence South 87° 12' 50" East 50.10 feet; thence North 89° 13' 30" East 103.34 feet; thence South 0° 52' 15" West 27.73 feet; thence South 89° 01' 15" East 520.00 feet; thence South 0° 52' 15" West 210.49 feet; thence South 89° 07' 45" East 181.77 feet; thence North 65° 12' East 103.99 feet; thence North 38° 30' East 103.99 feet; thence North 4° 43' 27" East 182.84 feet to the South line of Renee Manor Unit No. 1 according to the Official Map thereof recorded in Volume 20 of Maps at Page 34, Stanislaus County Records; thence North 89° 01' 15" West along said south line of Renee Manor Unit No. 1, a distance of 1234.87 feet; thence North 0° 46' 30" West 55.45 feet to the centerline of Rumble Road; thence North 80° 49' 30" West along the said centerline of Rumble Road 20.30 feet to the centerline of Carver Road; thence South 0° 46' 30" East along said centerline of Carver Road 1126.59 feet to the point of beginning.

**SECTION 3. ZONING MAP.** Section 18-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January 1968, by Councilman Mitchell, who moved its adoption and passage to print, which motion being duly seconded by Councilman Shastid, was upon roll call carried and ordered printed and published by the following vote:

**AYES:** Councilmen: Hughes, Mitchell, Shastid, Simon, Smith, Mayor Davies  
**NOES:** Councilmen: None  
**ABSENT:** Councilmen: Robinson

APPROVED

Lee H. Davies  
LEE. H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM: Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By Planning Department  
Planning Department

Ord. No. 870-C.S.

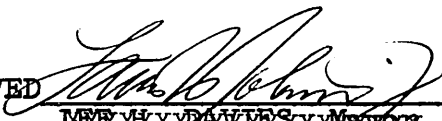
FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of February, 1968 Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith,  
Acting Mayor Robinson

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED   
~~MAYOR DAVIES~~  
LAWRENCE ROBINSON, JR.  
Acting Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 6, 1968

**Ordinance 870 C.S.  
Exhibit A – Map**

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

AN ORDINANCE ADDING ARTICLE 30 TO CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, RELATING TO THE ZONING REGULATIONS.

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

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

ARTICLE 30

PROFESSIONAL OFFICE ZONE

SEC. 10-2.3001. PURPOSE. The Professional Office (P-O) Zone permits the location of professional offices, institutional uses and related service uses on major streets as designated in the General Plan; adjacent to related centers of activity, such as hospitals; on collector streets when providing a transitional use between commercial uses and residential areas; and adjacent to the downtown commercial area.

Because of the above locational characteristics of this zone, the setback, lot coverage, and sign standards are non-commercial in nature and are compatible with residential uses. The landscaped areas which are required will also contribute to the overall amenity of the institutional uses around which this zone could be located.

SEC. 10-2.3002. PERMITTED USES.

(a) On major streets which are designated on the General Plan, only the following uses are permitted in a Professional Office Zone:

(1) Medical and dental offices and laboratories, not including the manufacture, sale, or distribution of pharmaceutical or other similar products.

(2) Non-profit membership organizations, private clubs, fraternities, sororities, lodges.

(3) Professional offices for any of the following: Accountants, Architects, Attorneys, Chiropractors, Optometrists, Chiropodists, Real Estate Sales and Management, Insurance Sales and Service, Engineers, Surveyors, Stock Brokers.

(4) Public and quasi-public uses except Corporation Yards, Storage or Repair Yards, or Warehouses.

(5) Residential uses of R-3 density, or less.

(6) The following uses, upon securing of a use permit from the Planning Commission, may be permitted:

- (aa) Pharmacies.
- (ab) Veterinarians.
- (ac) Laboratories including the manufacture, sale and distribution of pharmaceuticals and other similar products.
- (ad) Ambulance service.
- (ae) Florists.
- (af) Commercial schools.
- (ag) Hospital Supply.
- (ah) Non-profit educational and scientific agencies.
- (ai) Any other use not otherwise listed in this article, which is determined by the Commission to be of the

same general character of the uses permitted by this article, and is not inconsistent with the purpose of this article.

(b) On collector streets only the following uses are permitted in a Professional Office Zone:

(1) Medical and dental offices and laboratories, not including the manufacture, sale, or distribution of pharmaceutical or other similar products.

(2) Professional offices for any of the following: Accountants, Architects, Attorneys, Chiropractors, Optometrists, Chiropodists, Engineers.

(3) Residential uses of R-2 density or less.

(c) In any Professional Office Zone the following uses are permitted upon securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this chapter:

(1) Churches.

(2) Convalescent hospitals.

(3) Rest homes, nursing homes.

SEC. 10-2.3003 HEIGHT. In a Professional Office Zone fronting on a major street no building or structure shall exceed two (2) stories or thirty (30') feet, whichever is the lesser height. A building may exceed said limits upon issuance of a use permit by the Planning Commission. In a Professional Office Zone fronting on a collector street no building or structure shall exceed two (2) stories or thirty (30') feet whichever is the lesser height.

SEC. 10-2.3004. FRONT YARD. Every lot shall maintain a planted front yard not less than fifteen (15') feet in depth. No building or structure may occupy any part of such front yard.

SEC. 10-2.3005. SIDE YARD. Minimum side yard for any building or structure shall be six (6') feet and the total of the two (2) required side yards shall not be less than twelve (12') feet. Parking space and driveways may extend three (3') feet into the required side yard area on interior lots. The remaining three (3') feet of the required side yard must be in unobstructed landscaping. On corner lots the side yard which faces on a street shall be not less than fifteen (15') feet for any building or structure. Parking will not be permitted in the required fifteen (15') feet. Whenever an existing commercial building in an adjacent commercial zone is located on the side property line of a P-0 zoned lot, no side yard setback is required on that side of the P-0 zoned lot.

SEC. 10-2.3006. REAR YARD. Every lot shall maintain a rear yard of not less than six (6') feet in depth. Parking and driveways may extend three (3') feet into the required rear yard area. The remaining three (3') feet must be in unobstructed landscaping. Whenever an existing commercial building in an adjacent commercial zone is located on the rear property line of a P-0 zoned lot, no rear yard setback is required on that side of the P-0 zoned lot.

SEC. 10-2.3007. LOT AREA. The minimum required lot area shall be six thousand (6,000) square feet for interior lots and six thousand five hundred (6,500) square feet for corner lots.

SEC. 10-2.3008. LOT WIDTH. Every interior lot shall have a width of not less than sixty (60') feet and every corner and reversed corner lot shall have a width of not less than seventy (70') feet at the required building line.

SEC. 10-2.3009. PERMISSIBLE LOT COVERAGE. All buildings, including accessory buildings and structures, shall not cover more than sixty (60%) per cent of the area of the lot.

SEC. 10-2.3010. SCREENING. Whenever any lot has a side lot line or rear lot line abutting property zoned for residential use, a solid ornamental masonry wall six (6') feet in height measured from the finish grade of the P-0 zoned property shall be constructed along such lot lines prior to the use of the P-0 zoned property. A wall is not required when a P-0 zoned lot is adjacent to the side or rear lot lines of an institutional or related use.

SEC. 10-2.3011. SIGNS. No outdoor advertising structure or outside advertising display shall be permitted except as follows:

(a) Signs used exclusively for:

(1) The display of official notices used by any public body.

(2) Directional, warning, or informational purposes of a public or semi-public nature, directed and maintained by an official body.

(b) A single sign which is used exclusively to advertise the ownership, sale, or lease of the property upon which such sign is placed, or to advertise any lawful activity conducted upon such premises, provided:

(1) On major streets, signs shall not contain a gross area of more than twelve (12) square feet per side.

(2) On collector streets, signs shall not contain a gross area of more than 1 square foot per side for each separate use on the premises.

(3) Signs may be located within the front setback area on both major and collector streets, but shall not exceed forty-two (42") inches in height.

(4) Signs may be indirectly lighted but shall not rotate or otherwise move, nor shall they be so designed and operated as to simulate action.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 22nd day of January, 1968, 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, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST:

By *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORMS

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

Ord. No. 871-C.S.

FINAL ADOPTION CLAUSE


The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of February, 1968, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith,  
Acting Mayor Robinson

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED

  
~~LAWRENCE ROBINSON, JR.~~  
LAWRENCE ROBINSON, JR.  
Acting Mayor

ATTEST:

  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 6, 1968

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

WHEREAS, a petition was filed with the City Clerk by

Clyde F. Holiday, Virginia K. Holiday, Ervin W. Fetzer, Margaret A. Fetzer, Cecil R. Wethern, Mildred G. Wethern, Dellora J. McReynolds, Richard P. McReynolds, and Doris I. Hobson.

on December 6, 1967, 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 MILO ADDITION, situate in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 2nd day of January, 1968, set said petition for hearing at the hour of 7:45 o'clock P.M. on the 12th day of February, 1968, 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 Bee, a newspaper published in the City of Modesto on January 11th, 1968, and on January 18th, 1968; and in the Ceres Courier and ~~the Modesto Bee~~ ~~XXXXXX~~, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on January 11th, 1968, and on January 18th, 1968, 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,

8/6/65

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, the Stanislaus County Local Agency Formation Commission did on October 25th, 1967, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to Section 54766 of the Government Code, and

WHEREAS, on the 12th day of February, 1968, at the hour of 7:45 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, to be effective upon the filing with the Secretary of State of the State of California of a certified copy of this ordinance,

SECTION 2. The area or territory so annexed, designated as the MILO ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as follows:

All that real property in the State of California, County of Stanislaus, being a portion of the Northeast quarter of the Northeast quarter of Section 28, 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 Northeastern corner of the ESGAR TRACT ADDITION (8), as per description filed December 6, 1939, as Instrument 15815, and the Southern line of the DOWNEY HIGH SCHOOL AND JOHN MUIR ADDITION (33), as per description filed July 27, 1950, as Instrument 16443, Stanislaus County Records, said point being on the center line of a public road known as Lucern Avenue and the Northern line of Section 28, and being North  $89^{\circ}57'$  West, 485 feet, more or less, from the Northeastern corner of Section 28; thence along the existing City Limits and the Eastern line of the Esgar Tract Addition, South  $0^{\circ}54'$  East, 362.48 feet to the Southern line of land conveyed to Herman F. Dahlke, et ux, by Deed recorded May 6, 1958, as Instrument 11261, Stanislaus County Records; thence along said Southern line, South  $89^{\circ}57'$  East, 145 feet, more or less, to the Eastern line of the Western 30 feet of property conveyed to the County of Stanislaus for a public road known as Milo Street, by Deed recorded March 29, 1955, as Instrument 9048, Stanislaus County Records; thence along said Eastern line, North  $0^{\circ}54'$  West, 362.48 feet to a point on the center line of Lucern Avenue and the Northern line of Section 28 and the Southern line of the Downey High School and John Muir School Addition, said point being North  $89^{\circ}57'$  West, 339.90 feet from the Northeastern corner of Section 28; thence along the existing City Limits and the Northern line of Section 28, North  $89^{\circ}57'$  West, 145 feet, more or less, to the point of beginning, containing 1.207 Acres, more or less.

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

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 1968, by Councilman Shastid, who moved its adoption and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith, Acting Mayor Robinson  
NOES: Councilmen: None  
ABSENT: Councilmen: Mayor Davies

ATTEST: W. T. Chynoweth  
~~W. T. Chynoweth~~ City Clerk  
(SEAL) W. T. CHYNOWETH  
APPROVED AS TO FORM: Elwyn L. Johnson  
ELWYN L. JOHNSON City Attorney  
APPROVED AS TO DESCRIPTION: [Signature]  
Public Works Department  
8/6/65  
4-2-6-65

APPROVED: \_\_\_\_\_  
~~XXXXXXXXXXXXXXXXXXXX~~ Mayor  
~~XXXXXXXXXXXXXXXXXXXX~~

LAWRENCE ROBINSON, JR.  
Acting Mayor

AND SECTION MAP 18-3-9  
 AN ORDINANCE AMENDING SECTION MAP 7-3-9 / OF THE  
 ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
 CERTAIN PROPERTY LOCATED THEREON. (George Klemm)

WHEREAS, a verified application for an amendment to  
 18-3-9  
 Sections 7-3-9 and/of the Zoning Map was filed by \_\_\_\_\_  
 \_\_\_\_\_  
George Klemm on December 15,  
19 67, to reclassify from One-Family Residential Zone,  
R-1, to Two-Family Residential Zone, R-2,  
 the hereinafter described property, and

WHEREAS, after public hearing held on January 16,  
19 68, it was found and determined by the Planning Commission  
 that rezoning of the property as requested is required by public  
 necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 68-10, adopted on  
January 16, 19 68, the Planning Commission recommended  
 to the Council that the application of George Klemm  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
18-3-9  
 \_\_\_\_\_ to amend Sections 7-3-9 and/ of the Zoning  
 Map to reclassify the hereinafter described property from One-  
Family Residential Zone, R-1, to Two-Family Residential  
 Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing,  
 this Council finds and determines that the 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.

SECTION 2. ZONING CHANGE. Sections 7-3-9 and/ of the  
18-3-9  
 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 :

All that certain real property situate in a portion of Section 7 and 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Southwest corner of Renee Manor Unit #1 as shown on the official map thereof, recorded in Volume 20 of Maps at page 34, Stanislaus County Records, said point being 20.00 feet East of the centerline of Carver Road; thence South  $89^{\circ} 10' 30''$  East along the South line of said Renee Manor Unit #1 a distance of 1089.08 feet to the centerline of an un-named street as shown on said map of Renee Manor Unit #1; thence North  $0^{\circ} 56' 30''$  West along said centerline 56.60 feet to a point on the centerline of Rumble Road as shown on said map of Renee Manor Unit #1, said point being on a non-tangent curve from which a radial line bears North  $23^{\circ} 28' 10''$  West; thence along said centerline of Rumble Road Southwesterly 127.21 feet along said non-tangent curve being concave to the Northwest, having a radius of 300.00 feet and a central angle of  $24^{\circ} 17' 40''$ ; thence along said centerline of Rumble Road North  $89^{\circ} 10' 30''$  West along a tangent line 565.85 feet to the centerline of Nicks Way as shown on said map of Renee Manor Unit #1; thence North  $0^{\circ} 49'$  West along said centerline of Nicks Way 145.06 feet; thence North  $89^{\circ} 10' 30''$  West along a line parallel to and 145.00 feet North of the centerline of Rumble Road 289.25 feet to a point which is 130.00 feet East of the centerline of Carver Road; thence North  $0^{\circ} 56' 30''$  West along a line parallel to and 130.00 feet from said centerline of Carver Road 1398.71 feet to the North line of the South half of the South half of said Section 7; thence North  $89^{\circ} 11' 45''$  West along said North line 110.00 feet to a point on the East line of Carver Road, said East line being 20.00 feet East of said centerline of Carver Road; thence South  $0^{\circ} 56' 30''$  East along said East line of Carver Road 1573.76 feet to the point of beginning.

18-3-9

SECTION 3. ZONING MAP. Sections 7-3-9 and/ 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 Bee, the official newspaper of the City of Modesto.

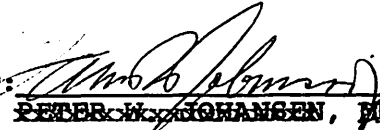
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 1968, by Councilman Hughes, who moved its introduction and passage to print, which motion being duly seconded by Councilman Shastid, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith, Acting Mayor Robinson

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED:

  
~~PETER W. JOHANSEN, Mayor~~  
~~XXXXXXXXXXXX~~  
LAWRENCE ROBINSON, JR.  
Acting Mayor

ATTEST:

  
~~XXXXXXXXXXXX~~, City Clerk  
W. T. CHYNOWETH

(SEAL)

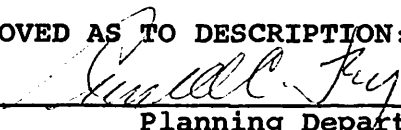
APPROVED AS TO FORM:

By

  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

  
Planning Department

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of February, 1968, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Hughes , was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 27, 1968

Ordinance 873 C.S.  
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Modesto's Neighborhood Church)

WHEREAS, a verified application for an amendment to Section 8-3-9 of the Zoning Map was filed by Modesto's Neighborhood Church on December 14, 1967, to reclassify a portion of Planned Development Zone, P-D (7), to One-Family Residential Zone, R-1, and

WHEREAS, after public hearing held on January 16, 1968, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 68-14, adopted on January 16, 1968, the Planning Commission recommended to the Council that the application of Modesto's Neighborhood Church to amend Section 8-3-9 of the Zoning Map to reclassify the hereinafter described portion of Planned Development Zone, P-D (7), to One-Family Residential Zone, R-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to reclassify the following described portion of Planned Development Zone, P-D (7), to One-Family Residential Zone, R-1:

All that portion of Lots 49 and 50 of the Standiford Colony, as per map filed in Volume 7 of Maps at Page 17, Stanislaus County Records, lying in the southwest quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Beginning at the northwest corner of Parcel B as per that certain map filed in Volume 4 of Parcel Maps at Page 21, Stanislaus County Records thence along the west line of said Parcel B the following three (3) courses and distances: 1) South  $0^{\circ} 53' 15''$  East 219.99 feet; 2) North  $89^{\circ} 09' 45''$  West 133.00 feet; and 3) South  $0^{\circ} 53' 15''$  East 410.10 feet to the southwest corner of said Parcel B; thence North  $89^{\circ} 09' 23''$  West along the south line of Parcel A as per the aforementioned map filed in Volume 4 of Parcel Maps at Page 21, Stanislaus County Records a distance of 25.00 feet; thence North  $0^{\circ} 53' 15''$  West parallel to the aforementioned west line of Parcel B a distance of 430.00 feet; thence South  $89^{\circ} 09' 45''$  East parallel to the north line of the aforementioned Parcel A a distance of 145.00 feet; thence North  $0^{\circ} 53' 15''$  West parallel to said west line of Parcel B a distance of 200.09 feet to said north line of Parcel A; thence South  $89^{\circ} 09' 45''$  East along said north line of Parcel A a distance of 13.00 feet to the point of beginning, including also the southerly 10 feet of Woodrow Avenue adjacent to the above described property;

SECTION 3. ZONING MAP. Section 8-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 1968, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith, Acting Mayor Robinson  
NOES: Councilmen: None  
ABSENT: Councilmen: Mayor Davies

APPROVED: [Signature]  
~~PETER W. JOHNSON, Mayor~~  
~~MAYOR DAVIES~~  
LAWRENCE ROBINSON, JR.  
Acting Mayor

ATTEST: [Signature]  
~~REX E. GALEUS, City Clerk~~  
W. T. CHYNOWETH  
(SEAL)

APPROVED AS TO FORM:  
By [Signature]  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:  
By [Signature]  
Planning Department

Ord. No. 874-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of February, 1968, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Hughes, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 27, 1968

**Ordinance 874 C.S.  
Exhibit A – Map**

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

AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Joe B. Smoot)

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning Map was filed by Joe B. Smoot on October 2, 19 67, to reclassify from Multiple-Family Residential Zone, R-3, to Highway Frontage Zone, H-1, the hereinafter described property, and

WHEREAS, after public hearing held on January 16, 19 68, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 68-13, adopted on January 16, 19 68, the Planning Commission recommended to the Council that the application of Joe B. Smoot to amend Section 19-3-9 of the Zoning Map to reclassify the hereinafter described property from Multiple-Family Residential Zone, R-3, to Highway Frontage Zone, H-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the 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.

SECTION 2. ZONING CHANGE. Section 19-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Multiple-Family Residential Zone, R-3, to Highway Frontage Zone, H-1:

All that portion of Lot 1 of Prescott Plaza Subdivision as recorded in the Official Records of Stanislaus County, Volume 21 of Maps at Page 42, described as follows:

Beginning at the most southerly corner of Lot 1; thence North  $46^{\circ} 37' 15''$  East along the southeast line of said Lot 1 a distance of 57.46 feet; thence North  $89^{\circ} 39' 30''$  West a distance of 79.50 feet to the southwest line of said Lot 1; thence South  $43^{\circ} 22' 45''$  East along said southwest line of said Lot 1 a distance of 54.95 feet to the point of beginning;

SECTION 3. ZONING MAP. Section 19-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 1968, 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, Shastid, Simon, Smith, Acting Mayor Robinson  
NOES: Councilmen: None  
ABSENT: Councilmen: Mayor Davies

APPROVED: *Lawrence Robinson, Jr.*

~~PETER L. JOHNSON, City Clerk~~  
~~DEDEDDEDENEFES~~  
LAWRENCE ROBINSON, JR.  
Acting Mayor

ATTEST: *W. T. Chynoweth*

~~REX E. GALLUS, City Clerk~~  
W. T. CHYNOWETH

(SEAL)

APPROVED AS TO FORM:

By *Elwyn L. Johnson*

ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By *W. M. Fey*

Planning Department

Ord. No. 875-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of February, 1968, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Hughes , was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 27, 1968

**Ordinance 875 C.S.  
Exhibit A – Map**

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

AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (W. ORANGEBURG AVENUE COMMISSION INITIATION)

WHEREAS, the Planning Commission on November 21, 1967, initiated proceedings to amend Section 19-3-9 of the Zoning Map to reclassify from Highway Frontage Zone, H-1, to Multiple-Family Zone, R-3, the hereinafter described property, and

WHEREAS, after public hearing held on January 16, 1968, it was found and determined by the Planning Commission that rezoning as initiated is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 68-12, adopted on January 16, 1968, the Planning Commission recommended to the Council that Section 19-3-9 of the Zoning Map be amended to reclassify the hereinafter described property from Highway Frontage Zone, H-1, to Multiple-Family Zone, R-3,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended 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.

SECTION 2. ZONING CHANGE. Section 19-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Highway Frontage Zone, H-1, to Multiple-Family Zone, R-3:

Commencing at the southerly corner of Lot 1 of Prescott Plaza Subdivision as recorded in the official records of Stanislaus County, Volume 21 of Maps, Page 42, thence North 46° 37' 15" East a distance of 57.46 feet to the true point of beginning; thence North 46° 37' 15" East a distance of 97.46 feet; thence South 43° 22' 45" East a distance of 93.29 feet; thence North 89° 39' 30" West a distance of 134.91 feet to the true point of beginning;

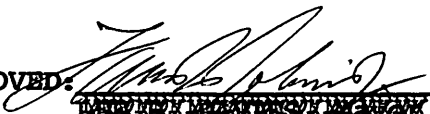
SECTION 3. ZONING MAP. Section 19-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

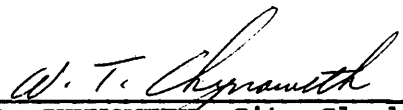
SECTION 4. EFFECTIVE DATE. This ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

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

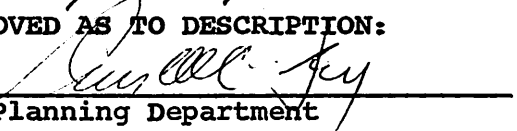
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 1968, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Shastid, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith,  
Acting Mayor Robinson  
NOES: Councilmen: None  
ABSENT: Councilmen: Mayor Davies

APPROVED:   
~~LAWRENCE ROBINSON, JR.~~  
LAWRENCE ROBINSON, JR.  
Acting Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk  
(SEAL)

APPROVED AS TO FORM:  
BY   
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:  
By   
Planning Department

Ord. No. 876-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of February, 1968, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Hughes, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 27, 1968

Ordinance 876 C.S.  
Exhibit A – Map

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

AN ORDINANCE AMENDING SECTION MAP 16-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (Centenary Methodist Church)

WHEREAS, a verified application for an amendment to Section 16-3-9 of the Zoning Map was filed by Centenary Methodist Church on December 14, 19 67, to reclassify from one-family residential Zone, R-1, to Highway Frontage Zone, H-1, the hereinafter described property, and

WHEREAS, after public hearing held on January 16, 19 68, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 68-15, adopted on January 16, 19 68, the Planning Commission recommended to the Council that the application of the Centenary Methodist Church to amend Section 16-3-9 of the Zoning Map to reclassify the hereinafter described property from one-family residential Zone, R-1, to Highway Frontage Zone, H-1, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the 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.

SECTION 2. ZONING CHANGE. Section 16-3-9 of the Zoning Map is hereby amended to reclassify the following described property from single-family residential Zone, R-1, to Highway Frontage Zone, H-1:

All that portion of Block 6900 of McHenry Village Subdivision No. 1, and portion of Lots 9 and 10 of Pamona Villa Tract, as per map filed in the Recorder's Office of Stanislaus County, all of which is more particularly described as follows:

Commencing at the Northwest corner of Lot 9 of said Pamona Villa Tract, said corner being at the intersection of the East line of McHenry Avenue with the center line of Tokay Avenue; running thence South  $0^{\circ} 48'$  East, along the East line of McHenry Avenue, 30 feet; thence South  $89^{\circ} 36' 55''$  East 40.31 feet to the true point of beginning; thence continue South  $89^{\circ} 36' 55''$  East 144.69 feet; thence South  $0^{\circ} 48'$  East 238.60 feet; thence North  $89^{\circ} 36' 55''$  West 60.00 feet; thence South  $0^{\circ} 48'$  East 275.00 feet; thence North  $89^{\circ} 38' 45''$  West 85.30 feet to the beginning of a curve concave to the Northeast, having a radius of 15.00 feet, central angle of  $88^{\circ} 50' 45''$ , a distance of 23.26 feet; thence North  $0^{\circ} 48'$  West 483.66 feet to the beginning of a curve concave to the Southeast having a radius of 15.00 feet, central angle of  $91^{\circ} 11' 05''$ , a distance of 23.87 feet to the true point of beginning. Including also the South 30 feet of Tokay Avenue, the North 30 feet of Norwegian Avenue and the east 50 feet of McHenry Avenue adjacent to the above described property; and

SECTION 3. ZONING MAP. Section 16-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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


The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 12th day of February, 19 68, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith, Acting Mayor Robinson


NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED:

  
~~PETER W. JOHNSON, SIMON~~  
~~XXXXXXXXXXXXXX~~  
LAWRENCE ROBINSON, JR.

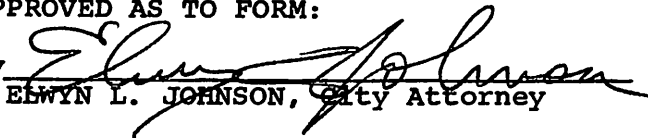
ATTEST:

  
~~REC'D GALENS~~ City Clerk  
W. T. CHYNOWETH

(SEAL)

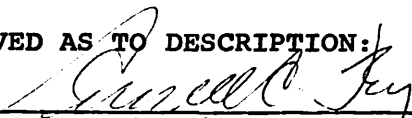
APPROVED AS TO FORM:

By

  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By

  
Planning Department

Ord. No. 877-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of February, 1968, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Hughes, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 27, 1968

**Ordinance 877 C.S.  
Exhibit A – Map**

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

AN ORDINANCE AMENDING SECTION MAP 5-4-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (SPORTSMEN OF STANISLAUS)

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

SECTION 1. ZONING CHANGE. Section 5-4-9 of the Zoning Map is hereby amended to reclassify the following-described property from Multiple-Family Zone, R-3, and One-Family Zone, R-1, to Planned-Development Zone, P-D(37), and to prezone to Planned-Development Zone, P-PD(37):

All that portion of Section 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the State of California, and being more particularly described as follows:

R-3 to P-D

All that portion of Lots 10 and 11 of Rouse Colony as per Map filed January 10, 1911, in Vol. 5 of Maps, page 24, Stanislaus County Records, described as follows: Beginning at the Northeast corner of said Lot 11, said point of beginning being in the center line of Sunset Avenue; thence South  $0^{\circ} 0' 30''$  West along the East line of said Lots 11 and 10 and being in the center line of said Sunset Avenue, a distance of 354.30 feet to a point which bears North  $0^{\circ} 0' 30''$  East, 36 feet from the Northeast corner of property conveyed to the City of Modesto, a municipal corporation by Deed recorded December 29, 1955, in Vol. 1335 of Official Records, page 558, Instrument No. 37501; thence South  $89^{\circ} 59' 30''$  West a distance of 424.65 feet; thence North  $0^{\circ} 59' 30''$  East, a distance of 139.00 feet; thence South  $89^{\circ} 59' 30''$  West, a distance of 210.00 feet; thence North  $0^{\circ} 0' 30''$  East, a distance of 215.30 feet more or less, to a point on the North line of said Lot 11; thence Easterly along the North line of said Lot 11, a distance of 614.65 feet; thence North  $0^{\circ} 0' 30''$  East a distance of 10 feet; thence South  $89^{\circ} 59' 30''$  East a distance of 20 feet; thence South  $0^{\circ} 0' 30''$  West a distance of 10 feet to the point of beginning.

R-1 to P-D

Parcel No. 1: All that portion of Lots 10 and 11 of the Rouse Colony, according to the Official Map thereof, filed in the office of the Recorder, of Stanislaus County, California, on January 10, 1911, in Volume 5 of Maps, at page 24, described as follows: Commencing at the Northeast corner of said Lot 11, said point of commencement being in the Center line of Sunset Avenue; thence South  $0^{\circ} 0' 30''$  West along the East line of said Lots 11 and 10 and being in the center line of said Sunset Avenue, a distance of 354.30 feet to a point which bears North  $0^{\circ} 0' 30''$  East, 36 feet from the Northeast corner of property conveyed to the City of Modesto, a municipal corporation, by Deed recorded December 29, 1955, in Volume 1335 of Official Records, at page 558, as Instrument No. 37501;

thence South 89° 59' 30" West, a distance of 424.65 feet to the true point of beginning of this description; thence North 0° 00' 30" East along the existing property line of the Sportsmen of Stanislaus, Inc., as said property is described in the Deed recorded in Volume 1532 of Official Records, at page 700, a distance of 139.00 feet; thence continuing along said Sportsmen of Stanislaus property line North 89° 59' 30" West, a distance of 210.01 feet; thence leaving said property line South 0° 01' West, a distance of 175.00 feet; thence South 89° 59' 20" East, a distance of 210.04 feet; thence North 0° 00' 30" East, a distance of 36.00 feet to the point of beginning.

Including also the easterly 25 feet of Roselawn Avenue adjacent to the above described property.

Including also the easterly 25 feet of Roselawn Avenue adjacent to the property described above as being rezoned from R-3 to P-D.

Parcel No. 2: Lots 1, 2 and 3 in Block 3177 of the Durand Tract, according to the Official Map thereof, filed in the Office of the Recorder of Stanislaus County, California, on January 21, 1947, in Volume 16 of Maps, at page 19.

Including also all that portion shown as a 20 foot alley in Block 3177 in the Durand Tract, according to the Official Map hereinabove referred to.

Including also the northerly 30 feet of Neece Drive and the easterly 30 feet of Sunset Avenue adjacent to Lots 1, 2 and 3 in Block 3177 of said Durand Tract.

That the zone classification of the following described property being unincorporated territory as shown on Section 5-4-9 of the zoning map of the City of Modesto be rezoned to Planned Development Zone, P-P-D:

Rezoning to P-D

Lot 14 of Rouse Colony, according to the Official Map thereof, filed in the office of the Recorder of Stanislaus County, California, on January 10, 1911, in Volume 5 of Maps, at page 24.

**SECTION 2. USES.** The following uses shall be permitted in said P-D(37) Zone and P-PD(37) Zone, 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: Said uses are as shown on the development plan subject to compliance with Section 10-2.2704 of the Modesto Municipal Code prior to the issuance of a building permit:

- Private recreational facilities including the following:
1. Expansion of existing facilities;
  2. Tennis facilities;
  3. Swimming facilities;
  4. Parking area;
  5. General recreational area; and
  6. Club activities area.

SECTION 3. ZONING MAP. Section Map 5-4-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 26th day of February, 1968, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded by Councilmen Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies  
 NOES: Councilmen: None  
 ABSENT: Councilmen: None

ATTEST: W. T. Chynoweth  
 W. T. CHYNOWETH, City Clerk

APPROVED: Lee H. Davies  
 LEE H. DAVIES, Mayor

(SEAL)  
 APPROVED AS TO FORM:  
 By Elwyn L. Johnson  
 ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:  
 By Russell A. Fey  
 Planning Department

**Ordinance 878 C.S.  
Exhibit A – Map**

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

Ord. No. 878-C.S.

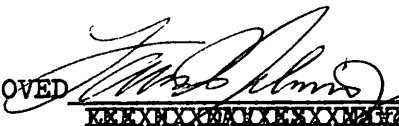
FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 11th day of March, 1968, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Mitchell, Shastid, Simon, Smith,  
Acting Mayor Robinson

NOES: Councilmen: None

ABSENT: Councilmen: Hughes, Mayor Davies

APPROVED   
~~XXXXXXXXXXXXXXXXXXXX~~  
LAWRENCE ROBINSON, JR.  
ACTING MAYOR

ATTEST:   
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 10, 1968

## AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BILLINGS AND BRADLEY)

WHEREAS, a verified application for an amendment to Section 19-3-9 of the Zoning Map was filed by W. L. Billings and Rex C. and Euleen A. Bradley on December 12, 1967, to reclassify from Highway Frontage Zone, H-1, to Light Industrial Zone, M-1, the hereinafter described property, and

WHEREAS after public hearing held on January 16, 1968, and continued on February 6, 1968, it was found and determined by the Planning Commission that rezoning of the property as requested is not required by public necessity, convenience and general welfare for the following reasons:

1. M-1 zoning as requested would allow offensive land uses incompatible with surrounding present and potential uses.
2. The shape and small size of the subject property makes it undesirable for development of industrial uses allowed in the M-1 zone, and

WHEREAS, after public hearing held on January 16, 1968, and continued on February 6, 1968, it was found and determined by the Planning Commission that rezoning of the property hereinafter described from Highway Frontage Zone, H-1, to Commercial-Industrial Zone, C-M, is required by public necessity, convenience and general welfare for the following reasons:

1. The subject property is small and faces north 9th Street, which at this point no longer carries large volumes of traffic, is no longer an important intercity transportation link, and, therefore, does not fulfill the criteria for which the H-1 zone is intended.
2. The subject property is bounded by the elevated Freeway to the east, railroad tracks and heavy industrial uses to the south and southwest, mixed commercial and industrial uses to the north, and vacant Modesto State Hospital grounds to the west.

3. C-M zoning would allow development of uses less obnoxious than, but compatible with, heavy industrial uses to the south, southwest and east, and

WHEREAS, by Resolution No. 68-16, adopted on February 6, 1968, the Planning Commission recommended to the Council that the application of W. L. Billings and Rex C. and Euleen A. Bradley to amend Section 19-3-9 of the Zoning Map to reclassify the hereinafter described property from Highway Frontage Zone, H-1, to Light Industrial Zone, M-1, be denied, and

WHEREAS, by Resolution No. 68-16, adopted on February 6, 1968, the Planning Commission recommended to the Council that Section 19-3-9 of the Zoning Map be amended to rezone the hereinafter described property from Highway Frontage Zone, H-1, to Commercial Industrial Zone, C-M,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the rezoning, as recommended by the Planning Commission in its Resolution No. 68-16, adopted February 6, 1968, 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.

SECTION 2. ZONING CHANGE. Section 19-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Highway Frontage Zone, H-1, to Commercial Industrial Zone, C-M:

All that portion of Lot 7 of McDonald Tract, according to the map thereof recorded in Volume 1 of Maps at page 49, Official Records of Stanislaus County, lying westerly of U.S. 99 Freeway and south of Clayton Avenue being more particularly described as follows:

Beginning at the point of intersection of the westerly line of U.S. 99 Freeway and the Northeasterly line of North 9th Street as such point is established by Deed recorded September 2, 1966, as Instrument Number 30828,

Official Records of Stanislaus County; thence South 43° 37' West 110.00 feet to the southerly line of North 9th Street; thence North 43° 23' West along said southerly line of North 9th Street 936.45 feet to the westerly extension of the centerline of Clayton Avenue; thence North 89° 07' East along said centerline of Clayton Avenue 560.73 feet to the westerly line of U.S. 99 Freeway; thence southerly along said westerly line of U.S. 99 Freeway to the point of beginning.

SECTION 3. ZONING MAP. Section 19-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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


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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 11th day of March, 1968, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Shastid, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Mitchell, Shastid, Simon, Smith,  
Acting Mayor Robinson  
NOES: Councilmen: None  
ABSENT: Councilmen: Hughes, Mayor Davies

APPROVED: 

~~XXXXXXXXXXXXXXXXXXXX~~  
LAWRENCE ROBINSON, JR.  
Acting Mayor

ATTEST:   
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, CITY ATTORNEY

APPROVED AS TO DESCRIPTION:

By   
Planning Department

Ordinance 879 C.S.  
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of March, 1968, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 24, 1968

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.

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
BRIGGSMORE, from Tully Road to the westerly city limits	35 miles per hour
CARPENTER ROAD, between California and Maze	40 miles per hour
CARPENTER ROAD, between the southerly city limits at the Tuolumne River and Robertson Road	35 miles per hour
CARVER ROAD, from Evergreen Street north to the northerly city limits	25 miles per hour
CENTER STREET, entire length in city	25 miles per hour
COFFEE ROAD, Scenic Drive to M.I.D. Lateral #3	30 miles per hour
COFFEE ROAD, M.I.D. Lateral #3 to 200 feet north of Floyd Avenue	35 miles per hour

COLLEGE AVENUE, between Durant and Rumble	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
ENCINA, Covena to Santa Ana	25 miles per hour
ENSLLEN, between Granger and Orangeburg	25 miles per hour
FAIRMONT AVENUE, between Virginia and McHenry	25 miles per hour
FLOYD AVENUE, within the city limits	30 miles per hour
FRANKLIN, between California and Laurel	25 miles per hour
GRANGER, from Tully to McHenry	25 miles per hour
GRISWOLD, from Virginia to McHenry	25 miles per hour
HADDON, between La Loma and Conejo	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
LEGION PARK ROAD, between Santa Cruz and Conejo	25 miles per hour
<u>LEVELAND LANE, College to TSRR tracks</u>	<u>25 miles per hour</u>
LUCERNE AVENUE, from Johnson Street to Coffee Road	25 miles per hour
MADISON, entire length in city	25 miles per hour
MILLER, from La Loma to Conejo	25 miles per hour
MORTON BOULEVARD, entire length in city	25 miles per hour
NEECE DRIVE, from Tuolumne Boulevard to the southerly city limits	25 miles per hour

OLD OAKDALE ROAD, Scenic Drive to north city limits	30 miles per hour
ORANGEBURG AVENUE, east of McHenry Avenue	35 miles per hour
ORANGEBURG AVENUE, Martin to Prescott	25 miles per hour
PRESCOTT ROAD, Briggsmore to Rumble	25 miles per hour
ROBLE AVENUE, Santa Ana to Rosina	25 miles per hour
ROSE AVENUE, Scenic Drive to 400 feet north of Kruger Avenue	30 miles per hour
ROSE AVENUE, 400 feet north of Kruger to Floyd Avenue	35 miles per hour
RUMBLE ROAD, between Tully and Tidewater Southern Tracks	25 miles per hour
RUMBLE ROAD, between Highgate and the east city limits	25 miles per hour
SHERWOOD, from Orangeburg to Northern Boulevard	25 miles per hour
STANDIFORD AVENUE, Tidewater Southern Railroad to McHenry Avenue	35 miles per hour
STODDARD, between McHenry and Virginia	25 miles per hour
SUNRISE, from Lucerne to the northerly city limits	25 miles per hour
TULLY ROAD, from Coldwell to Woodman Way	25 miles per hour
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
WOODROW AVENUE, within the city limits	25 miles per hour
WRIGHT, from Sycamore to McHenry	25 miles per hour
9TH STREET, from north end of Tuolumne River Bridge to south city limits	40 miles per hour
9TH STREET, from north end of Tuolumne River Bridge to D Street	30 miles per hour
9TH STREET, from P Street to Tully Road	35 miles per hour



Ord. No. 880-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 18th day of March, 1968, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 17, 1968

AN ORDINANCE AMENDING SECTION 5-6.02 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SEWER SERVICE CHARGES.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.02 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.02. SEWER SERVICE CHARGES. Each person owning property within the Sewer District shall pay a sewer service charge to the City in accordance with the following rates:

(a) Residential.

(1) In all areas within the City limits as of July 1, 1950, the monthly sewer service charges for dwelling units connected to the sewage system shall be:

Each single family dwelling on a lot . . .	\$1.15
One (1) additional dwelling unit on the same lot . . . . .	.70
Each dwelling unit in a duplex . . . . .	.90
Each dwelling unit in an apartment building or dwelling group . . . . .	.70

(2) In areas annexed to the City after July 1, 1950, and prior to July 1, 1960, the monthly sewer service charges for dwelling units connected to the sewage system shall be:

Each single family dwelling on a lot . . .	\$1.50
One (1) additional dwelling unit on the same lot . . . . .	.90
Each dwelling unit in a duplex . . . . .	1.15
Each dwelling unit in an apartment building or dwelling group . . . . .	.90

(3) In areas annexed to the City after July 1, 1960, the monthly sewer service charges for dwelling units connected to the sewage system shall be:

Each single family dwelling on a lot . . .	\$1.95
One (1) additional dwelling unit on the same lot . . . . .	1.15
Each dwelling unit in a duplex . . . . .	1.50
Each dwelling unit in an apartment building or dwelling group . . . . .	1.15

(4) Monthly sewer service charges for dwelling units within the City limits as of July 1, 1967, not connected to the sewage system and for which sewer service was available as of July 1, 1967, shall be:

Each single family dwelling on a lot . . .	\$1.00
One (1) additional dwelling unit on the same lot . . . . .	.60
Each dwelling unit in a duplex . . . . .	.80
Each dwelling unit in an apartment building or dwelling group . . . . .	.60

(5) In those areas which are outside the City and inside the Sewer District as of July 1, 1967, the monthly sewer service charges for dwelling units connected to the sewage system shall be:

Each single family dwelling on a lot . . .	\$2.35
One (1) additional dwelling unit on the same lot . . . . .	1.40
Each dwelling unit in a duplex . . . . .	1.80
Each dwelling unit in an apartment building or dwelling group . . . . .	1.40

(6) In areas outside the Sewer District, the monthly sewer service charges for dwelling units connected to the sewage system shall be Six and no/100ths (\$6.00) Dollars per month per dwelling unit paid bi-monthly.

(b) Commercial.

(1) Charges for all commercial users inside the City limits connected to the sewage system shall be sixty-five (65%) percent of the bi-monthly water bill, provided that all water used on the premises is from City facilities. In addition thereto, if any or all water used by any commercial user is from other than City facilities, user shall install metering facilities approved by the Director at the user's expense and the sewer service charge shall be an amount equal to sixty-five (65%) percent of the charges which would be made were such water from City facilities. In no event shall charges for commercial users be less than a bi-monthly rate of Three and no/100ths (\$3.00) Dollars.

(2) Charges for all commercial users outside the City limits but inside the Sewer District as of July 1, 1967, connected to the sewage system shall be one hundred twenty (120%) percent of the sewer service rate charged commercial users inside the City.

(3) Charges for commercial users outside the Sewer District connected to the sewage system shall be the charges for commercial users inside the City limits multiplied by three (3).

(4) Monthly sewer service charges for commercial users inside the City limits as of July 1, 1967, not connected to the sewage system and for which sewer service was available as of July 1, 1967, shall be One and 50/100ths (\$1.50) Dollars.

(c) Industrial.

(1) Monthly charges for industrial users inside the City limits shall be as follows, based on either sewage discharge or water used:

FLOW	CHARGE
3,000 CF or less . . . . .	\$10.00 per month
Next 12,000 CF. . . . .	.11 per 100 CF
Next 185,000 CF. . . . .	.09 per 100 CF
Next 300,000 CF. . . . .	.08 per 100 CF
Next 500,000 CF. . . . .	.06 per 100 CF
Over 1,000,000 CF. . . . .	.04 per 100 CF

If the B.O.D. of the industrial waste is over 300 ppm, then an additional charge of Eighty (\$.80) Cents per one hundred (100) pounds of B.O.D. will be made for the B.O.D. in excess of three hundred (300) ppm, as set forth in Section 5-6.13(d) herein.

(2) Monthly charges for industrial users outside the City limits and inside the Sewer District, shall be as follows, based on either sewage discharge or water used:

FLOW	CHARGE
3,000 CF or less . . . . .	\$20.00 per month
Next 12,000 CF. . . . .	.16 per 100 CF
Next 185,000 CF. . . . .	.13 per 100 CF
Next 300,000 CF. . . . .	.11 per 100 CF
Next 500,000 CF. . . . .	.08 per 100 CF
Over 1,000,000 CF. . . . .	.05 per 100 CF

If the B.O.D. of the industrial waste is over three hundred (300) ppm, then an additional charge of Eighty (\$.80) Cents per one hundred (100) pounds of B.O.D. will be made for the B.O.D. in excess of three hundred (300) ppm, as set forth in Section 5-6.13(d) herein.

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

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

(f) Special Situations. Anything to the contrary contained in this Chapter notwithstanding, the Council shall have the power to establish, by agreement or resolution, the rate or rates to be charged for furnishing sewer services to governmental agencies, and to any user outside of the boundaries of the Sewer District, at rates different from those heretofore set forth.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 18th day of March, 1968, by Councilman Shastid, who moved its introduction and passage to print, which motion being duly seconded

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

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 881-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 25th day of March, 1968, Councilman Robinson moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 24, 1968

AN ORDINANCE AMENDING SECTIONS 10-2.301, 10-2.302, 10-2.501, 10-2.602, 10-2.805, 10-2.806, 10-2.906, 10-2.1004, 10-2.1005, 10-2.1006, 10-2.1105, 10-2.1106, 10-2.1202, 10-2.1205, 10-2.1207, 10-2.1513, 10-2.1612, 10-2.1618, 10-2.1620, 10-2.1702, 10-2.1703, 10-2.1706, and 10-2.3004 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE, ADDING ARTICLE 31 THERETO, AND REPEALING SECTION 10-2.2903.2 THEREOF RELATING TO ZONING REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 10-2.301, 10-2.302, 10-2.501, 10-2.602, 10-2.805, 10-2.806, 10-2.906, 10-2.1004, 10-2.1005, 10-2.1006, 10-2.1105, 10-2.1106, 10-2.1202, 10-2.1205, 10-2.1207, 10-2.1513, 10-2.1612, 10-2.1618, 10-2.1620, 10-2.1702, 10-2.1703, 10-2.1706 and 10-2.3004 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.301. NAMES OF ZONES. In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings, and to regulate the area of yards and other open spaces about buildings, and to regulate the density of population, fourteen (14) classes of zones are by this chapter established to be known as follows:

- Residential-Agricultural Zone.....R-A
- One-Family Zone.....R-1
- Two-Family Zone.....R-2
- Multiple-Family Zone.....R-3
- Professional Office Zone.....P-O
- Neighborhood Commercial Zone.....C-1
- General Commercial Zone.....C-2
- Commercial-Industrial Zone.....C-M
- Light Industrial Zone.....M-1
- Heavy Industrial Zone.....M-2
- Flood Plain Zone..... F
- Planned Development Zone.....P-D
- Industrial Park Zone.....M-P
- Highway Frontage Zone.....H-1

SEC. 10-2.302. DEGREE OF RESTRICTIVENESS. "More restrictive uses" as employed in this chapter means the following:

- (a) Those uses first permitted in the R-1 zone are the most restrictive.
- (b) Those uses first permitted in the M-2 zone are the least restrictive.
- (c) All other uses are less restrictive than the uses first permitted in the R-1 Zone in the following sequence: R-2, R-3, P-O, C-1, C-2, C-M, M-1, and M-2.

SEC. 10-2.501. PERMITTED USES. In an R-1 zone only the following uses are permitted as are hereinafter specifically provided and allowed.

- (a) One-family dwelling.
- (b) The following uses upon the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of this chapter:

- (1) Church; wedding chapel.
- (2) Child day care for more than six (6) children, in addition to members of the family.
- (3) Rest home.
- (4) Public buildings or grounds operated by any governmental agency.
- (5) Public utilities or utilities operated by mutual agencies, including electrical substations, gas metering stations, telephone exchanges, power boosters, or conversion plants, with the necessary building apparatus or appurtenances, thereto.
- (6) Radio or television transmitter.
- (7) Tower.
- (8) Private recreational grounds and facilities not open to the general public and to which no admission charge is made.

(c) The renting of not more than three (3) rooms to not more than three (3) roomers, or the providing of table board to not more than three (3) boarders, or both, but not to exceed three (3) in any combination thereof; the day care of not more than six (6) children, in addition to members of the family, when such care is authorized under permits granted by the Stanislaus County Welfare Department, the County Fire Warden, the County Health Department and the Secretary of the Commission.

(d) Home occupations when authorized under a permit granted in accordance with the provisions of Section 10-2.2502.

(e) The following fowl and animals under the following conditions:

(1) Household pets, subject to the provisions of Section 10-2.233.

(2) Not more than four (4) rabbits and/or hares; and domestic fowl (hens only), providing not more than twelve (12) of any one or combination of such animals and fowl may be maintained on a lot.

(3) The keeping of all domestic animals and fowl provided for in item (2) above shall conform to all other provisions of law governing same and no fowl or animal except household pets, or any pen or coop, except those used for household pets, shall be kept or maintained except under the following conditions:

(aa) Animals or fowl shall be kept or maintained only at a distance of forty (40') feet or more from the window or door of any residence or other building used for human habitation.

(ab) Animals or fowl shall be kept or maintained only on the rear one third (1/3) of the lot.

(ac) Animals or fowl shall be maintained only at a distance from the property line not less than the required side yard.

(f) Two-family dwelling, when the lot upon which it is located has a side line that abuts property zoned for R-3, P-0, C-1, C-2, C-M, M-1, or M-2, but in no case shall the property used for such two-family dwelling consist of more than one lot or be more than seventy-five (75') feet in width, whichever is the lesser.

(g) The following signs:

(1) One unlighted sign not exceeding eight (8) square feet in area pertaining only to the sale, lease or hire of only the particular building, property, or premises upon which displayed.

(2) A name plate not exceeding one square foot in area for each dwelling unit.

(3) One bulletin board or identification sign not exceeding twelve (12) square feet in area for uses permitted under a conditional use permit.

(4) If such name plate referred to in (2) above or bulletin board or identification sign referred to in (3) above is illuminated, indirect lighting only shall be used, the source of light shall not be visible from the street, and no flashing or intermittent illumination shall be employed, provided that in no case shall a home occupation name plate be illuminated.

(5) Identification sign and/or name plate shall be permitted, provided that said identification sign and/or name plate shall not exceed twenty (20) square feet in area, and that said identification sign shall display only names of architects, contractors, subcontractors, or engineers of buildings being constructed upon the premises on which said identification sign is located, and that said identification sign must be removed no later than thirty (30) days after construction is completed.

(h) Servants' quarters and guest houses may be maintained on any lot provided that such quarters and guest houses are used as an accessory to the single dwelling unit and also provided no cooking facilities are maintained therein.

(i) A parking area, provided:

(1) A conditional use permit has been obtained in accordance with Article 20 of this chapter.

(2) Development is as required by Section 10-2.1807.

(3) The parking area is clearly incidental and accessory to a use permitted in this section or is accessory to a commercial use which is located in a commercial or industrial zone immediately adjacent to the property to be used for a parking area.

(j) Accessory uses and buildings customarily incidental to the above.

SEC. 10-2.602. PERMITTED USES. In an R-2 zone only the following uses are permitted as are hereinafter specifically provided and allowed:

(a) Any use permitted in the R-1 family zone.

(b) Two-family dwellings.

(c) A three-family or a four-family dwelling when the side line of the lot abuts lots zoned for P-O, C-1, C-2, C-M, M-1, or M-2 and when the lot complies with the provisions set forth in Section 10-2.705 of this chapter. In no case shall the property used for such three-family or four-family dwelling consist of more than one lot or be more than seventy-five (75') feet in width, whichever is the lesser.

(d) Multiple-dwelling or group-dwelling when the lot area complies with the provisions set forth in Section 10-2.606 of this chapter. In no case shall any dwelling structure contain more than four (4) dwelling units.

SEC. 10-2.805. SIDE YARDS. No lot in a C-1 zone need provide side yards except as required herein. Whenever the side of a lot is adjacent to a P-O or residential zone boundary, there shall be provided a side yard of not less than ten (10) feet on the side of the lot adjacent to the zone boundary line.

SEC. 10-2.806. BUILDING PLACEMENT. No building shall be erected closer than ten (10') feet to the rear lot line of any lot zoned for "C" purposes when such lot abuts upon property classified for "P-O" or "R" purposes and no alley intervenes.

SEC. 10-2.906. BUILDING PLACEMENT. No building shall be

erected closer than ten (10') feet to the rear lot line of any lot zoned for "C" purposes when such lots abut upon property classified for "P-O" or "R" purposes and no alley intervenes.

SEC. 10-2.1004. FRONT YARD. No lot in a C-M zone need provide a front yard, except as required herein. When property classified as C-M comprises part of the frontage and part of the remaining frontage is classified for "P-O" or "R" purposes the front yard in such C-M zone shall conform to the front yard required in the R-3 zone. When a front yard has been so provided, if the "P-O" or "R" property constituting part or all of the remaining frontage is rezoned, a front yard equal to that which has been so provided for the C-M property shall be required for property so rezoned. No building or structure shall be permitted in such yard.

SEC. 10-2.1005 SIDE YARDS. No lot in a C-M zone need provide side yards, except as required herein. Whenever the side of a lot is adjacent to a "P-O" or residential zone boundary, there shall be provided a side yard of not less than ten (10') feet on the side of the lot adjacent to the zone boundary line. A lot shall be required to have a side street side yard only when the side of the property classified as C-M comprises part of the frontage and part of the remaining frontage is classified for "P-O" or "R" purposes, in which case the side street side yard in such C-M zone shall conform to the front yard required in the R-3 zone. When a side street side yard has been so provided, if the "P-O" or "R" property constituting part or all of the remaining frontage is rezoned, a yard facing on the street equal to that which has been so provided for the C-M property shall be required for property so rezoned. No building or structure shall be permitted in such yard.

SEC. 10-2.1006. BUILDING PLACEMENT. No building shall be erected closer than fifteen (15') feet to the rear lot line of any lot zoned for C-M purposes when such lot abuts upon property classified for "P-O" or "R" purposes and no alley intervenes.

SEC. 10-2.1105. SIDE YARDS. No lot in an M-1 zone need provide side yards, except as required herein. Whenever the side of a lot is adjacent to a "P-O" or residential zone boundary, there shall be provided a side yard of not less than ten (10') feet on the side of the lot adjacent to the zone boundary line. A lot shall be required to have a side street side yard only when the side of the property classified as M-1 comprises part of the frontage and part of the remaining frontage is classified for "P-O" or "R" purposes, or when such lot sides upon a street the opposite side of which is classified for "P-O" or "R" purposes, in which case the side street side yard in such M-1 zone shall conform to the front yard required in the R-3 zone. When a side street side yard has been so provided, if the "P-O" or "R" property constituting part or all of the remaining frontage is rezoned, a yard facing on the street equal to that which has been so provided for the M-1 property shall be required for property so rezoned. No building or structure shall be permitted in such yard.

SEC. 10-2.1106. BUILDING PLACEMENT. No building shall be erected closer than fifteen (15') feet to the rear lot line of any lot zoned for M-1 purposes when such lot abuts upon property classified for "P-O" or "R" purposes and no alley intervenes.

SEC. 10-2.1202. LIMITATIONS ON PERMITTED USE. Every use permitted in the M-2 zone shall be subject to the following conditions and limitations:

(a) When an industrial area fronts or sides upon a street the opposite side of which is classified for "P-O" or "R" purposes, there shall be maintained a building line setback of ten (10%) per cent of the average depth of the lots in each block of such industrial area, provided such setback shall not be less than ten (10') feet, nor be required to exceed fifty (50') feet in depth. A minimum strip of landscaping approved by the Planning Commission shall be maintained along the frontage of the setback area. In addition thereto, the following uses may be located in the setback area:

- (1) Landscaping.
- (2) Parking area.
- (3) Employee's recreational area without structures.
- (4) Driveways.
- (5) Railroad spur tracks, excluding storage of railroad motive power equipment or rolling stock.
- (6) An ornamental type fence located not closer than ten (10') feet to the front lot line.

SEC. 10-2.1205. FRONT YARD. Every lot in the M-2 zone shall be required to have a front yard only when property classified as M-2 comprises part of the frontage on one side of a street between intersecting streets and the remainder of the frontage in the same block is classified for "P-O" or "R" purposes, in which case the front yard in such M-2 zone shall conform to the front yard required in the R-3 zone.

SEC. 10-2.1207. BUILDING PLACEMENT. No building shall be erected closer than fifteen (15') feet to the rear lot line of any lot zoned for M-2 purposes when such lot abuts upon property classified for "P-O" or "R" purposes and no alley intervenes.

SEC. 10-2.1513. REQUIREMENT FOR STREET TREES. As a condition of approval of planned-development zones, variances, unclassified use permits, conditional use permits, H-1 zone use permits or P-O zone use permits, it is the policy of the City of Modesto to require street trees to be planted and maintained along the street frontages of the affected properties. In order to insure that such street trees conform to the City of Modesto Street Tree Plan, and that they are properly planted and maintained, whenever street trees are required as a condition of approval of a planned-development zone, variance, unclassified use permit, conditional use permit, H-1 zone use permit, or P-O zone use permit, the applicant shall pay to the City of Modesto a sum for each street tree required. Such sum shall be established by resolution of the City Council adopted from time to time. Upon the payment of such sum, the City shall be responsible for planting and maintaining such street trees.

SEC. 10-2.1612. WALL, FENCE OR HEDGE MAY BE MAINTAINED.

(a) On residentially zoned or P-O zoned property a wall, fence or hedge not more than forty-two (42") inches in height may be located and maintained on any part of a lot except within the clear vision triangle as required in Section 10-2.1609. A fence, wall, or hedge more than forty-two (42") inches in height but not more than six (6') feet in height may be located anywhere on the lot, provided that no fence, wall, or hedge over forty-two (42") inches in height shall be located closer than fifteen (15') feet to any street line except that in the case of substandard corner lots referred to in Section 10-2.1618 and certain specified corner lots referred to in Section 10-2.1620 a fence, wall, or hedge not more than six (6') feet in height may be located not closer than seven and one-half (7½') feet to the side street, and on

a through lot which has vehicular access prohibited to the street at the rear of such lot, a fence, wall, or hedge not more than six (6') feet in height shall be permitted along such rear lot line. On P-O zoned property facing on a collector street, a fence, wall, or hedge six (6') feet in height may be constructed to the street line when it is adjacent to a less restrictive zone. Nothing in this section shall be deemed to prevent the erection of a fence, wall or hedge not more than ten (10') feet in height on any part of a lot where a building is permitted.

(b) On C-1 and C-2 zoned property, when such property comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, a six (6') foot fence, wall or hedge on such C-1 or C-2 property may be extended along the side property line to the front property line of such C-1 or C-2 property.

(c) On C-M, M-1, and M-2 zoned property when such property comprises part of the frontage and part of the remaining frontage is classified for "R" purposes, or when such property fronts upon a street, the opposite side of which is classified for "R" purposes, a six (6') foot fence, wall or hedge on such C-M, M-1 or M-2 property may be extended along the side property line to the front property line of such C-M, M-1 or M-2 property.

(d) On commercially or industrially zoned property abutting residentially zoned property, a fence, wall or hedge not more than ten (10') feet in height may be erected along such zone boundary line. If an alley intervenes between such commercial or industrial property and the residential property, a fence, wall or hedge not more than ten (10') feet in height may be erected on either line of the alley.

SEC. 10-2.1618. SUBSTANDARD LOTS. When a lot has less than the minimum required area or width as set forth in any of the zones contained herein, or in a precise plan, and was of record on the effective date of this chapter or is a part of a subdivision the tentative map of which was approved by the City or County Planning Commission prior to the effective date of this chapter, such lot shall be deemed to have complied with the minimum required lot area and width as set forth in any such zone or precise plan, except that such substandard lot shall qualify for only one single-family residence; provided, however, that if such substandard lot contains the minimum required lot area for a use in the zone in which such lot is located and if the width of such lot is not less than fifty (50') feet, then the lot may qualify for such use. On such substandard lot the width of each side yard for a dwelling or building permitted in a P-O zone may be reduced to a width which is not less than the same percentage of the width of the lot as the required side yard would be of the required lot width provided that on interior lots no side yard shall be less than three (3') feet and on corner and reversed corner lots no side yard on the side street shall be less than seven and one-half (7½') feet and the other side yard shall be not less than three (3') feet .

SEC. 10-2.1620. SIDE YARD MODIFICATIONS FOR CERTAIN SPECIFIED LOTS. (a) Existing Lots. Notwithstanding any other provisions of this chapter to the contrary the minimum side yard required for any dwelling or building permitted in a P-O zone to be erected on an interior lot of any of the following kinds of lots shall be five (5') feet:

(1) A lot described in a subdivision which has been recorded in the Office of the Recorder of Stanislaus County prior to the effective date of this chapter;

(2) A lot described in a subdivision, the tentative map of which has been approved by the Planning Commission of the City of Modesto or the County of Stanislaus prior to the

effective date of this chapter;

(3) A lot held of record in separate ownership from adjacent lots prior to the effective date of this chapter.

The total width of the two (2) required side yards for any of the above described lots shall be not less than ten (10') feet.

For corner lots held in separate ownership or in subdivisions as described above, the side yard on the side street of any lot shall be not less than seven and one-half (7½') feet and the interior side yard of any such lot shall not be less than five (5') feet.

(b) Future Lots. Side yards on the side street side of all corner lots and interior side yards of all lots in every subdivision, the tentative map of which is approved subsequent to the effective date of this chapter, or on individual lots cut off subsequent to the effective date of this chapter, shall be as required in the various articles of this chapter governing the respective zones.

(c) Substandard Lots. All lots in both (a) and (b) above shall be subject to the provisions of Section 10-2.1618 relating to substandard lots.

SEC. 10-2.1702. NONCONFORMING BUILDING IN "P-O", "C" OR "M" ZONES. A nonconforming building in the P-O zone or in any one of the "C" or "M" zones may be continued for the period prescribed in this article provided no additions or enlargements are made thereto and no structural alterations are made therein, except those required by law. If any such nonconforming building is removed, every future use of the land on which the building was located shall conform to the provisions of this chapter.

SEC. 10-2.1703. NONCONFORMING USE OF CONFORMING BUILDING. The nonconforming use of a conforming building lawfully existing on the effective date of this chapter, may be continued provided such nonconforming use shall not be expanded or extended into any other portion of the conforming building nor shall any structural alterations except those required by law be made, and if such nonconforming use is discontinued for a continuous period of more than six (6) months, any future use of such building shall conform to the provisions of the zone in which it is located; and provided further that all non-residential, non-conforming uses of a conforming building in the P-O zone or in any of the "R" zones shall be discontinued not later than five (5) years from the date the provisions of this chapter become effective.

SEC. 10-2.1706. REQUIRED REMOVAL OF NONCONFORMING BUILDINGS.

(a) Every nonconforming building in the P-O zone or in any of the "R" zones, except residential buildings, churches and schools, which nonconforming building was designed or intended for a use not permitted in the P-O zone or in the "R" zone in which it is located, shall be completely removed or altered to structurally conform to the uses permitted in the zone in which it is located and the use of such building shall be changed to conform with the uses permitted in the zone in which it is located within the herein specified times upon notice from the Planning Commission which time is measured from the date of construction, or from the date of the last transfer of title prior to the effective date of this chapter, whichever is the lesser. In no case where the property is improved by structures requiring a building permit shall this period of time be less than ten (10) years from the date of notification by the Planning Commission. As used in this Section the designations "Type I building", "Type II building", "Type III building", "Type IV building", and "Type V building" are employed as defined in Chapter I of Title IX of this Code.

(1) Where property is unimproved or is occupied by structures of a type for which Chapter I of Title IX of this Code does not require a building permit, five (5) years after receipt of notification from the Planning Commission.

(2) Type IV or Type V buildings (light incombustible frame and wood frame) twenty (20) years.

(3) Type II or Type III buildings (heavy timber construction and ordinary masonry) thirty-five (35) years.

(4) Type I buildings (fire resistant) forty-five (45) years.

Where more than one type of building has been constructed on the property and such buildings are used as a part of the business conducted on the property, the longest period of time permitted before removal is required for any such building by the provisions of this chapter shall apply to all such buildings.

Where buildings have been constructed on the property at different times, and where the abatement period is measured by the date of construction, the date of removal shall be measured from the date of the construction of the building most recently constructed.

(b) Every nonconforming building or use in the M-1 and M-2 zones which is used for, or devoted to, any residential purpose, hospital (except emergency hospitals), hotels, institution or home for the treatment of convalescent persons, alcoholics, the wounded or mentally infirm, lodging houses, schools, trailers used for human habitation, or trailer camps; and which nonconforming building was designed or intended for a use not permitted in the "M" zone in which it is located, shall be completely removed or altered to structurally conform to the uses permitted in the zone in which it is located within the herein specified times, upon notice from the Planning Commission, which times are measured from the date of construction, or from the date of the last transfer of title prior to the effective date of this Chapter, whichever is the lesser, except that in no case shall this period of time be less than ten (10) years from date of such notice.

(1) Where property is unimproved or is occupied by structures of a type for which Chapter I of Title IX of this Code does not require a building permit, five (5) years.

(2) In other cases ten (10) years, and for such longer times as will produce a total life of the improvement from the date of construction to the date of abatement as follows:

(aa) Type IV or Type V buildings (light incombustible frame and wood frame) twenty (20) years.

(ab) Type II or Type III buildings (heavy timber construction and ordinary masonry) twenty-five (25) years.

(ac) Type I buildings (fire resistant thirty (30) years.

SEC. 10-2.3004. FRONT YARD. Every lot shall maintain a planted front yard not less than fifteen (15') feet in depth. No building or structure may occupy any part of such front yard. Parking will not be permitted in said front yard.

SECTION 2. AMENDMENT OF CODE. Article 31 is hereby added to

Chapter 2 of Title X of the Modesto Municipal Code to read as follows:

## PLANNING COMMISSION USE PERMITS

SEC. 10-2.3101. H-1 ZONE AND P-O ZONE USE PERMITS. H-1 zone and P-O zone use permits shall be granted by the Planning Commission and shall be applied for and processed as set forth in this article.

SEC. 10-2.3102. PUBLIC HEARING. Upon the filing of an application for a use permit, the Secretary of the Planning Commission shall set the matter for a public hearing at a subsequent meeting of the Commission and give notice as provided in subsection (b) of Section 10-2.2206.

SEC. 10-2.3103. ANNOUNCEMENT OF FINDINGS. No more than forty (40) days following the public hearing on a use permit, the Planning Commission shall announce its findings by resolution and said resolution shall recite, among other things, the facts and reasons which, in its opinion, make the granting or denial of a use permit necessary to carry out the provisions and general purpose of this Chapter, and shall order that a use permit be granted or denied, and if such resolution orders that a use permit be granted, it shall also recite such conditions and limitations as the Commission may impose.

SEC. 10-2.3104. APPLICANT TO BE NOTIFIED. Not later than ten (10) days following the rendering of a decision ordering that a use permit be granted or denied, a copy of the resolution shall be mailed to the applicant and his attorney, if any, at the address shown on the application filed with the Secretary of the Planning Commission.

SEC. 10-2.3105. EFFECTIVE DATE OF USE PERMITS AND APPEAL PROCEDURE. The resolution of the Planning Commission in granting or denying a use permit shall become final and effective fifteen (15) days after the date of adoption of the resolution granting or denying the use permit unless within such fifteen (15) day period an appeal is filed with the Council by any person dissatisfied with the decision of the Planning Commission. The filing of such appeal within such time limit shall stay the effective date of the order of the Planning Commission until such time as the Council has acted on the appeal as hereafter set forth in this Chapter.

SEC. 10-2.3106. CASE RECORD TO BE SENT TO CITY COUNCIL. Upon receipt of a written appeal filed with the Council as provided herein, the Secretary of the Planning Commission shall thereupon transmit to the Council the Planning Commission's complete record of the case.

SEC. 10-2.3107. PUBLIC HEARING ON APPEAL. Within not to exceed forty (40) days following the receipt of the written appeal, the Council shall conduct a duly advertised public hearing, public notice of which shall be given as provided in subsection (a) of Section 10-2.2206.

SEC. 10-2.3108. ANNOUNCEMENT OF FINDINGS. The Council shall announce its findings and decisions by formal resolution not more than forty (40) days following the hearing, and said resolution shall recite, among other things, the facts and reasons which in the opinion of the City Council, make the granting or denial of a use permit necessary to carry out the general purpose of this Chapter, and shall order that the use permit be granted or denied or modified subject to such conditions or limitations that it may impose.

SEC. 10-2.3109. COUNCIL ACTION IS FINAL. The action of the Council shall be final and conclusive.

SEC. 10-2.3110. NOTICE OF COUNCIL DECISION. Not later than ten (10) days following the adoption of a resolution by the Council ordering that a use permit be granted or denied, a copy of such resolution shall be mailed to the applicant and opponent, and one copy shall be attached to the Planning Commission file of the case and said file returned to the Secretary of the Planning Commission for permanent filing.

SECTION 3. AMENDMENT OF CODE, Section 10-2.2903.2 of Chapter 2 of Title X of the Modesto Municipal Code is hereby repealed.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1968, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED:

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

By W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 882-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of April, 1968, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon,  
Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: None

APPROVED

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 1, 1968

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, PRE-  
ZONING CERTAIN PROPERTY LOCATED THEREON.  
(BOMBERGER)

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

SECTION 1. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to prezone the following-described property to Planned-Development Zone, P-PD(38):

Beginning at the southwest corner of the northwest quarter of the northwest quarter of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian. Thence North 0° 53' West along the West line of Section 15, 659.00 feet; thence North 89° 42' 10" East 1312.12 feet to the East line of the Northwest quarter of the Northwest quarter of Section 15; thence South 0° 52' 30" East along said East quarter-quarter section line 659.70 feet to the South line of the Northwest quarter of the Northwest quarter of Section 15; thence South 89° 44' West along the said South quarter-quarter Section line 1312.02 feet to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-PD(38) Zone 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; said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. A one hundred fifty (150) space mobile home park.
2. Private recreational grounds and facilities not open to the public.

SECTION 3. ZONING MAP. Section Map 15-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1968, by Councilman Smith, 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, Mithhell, Robinson, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Shastid

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY Planning Department  
Planning Department

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 8th day of April, 1968, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith,  
Acting Mayor Robinson

NOES: Councilmen: None

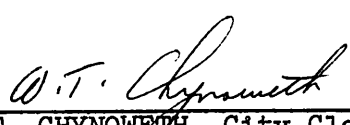
ABSENT: Councilmen: Mayor Davies

APPROVED



~~XXXXXXXXXXXXXXXXXXXX~~  
Lawrence Robinson, Jr.  
Acting Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 8, 1968

Ordinance 883 C.S.  
Exhibit A – Map

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

AN ORDINANCE ADDING CHAPTER 4 ENTITLED "PROCEDURE FOR GRANTING COMMUNITY ANTENNA TELEVISION FRANCHISES" TO TITLE XI OF THE MODESTO MUNICIPAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 4 entitled "Procedure for Granting Community Antenna Television Franchises" is hereby added to Title XI of the Modesto Municipal Code to read as follows:

CHAPTER 4

PROCEDURE FOR GRANTING COMMUNITY ANTENNA TELEVISION FRANCHISES

SEC. 11-4.01. DEFINITIONS. For the purposes of this chapter, the following terms, phrases, words, abbreviations, and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number.

(a) "City" shall mean the City of Modesto, a municipal corporation of the State of California, in its present incorporated form or in any later reorganized, consolidated, enlarged or re-incorporated form.

(b) "Council" shall mean the present governing body of the City or any future board constituting the legislative body of the City.

(c) "Franchise" shall mean and include any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise to construct, operate and maintain a CATV system in the City.

(d) "Grantee" shall mean the person, firm or corporation to whom or which a franchise, as hereinabove defined, is granted by the Council under this chapter, and the lawful successor, transferee or assignee of said person, firm or corporation.

(e) "Street" shall mean the surface of and the space above and below any public street, road, highway, freeway, lane, path, alley, court, sidewalk, parkway, or drive, now or hereafter existing as such within the City.

(f) "Property of Grantee" shall mean all property owned, installed or used by a grantee in the conduct of a CATV business in the City under the authority of a franchise granted pursuant to this chapter.

(g) "CATV" shall mean a community antenna television system as hereinafter defined.

(h) "Community Antenna Television System" shall mean a system of antenna, coaxial cables, wires, wave guides, or other conductors, equipment or facilities designed, constructed or used for the purpose of providing television or FM radio service by cable or through

its facilities as herein contemplated. CATV shall not mean or include the transmission of any special program or event for which a separate and distinct charge is made to the subscriber in the manner commonly known and referred to as "pay television".

(i) "Subscriber" shall mean any person or entity receiving for any purpose the CATV service of a grantee.

(j) "Gross Annual Receipts" shall mean any and all compensation and other consideration in any form whatever, including installation and line extension charges, and any contributing grant or subsidy received directly or indirectly by a grantee from subscribers or users in payment for television or FM radio signals, or service received within the City.

Gross Annual Receipts shall not include any taxes on services furnished by the grantee imposed directly on any subscriber or user by any city, state, or other governmental unit and collected by the grantee for such governmental unit.

(k) "Franchise Area" shall mean the territory within the City throughout which grantee shall be authorized hereunder to construct, maintain, and operate its system and shall include any enlargements thereof and additions thereto.

SEC. 11-4.02. EXCLUSIVE USE OF TELEPHONE FACILITIES. When and in the event that the grantee of any franchise granted hereunder constructs, operates and maintains a CATV system exclusively through telephone company facilities constructed, operated and maintained pursuant to a state-granted telephone franchise and offers proof satisfactory to the Council that in no event during the life of such franchise shall the grantee make any use of the streets independently of such telephone company facilities, said grantee shall be required to comply with all of the provisions hereof as a "licensee" and in such event whenever the term "grantee" is used herein it shall be deemed to mean and include "licensee".

SEC. 11-4.03. FRANCHISE TO OPERATE. A nonexclusive franchise to construct, operate and maintain a CATV system within a franchise area may be granted by the Council to any person, firm or corporation, whether operating under an existing franchise or not, who or which offers to furnish and provide such system under and pursuant to the terms and provisions of this chapter.

No provision of this chapter may be deemed or construed as to require granting of a franchise when in the opinion of the Council it is in the public interest not to do so or to restrict the number of grantees.

SEC. 11-4.04. USES PERMITTED BY GRANTEE. Any franchise granted pursuant to the provisions of this chapter shall authorize and permit the grantee to engage in the business of operating and providing a CATV system in the City, and for that purpose to erect, install, construct, repair, replace, reconstruct, maintain and retain in, on, over, under, upon, across and along any public street, such poles, wires, cable, conductors, ducts, conduit, vaults, manholes, amplifiers, appliances, attachments, and other property as may be necessary and

appurtenant to the CATV system; and in addition, so to use, operate, and provide similar facilities or properties rented or leased from other persons, firms or corporations, including but not limited to any public utility or other grantee franchised or permitted to do business in the City.

The granting of a franchise pursuant to this chapter shall not be constructed as permission or authority to enter on, occupy, or otherwise utilize private property without the express consent of the owner or agent in possession thereof.

No franchise granted hereunder shall be construed as a franchise, permit or license to transmit any special program or event for which a separate and distinct charge is made to the subscriber in the manner commonly known and referred to as "pay television", and no grantee shall directly or indirectly install, maintain or operate on any television set a coin box or any other device or means for collection of money for individual programs.

The grantee may make a charge to subscribers for installation or connection to its CATV system and a fixed monthly charge as filed and approved as herein provided. No increase in the rates and charges to subscribers, as set forth in the schedule filed and approved with grantee's application, may be made without the prior approval of the Council expressed by resolution.

**SEC. 11-4.05. DURATION OF FRANCHISE.** No franchise granted by the Council under this chapter shall be for a term longer than twenty (20) years following the date of acceptance of such franchise by the grantee or the renewal thereof.

Any such franchise granted hereunder may be terminated prior to its date of expiration by the Council in the event that said Council shall have found, after thirty (30) days' notice of any proposed termination and public hearing, that:

(a) The grantee has failed to comply with any provision of this chapter or has, by act or omission, violated any term or condition of any franchise or permit issued hereunder; or

(b) Any provision of this chapter has become invalid or unenforceable and the Council further finds that such provision constitutes a consideration material to the grant of said franchise; or

(c) The City acquires the CATV system property of the grantee.

**SEC. 11-4.06. FRANCHISE PAYMENTS.** Any grantee granted a franchise under this chapter shall pay to the City, during the life of such franchise, a sum equal to five per cent (5%) of the gross annual receipts of the grantee, and in addition thereto such other sums as may be provided for in grantee's franchise. Such payment by the grantee to the City shall be made annually, or as otherwise provided in the grantee's franchise, by delivery of the same to the Director of Finance. Franchise payments required hereunder shall be in lieu of any business license, occupation tax or similar levy.

The grantee shall file with the Director of Finance within sixty (60) days after the expiration of any calendar year or portion thereof during which such franchise is in force, a financial statement prepared by a certified public accountant, or person otherwise satisfactory to the Council, showing in detail the gross annual receipts, as defined herein, of grantee during the preceding calendar year or portion thereof. It shall be the duty of the grantee to pay to the City, within fifteen (15) days after the time for filing such statements, the sum hereinabove prescribed or any unpaid balance thereof for the calendar year or portion thereof covered by such statements.

Commencing with the effective date of such franchise, in any year, or portion thereof, during which payments under this section amount to less than Fifteen Hundred (\$1,500) Dollars per year, grantee shall pay the City as a minimum an amount equal to Fifteen Hundred (\$1,500) Dollars per year.

The City shall have the right to inspect the grantee's records showing the gross receipts from which its franchise payments are computed and the right of audit and recomputations of any and all amounts paid under this chapter. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the City may have for further or additional sums payable under this chapter or for the performance of any other obligation hereunder.

In the event of any holding over after expiration or other termination of any franchise granted hereunder, without the consent of the City, the grantee shall pay to the City reasonable compensation and damages, of not less than one hundred per cent (100%) of its total gross profits during said period.

#### SEC. 11-4.07. LIMITATIONS OF FRANCHISE.

(a) Any franchise granted under this chapter shall be nonexclusive.

(b) No privilege or exemption shall be granted or conferred by any franchise granted under this chapter except those specifically prescribed herein.

(c) Any privilege claimed under such franchise by the grantee in any street or other public property shall be subordinate to any prior lawful occupancy of the streets or other public property.

(d) Any such franchise shall be a privilege to be held in personal trust by the original grantee. It cannot in any event be sold, transferred, leased, assigned or disposed of, in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation, by change in control of a corporation or company, stock transfer, transfer in trust, mortgage, or other hypothecation, or otherwise, without the prior consent of the Council expressed by resolution, and then only under such conditions as may therein be prescribed. Any such transfer or assignment shall be made only by an instrument in writing, a duly executed copy of which shall be filed in the office of the City Clerk within thirty (30) days after any such transfer or assignment. The said consent of the Council may not be arbitrarily refused; provided, however, the proposed assignee must show financial responsibility and must agree to comply with all provisions.

of this chapter; and provided, further, that no such consent shall be required for a transfer in trust, mortgage or other hypothecation as a whole, to secure an indebtedness.

(e) Time shall be of the essence of any such franchise granted hereunder. The grantee shall not be relieved of his obligation to comply promptly with any of the provisions of this chapter or by any failure of the City to enforce prompt compliance.

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

(g) The grantee shall have no recourse whatsoever against the City for any loss, cost, expense, or damage arising out of any provision or requirement of this chapter or of any franchise issued hereunder or because of its enforcement.

(h) The grantee shall be subject to all provisions, rules, regulations and conditions prescribed by federal, state, city and local law heretofore or hereafter enacted or established during the term of any franchise granted hereunder. Copies of all petitions, applications and communications submitted by the grantee to the Federal Communications Commission, Securities and Exchange Commission or any other federal or state regulatory commission or agency having jurisdiction in respect to any matters effecting CATV operations authorized pursuant to this franchise shall also be submitted simultaneously to the City Clerk.

(i) Any such franchise granted shall not relieve the grantee of any obligation involved in obtaining pole space from any department of the City, utility company, or from others maintaining poles in streets.

(j) Any franchise granted hereunder shall be in lieu of any and all other rights, privileges, powers, immunities, and authorities owned, possessed, controlled, or exercisable by grantee, or any successor to any interest of grantee, of or pertaining to the construction, operation, or maintenance of any CATV system in the City; and the acceptance of any franchise hereunder shall operate as between grantee and the City, as an abandonment of any and all of such rights, privileges, powers, immunities, and authorities within the City, to the effect that, as between grantee and the City, any and all construction, operation, and maintenance by any grantee of any CATV system in the City shall be, and shall be deemed and construed in all instances and respects to be, under and pursuant to said franchise, and not under or pursuant to any other right, privilege, power, immunity, or authority whatsoever.

#### SEC. 11-4.08. RIGHTS RESERVED TO THE CITY.

(a) Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the City to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, at a fair and just value, which shall not include

or privileges granted, and nothing herein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the City's right of eminent domain.

(b) There is hereby reserved to the City every right and power which is required to be herein reserved or provided by any law, ordinance, or code of the City, and the grantee, by its acceptance of any franchise, agrees to be bound thereby and to comply with any action or requirements of the City in its exercise of such rights or power, heretofore or hereafter enacted or established.

(c) Neither the granting of any franchise hereunder nor any of the provisions contained herein shall be construed to prevent the City from granting any identical, or similar, franchise to any other person, firm or corporation, within all or any portion of the City.

(d) There is hereby reserved to the City the power to amend any section or part of this chapter so as to require additional bonding, insurance or greater standards of construction, operation, maintenance or otherwise, on the part of the grantee.

(e) Neither the granting of any franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the City.

(f) The Council may do all things which are necessary and convenient in the exercise of its jurisdiction under this chapter and may determine any question of fact which may arise during the existence of any franchise granted hereunder. The City Manager is hereby authorized and empowered to adjust, settle, or compromise any controversy or charge arising from the operations of any grantee under this chapter, either on behalf of the City, the grantee, or any subscriber, in the best interest of the public. Either the grantee or any member of the public who may be dissatisfied with the decision of the City Manager may appeal the matter to the Council for hearing and determination. The Council may accept, reject or modify the decision of the City Manager, and the Council may adjust, settle or compromise any controversy or cancel any charge arising from the operations of any grantee or from any provision of this chapter.

#### SEC. 11-4.09. PERMITS, INSTALLATION AND SERVICE.

(a) Within sixty (60) days after acceptance of any franchise, the grantee shall make application for and diligently pursue the obtaining of all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment agreements, microwave carrier licenses,

granted by duly constituted regulatory agencies having jurisdiction over the operation of CATV systems, their associated microwave transmission facilities, or any other associated facility.

(b) Grantee shall commence construction and installation of the CATV system either within ninety (90) days after obtaining all necessary permits, licenses and authorizations, or within ninety (90) days after not less than nine (9) VHF and/or UHF stations provide predicted Grade B or better signal levels to any portion of the City, whichever occurs first.

(c) Within one hundred eighty (180) days after the commencement of construction and installation of the system, grantee shall proceed to render service to subscribers, and the completion of the construction and installation shall be pursued with reasonable diligence thereafter, so that service to all areas designated on the map accompanying the application for franchise, as provided in Section 11-4.20 hereof, shall be provided within two (2) years from the date that service was first provided.

(d) Failure on the part of the grantee to commence and diligently pursue each of the foregoing requirements and to complete each of the matters set forth herein, shall be grounds for termination of such franchise, under and pursuant to the terms of Section 11-4.05 hereof; provided, however, that the Council in its discretion may extend the time for obtaining of permits and authorizations and for the commencement and completion of construction and installation for additional periods in the event the grantee, acting in good faith, experiences delays by reason of circumstances beyond his control.

#### SEC. 11-4.10. LOCATION OF PROPERTY OF GRANTEE.

(a) Any poles, wires, cable lines, conduits or other properties of the grantee to be constructed or installed in streets, shall be so constructed or installed only at such locations and in such manner as shall be approved by the Director of Public Works acting in the exercise of his reasonable discretion.

(b) The grantee shall not install or erect any facilities or apparatus in or on other public property, places or rights-of-way, or within any privately-owned area within the City which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision map approved by the City, except those installed or erected upon public utility facilities now existing, without obtaining the prior written approval of the Director of Public Works.

(c) In those areas and portions of the City where the transmission or distribution facilities of both the public utility providing telephone service and those of the utility providing electric service are underground or hereafter may be placed underground, then the grantee shall likewise construct, operate and maintain all of its transmission and distribution facilities underground. For the purposes of this subsection, "underground" shall include a partial underground system, e.g. streamlining. Amplifiers in grantee's transmission and distribution lines may be in appropriate housings upon the surface of the ground as approved by the Director of Public Works. The City shall not in any manner be responsible for any costs incurred by grantee in placing grantee's

SEC. 11-4.11. REMOVAL AND ABANDONMENT OF PROPERTY OF GRANTEE.

(a) In the event that the use of any part of the CATV system is discontinued for any reason for a continuous period of twelve (12) months, or in the event such system or property has been installed in any street or public place without complying with the requirements of grantee's franchise or this chapter, or the franchise has been terminated, cancelled or has expired, the grantee shall promptly, upon being given ten (10) days' notice, remove from the streets or public places all such property and poles of such system other than any which the Director of Public Works may permit to be abandoned in place. In the event of such removal, the grantee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the Director of Public Works.

(b) Any property of the grantee remaining in place sixty (60) days after the termination or expiration of the franchise shall be considered permanently abandoned. The Director of Public Works may extend such time not to exceed an additional thirty (30) days.

(c) Any property of the grantee to be abandoned in place shall be abandoned in such manner as the Director of Public Works shall prescribe. Subject to the provisions of any utility joint use attachment agreement, upon permanent abandonment of the property of the grantee in place, the property shall become that of the City, and the grantee shall submit to the Council an instrument in writing, to be approved by the City Attorney, transferring to the City the ownership of such property.

SEC. 11-4.12. CHANGES REQUIRED BY PUBLIC IMPROVEMENTS. The grantee shall, at its expense, protect, support, temporarily disconnect, relocate in the same street or other public place, or remove from the street or other public place, any property of the grantee when required by the Director of Public Works by reason of traffic conditions, public safety, street vacation, freeway and street construction, change or establishment of street grade, installation of sewers, drains, water pipes, power lines, signal lines, and tracks or any other type of structures or improvements by public agencies; provided, however, that the grantee shall in all such cases have the privileges and be subject to the obligations to abandon any property of the grantee in place, as provided in Section 11-4.11 hereof.

SEC. 11-4.13. FAILURE TO PERFORM STREET WORK. Upon failure of the grantee to commence, pursue, or complete any work required by law or by the provisions of this chapter or by its franchise to be done in any street or other public place, within the time prescribed, and to the satisfaction of the Director of Public Works, the Director of Public Works may, at his option, cause such work to be done and the grantee shall pay to the City the cost thereof in the itemized amounts reported by the Director of Public Works to the grantee within thirty (30) days after receipt of such itemized report.

SEC. 11-4.14. FAITHFUL PERFORMANCE BOND.

(a) The grantee shall, concurrently with the filing of and acceptance of award of any franchise granted

under this chapter, file with the City Clerk and at all times thereafter maintain in full force and effect for the term of such franchise or any renewal thereof, at grantee's sole expense, a corporate surety bond in a company authorized to do business in the State of California and in a form approved by the City Attorney, in the amount of Twenty-Five Thousand and no/100ths (\$25,000.00) Dollars, renewable annually, and conditioned upon the faithful performance of grantee and upon the further condition that in the event grantee shall fail to comply with any one or more of the provisions of this chapter, or of any franchise issued to the grantee hereunder, there shall be recoverable jointly and severally from the principal and surety of such bond any damages or loss suffered by the City as a result thereof, including the full amount of any compensation, indemnification, or cost of removal or abandonment of any property of the grantee as prescribed hereby which may be in default, plus a reasonable allowance for attorney's fees and costs, up to the full amount of the bond; said condition to be a continuing obligation for the duration of such franchise and any renewal thereof and thereafter until the grantee has liquidated all of its obligations with the City that may have arisen from its exercise of any privilege therein granted. The bond shall provide that thirty (30) days' prior written notice of intention not to renew, cancellation, or material change, be given to the City.

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

#### SEC. 11-4.15. INDEMNIFICATION OF CITY.

(a) The grantee shall indemnify and save harmless the City, its officers and employees from and against any and all claims, demands, actions, suits, and proceedings by others, against all liability to others, including, but not limited to any liability for damages by reason of or arising out of any failure by the grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by the grantee's CATV system, and against any loss, cost, expense and damages resulting therefrom, including reasonable attorney's fees, arising out of the exercise or enjoyment of its franchise.

(b) The grantee shall indemnify and save harmless

the City, its officers, boards, commissions, agents, and employees from and against any and all liability claims, demands, actions, suits, and proceedings by others, for loss or damage, for personal injury, death and property damage, occasioned by the operations of grantee under this chapter and any franchise granted hereunder; and the grantee shall, at all times during the existence of any franchise granted hereunder, maintain in full force and effect, at its own cost and expense, a general comprehensive liability insurance policy protecting the City and all persons against liability for loss or damage for personal injury, death and property damage, occasioned by the operations of grantee under this chapter and any franchise granted hereunder, with minimum liability limits of Three Hundred Thousand and no/100ths (\$300,000.00) Dollars for personal injury or death of any one person and Five Hundred Thousand and no/100ths (\$500,000.00) Dollars for personal injury or death of two or more persons in any one occurrence, and One Hundred Thousand and no/100ths (\$100,000.00) Dollars for damage to property resulting from any one occurrence. The grantee shall, concurrently with the filing of an acceptance of award of any franchise granted under this chapter, file with the City Clerk either a copy of such policy or a certificate of insurance evidencing the same in a form satisfactory to the City Attorney. Such policy of insurance, and any certificate evidencing the same, shall contain a contractual liability endorsement specifically extending the policy to cover the liability assumed by grantee under this subsection, and shall also contain a provision that such policy may not be cancelled except after ten (10) days' notice in writing to be given to the City Clerk.

#### SEC. 11-4.16 INSPECTION OF PROPERTY AND RECORDS.

(a) At all reasonable times, the grantee shall permit any duly authorized representative of the City to examine all property of the grantee, together with any appurtenant property of the grantee situated within or without the City, and to examine and transcribe any and all maps and other records kept or maintained by the grantee or under its control which deal with the operations, affairs, transactions or property of the grantee with respect to its franchise. If any such maps or records are not kept in the City, or upon reasonable request made available in the City, and if the Council shall determine that an examination thereof is necessary or appropriate, then all travel and maintenance expense necessarily incurred in making such examination shall be paid by the grantee.

(b) The grantee shall prepare and furnish to the Director of Public Works and the Director of Finance at the times and in the form prescribed by either of said officers, such reports with respect to its operations, affairs, transactions or property, as may be reasonably necessary or appropriate to the performance of any of the rights, functions or duties of the City or any of its officers in connection with the franchise.

(c) The grantee shall at all times make and keep in its local office full and complete plans and records showing the exact location of all CATV system equipment installed or in use in streets and other public places in the City.

(d) The grantee shall file with the Director of Public Works on or before the last day in June of each

year, a current map or set of maps drawn to scale, showing all CATV system equipment installed and in place in streets and other public places in the City on base maps provided by City.

SEC. 11-4.17. OPERATIONAL STANDARDS. The CATV system shall be installed and maintained in accordance with the highest and best accepted standards of the CATV industry, to the effect that subscribers shall receive the highest quality service technically possible. In determining the satisfactory extent of such standards, the following, among others, shall be considered as minimum requirements.

(a) The CATV system shall be installed using all band equipment capable of passing the entire VHF television and FM broadcast spectrum (i.e., no less than 50 to 220 MHz, including the so-called "mid-band" region), and further, it shall have the capability of converting the UHF television broadcasting range to channels between 50 and 220 MHz for distribution to subscribers.

(b) Signals shall be transmitted from the antenna origination point to all subscriber tap-off points, regardless of location on the distribution portion of the system, without the introduction of any noticeable degradation of color fidelity, picture intelligence or audio distortion.

Color phase shift introduced by system components between the off-the-air receiving antennas and the customer tap-off point shall not exceed two ( $2^{\circ}$ ) degrees under any circumstances, on a cumulative basis.

(c) The system and all equipment in the system shall be rated for continuous twenty-four (24) hour per day, operation.

(d) The system shall provide a signal level of not less than 2,000 microvolts, as measured across 72 ohms at the subscriber's television receiver, on the highest channel (by frequency) carried by the system and not less than 1,500 microvolts on the lowest channel (by frequency) carried on the system to all color television receivers connected to the system. No channel shall exceed the highest and lowest values for the highest and lowest channels by more than .5 db for more than fifty (50%) per cent of the time.

The system shall provide equivalent service levels of not less than 1,500 microvolts on the highest channel and not less than 1,000 microvolts on the lowest channel (both as measured across the 72 ohm drop cable) to all black and white receivers connected to the system.

The system shall provide a minimum signal of not less than 200 microvolts on the lowest intensity FM channel (as measured at the customer service drop termination point) delivered, and a maximum signal intensity of not more than 3 db greater level than the lowest intensity FM channel delivered by the cable. (i.e., all FM channels carried by the system shall be flat to within 3 db from the lowest and highest FM channels carried, and the lowest of these shall be not lower than 200 microvolts across 72 ohms).

(e) The system design and operation shall exhibit a signal plus noise, to noise, ratio of not less than forty (40) decibels as measured at the extremities of all trunk and customer distribution lines covering the franchise area.

(f) Hum modulation of the picture (video) carrier shall not exceed five (5%) per cent at any point in the system.

(g) All active components in the system shall have a VSWR not to exceed 1.5 to 1; all passive devices in the system shall have input, output and return losses of not less than 20 db.

(h) The system shall maintain a minimum video carrier to aural carrier ratio of 15 db and a maximum video carrier to aural carrier ratio of 18 db for all television channels. This video carrier to aural carrier relationship shall be established in such a manner that the color subcarrier, if present, to video carrier relationship shall not be degraded below its as-received off-the-air ratio by more than .25 db.

(i) Carriage of so-called local channels shall be accomplished in such a way that these channels, as delivered to the system subscribers, if delivered on-channel, shall be at least 40 db stronger as measured at the customer receiver tuner input terminals than any stray direct pick up from these channels. If this is not possible, channel conversion of these stations shall be made to utilize other regular VHF channels, mid-band or octave channels for the delivery of these stations to the customers' receivers.

(j) The system shall be designed in such a way that twenty (20) channel operation is possible at the outset, utilizing either mid-band frequencies or octave frequency groupings. If so-called mid-band frequencies for cable carriage of one or more channels are utilized, it shall be demonstrated that such carriage is possible in the City of Modesto without introduction into the cable transmission lines of direct pick up from radio services operating in the mid-band region, which would tend to interfere with the carriage of one or more proposed television channels in this frequency range.

If the octave-frequency grouping method of providing spectrum space for additional channels (more than the 12 regular VHF channels) is utilized, it shall be demonstrated to the satisfaction of the City Manager that such equipment is operational and available for delivery.

#### SEC. 11-4.18. MISCELLANEOUS PROVISIONS.

(a) When not otherwise prescribed herein, all matters herein required to be filed with the City shall be filed with the City Clerk.

(b) Grantee shall, without charge, provide all subscriber services of its system, including a multiple connection service, to all public and nonprofit private schools, City police and fire stations, City recreation centers, and such other buildings owned or controlled by the City, which shall from time to time be designated by the City Manager, provided, that such buildings shall be located within the franchise area. Grantee shall install, without charge to City or such public or private schools, up to two hundred (200') feet of service connection from the transmission cable otherwise maintained or required to be maintained by grantee for the service of paying subscribers of grantee. The City or any such public or private schools shall pay to grantee the costs of all labor and materials supplied by grantee for the installation of any service connection in excess of the initial two hundred (200') feet.

(c) In the case of any emergency or disaster, the grantee shall, upon request of the City Manager, make

available its facilities to the City for emergency use during the emergency or disaster period.

(d) The grantee shall not engage directly or indirectly in the business of selling, leasing, renting, furnishing, providing, repairing, or servicing any television, radio or other receiving apparatus or any component part thereof within the City; and such prohibition shall extend and apply to the officers and directors of grantee, to all general and limited partners of grantee, to any person or combination of persons owning, holding, or controlling five (5%) per cent or more of any corporate stock or other ownership interest of grantee, or any affiliated or subsidiary entity owned or controlled by grantee, or in which any officer, director, stockholder, general or limited partner, or person or group of persons holding, or controlling any ownership interest in grantee, shall own, hold, or control five (5%) per cent or more of any corporate stock or other ownership interest; and such prohibition shall likewise apply to any person, firm, or corporation acting or serving in the capacity of a holding or controlling company of grantee.

(e) Grantee shall be prohibited from deleting, revising, adding to, or substituting any program of any television or FM radio broadcast station carried by grantee, whether with or without the consent of such station, without the prior written approval for good cause shown of the City Council and then only upon such terms as the Council shall prescribe.

(f) The grantee shall maintain an office within the City limits or at a location which subscribers may call without incurring added message or toll charges so that CATV maintenance service shall be promptly available to subscribers.

(g) No person, firm, or corporation in the existing service area of the grantee shall be arbitrarily refused service; provided, however, that the grantee shall not be required to provide service to any subscriber who does not pay the applicable connection fee or monthly service charge.

(h) Before grantee shall provide service to any subscriber, grantee shall obtain a signed contract from the subscriber containing a provision substantially as follows:

Subscriber understands that in providing service, grantee is making use of public rights-of-way within the City of Modesto, and that the continued use of these public rights-of-way is in no way guaranteed. In the event the continued use of such rights-of-way is denied to grantee for any reason, grantee will make every reasonable effort to provide service over alternate routes. Subscriber agrees he will make no claim nor undertake any action against the City, its officers, its employees, or grantee if a service to be provided by grantee hereunder is interrupted or discontinued because the continued use of such rights-of-way is denied to grantee for any reason.

The form of grantee's contract with its subscribers shall be subject to approval of the City Attorney with respect to the inclusion of this provision.

SEC. 11-4.19. USE OF UTILITY POLES & FACILITIES: AGREEMENT. When any portion of the CATV system is to be installed on public utility poles and facilities, certified copies of the agreements for such joint use of poles and facilities shall be filed with the City Clerk.

SEC. 11-4.20. APPLICATION FOR FRANCHISE.

(a) Application for a franchise hereunder shall be in writing, shall be accompanied by an application fee of one hundred fifty and no/100ths (\$150.00) Dollars, shall be filed with the City Clerk for transmission to the City Council, and shall contain the following information:

(1) The name and address of the applicant. If the applicant is a partnership, the name and address of each partner shall also be set forth. If the applicant is a corporation, the application shall also state the names and addresses of its directors, main offices, major stockholders and associates, and the names and addresses of parent and subsidiary companies.

(2) A statement and description of the CATV system proposed to be constructed, installed, maintained, or operated by the applicant; the proposed location of such system and its various components; the manner in which applicant proposes to construct, install, maintain and operate the same; and, particularly, the extent and manner in which existing or future poles or other facilities of other public utilities will be used for such system.

(3) A description, in detail, of the equipment or facilities proposed to be constructed, installed and maintained.

(4) A map specifically showing and delineating the proposed service area or areas within which applicant proposes to provide CATV services and for which a franchise is requested if said area is less than the entire City.

(5) A statement or schedule setting forth the number of channels and all of the television or radio stations proposed to be received, transmitted, conducted, relayed or otherwise conveyed over its system.

(6) A statement or schedule in a form approved by the City Manager of proposed rates and charges to subscribers for installation and services, and a copy of proposed service agreement between the grantee and its subscribers shall accompany the application. For unusual circumstances, such as underground cable required, or more than one hundred fifty (150') feet of distance from cable to connection of service to subscribers, an additional installation charge over that normally charged for installation as specified in the applicant's proposal may be charged, with easements to be supplied by subscribers. For remote, relatively inaccessible subscribers within the City, service may be made available on the basis of cost of materials, labor, and easements if required by the grantee. The decision of the City Council as to what shall be remote or relatively inaccessible under this paragraph shall be final.

(7) A copy of any contract, if existing, between the applicant and any public utility providing for the use of facilities of such public utility, such as poles, lines or

conduits.

(8) A statement setting forth all agreements and understandings, whether written, oral or implied, existing between the applicant and any person, firm or corporation with respect to the proposed franchise or the proposed CATV operation. If a franchise is granted to a person, firm or corporation posing as a front or as the representative of another person, firm or corporation, and such information is not disclosed in the original application, such franchise shall be deemed void and of no force and effect whatsoever.

(9) A financial statement prepared by a certified public accountant, or person otherwise satisfactory to the Council, showing applicant's financial status and his financial ability to complete the construction and installation of the proposed CATV system.

(10) The Council may at any time demand, and applicant shall provide, such supplementary, additional or other information as the Council may deem reasonably necessary to determine whether the requested franchise should be granted.

SEC. 11-4.21. PROCEDURE TO GRANT. Upon receipt of an application for a franchise hereunder, the Council, if it desires to consider the granting of the franchise, shall pass a resolution declaring its intention to consider the application, setting forth a notice of the day, hour and place when and where any and all persons may appear before the Council and be heard thereon, and directing the City Clerk to publish said notice in the official newspaper at least once within ten (10) days after the passage of said resolution. The time fixed for such hearing shall be not less than fifteen (15) days nor more than sixty (60) days after the date of the passage of said resolution.

Such notice shall state the name of the applicant, the terms of the franchise, any amounts or percentages grantee shall pay to the City during the life of such franchise, any limitations as to time, place or type of service proposed, together with a general statement of the other major provisions of the proposed franchise, and that copies of the proposed franchise may be obtained at the office of the City Clerk.

SEC. 11-4.22. PROTESTS MAY BE FILED. At any time not later than the hour set for the hearing, any person interested may make written protest stating objections against the granting of such franchise. Such protests must be signed by the protestant and be delivered to the City Clerk.

SEC. 11-4.23. HEARING. At the time set for the hearing, the Council shall proceed to hear the matter and all persons shall be given opportunity to present their arguments. The Council may adjourn said hearing from time to time.

SEC. 11-4.24. COMPETITIVE BIDS. The Council may, in its discretion, in lieu of considering applications for franchises hereunder, advertise for competitive bids for the purchase of a franchise hereunder.

SEC. 11-4.25. GRANTING FRANCHISES. Upon consideration of an application or bids for a franchise, the Council may refuse to grant the requested franchise or the Council may by ordinance grant a franchise for a CATV system to any such applicant or bidder as may appear from said application or bids to be in its opinion best qualified to render proper and efficient CATV service to television viewers and subscribers in the City. The Council's decision in the matter shall be final.

SEC. 11-4.26. LIMITATIONS. Any franchise granted pursuant to this chapter shall include the following condition:

"The CATV system herein franchised shall be used and operated solely and exclusively for the purpose expressly authorized by this ordinance and Chapter 4 of Title XI of the Modesto Municipal Code and no other purpose whatsoever."

Inclusion of the foregoing statement in any such franchise shall not be deemed to limit the authority of the City to include any other reasonable condition, limitation or restriction which it may deem necessary to impose in connection with such franchise pursuant to the authority conferred by this chapter.

SEC. 11-4.27. FRANCHISE RENEWAL. Any franchise granted under this chapter is renewable at the application of the grantee, in the same manner as required herein for obtaining the original franchise, except those which are by their terms expressly inapplicable; provided, however, that the Council may at its option waive compliance with any or all of the requirements of Section 11-4.20 hereof.

SEC. 11-4.28. ACCEPTANCE AND EFFECTIVE DATE OF FRANCHISE.

(a) No franchise granted pursuant to the provisions of this chapter shall become effective unless and until the ordinance granting same has become effective and, in addition, unless and until all things required in this Section and Sections 11-4.15(a) and 11-4.15(b) hereof are done and

completed, all of such things being hereby declared to be conditions precedent to the effectiveness of any such franchise granted hereunder. In the event any of such things are not done and completed in the time and manner required, the Council may declare the franchise null and void.

(b) Within thirty (30) days after the effective date of the ordinance awarding a franchise, or within such extended period of time as the Council in its discretion may authorize, the grantee shall file with the City Clerk his written acceptance, in form satisfactory to the City Attorney, of the franchise, together with the bond and insurance policies required by Sections 11-4.14, 11-4.15 (a) and 11-4.15(b) hereof, respectively, and his agreement to be bound by and to comply with and to do all things required of him by the provisions of this chapter and the franchise. Such acceptance and agreement shall be acknowledged by the grantee before a notary public, and shall in form and content be satisfactory to and approved by the City Attorney.

#### SEC. 11-4.29. PROHIBITIONS.

(a) It shall be unlawful for any person to establish, operate or to carry on the business of distributing to any persons in this City any television signals or radio signals by means of a CATV system unless a franchise therefor has first been obtained pursuant to the provisions of this chapter, and unless such franchise is in full force and effect.

(b) It shall be unlawful for any person to construct, install, or maintain within any public street in the City, or within any other public property of the City, or within any privately-owned area within the City which has not yet become a public street but is designated or delineated as a proposed public street on any tentative subdivision or parcel map approved by the City, any equipment or facilities for distributing any television signals or radio signals through a CATV system, unless a franchise authorizing such use of such street or property or area has first been obtained pursuant to the provisions of this chapter, and unless such franchise is in full force and effect.

(c) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within this City for the purpose of taking or receiving television signals, radio signals, pictures, programs or sound.

(d) It shall be unlawful for any person, firm or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised CATV system within this City for the purpose of enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the owner of said system.

(e) It shall be unlawful for any person, without the consent of the owner, to wilfully tamper with, remove or injure any cables, wires or equipment used for distribution of television signals, radio signals, pictures, programs or sound.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of March, 1968, by Councilman Hughes, who moved its introduction and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED:

Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST:

W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 884-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of April, 1968, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 1, 1968

AN ORDINANCE AMENDING SECTION 4-3.07.2 OF CHAPTER 3 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO MOVING OF BUILDINGS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-3.07.2 of Chapter 3 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-3.07.2. CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED. Prior to the issuance of a permit to move a building, the owner of the property from which the building is to be moved, or his agent, shall file with the City Clerk a bond or other form of security in favor of the City of Modesto conditioned as follows:

(a) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipelines that are to be disconnected from the building may be securely capped and sealed.

(b) Immediately after the moving of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(c) Within ten (10) days after the moving of any building or structure, the permittee or his authorized agent shall complete the following work:

(1) Securely close and seal any sanitary piping located on the property.

(2) Fill with dirt or sand any septic tanks or cesspools located on the property.

(3) Fill any openings, excavations, or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property unless otherwise directed by the Director of Public Works.

(4) Remove any buried underground tanks formerly used for storage of flammable liquids as may be required by the Fire Department.

(5) Remove all refuse, debris and waste materials from the property.

The bond required by this section shall be in an amount equal to the cost of the work proposed to be done, as estimated by the Director of Public Works.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this section may be granted by the Director of Public Works, when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this section.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 1968, by Councilman Robinson, 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, Mitchell, ~~XXXXXX~~ Robinson, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

BY *Elwyn L. Johnson*  
ELWYN L. JOHNSON, City Attorney

Ord. No. 885-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1968, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Shastid

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 22, 1968

AN ORDINANCE AMENDING SECTIONS 9-1.01, 9-1.03 AND 9-1.06 OF CHAPTER 1 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, ADDING SECTIONS 9-1.07.1 AND 9-1.13 THERETO AND REPEALING SECTION 9-1.16 THEREOF, RELATING TO THE BUILDING CODE.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-1.01, 9-1.03 and 9-1.06 of Chapter 1 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-1.01. ADOPTION BY REFERENCE OF "UNIFORM BUILDING CODE". That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Building Code, 1967 Edition, Volume 1", published by the International Conference of Building Officials, together with the Appendix thereto and the Uniform Building Code Standards included therein, which said Code provides for proper regulations for erecting, constructing, enlarging, altering, repairing, removing, conversions, demolition, occupancy, equipment, use, height and maintenance of buildings or structures in the City and providing for the issuance of permits and collection of fees therefor, declaring and establishing fire districts, providing penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Building Code of the City of Modesto.

SEC. 9-1.03. ORGANIZATION AND ENFORCEMENT. That subsections (d), (e) and (f) of Section 202 of said Building Code be amended to read as follows:

(d) Right of Entry.

(1) The Building Official, or his duly authorized representative, shall have the authority to enter any building or premises for the purpose of investigating the existence of suspected or reported damage or defects which constitute an immediate danger to human life or an immediate hazard to public safety or health.

(2) Except in emergency situations as defined in Section 202(d)(1) of this Code, the Building Official, or his authorized representative, shall not enter any building or premises without the consent of the owner or occupant thereof, unless he possesses a reasonable search warrant authorizing entry and search of the premises.

(3) No person shall hinder or prevent the Building Official or his authorized representative, while in the performance of the duties herein described, from entering upon and into any and all premises under his jurisdiction, at all reasonable hours, for the purpose of inspecting the same to determine whether or not the provisions of this

Code and all other applicable laws or ordinances pertaining to the protection of persons or property, are observed therein.

(e) Stop Orders. Whenever any building work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work.

(f) Occupancy Violations. Whenever any structure is being used contrary to the provisions of this Code, the Building Official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within ten (10) days after receipt of such notice or make the structure, or portion thereof, comply with the requirements of this Code; however, that in the event of an unsafe building, Section 203 shall apply.

SEC. 9-1.06. PERMITS AND INSPECTION. That subsection (e) of Section 302 of said Building Code be amended to read as follows:

(e) Suspension or Revocation. The Building Official may, in writing, after a hearing, suspend or revoke a permit issued under provision of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation, including any and all provisions of the Modesto Municipal Code, heretofore or hereafter adopted, or any of the provisions of this Code.

SECTION 2. AMENDMENT OF CODE. Sections 9-1.07.1 and 9-1.13 are hereby added to Chapter 1 of Title IX of the Modesto Municipal Code to read as follows:

SEC. 9-1.07.1 DEMOLITION OF BUILDINGS: CLEARANCE OF SITE AND SAFETY MEASURES REQUIRED. That Section 307 of said Building Code be added to read as follows:

Section 307. Prior to the issuance of a permit to demolish a building, the owner of the property on which the building is to be demolished, or his agent, shall file with the City Clerk a bond or other form of security in favor of the City of Modesto conditioned as follows:

(a) Before any work is started on a building or structure, the permittee or his authorized agent shall notify the appropriate utilities in order that all gas, water and oil pipelines that are to be disconnected from the building may be securely capped and sealed.

(b) Immediately after the demolition of any building or structure, the permittee or his authorized agent shall securely barricade all basement excavations and other holes or openings.

(c) Within ten (10) days after the demolition of any building or structure, the permittee or his authorized agent shall complete the following work:

(1) Securely close and seal any sanitary piping located on the property.

(2) Fill with dirt or sand any septic tanks or cesspools located on the property.

(3) Fill any openings, excavations or basements remaining on the land with dirt or sand to street level or the natural level of adjoining property unless otherwise directed by the Director of Public Works.

(4) Remove any buried underground tanks formerly used for storage of flammable liquids as may be required by the Fire Department.

(5) Remove all refuse, debris and waste materials from the property.

The bond required by this section shall be in an amount equal to the cost of the work proposed to be done as estimated by the Director of Public Works.

The bond may be in the form of a corporate surety bond, cash deposit, savings and loan certificate, or an instrument of credit.

An extension of time for completion of the work required by this section may be granted by the Director of Public Works when, in his discretion, circumstances justify such an extension; but no such extension shall release any bond or other security furnished pursuant to this section.

SEC. 9-1.13. FIRE WARNING SIGNALS. That Section 1314 of said Building Code be added to read as follows:

Section 1314. Audible fire warning signals shall be placed in all halls and corridors in all Group H buildings having more than six (6) units or more than six (6) individual guest rooms. The warning signals shall be constructed so as to be clearly heard throughout the floor area it serves. No signal shall be installed until approved by the Fire Chief. Alarm signals shall be run from each floor to the main lobby desk. Employees shall be instructed in the use of fire warning signals and fire extinguishing appliances.

SECTION 3. REPEALS. Section 9-1.16 of Chapter 1 of Title IX of the Modesto Municipal Code is hereby repealed.

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. SAVINGS. The provisions of this ordinance shall not affect any proceedings, 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 6. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 1968, by Councilman Robinson, 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, Mitchell, Robinson, Simon, Smith,  
Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Shastid

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 886-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1968, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Shastid

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 22, 1968

AN ORDINANCE AMENDING CHAPTER 7 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO THE MECHANICAL CODE.

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

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

CHAPTER 7 - MECHANICAL CODE

ARTICLE 1. GENERAL PROVISIONS

SEC. 9-7.101. ADOPTION BY REFERENCE OF "UNIFORM MECHANICAL CODE". That certain document, three (3) copies of which are on file in the office of the City Clerk, being marked and designated as "Uniform Mechanical Code, 1967 Edition, Volume II, Uniform Building Code", published by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials, which said Code provides for proper regulations for erecting, installing, altering, repairing, relocating, replacing, adding to, use or maintenance of, any heating, ventilating, comfort cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances in the City and providing for the issuance of permits and collection of fees therefor, providing penalties for the violation thereof, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Mechanical Code of the City of Modesto.

SEC. 9-7.102. ORGANIZATION AND ENFORCEMENT. That subsection (c) of Section 201 of said Mechanical Code be amended to read as follows:

(c) Right of Entry.

(1) The Building Official, or his duly authorized representative, shall have the authority to enter any building or premises for the purpose of investigating the existence of suspected or reported damage or defects which constitute an immediate danger to human life or an immediate hazard to public safety or health.

(2) Except in emergency situations as defined in Section 201(c)(1) of this Code, the Building Official, or his authorized representative, shall not enter any building or premises without the consent of the owner or occupant thereof, unless he possesses a reasonable search warrant authorizing entry and search of the premises.

(3) No person shall hinder or prevent the Building Official or his authorized representative, while in the performance of the duties herein described, from entering upon and into any and all premises under his jurisdiction, at all reasonable hours, for the purpose of inspecting the same to determine whether or not the provisions of this Code and all other applicable laws or ordinances pertaining to the protection of persons or property, are observed therein.

SEC. 9-7.103. VIOLATIONS AND PENALTIES. That Section 202 of said Mechanical Code be amended to read as follows:

Section 202. 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 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 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 Code or of any other law or from revoking any Certificate of Approval when issued in error.

Every permit issued by the Building Official under the provisions of this Code 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 (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. 9-7.104. BOARD OF APPEALS. That Section 203 of said Mechanical Code is hereby deleted.

SEC. 9-7.105. NONRESPONSIBILITY OF THE CITY. That Section 204 be added to said Mechanical Code to read as follows:

Section 204. 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 Code.

SEC. 9-7.106. PERMITS. That subsections (b) and (c) of Section 302 of said Mechanical Code be amended to read as follows:

(b) Plans and Specifications. When required by the Building Official for the enforcement of any provisions of this Code, plans and specifications for the installation of comfort heating systems, comfort cooling systems, absorption systems, ventilation systems and hoods shall be designed and prepared by an engineer or architect licensed by the State of California to practice as such and shall be filed with the Building Official and approved before the issuance of any permit.

The Building Official may issue to an individual a special owner's permit authorizing said individual to do heating and comfort cooling work in, on 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 Building Official and the holder thereof shall be liable to the penalty provided for violation of this Code.

One set of plans and specifications may be filed for checking provided that not less than two (2) sets of corrected plans and specifications are filed before approval is given by the Building Official. After approval, one set of plans shall be returned to the applicant and the other set shall be retained by the Building Official for field checking.

When the plans and specifications do not comply with provisions of this Code, the necessary changes or revisions shall be made thereto.

Every plan shall be a print or other type of plan approved by the Building Official. The information contained on the plans shall be clearly legible and specifically indicated. No plan shall be of a scale smaller than one-eighth inch (1/8") per foot.

Specifications, legibly and definitely stated, shall be included either on the plan or on separate sheets.

The approval of any plans or specifications shall not be construed to sanction any violation of this Code.

No person shall deviate materially from any approved plans or specifications or fail, neglect, or refuse to comply therewith unless permission to do so has been obtained from the Building Official.

The plans and specifications shall show the following:

(1) Layout for each floor with dimensions of all working spaces and a legend of all symbols used.

(2) Location, size and material of all piping.

(3) Location, size and materials of all air ducts, air inlets and air outlets.

(4) Location of all fans, warm-air furnaces, boilers, absorption units, refrigerant compressors and condensers and the weight of all pieces of such equipment weighing two hundred (200) pounds or more.

(5) Rated capacity or horsepower of all boilers, warm-air furnaces, heat exchangers, blower

fans, refrigerant compressors and absorption units.

(6) Location, size and material of all combustion products, vents and chimneys.

(7) Location and area of all ventilation and combustion air openings and ducts.

(8) Location of all air dampers and fire shutters.

(9) First sheet of each set of plans and specifications shall show the address of the proposed work and the name and address of the owner or lessee of the premises.

(10) Plans and specifications shall be of sufficient clarity to show that the proposed installation will conform to the provisions of this Code and of all applicable laws, ordinances, rules, regulations and orders.

(c) Issuance. The application, plans and specifications filed by an applicant for a permit shall be checked by the Building Official. Such plans shall be reviewed by other departments of the City to check compliance with the laws and ordinances under their jurisdiction, including all provisions of the Modesto Municipal Code, heretofore or hereafter adopted. If the Building Official is satisfied that the work described in an application for permit and the plans filed therewith conform to the requirements of this Code, and other pertinent laws and ordinances, including any and all provisions of the Modesto Municipal Code heretofore or hereafter adopted, including, without limitation, the provisions of the zoning regulations, and that the fee specified in Section 304 has been paid, he shall issue a permit therefor to the applicant.

When the Building Official issues the permit, he shall endorse in writing or stamp on both sets of plans and specifications "APPROVED". Such approved plans and specifications shall not be changed, modified, or altered without authorization from the Building Official, and all work shall be done in accordance with the approved plans. The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code. The holder of such permit shall proceed at his own risk without assurance that the permit for the entire building or structure will be granted.

SEC. 9-7.107. VALIDITY AND LENGTH OF PERMIT. That subsections (a) and (c) of Section 303 of said Mechanical Code be amended to read as follows:

(a) Validity. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this Code or of any other ordinance of the City, including any and all provisions of the Modesto Municipal Code, heretofore or hereafter adopted. No

permit presuming to give authority to violate or cancel the provisions of this Code shall be valid, except insofar as the work or use which it authorizes is lawful.

The issuance of a permit based upon plans and specifications shall not prevent the Building Official from thereafter requiring the correction of errors in said plans and specifications or from preventing construction being carried on thereunder when in violation of this Code or of any other ordinance of the City, including any and all provisions of the Modesto Municipal Code, heretofore or hereafter adopted.

(c) Suspension or Revocation. The Building Official may in writing, after a hearing, suspend or revoke a permit issued under provision of this Code whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation, including any and all provisions of the Modesto Municipal Code, heretofore or hereafter adopted, or any of the provisions of this Code.

SEC. 9-7.108. PERMIT FEES. That Section 304 of said Mechanical Code be amended to read as follows:

Section 304. (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 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 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 cooling. . . . . \$ .25
- (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 appliances. . . . \$ .50

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 tons. . . \$ .50
- (3) Each unit of 14 tons or over . . . . . \$7.50
- (4) Each expansion coil or chilled water coil . . . . \$ .25
- (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 such a permit to any governmental agency.

SEC. 9-7.109. TELEPHONE PERMIT PROCEDURE. That Section 307 of said Mechanical Code be added to read as follows:

Section 307. 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. 9-7.110. FURNACES INSTALLED ON ROOFS OR EXTERIOR WALLS OF BUILDINGS. That subsection (g) of Section 710 of said Mechanical Code be amended to read as follows:

(g) Catwalk. A level catwalk not less than sixteen inches (16") in width and provided with substantial cleats spaced not more than sixteen inches (16") apart shall be provided from the roof access to every required working platform at the appliance.

Every attic or roof installation shall be made accessible by a ladder permanently fastened to the building as provided herein. In Group I occupancies, where access to the attic installation is less than twelve feet (12') from the floor to the opening, no ladder shall be required. Where access to a roof installation is from the exterior of the building, no ladder is required where the distance between the edge of the roof and the ground level is less than ten feet (10'). Exterior ladders, where required, shall extend upward from a point ten feet (10') above the ground level. Such ladder shall be not more than eighteen feet (18') in height between landings and not less than sixteen inches (16") in width, and shall have rungs spaced not more than fourteen inches (14") center to center and not less than six inches (6") from face of wall.

SEC. 9-7.111. QUALITY OF MATERIAL. That Section 1003 of said Mechanical Code be amended to read as follows:

Section 1003. Galvanized steel coating shall be of a minimum 1.25 ounces per square foot, and shall conform to specifications for zinc-coated galvanized steel sheets, coils or cut lengths meeting the requirements of U.M.C. Standard No. 4-2-67.

Every joint and seam and all reinforcement for every metal duct and plenum shall be as set forth in Table No. 10-A or Table No. 10-B and shall be substantially airtight. Joints and seams for No. 28 and No. 30 gage ducts shall be as set forth for No. 26 gage ducts in Table No. 10-A.

Joints and seams for No. 28 and No. 30 gage round ducts shall be as set forth in Table No. 10-B.

Every joint and seam and all reinforcement for every nonmetallic duct and plenum shall meet with the conditions of prior approval for any nonmetallic duct system as specified in Section 1002. Joints and seams shall be substantially airtight.

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

SEC. 9-7.112. INSTALLATION OF DUCTS. That Table No. 10-D of said Mechanical Code be amended to read as follows:

TABLE NO. 10-D--INSULATION OF DUCTS

Duct Location	Duct Length (In Feet)		
	0 Through 70 Feet	71 Feet Through 150 Feet	151 Feet and Longer
Roof or Exposed to Outside Air	C and W	C and W	C and W
Attics	<u>B</u>	B	C
Between Floor Spaces, Underfloor Spaces, and Basements	<u>B</u>	B	C
Within the Conditioned Space*	NONE REQUIRED		
Cement Slab or Within Ground	NONE REQUIRED		

\*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. 9-7.113. FIRE DAMPERS. That Section 1006 of said Mechanical Code be amended to read as follows:

Section 1006. (a) See U.B.C. Standard No. 30-1-67 and Chapter 43 of the 1967 Edition of the Uniform Building Code, Volume I, for the construction and installation for duct openings in walls and ceilings. (U.B.C. Standard No. 30-1-67 is reprinted in the Appendix of this Code).

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

SEC. 9-7.114. INSTALLATION. That Section 1202 of said Mechanical Code be amended to read as follows:

Section 1202. Location of comfort cooling equipment shall comply with the zoning regulations as contained in Chapter 2 of Title X of the Modesto Municipal Code.

Cooling coils installed as a portion of, or in connection with, any warm-air furnace shall be arranged to comply with the requirements of Section 705.

No direct refrigerating system containing any Group 2 refrigerant shall serve any air cooling or air conditioning system used for human comfort.

An approved means shall be provided for the collection and disposal of condensate from every air cooling coil for any comfort cooling system to outside the building or to an approved drain.

When any comfort cooling equipment, other than ducts and piping is suspended from the underfloor construction, a minimum clearance of not less than six inches (6") shall be provided between the base of the equipment and the ground.

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

SEC. 9-7.115. CIRCULATING AIR SUPPLY. That subsection (f) of Section 1205 of said Mechanical Code be amended to read as follows:

(f) Air Velocity. Every comfort cooling system coupled with a direct fired furnace shall be so designed and constructed that the air velocity (in feet per minute) through filters shall not exceed the filter manufacturer's recommendation. Filters shall be installed in other than portable comfort cooling units.

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 shall be designated on the plan.

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 persons 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 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 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, 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 Building Official or his designated representative who shall act as secretary. The members of the Board, other than the 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 its official transactions and render such reports and statistics as may be required by the City.

The Board shall elect a chairman from its members who shall preside at all meetings. It shall adopt such rules and regulations as it sees fit for the proper and efficient discharge of its official duties. It 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 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 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. SAVINGS. The provisions of this ordinance shall not affect any proceedings, 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 4. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 1968, by Councilman Robinson, 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, Mitchell, Robinson, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 887-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1968, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Shastid

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 22, 1968

AN ORDINANCE AMENDING SECTIONS 9-2.101, 9-2.122 AND 9-2.125 OF ARTICLE 1 OF CHAPTER 2 OF TITLE IX OF THE MODESTO MUNICIPAL CODE, ADDING SECTION 9-2.106.1 THERETO, AND REPEALING SECTIONS 9-2.108, 9-2.112.1, 9-2.116, 9-2.120.1 AND 9-2.124 THEREOF, RELATING TO THE PLUMBING CODE.

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

SECTION 1. AMENDMENT OF CODE. Sections 9-2.101, 9-2.122 and 9-2.125 of Article 1 of Chapter 2 of Title IX of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 9-2.101. ADOPTION OF UNIFORM PLUMBING 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 Plumbing Code, 1967 Edition", adopted by the International Association of Plumbing and Mechanical Officials, which said Code provides for the protection of the public health and safety, and the qualification of persons laboring at the trade of plumbing; requires a permit for the installation or alteration of plumbing and drainage systems; creates an administrative office and a Board of Plumbing Examiners and prescribes their duties; defines certain terms; establishes minimum regulations for the installation, alteration or repair of plumbing and drainage systems and the inspection thereof; provides penalties for the violation thereof and repeals conflicting ordinances, as hereinafter amended, deleted and added to, be and the same is hereby adopted by reference as the Plumbing Code of the City of Modesto.

SEC. 9-2.122. DEFINITIONS. That subsection (f) of Section 1202 of said Plumbing Code be amended to read as follows:

(f) Gas Appliance Dealer: One who sells and installs gas appliances. A merchant who sells but does not install gas appliances does not come under the classification of gas appliance dealer as used in this Code; provided, however, that any gas appliance sold or distributed by such merchant shall meet the requirements set forth in the Uniform Mechanical Code, 1967 Edition, Volume II, Uniform Building Code.

SEC. 9-2.125. PRESSURE RELIEF VALVES. That Section 1312 of said Plumbing Code be amended to read as follows:

Section 1312. All water heating appliances under pressure shall conform to the requirements set forth in Section 1007 of this Code, as amended.

SECTION 2. AMENDMENT OF CODE. Section 9-2.106.1 is hereby added to Article 1 of Chapter 2 of Title IX of the Modesto Municipal to read as follows:

SEC. 9-2.106.1. RIGHT OF ENTRY. That Section 1.5 of said Plumbing Code be amended to read as follows:

Section 1.5. (1) The Chief Building Official, or his duly authorized representative, shall have the authority to enter any building or premises for the purpose of investigating the existence of suspected or reported damage or defects which constitute an immediate danger to human life or an immediate hazard to public safety or health.

(2) Except in emergency situations as defined in Section 1.5(1) of this Code, the Chief Building Official, or his authorized representative, shall not enter any building or premises without the consent of the owner or occupant thereof, unless he possesses a reasonable search warrant authorizing entry and search of the premises.

(3) No person shall hinder or prevent the Chief Building Official or his authorized representative, while in the performance of the duties herein described, from entering upon and into any and all premises under his jurisdiction, at all reasonable hours, for the purpose of inspecting the same to determine whether or not the provisions of this Code and all other applicable laws or ordinances pertaining to the protection of persons or property, are observed therein.

SECTION 3. REPEALS. Sections 9-2.108, 9-2.112.1, 9-2.116, 9-2.120.1 and 9-2.124 of Article 1 of Chapter 2 of Title IX of the Modesto Municipal Code are hereby repealed.

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. SAVINGS. The provisions of this ordinance shall not affect any proceedings, 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 6. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 15th day of April, 1968, by Councilman Robinson, 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, Mitchell, Robinson, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Shastid

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 888-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 22nd day of April, 1968, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Shastid

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 22, 1968

AN ORDINANCE AMENDING SECTION 3-1.234 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND ADDING SECTIONS 3-1.235.1 AND 3-1.235.2 TO ARTICLE 2 OF CHAPTER 1 OF TITLE III RELATING TO FIRE PREVENTION.

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

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

SEC. 3-1.234. BONFIRES AND OPEN FIRES NOT CONFINED TO INCINERATORS. That Section 28.1 of said Fire Prevention Code be amended to read as follows:

Section 28.1. (a) Bonfires, Open Fires and Ceremonial Fires Prohibited. No person shall kindle or maintain a bonfire, open fire or ceremonial fire in the City of Modesto, except as set forth in paragraph (b) below.

(b) Open Burning Under Immediate Control of Fire Department. Open burning under the immediate control of the Fire Department is permitted when used for training or fire control purposes.

SECTION 2. AMENDMENT OF CODE. Sections 3-1.235.1 and 3-1.235.2 are hereby added to Article 2 of Chapter 1 of Title III of the Modesto Municipal Code to read as follows:

SEC. 3-1.235.1. BURNING REGULATIONS FOR RESIDENTIAL AND APARTMENT HOUSE OCCUPANCY INCINERATORS. That Section 28.14 be added to said Fire Prevention Code to read as follows:

Section 28.14. (a) No Permit Required. A permit is not required to burn or maintain a fire in an incinerator used in conjunction with a residential or apartment house occupancy. All incinerators so used shall conform to the requirements set forth in paragraph (b) below.

(b) Approved Incinerators. Incinerators used for burning in conjunction with residential and apartment house occupancies shall be constructed to conform to one of the following three (3) types.

(1) Type I Incinerator. Constructed in compliance with the requirements for gas-fired incinerators as contained in the Uniform Building Code, adopted by Section 9-1.01 of the Modesto Municipal Code.

(2) Type II Incinerator. Constructed of concrete or masonry with a chimney equipped with a spark arrester. The chimney shall extend at least two (2') feet above the fire door, and no opening of the spark arrester shall be greater than one-quarter (1/4") inch. A permanently installed fire door shall be provided. A clean-out opening shall

be provided and shall be covered by a door or screen, no opening of which shall be greater than one-quarter (1/4") inch. Any combustion air openings and any other permitted opening shall be covered by screen with no openings larger than one-quarter (1/4") inch.

(3) Type III Incinerator. Constructed of metal or masonry, and provided with a hinged cover. The cover shall have no opening greater than one-quarter (1/4") inch and said cover shall be in place, covering the incinerator, during burning operations. Any combustion air openings and other permitted openings shall be covered by screen with no opening larger than one-quarter (1/4") inch.

(c) Placement of Incinerators.

(1) Type I incinerators shall be placed as provided for in the Uniform Building Code, adopted by Section 9-1.01 of the Modesto Municipal Code. A permit to construct a Type I incinerator shall be obtained from the Chief Building Official, as required by the Uniform Building Code.

(2) Type II and Type III incinerators shall not be placed closer than fifteen (15') feet to a combustible building or structure, nor closer than six (6') feet to the center line of an alley.

(3) No incinerator shall be placed upon a public street or sidewalk area.

(4) A minimum distance of not less than one foot shall be maintained between a Type II incinerator and any combustible fence or other combustible object (other than a building or structure), providing the incinerator chimney shall stand at least two (2') feet vertically above the combustible fence or other combustible object.

(5) A minimum distance of not less than two (2') feet shall be maintained between a Type III incinerator and any combustible fence or other combustible object (other than a building or structure), providing that the combustible object is covered with metal having a minimum thickness of twenty-four (24) gauge metal, or asbestos sheeting having a minimum thickness of one-eighth (1/8") inch. The combustible object shall be covered in all directions for a minimum distance of five (5') feet from the incinerator.

(6) There shall be a minimum distance of five (5') feet between any Type III incinerator and any unprotected combustible object.

(7) Incinerators shall be placed upon the property of and under the control of the person doing the burning, or in the alley adjacent to such person's property.

(8) Type II and Type III incinerators are prohibited in Fire Zone I, as defined in Section 3-1.201 of the Modesto Municipal Code.

(d) No Fire to be Unattended. A person eighteen (18) years of age or older shall be in attendance at all times when a fire is in progress in an incinerator.

(e) Sunday Burning Prohibited. Burning of any nature is prohibited on Sundays.

(f) Burning Hours. Burning is permitted only from 6:00 o'clock A.M. to 10:00 o'clock A.M., Monday through Saturday.

(g) Burning of Garbage, etc., Prohibited. Burning of garbage or other material which gives off noxious odors, or smolders, is prohibited.

(h) Nuisances Prohibited. Any burning that creates a fire hazard or public nuisance is prohibited.

(i) Fire Chief May Prohibit. The Chief of the Fire Department may prohibit all burning when atmospheric conditions warrant it.

SEC. 3-1.235.2. BURNING REGULATIONS FOR COMMERCIAL, INDUSTRIAL, EDUCATIONAL AND INSTITUTIONAL OCCUPANCY INCINERATORS. That Section 28.15 be added to said Fire Prevention Code to read as follows:

Section 28.15. (a) Permit Required. No person shall kindle or maintain any fire in an incinerator used in conjunction with a commercial, industrial, educational or institutional occupancy without a permit to do so from the Modesto Fire Department. Such permit shall be kept on the premises on which the incinerator is located. Such permit shall be available for examination upon request by an authorized Fire or Police Officer.

(b) Approved Incinerators. Approved incinerators shall be of Type I or Type II construction as defined in Section 28.14(b) of this Code.

(c) Placement of Incinerators. Incinerators shall be placed as provided in Section 28.14 of this Code.

(d) No Fire to be Unattended. A person eighteen (18) years of age or older shall be in attendance at all times when a fire is in progress in an incinerator.

(e) Burning Hours. Burning is permitted in a Type I incinerator twenty-four (24) hours per day. Burning in a Type II incinerator is permitted only from 6:00 o'clock A.M. to 10:00 o'clock A.M., Monday through Saturday. Burning in a Type II incinerator is prohibited on Sundays.

(f) Burning of Garbage, etc., Prohibited. Burning of garbage or other material which gives off noxious odors, or smolders, is prohibited.

(g) Nuisances Prohibited. Any burning that creates a fire hazard or public nuisance is prohibited.

(h) Incinerator Prohibited on Certain Properties. Incinerators are not permitted on premises having the following occupancies:

- (1) Service stations;
- (2) Repair garages;
- (3) Bulk oil plants; and

(4) Restaurants, drive-in restaurants, and other places of business serving food.

(i) Fire Chief May Prohibit. The Chief of the Fire Department may prohibit all burning when atmospheric conditions warrant it.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of May, 1968, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Robinson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: None

ATTEST: Pauline P Stanley APPROVED: Lee H Davies  
~~XXXXXXXXXXXXXXXXXXXX~~ City Clerk  
PAULINE P. STANLEY, Acting  
LEE H. DAVIES, Mayor

(SEAL)

APPROVED AS TO FORM: Elwyn L Johnson  
ELWYN L. JOHNSON, City Attorney

Ord. No. 889-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of May, 1968, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Mitchell, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Mitchell, Robinson, Shastid, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Hughes

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 12, 1968

AN ORDINANCE AMENDING SECTION MAP 15-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (BOMBERGER)

WHEREAS, a verified application for an amendment to Section 15-3-9 of the Zoning Map was filed by Robert Bomberger \_\_\_\_\_ on March 11, 1968, to reclassify from one-family residential Zone, R-1, to professional office Zone, P-0, the hereinafter described property, and

WHEREAS, after public hearing held on April 16, 1968, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 68-40, adopted on April 16, 1968, the Planning Commission recommended to the Council that the application of Robert Bomberger \_\_\_\_\_ to amend Section 15-3-9 of the Zoning Map to reclassify the hereinafter described property from one-family residential Zone, R-1, to professional office Zone, P-0, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the 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.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to reclassify the following described property from one-family residential Zone, R-1, to professional office Zone, P-0:

Beginning at the Southwest corner of the Northwest quarter of the Southwest quarter of said Section 15 at a point in the centerline of Coffee Road, thence North 89° 47' 15" East 911.70 feet; thence North 0° 52' 30" West 533.90 feet; thence South 74° 36' West 345.14 feet; thence along the arc of a curve to the right tangent to said last named course and having a radius of 1800 feet through a central angle of 14° 31' for a distance of 456.05 feet; thence South 89° 07' West 129.09 feet to a point on said centerline of Coffee Road; thence South 0° 53' East 380.00 feet to the point of beginning.

Containing 7.896 acres.

SECTION 3. ZONING MAP. Section 15-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1968, by Councilman Robinson, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Hughes

APPROVED: Lee H. Davies  
~~Lee H. Davies~~, Mayor  
LEE H. DAVIES,

ATTEST: W. T. Chynoweth  
~~XXXXXXXXXXXX~~ City Clerk  
W. T. CHYNOWETH,  
(SEAL)

APPROVED AS TO FORM:  
BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:  
BY Russell J. Fry  
Planning Department

**Ordinance 890 C.S.  
Exhibit A – Map**

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

Ord. No. 890-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of May, 1968, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 26, 1968

## AN ORDINANCE AMENDING SECTION MAP 9-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (H. T. KULLIJIAN)

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by H. T. Kullijian \_\_\_\_\_ on January 8, 1968, to reclassify from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, the hereinafter described property, and

WHEREAS, after public hearing held on April 16, 1968, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 68-39, adopted on April 16, 1968, the Planning Commission recommended to the Council that the application of H. T. Kullijian \_\_\_\_\_ to amend Section 9-3-9 of the Zoning Map to reclassify the hereinafter described property from One-Family Residential Zone, R-1, to Two-Family Residential Zone, R-2, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the 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.

SECTION 2. ZONING CHANGE. Section 9-3-9 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:

All that portion of the southeast quarter of Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

Commencing at the southeast corner of said Section 9; thence North  $0^{\circ} 50' 30''$  West along the east line of said Section 9 and the centerline of Coffee Road a distance of 1107.38 feet to the true point of beginning of this description; thence North  $89^{\circ} 37'$  West a distance of 297.92 feet to the east line of Sherwood Manor No. 3, as shown on the Map recorded in Volume 21 of Maps at Page 50, Stanislaus County Records; thence North  $0^{\circ} 49' 38''$  West along said east line of Sherwood Manor No. 3 a distance of 229.81 feet to the northeast corner thereof; thence South  $89^{\circ} 24'$  East a distance of 297.88 feet to the aforementioned east line of Section 9 and the centerline of Coffee Road; thence South  $0^{\circ} 50' 30''$  East along said east line of Section 9 and the centerline of Coffee Road a distance of 228.69 feet to the point of beginning.

Excepting therefrom the west 20 feet of Coffee Road adjacent to the above described property.

SECTION 3. ZONING MAP. Section 9-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 19 68, by Councilman Smith, who moved its introduction and passage to print, which motion being duly seconded by Councilman Simon, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Robinson, Mitchell, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Hughes

APPROVED: Lee H. Davies  
~~PETER H. JOHNSON~~ Mayor  
LEE H. DAVIES,

ATTEST: W. T. Chynoweth  
~~PETER H. JOHNSON~~ City Clerk  
W. T. CHYNOWETH,  
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY Donald C. Fry  
Planning Department

Ordinance 891 C.S.  
Exhibit A – Map

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

Ord. No. 891-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of May, 1968, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 26, 1968

AN ORDINANCE AMENDING SECTION MAP 28-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (E. D. THOMPSON)

WHEREAS, a verified application for an amendment to Section 28-3-9 of the Zoning Map was filed by E. D. Thompson on March 15, 1968, to reclassify from Two-Family Residential Zone, R-2, to Multiple-Family Residential Zone, R-3, the hereinafter described property, and

WHEREAS, after public hearing held on April 16, 1968, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 68-42, adopted on April 16, 1968, the Planning Commission recommended to the Council that the application of E. D. Thompson to amend Section 28-3-9 of the Zoning Map to reclassify the hereinafter described property from Two-Family Residential Zone, R-2, to Multiple-Family Residential Zone, R-3, be approved,

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

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the requested rezoning is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource.

SECTION 2. ZONING CHANGE. Section 28-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Two-Family Residential Zone, R-2, to Multiple-Family Residential Zone, R-3:

All of Lots 35, 36, 37, 38 and 39 in Block 568 of the City of Modesto and also the east one foot of the south 18 feet of Lot 40 of said Block 568. Excepting therefrom, the east 4 feet of Lot 35 and the north 132 feet of the west 13 feet 8 inches of Lot 38 and the north 132 feet of lot 39 of said Block 568. Including the south one-half of Jones Street adjacent to the above-described property.

SECTION 3. ZONING MAP. Section 28-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of May, 1968, 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, Robinson, Shastid, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Hughes

APPROVED: Lee H. Davies  
~~XXXXXXXXXXXXXXXXXXXX~~ Mayor  
LEE H. DAVIES,

ATTEST: W. T. Chynoweth  
~~XXXXXXXXXXXXXXXXXXXX~~, City Clerk  
W. T. CHYNOWETH,  
(SEAL)

APPROVED AS TO FORM:  
BY Elwyn L. Johnson  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:  
BY Russell M. Fey  
Planning Department

Ordinance 892 C.S.  
Exhibit A – Map

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

Ord. No. 892-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 27th day of May, 1968, Councilman Simon moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 26, 1968

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

WHEREAS, a petition was filed with the City Clerk by Sportsmen of Stanislaus, Mrs. Elsa S. Anderson, Leslie A. Anderson, Callie B. Sellers Silas M. Sellers, S. M. Bud Jensen, Leona Jensen, Elsie Crites, Ward Crites Roy Wayne Kizarr, Charles E. Avery, Opal Kizarr, Judith D. Avery, Ted Walker, Delphia Walker, Major General Glenn C. Ames for State of California Military Department

on March 5, 1968, 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 ROUSE 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 8th day of April, 1968, set said petition for hearing at the hour of 7:45 o'clock P.M. on the 27th day of May, 1968, 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 Bee, a newspaper published in the City of Modesto on April 18, 1968, and on April 25, 1968; and in the ~~XXXXXXXXXX~~ Ceres Courier ~~XXXXXXXXXX~~, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on April 18, 1968, and on April 25, 1968, 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,

8/6/65

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, the Stanislaus County Local Agency Formation Commission did on March 15, 1968, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to Section 54766 of the Government Code, and

WHEREAS, on the 27th day of May, 1968, at the hour of 7:45 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, to be effective upon the filing with the Secretary of State of the State of California of a certified copy of this ordinance,

SECTION 2. The area or territory so annexed, designated as the ROUSE ADDITION, 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 5, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, being a portion of the ROUSE COLONY, filed January 10, 1911, in Volume 5 of Maps, Page 24, and a portion of the DURAND TRACT, filed January 21, 1947, in Volume 16 of Maps, Page 19, Stanislaus County Records, described as follows:

Beginning at a point on the existing City Limits, as established by the Northern line of the CLUB HOUSE ADDITION (99), as per description filed July 29, 1959, as Instrument 21781, Stanislaus County Records, said point being the intersection of the center line of a public road known as Sunset Avenue and the Southern line of a public road known as Don Street; thence along the existing City Limits and the Northern line of the Club House Addition the following bearings and distances: North  $89^{\circ} 45'$  West, 20.00 feet; South  $0^{\circ} 15'$  West, 10.00 feet; North  $89^{\circ} 45'$  West, 614.65 feet, to the Northwestern corner of the Club House Addition and the Northeastern corner of the YOUNG ADDITION (149), as per description filed February 8, 1963, as Instrument 5122, Stanislaus County Records; thence along the existing City Limits and the Northern line of the Young Addition, North  $89^{\circ} 45'$  West, 24.69 feet, to the Southwestern corner of Lot 14 of the Rouse Colony; thence along the Western line of said Lot 14, North  $0^{\circ} 15'$  East, 330.00 feet, to the Northwestern corner of Lot 14; thence along the Northern line of Lot 14, South  $89^{\circ} 45'$  East, 319.63 feet, to a point on a line which is parallel with and 76.00 feet, measured at right angles, Westerly from the Lot line common to Lots 15 and 16 of the Rouse Colony; thence along said parallel line, North  $0^{\circ} 15'$  East, 330.00 feet, to a point on the Northern line of the Rouse Colony and the Northern line of a 30 foot public road known as Rouse Avenue, said point also being on the North line of the Southeast quarter of the Northwest quarter of Section 5; thence along said line, South  $89^{\circ} 45'$  East, 339.76 feet, to a point on the center line of Sunset Avenue, said point being the Northwest corner of the Southwest quarter of the Northeast quarter of Section 5; thence along the Northern line of the Southwest quarter of the Northeast quarter, East, 330.00 feet, to a point on the existing City Limits as established by the Southern line of the BALL PARK-GOLF COURSE ADDITION (9), as per description filed February 21, 1949, as Instrument 1997, Stanislaus County Records; thence along the existing City Limits and the Southern line of said Addition, East, 112.20 feet, to a point on the existing City Limits as established by a Southern line of the MODESTO SEWAGE DISPOSAL AREA ADDITION (28), as per description filed March 7, 1950, as Instrument 5120, Stanislaus County Records; thence along the existing City Limits and the Southern line of said Addition, East, 226.88 feet, to a point on the Eastern line of a 60 foot public road known as Neece Drive and a point on the existing City Limits as established by the Northwestern corner of the DURAND ADDITION (86), as per description filed March 10, 1959, as Instrument 6806, Stanislaus County Records; thence along the existing City Limits and the Eastern line of Neece Drive and the Western line of said Addition, South  $38^{\circ} 41'$  West, 201.96 feet, and South  $30^{\circ} 46' 30''$  West, 573.20 feet, to the Northeastern corner of the Club House Addition and the Easterly extension of the Southern line of a 60 foot public road known as Don Street; thence along the existing City Limits and the Northern line of said Addition and the Southern line of Don Street, West, 252.40 feet, to the point of beginning, containing 14.256 Acres, more or less.

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

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

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

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 27th day of May, 19 68, by Councilman Simon, who moved its adoption and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Simon, Smith, Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Robinson

APPROVED: [Signature]  
~~XXXXXXXXXXXX~~ Mayor  
H. H. DAVIES,

ATTEST: [Signature]  
~~XXXXXXXXXXXX~~, City Clerk

(SEAL) W. T. CHYNOWETH,  
APPROVED AS TO FORM: [Signature]  
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION: [Signature]  
Public Works Department  
8/6/65

ORDINANCE NO. 894 -C.S.

AN ORDINANCE AMENDING SECTION 9-6.26 OF CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO SIGNS.

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

SECTION 1. AMENDMENT OF CODE. Section 9-6.26 of Chapter 6 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-6.26. POLE SIGNS. (a) Definition. Pole signs, as regulated by this chapter, shall mean a sign with a solid or nearly solid advertising surface supported wholly in the ground by a pole or poles, which are not a part of a building, arising from a single ground surface area not to exceed eight (8') feet in diameter.

(b) Construction. (1) Materials Required. Every pole sign, including the pole or poles, and supports thereof, shall comply with the Building and Electrical Codes of the City.

(2) Illumination. No floodlight or spotlight shall be permitted on pole signs for their own illumination, unless said signs are installed back of the property line and said illumination does not constitute a traffic hazard.

(3) Movable Parts to be Secured. Any movable part of a pole sign, such as the cover of a service opening, shall be securely fastened by screws or bolts.

(4) Height and Area Limitation. (aa) A pole sign whose total advertising area is two hundred fifty (250) square feet or less may have its highest point extended no more than thirty-five (35') feet above the ground level.

(ab) A pole sign whose total advertising area is greater than two hundred fifty (250) square feet may have its highest point extended no more than twenty-five (25') feet above the ground level, nor may its total advertising area be greater than six hundred thirty-three (633) square feet and its total length greater than forty-six (46') feet, four (4") inches.

(ac) The advertising surface of the extending portion of any pole sign extending beyond the property line shall not exceed an area as follows:

(i) Horizontal pole signs: fifty (50) square feet each side.

(ii) Vertical pole signs: one hundred fifty (150) square feet each side.

(ad) The Council may authorize the erection of a pole sign in excess of the above mentioned height limitations, provided it finds that said sign shall not endanger the public health, safety or welfare.

(c) Location. (1) Projection Over Public Property. Every pole sign shall be placed at least ten (10') feet

above the public sidewalk over which it is erected. No pole sign or part thereof shall extend nearer the curb face than two (2') feet.

(2) Obstructions and Traffic Hazards. Every pole sign shall be erected in full compliance with Sections 9-6.14 and 9-6.15.

(d) Erection. Supporting pole or poles shall be installed in the ground on private property and shall withstand wind loads as specified in Section 9-6.10.

SECTION 4. 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: Unless the foregoing ordinance is adopted without delay, there is the danger that signs and billboards will be constructed which, because of their excessive height and size, will jeopardize the public peace, health and safety of the citizens of the City of Modesto.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 1968, by Councilman Simon, who moved its adoption and passage to print, which motion being duly seconded by Councilman Shastid, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Mitchell, Robinson, Shastid, Simon, Smith,  
Mayor Davies

NOES: Councilmen: ~~MAHA~~ Hughes

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

ORDINANCE NO. 895 -C.S.

AN ORDINANCE AMENDING SECTION 9-6.26 OF CHAPTER 6 OF TITLE IX OF THE MODESTO MUNICIPAL CODE RELATING TO SIGNS.

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

SECTION 1. AMENDMENT OF CODE. Section 9-6.26 of Chapter 6 of Title IX of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 9-6.26. POLE SIGNS. (a) Definition. Pole signs, as regulated by this chapter, shall mean a sign with a solid or nearly solid advertising surface supported wholly in the ground by a pole or poles, which are not a part of a building, arising from a single ground surface area not to exceed eight (8') feet in diameter.

(b) Construction. (1) Materials Required. Every pole sign, including the pole or poles, and supports thereof, shall comply with the Building and Electrical Codes of the City.

(2) Illumination. No floodlight or spotlight shall be permitted on pole signs for their own illumination, unless said signs are installed back of the property line and said illumination does not constitute a traffic hazard.

(3) Movable Parts to be Secured. Any movable part of a pole sign, such as the cover of a service opening, shall be securely fastened by screws or bolts.

(4) Height and Area Limitation. (aa) A pole sign whose total advertising area is two hundred fifty (250) square feet or less may have its highest point extended no more than thirty-five (35') feet above the ground level.

(ab) A pole sign whose total advertising area is greater than two hundred fifty (250) square feet may have its highest point extended no more than twenty-five (25') feet above the ground level, nor may its total advertising area be greater than six hundred thirty-three (633) square feet and its total length greater than forty-six (46') feet, four (4") inches.

(ac) The advertising surface of the extending portion of any pole sign extending beyond the property line shall not exceed an area as follows:

(i) Horizontal pole signs: fifty (50) square feet each side.

(ii) Vertical pole signs: one hundred fifty (150) square feet each side.

(ad) The Council may authorize the erection of a pole sign in excess of the above mentioned height limitations, provided it finds that said sign shall not endanger the public health, safety or welfare.

(c) Location. (1) Projection Over Public Property. Every pole sign shall be placed at least ten (10') feet

above the public sidewalk over which it is erected. No pole sign or part thereof shall extend nearer the curb face than two (2') feet.

(2) Obstructions and Traffic Hazards. Every pole sign shall be erected in full compliance with Sections 9-6.14 and 9-6.15.

(d) Erection. Supporting pole or poles shall be installed in the ground on private property and shall withstand wind loads as specified in Section 9-6.10.

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 Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 3rd day of June, 1968, by Councilman Simon, 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, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 10th day of June, 1968, Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Smith, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 10, 1968

## AN ORDINANCE AMENDING SECTION MAP 18-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (JOHN QUARESMA)

WHEREAS, a verified application for an amendment to Section 18-3-9 of the Zoning Map was filed by John Quaresma on December 15, 1967, to reclassify the following described property from One-Family Residential Zone, R-1, to Multiple-Family Residential Zone, R-3:

All that portion of the South half of Section 18, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Northwest corner of Quaresma Homes Unit 1, according to the Map thereof, filed in the office of the Recorder of Stanislaus County, California, on July 16, 1959, in Volume 19 of Maps at Page 22, said point also being the Southwest corner of the property conveyed to the First Presbyterian Church of Modesto, a corporation, by Deed dated February 15, 1961, and recorded May 2, 1961, in Volume 1680 of Official Records, at Page 594, (Instrument No. 13781); thence North 0° 32' West 113.21 feet, along the East line of Carver Road, to a 4" x 4" redwood post on a line common to Sections 18 and 19, Township 3 South, Range 9 East, Mount Diablo Base and Meridian; thence North 0° 46' 20" West 445.21 feet, along the East line of said Carver Road, to the Northwest corner of the property conveyed to said First Presbyterian Church and point of beginning of this description; thence, along the Northerly line of said Church property, 169.31 feet along a curve concave to the North, radius of 1589.42 feet and chord bearing of North 86° 22' 54" East; thence 169.31 feet along a curve concave to the South, radius of 1589.42 feet and chord bearing of North 86° 22' 54" East, to the Northeast corner of said Church property; thence North 0° 34' West to a point on the South line of Modesto Irrigation District Lateral No. 3; thence West, along the South line of said Lateral No. 3, to a point on the East line of Carver Road; thence South 0° 46' 20" East, along the East line of Carver Road, 786.69 feet to the point of beginning; including also the East 20 feet of Carver Road adjacent to the above described property,

and

WHEREAS, after public hearing held on January 16, 1968, and continued to February 20, 1968, the Planning Commission expressed its desire to hear the applicant's proposal based on a P-D Zone for the construction of an apartment building complex on the above-described property, and

WHEREAS, said public hearing was continued to March 5 and March 19, 1968, and May 21, 1968, and

WHEREAS, the application was amended to request P-D zoning, and

WHEREAS, said amended application was heard on May 21, 1968, and

WHEREAS, it was found and determined by the Planning Commission that rezoning of the above-described property as requested in the amended application is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 68-56, adopted on May 21, 1968, the Planning Commission recommended to the Council that the amended application of John Quaresma to amend Section 18-3-9 of the Zoning Map to reclassify the above-described property from One-Family Residential Zone, R-1, to Planned-Development Zone, P-D(41), be approved,

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

SECTION 1. ZONING CHANGE. Section 18-3-9 of the Zoning Map is hereby amended to reclassify the above-described property from One-Family Residential Zone, R-1, to Planned-Development Zone, P-D(41).

SECTION 2. USES. The following uses shall be permitted in said P-D(41) Zone 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; said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. A total of one hundred five (105) apartment units;
2. At least one hundred fifty-eight (158) parking spaces.

SECTION 3. ZONING MAP. Section Map 18-3-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of June, 1968, 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, Robinson, Shastid, Simon, Smith, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Hughes

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Samuel Fry  
Planning Department

**Ordinance 896 C.S.  
Exhibit A – Map**

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

Ord. No. 896- C. S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of July, 1968 Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Simon , was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Mitchell, Robinson, Shastid, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Hughes

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 31, 1968



All that portion of Lots 4 and 5 of the Carmichael Colony as shown on the map filed in Volume 7 of Maps at Page 20, Stanislaus County Records, located in the southeast quarter of Section 24, Township 3 South, Range 8 East Mount Diablo Base and Meridian described as follows:

Commencing at the centerline intersection of Blue Gum Avenue and Carpenter Road; thence South  $89^{\circ} 00' 50''$  West along the centerline of said Blue Gum Avenue a distance of 1055.00 feet to the true point of beginning of this description; thence at right angles South  $0^{\circ} 59' 10''$  east a distance of 245.00 feet; thence South  $89^{\circ} 00' 50''$  West parallel to the aforementioned centerline of Blue Gum Avenue a distance of 800.00 feet; thence North  $0^{\circ} 59' 10''$  West a distance of 245.00 feet to said centerline of Blue Gum Avenue; thence North  $89^{\circ} 00' 50''$  East along said centerline of Blue Gum Avenue a distance of 800.00 feet to the point of beginning.

Containing: Approximately 4.5 acres gross.

SECTION 3. ZONING MAP. Section 24-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 1968, 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, Shastid, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Simon

APPROVED: Lee H. Davies  
~~LEE H. DAVIES~~, Mayor  
LEE H. DAVIES

ATTEST: W. T. Chynoweth  
~~W. T. CHYNOWETH~~, City Clerk  
W. T. CHYNOWETH,  
(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY [Signature]  
Planning Department

Ordinance 897 C.S.  
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of July, 1968, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Smith, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Simon

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 14, 1968



in said ~~RDXXXXXX~~ Zone 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: said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. One hundred twenty-six (126) mobile home sites;
2. A combined manager's office and residence; and
3. A recreation building.

SECTION 3. ZONING MAP. Section Map 24-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

meeting of the Council of the City of Modesto held on the 24th  
day of June, 1968, 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, Shastid, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Simon

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. P. Chynoweth  
W. P. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY Wm. M. Fey  
Planning Department

Ordinance 898 C.S.  
Exhibit A – Map

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

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of July, 1968, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Smith,  
Mayor Davies  
NOES: Councilmen: None  
ABSENT: Councilmen: Simon

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 14, 1968

AN ORDINANCE AMENDING SECTION MAP 24-3-8 OF  
THE ZONING MAP OF THE CITY OF MODESTO, ~~RECLASSIFYING~~ PREZONING  
~~BY~~ CERTAIN PROPERTY LOCATED THEREON. (MERL MC HENRY,  
ET AL)

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

SECTION 1. ZONING CHANGE. Section 24-3-8 of the  
Zoning Map is hereby amended to ~~reclassify~~ <sup>prezone</sup> the following-described  
property ~~from~~ \_\_\_\_\_

to Planned-Development Zone, ~~RECLASSIFY~~ P-PD(43):

All that portion of Lots 3, 4, 9 and 10 of the Carmichael Colony,  
as shown on the map filed in Volume 7 of Maps at Page 20, Stanislaus  
County Records, located in the southeast quarter of Section 24,  
Township 3 South, Range 8 East, Mount Diablo Base and Meridian  
described as follows:

Beginning at the centerline intersection of Blue Gum Avenue and  
Carpenter Road; thence South 89° 00' 50" West along the center-  
line of said Blue Gum Avenue a distance of 995.00 feet; thence  
at right angles South 0° 59' 10" East a distance of 195.00 feet;  
thence North 89° 00' 50" East parallel to the aforementioned  
center line of Blue Gum Avenue a distance of 225.00 feet; thence  
South 0° 59' 10" East a distance of 630.00 feet; thence North  
89° 27' 30" East a distance of 770.00 feet to the centerline of  
the aforementioned Carpenter Road; thence North 0° 32' 30" West  
along said center line of Carpenter Road a distance of 830.00  
feet to the point of beginning.

Containing: Approximately 15.7 acres gross.

in said ~~Zone~~ Zone 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: said uses are as shown on the Development Plan and subject to compliance with Section 10-2.2704 of the Municipal Code prior to the issuance of a building permit:

1. A fifty thousand (50,000) square foot neighborhood shopping center including two hundred nineteen (219) parking spaces;
2. A gasoline service station;
3. A one hundred sixteen (116) unit motel and restaurant;
4. A ninety (90) unit motel.

SECTION 3. ZONING MAP. Section Map 24-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of June, 19 68, 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, Shastid, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Simon

APPROVED: Lee H. Davies  
LEE H. DAVIES, Mayor

ATTEST: W. T. Chynoweth  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Donald C. Fey  
Planning Department

**Ordinance 899 C.S.  
Exhibit A – Map**

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

Ord. No. 899-C.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 15th day of July, 1968, Councilman Smith moved its final adoption, which motion being duly seconded by Councilman Robinson, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Hughes, Mitchell, Robinson, Shastid, Smith, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Simon

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: August 14, 1968

AN ORDINANCE AMENDING SECTIONS 3-1.202, 3-1.203, 3-1.204, 3-1.205, 3-1.206, 3-1.207, 3-1.208, 3-1.209, 3-1.210, 3-1.211, 3-1.212, 3-1.213, 3-1.214, 3-1.215, 3-1.216, 3-1.217, 3-1.218, 3-1.219, 3-1.220, 3-1.221, 3-1.222, 3-1.223, 3-1.224, 3-1.225, 3-1.226, 3-1.227, 3-1.228, 3-1.229, 3-1.230, 3-1.231 AND 3-1.232 OF ARTICLE 2 OF CHAPTER 1 OF TITLE III OF THE MODESTO MUNICIPAL CODE AND REPEALING SECTIONS 3-1.233, 3-1.234, 3-1.234.1, 3-1.235, 3-1.236, 3-1.237 AND 3-1.238 THEREOF, RELATING TO THE FIRE PREVENTION CODE.

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

SECTION 1. AMENDMENT OF CODE. Sections 3-1.202, 3-1.203, 3-1.204, 3-1.205, 3-1.206, 3-1.207, 3-1.208, 3-1.209, 3-1.210, 3-1.211, 3-1.212, 3-1.213, 3-1.214, 3-1.215, 3-1.216, 3-1.217, 3-1.218, 3-1.219, 3-1.220, 3-1.221, 3-1.222, 3-1.223, 3-1.224, 3-1.225, 3-1.226, 3-1.227, 3-1.228, 3-1.229, 3-1.230, 3-1.231 and 3-1.232 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 3-1.202. FIRE PREVENTION CODE. Those certain documents, three (3) copies of which are on file in the Office of the City Clerk of the City of Modesto, being marked and designated "Fire Prevention Code, 1965 Edition", together with Appendix A and Appendix C thereto, and the revision of said Code, dated October, 1966, being marked and designated "Revision of the Fire Prevention Code, 1965 Edition", relating to Division VI, Service Stations, of Article 16, all as recommended by the American Insurance Association, which documents prescribe regulations governing conditions hazardous to life and property from fire and explosion, as hereinafter amended, deleted and added to, are hereby adopted by reference as the Fire Prevention Code of the City of Modesto.

SEC. 3-1.203. ESTABLISHMENT AND DUTIES OF BUREAU OF FIRE PREVENTION. That Section 1.1 of said Fire Prevention Code be amended to read as follows:

Section 1.1. (a) The Fire Prevention Code shall be enforced by the Bureau of Fire Prevention in the Fire Department of the City which is hereby established and which shall be operated under the supervision of the Chief of the Fire Department.

(b) The Chief of the Fire Department shall designate an officer or a member of the Fire Department as Chief of the Bureau of Fire Prevention who shall hold this office at the pleasure of the Chief of the Fire Department.

(c) The Chief of the Fire Department may detail such other members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Manager the employment of technical inspectors, who, when such

employment is authorized, shall be selected in accordance with the provisions of the City Charter and regulations governing the personnel system of the City.

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

SEC. 3-1.204. MODIFICATIONS. That Section 1.1-1 be added to said Fire Prevention Code to read as follows:

Section 1.1-1. The Chief of the Bureau of Fire Prevention shall have power to modify any of the provisions of the Fire Prevention Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of this Code, provided that the spirit of this Code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Bureau of Fire Prevention thereon shall be entered upon the records of the department and a signed copy shall be furnished the applicant.

SEC. 3-1.205. NEW MATERIALS, PROCESSES OR OCCUPANCIES WHICH MAY REQUIRE PERMITS. That Section 1.1-2 be added to said Fire Prevention Code to read as follows:

Section 1.1-2. The Director of Public Works, the Chief of the Fire Department and the Chief of the Bureau of Fire Prevention shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies, which shall require permits, in addition to those now enumerated in this Code. The Chief of the Bureau of Fire Prevention shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons.

SEC. 3-1.206. INTENT OF CODE. That Section 1.1-3 be added to said Fire Prevention Code to read as follows:

Section 1.1-3. It is the intent of this Code to prescribe regulations consistent with nationally recognized good practice for the safeguarding to a reasonable degree of life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the use or occupancy of buildings or premises. The National Fire Codes, Volumes I, II, III, IV, V, VI, VII, VIII, IX and X, as published by the National Fire Protection Association, shall be considered to provide the minimum requirements for new and existing buildings, premises and occupations.

SEC. 3-1.207. AUTHORITY TO ENTER PREMISES. That subsection (c) be added to Section 1.3 of said Fire Prevention Code to read as follows:

(c) Except in emergency situations as defined in Section 1.5 of this Code, the Chief of the Fire Department, Chief of the Bureau of Fire Prevention or any inspector thereof, shall not enter any building or premises without the consent of the owner or occupant thereof, unless he possesses a reasonable search warrant authorizing entry and search of the premises.

SEC. 3-1.208. REVOCATION OF PERMIT. That Section 1.10 of said Fire Prevention Code be amended to read as follows:

Section 1.10. The Bureau of Fire Prevention may revoke a permit or approval issued if any violation of this Code is found upon inspection or in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or approval was based. Notice of Revocation of a permit shall be made to the occupant or owner of the property in writing. Noncompliance with the standards of the American Insurance Association or the National Fire Protection Association or other approved nationally recognized safety standards shall be sufficient grounds for revocation of a permit.

SEC. 3-1.209. DUST COLLECTING SYSTEM. That Section 2.4 of said Fire Prevention Code be amended to read as follows:

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

SEC. 3-1.210. DRY CLEANING PLANTS. That Article 9 of said Fire Prevention Code, consisting of Section 9.1 through Section 9.18, inclusive, be deleted.

SEC. 3-1.211. MARKING OF EXIT WAYS. That subsection (a) of Section 11.2 of said Fire Prevention Code be amended to read as follows:

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

SEC. 3-1.212. FIREWORKS, GENERAL PROVISIONS. That Section 13.1 of said Fire Prevention Code be amended to read as follows:

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

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

SEC. 3-1.213. MANUFACTURE, SALE AND DISCHARGE OF FIREWORKS. That Section 13.2 of said Fire Prevention Code be amended to read as follows:

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

(1) Merchandise shall be displayed in approved glass counters; or

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

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

(b) Fireworks stands shall have a roof.

(c) Walls and roof shall be of plywood one-quarter (1/4") inch thick or of an approved fire resistive material.

(d) An egress door shall be provided for the stand with minimum dimensions of twenty-four (24") inches in width, six (6') feet in height.

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

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

(g) Fire protection equipment shall be provided as required by the Bureau of Fire Prevention.

SEC. 3-1.214. FIREWORKS. That Section 13.3 through Section 13.6, inclusive, of Article 13 of said Fire Prevention Code, be deleted.

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

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

SEC. 3-1.216. HAZARDOUS COOKING, LIGHTING AND HEATING. That Section 16.17 of said Fire Prevention Code be amended to read as follows:

Section 16.17. The use of gasoline stoves and other similar fuel burning appliances using highly flammable liquids for cooking, lighting, or heating is hereby prohibited in the City of Modesto.

SEC. 3-1.217. DISPENSING OF CLASS I, CLASS II AND CLASS III FLAMMABLE LIQUIDS. That Section 16.18 be added to said Fire Prevention Code to read as follows:

Section 16.18. No delivery of any Class I, Class II or Class III flammable liquids shall be made into portable containers of any capacity unless the container is of sound metal construction, has a tight closure with screwed or spring cover and fitted with a spout or so designed that the contents can be poured without spilling.

SEC. 3-1.218. INSTALLATION OF OUTSIDE ABOVEGROUND TANKS. That subsection (a) of Section 16.22 of said Fire Prevention Code be amended to read as follows:

(a) Restricted Locations. Except as otherwise permitted in this Code, the storage of flammable and combustible liquids shall be outside buildings, in underground tanks. Provided that for existing tanks, which are properly safeguarded and do not involve a hazard to other property, a permit shall be granted. All replacements of existing tanks shall be installed underground.

SEC. 3-1.219. INSTALLATION OF UNDERGROUND TANKS. That subsections (c), (d) and (e) of Section 16.23 of said Fire Prevention Code be amended to read as follows:

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

(d) Size of Vents.

<u>Capacity of Tank, Gallons</u>	<u>Diameter of Vent</u>
0 to 500	1½ inch
501 to 3,000	1½ inch
3,001 to 10,000	2 inch
10,001 to 25,000	2½ inch

25,001 to	50,000
50,001 to	100,000
100,001 to	150,000
150,001 to	400,000
400,001 to	1,000,000
	over 1,000,000

3	inch
3½	inch
4	inch
5	inch
6	inch
two 6	inch

(e) Separation of Underground Tanks. Under-ground storage tanks used for storage of flammable or combustible liquids shall be separated by a minimum distance of three (3') feet.

SEC. 3-1.220. DISPENSING. That subsection (b) of Section 16.73 of said Fire Prevention Code be amended to read as follows:

(b) Class I, Class II and Class III flammable liquids shall not be drawn from or dispensed into vessels or containers within a building except by means of a device drawing from top of the tank or the container. Gravity discharge within a building of Class I, Class II and Class III flammable liquids from tanks, drums, or containers other than safety can, is prohibited, except where the nature of the manufacturing process requires gravity flow. Upon approval of the Chief of the Bureau of Fire Prevention, such gravity flow shall be permitted only from vessels storing flammable or combustible liquids sufficient for not more than one day's operation.

SEC. 3-1.221. OPERATION OF TANK VEHICLES. That subsection (i) be added to Section 16.1012 of said Fire Prevention Code to read as follows:

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

SEC. 3-1.222. LIQUEFIED PETROLEUM GASES. That Article 21 of said Fire Prevention Code be amended to read as follows:

#### ARTICLE 21

##### LIQUEFIED PETROLEUM GASES

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 thereafter 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 five hundred (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 five hundred (500') feet southerly from and parallel with the said southerly property line of Morton Boulevard, and continuing along the said line which is five hundred (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 one hundred seventy-five (175') feet southwesterly from the southwesterly property line of 9th Street; thence southeasterly along a line which is one hundred seventy-five (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. 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 I except the use of liquefied petroleum gases in Fire Zone I 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 I.

(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.

**SEC. 3-1.223. OPERATIONAL FIRE HAZARDS IN LUMBER YARDS.** That subsection (a) of Section 22.3 of said Fire Prevention Code be amended to read as follows:

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

**SEC. 3-1.224. DESIGN, CONSTRUCTION AND INSTALLATION OF FUEL OIL TANKS.** That subsection (g) of Section 24.8 of said Fire Prevention Code be amended to read as follows:

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

extending from the lowest floor to the ceiling above the tanks and having a fire resistive rating of not less than two (2) hours.

**SEC. 3-1.225. PERMIT REQUIRED.** That subsection (b) of Section 27.1 of said Fire Prevention Code be amended to read as follows:

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

**SEC. 3-1.226. BONFIRES AND OPEN FIRES NOT CONFINED TO INCINERATORS.** That Section 28.1 of said Fire Prevention Code be amended to read as follows:

Section 28.1. (a) Bonfires, Open Fires and Ceremonial Fires Prohibited. No person shall kindle or maintain a bonfire, open fire or ceremonial fire in the City of Modesto, except as set forth in paragraph (b) below.

(b) Open Burning Under Immediate Control of Fire Department. Open burning under the immediate control of the Fire Department is permitted when used for training or fire control purposes.

**SEC. 3-1.227. ACCUMULATIONS OF WASTE MATERIALS.** That Section 28.6 of said Fire Prevention Code be amended to read as follows:

Section 28.6. Accumulations of waste paper, hay, grass, straw, weeds, litter or combustible or flammable waste or rubbish of any kind shall not be permitted to remain upon any public street, sidewalk, easement or alley abutting thereon. All weeds, grass, vines or other growth, when the same endangers property or is liable to be fired, shall be cut down and removed by the owner or occupant of the property, including all weeds, grass, vines or other growth, growing in or upon any public street, sidewalk, easement or alley abutting said property.

**SEC. 3-1.228. REMOVAL OF UNDERGROUND OR ABOVE-GROUND FLAMMABLE LIQUID TANKS.** That Section 28.15 be added to said Fire Prevention Code to read as follows:

Section 28.15. (a) When any underground or aboveground tank has not been used for a period of ninety (90) consecutive days, said tank may be considered abandoned.

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

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

SEC. 3-1.229. ASPHALT KETTLES. That Section 28.16 be added to said Fire Prevention Code to read as follows:

Section 28.16. It shall be unlawful to transport or permit to be transported any asphalt kettle beneath which is maintained any open fire, heated coals, or ashes, over any highway, road or street. Asphalt kettles shall not be used inside of or on the roof of any building. There shall be at least one approved fire extinguisher of a minimum 2A-30BC classification within thirty (30') feet, and not closer than ten (10') feet, of each asphalt kettle during the period such kettle is in use, and one additional approved fire extinguisher of a minimum 2A-30BC classification shall be located on the roof being covered.

SEC. 3-1.230. BURNING REGULATIONS FOR RESIDENTIAL AND APARTMENT HOUSE OCCUPANCY INCINERATORS. That Section 28.17 be added to said Fire Prevention Code to read as follows:

Section 28.17. (a) No Permit Required. A permit is not required to burn or maintain a fire in an incinerator used in conjunction with a residential or apartment house occupancy. All incinerators so used shall conform to the requirements set forth in paragraph (b) below.

(b) Approved Incinerators. Incinerators used for burning in conjunction with residential and apartment house occupancies shall be constructed to conform to one of the following three (3) types.

(1) Type I Incinerator. Constructed in compliance with the requirements for gas-fired incinerators as contained in the Uniform Building Code, adopted by Section 9-1.01 of the Modesto Municipal Code.

(2) Type II Incinerator. Constructed of concrete or masonry with a chimney equipped with a spark arrester. The chimney shall extend at least two (2') feet above the fire door, and no opening of the spark arrester shall be greater than one-quarter (1/4") inch. A permanently installed fire door shall be provided. A clean-out opening shall be provided and shall be covered by a door or screen, no opening of which shall be greater than one-quarter (1/4") inch. Any combustion air openings and any other permitted opening shall be covered by screen with no openings larger than one-quarter (1/4") inch.

(3) Type III Incinerator. Constructed of metal or masonry, and provided with a hinged cover. The cover shall have no opening greater than one-quarter (1/4") inch and said cover shall be in place, covering the incinerator, during burning operations. Any combustion air openings and other permitted openings shall be covered by screen with no opening larger than one-quarter (1/4") inch.

(c) Placement of Incinerators. (1) Type I incinerators shall be placed as provided for in the Uniform Building Code, adopted by Section 9-1.01 of the Modesto Municipal Code. A permit to construct a Type I incinerator shall be obtained from the Chief Building Official, as required by the Uniform Building Code.

(2) Type II and Type III incinerators shall not be placed closer than fifteen (15') feet to a combustible building or structure, nor closer than six (6') feet to the center line of an alley.

(3) No incinerator shall be placed upon a public street or sidewalk area.

(4) A minimum distance of not less than one foot shall be maintained between a Type II incinerator and any combustible fence or other combustible object (other than a building or structure), providing the incinerator chimney shall stand at least two (2') feet vertically above the combustible fence or other combustible object.

(5) A minimum distance of not less than two (2') feet shall be maintained between a Type III incinerator and any combustible fence or other combustible object (other than a building or structure), providing that the combustible object is covered with metal having a minimum thickness of twenty-four (24) gauge metal, or asbestos sheeting having a minimum thickness of one-eighth (1/8") inch. The combustible object shall be covered in all directions for a minimum distance of five (5') feet from the incinerator.

(6) There shall be a minimum distance of five (5') feet between any Type III incinerator and any unprotected combustible object.

(7) Incinerators shall be placed upon the property of and under the control of the person doing the burning, or in the alley adjacent to such person's property.

(8) Type II and Type III incinerators are prohibited in Fire Zone I, as defined in Section 3-1.201 of the Modesto Municipal Code.

(d) No Fire to be Unattended. A person eighteen (18) years of age or older shall be in attendance at all times when a fire is in progress in an incinerator.

(e) Sunday Burning Prohibited. Burning of any nature is prohibited on Sundays.

(f) Burning Hours. Burning is permitted only from 6:00 o'clock A.M. to 10:00 o'clock A.M., Monday through Saturday.

(g) Burning of Garbage, etc., Prohibited. Burning of garbage or other material which gives off noxious odors, or smolders, is prohibited.

(h) Nuisances Prohibited. Any burning that creates a fire hazard or public nuisance is prohibited.

(i) Fire Chief May Prohibit. The Chief of the Fire Department may prohibit all burning when atmospheric conditions warrant it.

SEC. 3-1.231. BURNING REGULATIONS FOR COMMERCIAL, INDUSTRIAL, EDUCATIONAL AND INSTITUTIONAL OCCUPANCY INCINERATORS. That Section 28.18 be added to said Fire Prevention Code to read as follows:

Section 28.18. (a) Permit Required. No person shall kindle or maintain any fire in an incinerator used in conjunction with a commercial, industrial, educational or institutional occupancy without a permit to do so from the Modesto Fire Department. Such permit shall be kept on the premises on which the incinerator is located. Such permit shall be available for examination upon request by an authorized Fire or Police Officer.

(b) Approved Incinerators. Approved incinerators shall be of Type I or Type II construction as defined in Section 28.17(b) of this Code.

(c) Placement of Incinerators. Incinerators shall be placed as provided in Section 28.17 of this Code.

(d) No Fire to be Unattended. A person eighteen (18) years of age or older shall be in attendance at all times when a fire is in progress in an incinerator.

(e) Burning Hours. Burning is permitted in a Type I incinerator twenty-four (24) hours per day. Burning in a Type II incinerator is permitted only from 6:00 o'clock A.M., to 10:00 o'clock A.M., Monday through Saturday. Burning in a Type II incinerator is prohibited on Sundays.

(f) Burning of Garbage, etc., Prohibited. Burning of garbage or other material which gives off noxious odors, or smolders, is prohibited.

(g) Nuisances Prohibited. Any burning that creates a fire hazard or public nuisance is prohibited.

(h) Incinerator Prohibited on Certain Properties. Incinerators are not permitted on premises having the following occupancies:

- (1) Service stations;
- (2) Repair garages;
- (3) Bulk oil plants; and
- (4) Restaurants, drive-in restaurants, and other places of business serving food.

(i) Fire Chief May Prohibit. The Chief of the Fire Department may prohibit all burning when atmospheric conditions warrant it.

SEC. 3-1.232. PERMIT REQUIRED FOR WELDING OR CUTTING. That subsection (f) be added to Section 30.3 of said Fire Prevention Code to read as follows:

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

SECTION 2. REPEALS. Sections 3-1.233, 3-1.234, 3-1.234.1, 3-1.235, 3-1.236, 3-1.237 and 3-1.238 of Article 2 of Chapter 1 of Title III of the Modesto Municipal Code are 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. SAVINGS. The provisions of this ordinance shall not affect any proceedings, 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 5. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24<sup>th</sup> day of June, 1968, by Councilman Mitchell, who moved its introduction and passage to print, which motion being duly seconded by Councilman Smith, was upon roll call

carried and ordered printed and published by the following  
vote:

AYES: Councilmen: Hughes, Mitchell, Shastid, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Robinson, Simon

APPROVED: *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 900-E.S.

FINAL ADOPTION CLAUSE

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 1st day of July, 1968 Councilman Shastid moved its final adoption, which motion being duly seconded by Councilman Simon, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Mitchell, Robinson, Shastid, Simon, Smith,  
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Hughes

APPROVED *Lee H. Davies*  
LEE H. DAVIES, Mayor

ATTEST: *W. T. Chynoweth*  
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: July 31, 1968