

AN ORDINANCE AMENDING SECTION 4-6.214 OF ARTICLE 2 OF CHAPTER 6 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO TAXICABS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-6.214 of Article 2 of Chapter 6 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-6.214. SURRENDER OF CERTIFICATE. A certificate which shall have been automatically cancelled or revoked by the Council shall forthwith be surrendered to the Director of Parking and Traffic, and the operations of any taxicab covered by such a certificate shall cease and further operation of such a taxicab shall be unlawful. Any owner who shall permanently retire any taxicab from service, and within ten (10) days thereof not replace said taxicab or make arrangements satisfactory to the Director of Parking and Traffic for said replacement, shall immediately surrender any certificate granted for the operation of such taxicab to the Director of Parking and Traffic. An owner may not secure a new certificate for the operation of any taxicab for which a certificate has been automatically cancelled, revoked or surrendered without having first made application therefor in the manner provided in this article.

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 November, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

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

①

AN ORDINANCE ADDING SECTION 8-2.616 TO ARTICLE 6 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO TRANSIENT OCCUPANCY TAX.

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

SECTION 1. AMENDMENT OF CODE. Section 8-2.616 is hereby added to Article 6 of Chapter 2 of Title VIII of the Modesto Municipal Code to read as follows:

SEC. 8-2.616. SECURITY FOR COLLECTION OF TAX.

(a) The Tax Administrator, whenever he deems it necessary to insure compliance with this article, may require any person subject thereto to deposit with him such security in the form of cash, bond, or other security as the Tax Administrator may determine. The amount of the security shall be fixed by the Tax Administrator but shall not be greater than twice the person's estimated average liability for the period for which he files returns, determined in such manner as the Tax Administrator deems proper, or Ten Thousand and no/100ths (\$10,000.00) Dollars, whichever amount is the lesser. The amount of the security may be increased or decreased by the Tax Administrator subject to the limitations herein provided.

(b) If any operator liable for any amount under this article sells out or quits his business or a substantial portion thereof, his successors or assigns shall withhold sufficient of the purchase price to cover any transient occupancy tax which is due against any portion of the business unless the former operator produces a receipt from the Tax Administrator showing that he has been paid or a certificate stating that no amount is due. If the successors or assigns of a business fail to withhold the tax from the purchase price as required, they shall be personally liable for the payment of the amount required to be withheld by them to the extent of the purchase price, valued in money. Said tax shall be a lien against the purchase price for any portion of the business. The successors or assigns may request in writing a certificate of no tax due. Within thirty (30) days after receiving a written request from the successors or assigns for a certificate, the Tax Administrator shall either issue the certificate or mail notice to them at the address given in the request of the amount that must be paid as a condition of issuing the certificate. Failure of the Tax Administrator to mail the notice will release the successors and assigns from any further obligation to withhold the purchase price as above provided. The time within which the obligation of the successors and assigns may be enforced shall start to run at the time the operator sells out his business or at the time that the determination against the operator becomes final, whichever event occurs later.

SECTION 2. EMERGENCY PROVISIONS. DECLARATION OF URGENCY. 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 because the Tax Administrator of the Uniform Transient Occupancy Tax of the City of Modesto is encountering difficulties in collecting Transient Occupancy Taxes due the City of Modesto and, therefore, it is necessary to immediately strengthen the collection and security provisions of the Uniform Transient Occupancy Tax in order to insure the payment of all Transient Occupancy Taxes due the city if any operator liable for any Transient Occupancy Taxes sells out or quits his business or a substantial portion thereof and to insure that the Tax Administrator will have the power to require the posting of security to insure the payment of all Transient Occupancy Taxes which will become due the City of Modesto.

SECTION 3. 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 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 25th day of November, 1974, by Councilman Kullijian, who moved its adoption and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott,
Kullijian, Mensinger, Newton, Simon,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

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 ADDING SECTION 8-2.616 TO ARTICLE 6 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO TRANSIENT OCCUPANCY TAX.

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

SECTION 1. AMENDMENT OF CODE. Section 8-2.616 is hereby added to Article 6 of Chapter 2 of Title VIII of the Modesto Municipal Code to read as follows:

SEC. 8-2.616. SECURITY FOR COLLECTION OF TAX.

(a) The Tax Administrator, whenever he deems it necessary to insure compliance with this article, may require any person subject thereto to deposit with him such security in the form of cash, bond, or other security as the Tax Administrator may determine. The amount of the security shall be fixed by the Tax Administrator but shall not be greater than twice the person's estimated average liability for the period for which he files returns, determined in such manner as the Tax Administrator deems proper, or Ten Thousand and no/100ths (\$10,000.00) Dollars, whichever amount is the lesser. The amount of the security may be increased or decreased by the Tax Administrator subject to the limitations herein provided.

(b) If any operator liable for any amount under this article sells out or quits his business or a substantial portion thereof, his successors or assigns shall withhold sufficient of the purchase price to cover any transient occupancy tax which is due against any portion of the business unless the former operator produces a receipt from the Tax Administrator showing that he has been paid or a certificate stating that no amount is due. If the successors or assigns of a business fail to withhold the tax from the purchase price as required, they shall be personally liable for the payment of the amount required to be withheld by them to the extent of the purchase price, valued in money. Said tax shall be a lien against the purchase price for any portion of the business. The successors or assigns may request in writing a certificate of no tax due. Within thirty (30) days after receiving a written request from the successors or assigns for a certificate, the Tax Administrator shall either issue the certificate or mail notice to them at the address given in the request of the amount that must be paid as a condition of issuing the certificate. Failure of the Tax Administrator to mail the notice will release the successors and assigns from any further obligation to withhold the purchase price as above provided. The time within which the obligation of the successors and assigns may be enforced shall start to run at the time the operator sells out his business or at the time that the determination against the operator becomes final, whichever event occurs later.

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.

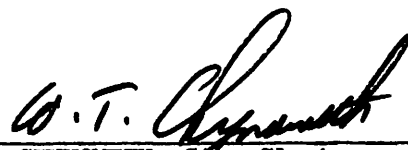
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 25th day of November, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton, Simon,
Mayor Davies

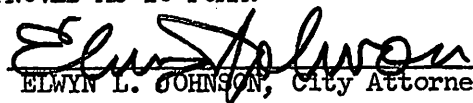
NOES: Councilmen: None

ABSENT: Councilmen: Dunlap

APPROVED: 
LEE H. DAVIES, Mayor

ATTEST:
By 
W. T. CHYNOWETH, City Clerk

(SEAL)

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

Ord. No. 1403-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 December, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED



~~RAYMOND C. SIMON, Mayor~~
RAYMOND C. SIMON, Vice Mayor

ATTEST:

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

EFFECTIVE DATE: January 1, 1975

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
 THE ORANGEBURG-LAKEWOOD ADDITION TO THE
 CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by _____

Sam P. Satariano and Betty Satariano

on October 9, 1974, 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 Orangeburg-Lakewood ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 15th day of October, 1974, set said petition for hearing at the hour of 4:00 o'clock P.M. on the 2nd day of December, 1974, 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 October 24, 1974, and on October 31, 1974; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on October 30, 1974, and on November 6, 1974, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed

not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on September 20, 1974, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 2nd day of December, 1974, at the hour of 4:00 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated as the Orangeburg-Lakewood _____ ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

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

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

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

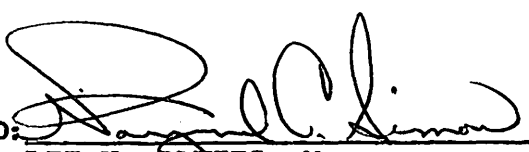
SECTION 6. The City Clerk is hereby authorized and directed to comply with the provisions of Sections 34080, 34081 and 54900 through 54904, both inclusive, of the Government Code of the State of California relating respectively to the filing of an affidavit of completion of annexation proceedings and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

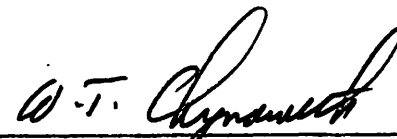
SECTION 7. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall become effective immediately upon its adoption.

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

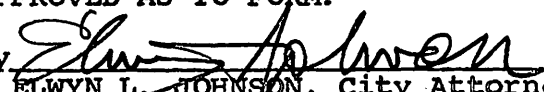
The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of December, 1974, by Councilman Dunlap, who moved its adoption and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

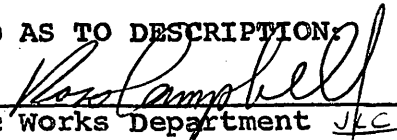
- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Vice Mayor Simon
- NOES: Councilmen: None
- ABSENT: Councilmen: Mayor Davies

APPROVED: 
~~Raymond C. Simon, Mayor~~
 RAYMOND C. SIMON

ATTEST:
 By 
 W. T. CHYNOWETH, City Clerk

(SEAL)

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

APPROVED AS TO DESCRIPTION:
 By 
 Public Works Department JLC
10-25-74

ORANGEBURG-LAKEWOOD ADDITION

All that real property in the State of California, County of Stanislaus, in the Northeast quarter of Section 23 and the Northwest quarter of Section 24, 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 a Southeastern corner of LAKEWOOD NO. 1 ADDITION (292), as per description filed June 9, 1972, as Instrument 23377, Stanislaus County Records, said point being the West quarter corner of Section 24; thence leaving the existing City Limits and along the East-West quarter section line of Section 24, said line also being the Northern line of Lincoln Estates No. 3 as per map filed July 23, 1963 in Volume 20 of Maps, Page 51 and Lincoln Estates No. 4 as per map filed July 28, 1965 in Volume 21 of Maps, Page 14, Stanislaus County Records, North $89^{\circ}21'20''$ East, 1309.25 feet, to a Southwestern corner of ORANGEBURG-LILLIAN ADDITION (302), as per description filed March 22, 1973, as Instrument 40448, Stanislaus County Records; thence along a Western line of Addition (302), said line also being a quarter quarter section line of Section 24, North $00^{\circ}55'50''$ West, 1322.64 feet, to a point on a Southern line of Addition (292), said point also being on a quarter quarter section line of Section 24, thence along the existing City Limits South $89^{\circ}21'35''$ West, 1310.08 feet; thence along Addition (292) the following courses and distances, South $00^{\circ}58'00''$ East, 20.00 feet; South $89^{\circ}21'35''$ West, 210.00 feet; South $00^{\circ}58'00''$ East, 135.00 feet; North $89^{\circ}21'35''$ East, 210.00 feet, to a point on the center line of Lakewood Avenue, said line also being the Section Line common to Sections 23 and 24; thence along the above mentioned line and an Eastern line of Addition (292), South $00^{\circ}58'00''$ East, 1167.74 feet, to the point of beginning, containing 40.418 Acres, more or less.

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
 THE ORANGEBURG-SONOMA NO. 2 ADDITION TO THE
 CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by _____

Maurice E. Ayres, Robert P. Bomberger and Harley D. Brannan

on October 4, 1974, 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 Orangeburg-Sonoma No. 2 ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 15th day of October, 1974, set said petition for hearing at the hour of 4:05 o'clock P.M. on the 2nd day of December, 1974, 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 October 24, 1974, and on October 31, 1974; and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on November 1, 1974, and on November 8, 1974, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed

not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on September 20, 1974, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 2nd day of December, 1974, at the hour of 4:05 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated as the Orangeburg-Sonoma No. 2 ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

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

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

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

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 2nd day of December, 19 74, by Councilman Dunlap, who moved its adoption and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: [Signature]
~~W. T. CHYNOWETH, City Clerk~~
RAYMOND C. SIMON, Vice Mayor

ATTEST:
By [Signature]
W. T. CHYNOWETH, City Clerk

(SEAL)

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

APPROVED AS TO DESCRIPTION:
By [Signature]
Public Works Department JLC
10-25-74

ORANGEBURG-SONOMA NO. 2 ADDITION

All that real property in the State of California, County of Stanislaus, in the Northeast and the Northwest quarter of Section 23, 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 ORANGEBURG-EASTRIDGE ADDITION (308), as per description filed August 17, 1973, as Instrument 6631, Stanislaus County Records, said point also being on the center line of a 120 foot public road known as East Briggsmore Avenue; thence along the existing City Limits and the boundary of said Addition (308), South $00^{\circ}15'15''$ East, 778.99 feet; thence South $89^{\circ}27'15''$ East, 100.00 feet; thence, South $0^{\circ}15'15''$ East, 455.60 feet, to the center line of a 40 foot public road known as East Orangeburg Avenue and the Southwestern corner of said Addition (308), said point also being on the Northern boundary of the LAKEWOOD NO. 1 ADDITION (292), as per description filed June 9, 1972, as Instrument 23377, Stanislaus County Records; thence along the existing City Limits and the boundary of said Addition (292), North $89^{\circ}27'15''$ West, 757.02 feet, to the Northwestern corner of said Addition (292), said point also being the Northeastern corner of the SONOMA NO. 3 ADDITION (285), as per description filed April 26, 1972, as Instrument 16760, Stanislaus County Records; thence along the existing City Limits and the boundary of said Addition (285), North $89^{\circ}27'15''$ West, 657.00 feet, to a point on the Eastern line of the Western half of Lot 5 of the O. McHENRY RANCH Subdivision, as per map filed February 14, 1905, in Volume 2 of Maps, Page 7, Stanislaus County Records; thence leaving the existing City Limits, North $0^{\circ}15'15''$ West, 1,400.70 feet, to the center line of East Briggsmore Avenue; thence along said center line, South $82^{\circ}15'45''$ East, 1,326.78 feet, to the point of beginning, containing 40.790 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 29-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED - SOUTHWEST CORNER OF STODDARD AND COLLEGE AVENUES)

WHEREAS, an amendment to Section 29-3-9 of the Zoning Map was initiated by the Planning Commission on September 3, 1974, by Resolution No. 74-154, to rezone from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3, property located on the southwest corner of Stoddard Avenue and College Avenue as shown on the map titled "Southwest Corner Stoddard and College, Zoning Study Map, September 3, 1974", which map is on file in the office of the Planning Director, and

WHEREAS, a public hearing was held by the Planning Commission on October 15, 1974, at which time it was found and determined by the Planning Commission that the proposed rezoning of said property from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3, as initiated, is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 74-178, adopted on October 15, 1974, the Planning Commission recommended to the Council that the Planning Commission initiated amendment to Section 29-3-9 of the Zoning Map to rezone said property from Neighborhood Commercial Zone, C-1, to Medium High Density 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 held on December 2, 1974, this Council finds and determines that the recommended rezoning from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3, of the property located at the southwest corner of Stoddard Avenue and College Avenue 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 for the following reasons:

1. Rezoning from C-1 to R-3 would be in conformance with the Modesto Urban Area General Plan Map which specifies residential uses in the subject area rather than commercial uses.
2. R-3 zoning would allow a desirable residential dwelling unit density in the subject area.
3. R-3 zoning would better reflect conformity of existing uses and desired potential uses on the subject property than would the existing C-1 zone,

SECTION 2. ZONING CHANGE. Section 29-3-9 of the Zoning Map is hereby amended to rezone from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3, an area as shown on the map titled "Southwest Corner Stoddard and College Proposed Rezoning, October 15, 1974", a copy of which map is attached hereto.

SECTION 3. ZONING MAP. Section 29-3-9 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.

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 2nd day of December, 1974, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Vice Mayor Simon

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED:


~~DEE... ..~~
RAYMOND C. SIMON, Vice Mayor

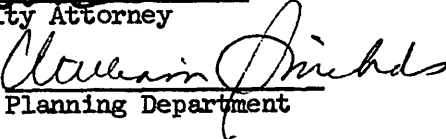
ATTEST:


W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 
ELWIN L. JOHNSON, City Attorney

DESCRIPTION APPROVED BY 
Planning Department

**SOUTHWEST CORNER
STODDARD AND COLLEGE
PROPOSED REZONING
OCT. 15, 1974**



**LEGEND-AREA OF PROPOSED
CITY EZONING**

 **EXISTING CITY C-1
REZONE TO R-3**

**Ordinance 1406 C.S.
Exhibit A – Map**

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

Ord. No. 1406-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 16th day of December, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton, Simon

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: January 15, 1975

AN ORDINANCE AMENDING SECTION MAP 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED - SOUTHEAST CORNER CLAYTON AVENUE AND NINTH STREET)

WHEREAS, an amendment to Section 19-3-9 of the Zoning Map was initiated by the Planning Commission on September 3, 1974, by Resolution No. 74-153, to rezone from Commercial Industrial Zone, C-M, to Highway Frontage Zone, H-1, property located on the southeast corner of Clayton Avenue and North Ninth Street as shown on the map titled "Southeast Corner Clayton and Ninth Zoning Study Map, September 3, 1974", which map is on file in the office of the Planning Director, and

WHEREAS, a public hearing was held by the Planning Commission on October 15, 1974, at which time it was found and determined by the Planning Commission that the proposed rezoning of said property from Commercial Industrial Zone, C-M, to Highway Frontage Zone, H-1, as initiated, is required by public necessity, convenience and general welfare, and

WHEREAS, by Resolution No. 74-177, adopted on October 15, 1974, the Planning Commission recommended to the Council that the Planning Commission initiated amendment to Section 19-3-9 of the Zoning Map to rezone said property from Commercial Industrial Zone, C-M, to Highway Frontage Zone, H-1, be approved,

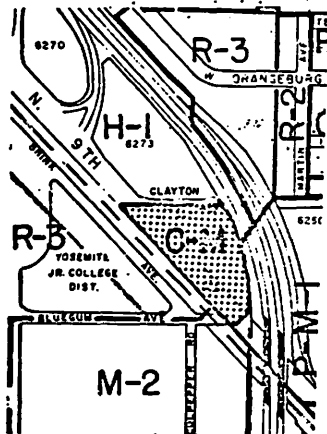
NOW, THEREFORE, the Council of the City of Modesto does ordain as follows:

SECTION 1. COUNCIL FINDINGS. After a public hearing, this Council finds and determines that the recommended rezoning from Commercial Industrial Zone, C-M, to Highway Frontage Zone, H-1, of the property located at the southeast corner of Clayton and North Ninth Street 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 for the following reasons:

1. The subject property is adjacent to the Prescott Interchange on Highway 99 Freeway and thus, is a logical location for H-1 Zoning which is designed for major entrances to the City.
2. The proposed H-1 Zoning will allow a higher development standard as with the other properties zoned H-1 adjacent to this interchange and adjacent to this property.

SECTION 2. ZONING CHANGE. Section 19-3-9 of the Zoning Map is hereby amended to rezone from Commercial Industrial Zone, C-M, to Highway Frontage Zone, H-1, an area as shown on the map titled "Southeast Corner of Clayton and Ninth Proposed Rezoning, October 15, 1974", a copy of which map is attached hereto.

SOUTHEAST CORNER
CLAYTON AND 9th
PROPOSED REZONING
OCT. 15, 1974



LEGEND - AREA OF PROPOSED
CITY REZONING

 EXISTING CITY C-M
REZONE TO H-1

**Ordinance 1407 C.S.
Exhibit A – Map**

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

Ord. No. 1407-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 16th day of December, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton, Simon

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

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

EFFECTIVE DATE: January 15, 1975

ORDINANCE NO. 1408 -C. S.

AN ORDINANCE AMENDING SECTIONS 3-2.1401 AND 3-2.1401.1 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. Sections 3-2.1401 and 3-2.1401.1 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. CHANGE IN SPEED LIMITS SET BY STATE LAW. Pursuant to authority contained in the California Vehicle Code Sections 22357 and 22358, it is hereby determined upon the basis of an engineering and traffic survey that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared that the prima facie speed limits hereinafter set forth are established according to law.

| <u>NAME OF STREET OR PORTION AFFECTED</u> | <u>DECLARED PRIMA FACIE SPEED LIMIT</u> |
|--|---|
| ALICE STREET, between Sycamore Avenue and McHenry Avenue | 25 miles per hour |
| BLUE GUM AVENUE, between North 9th Street and Prichard Avenue | 40 miles per hour |
| BRIGGSMORE AVENUE, (eastbound) between 1,000 feet west of Coffee Road and Coffee Road | 40 miles per hour |
| BRIGGSMORE AVENUE, (westbound) between 1,000 feet east of Coffee Road and Coffee Road | 40 miles per hour |
| BRIGGSMORE AVENUE, (eastbound) between Coffee Road and Oakdale Road | 50 miles per hour |
| BRIGGSMORE AVENUE, (westbound) between Oakdale Road and 1,000 feet east of Coffee Road | 50 miles per hour |
| BRIGGSMORE AVENUE, between McHenry Avenue and Tully Road | 30 miles per hour |
| BRIGGSMORE AVENUE, between Tully Road and 9th Street | 35 miles per hour |
| BRIGHTON AVENUE, between Wylie Drive and Coffee Road | 25 miles per hour |
| CARPENTER ROAD, between Blue Gum Avenue and Maze Boulevard within the City limits | 50 miles per hour |
| CARPENTER ROAD, between California Avenue and Maze Boulevard | 40 miles per hour |

| | |
|---|-------------------|
| CARPENTER ROAD, between the Tuolumne River and Robertson Road | 35 miles per hour |
| CENTER STREET, between Rosedale Avenue and Calaveras Avenue | 25 miles per hour |
| COLLEGE AVENUE, between Durant Street and Rumble Road | 25 miles per hour |
| CONANT AVENUE, between North 9th Street and Rumble Road | 35 miles per hour |
| DEL VALE AVENUE, between Del Vista Avenue and Greenwood Drive | 25 miles per hour |
| EMERALD AVENUE, between Maze Boulevard and Kansas Avenue within the City limits | 25 miles per hour |
| ENCINA AVENUE, between Covena Avenue and Santa Ana Avenue | 25 miles per hour |
| ENSLER AVENUE, between Granger Avenue and Orangeburg Avenue | 25 miles per hour |
| FAIRMONT AVENUE, between Virginia Avenue and McHenry Avenue | 25 miles per hour |
| FRANKLIN STREET, between Maze Boulevard and Laurel Avenue | 25 miles per hour |
| GRAPE AVENUE, between Pearl Street and Evergreen Avenue | 25 miles per hour |
| GRISWOLD AVENUE, from Virginia Avenue to McHenry Avenue | 25 miles per hour |
| HADDON AVENUE, between La Loma Avenue and Conejo Avenue | 25 miles per hour |
| HATCH ROAD, within the City limits | 35 miles per hour |
| JEFFERSON STREET, from Paradise Road to 8th Street | 25 miles per hour |
| K STREET, between Washington Street and 9th Street | 25 miles per hour |
| KEARNEY AVENUE, between Coldwell Avenue and Glenwood Drive | 25 miles per hour |
| LA LOMA AVENUE, between Burney Street and Buena Vista | 25 miles per hour |
| LEGION PARK ROAD, between Santa Cruz Avenue and Conejo Avenue | 25 miles per hour |
| LEVELAND LANE, between College Avenue and TSRR tracks | 25 miles per hour |
| LUCERN AVENUE, between Johnson Street and Coffee Road | 25 miles per hour |
| MADISON STREET, between Paradise Avenue and Laurel Avenue | 25 miles per hour |
| MORTON BOULEVARD, between 9th Street and Downey Avenue | 25 miles per hour |

| | |
|--|-------------------|
| NEECE DRIVE, between Tuolumne Boulevard and Sunset Avenue | 25 miles per hour |
| OAKDALE ROAD, between Scenic Drive and Orangeburg Avenue | 30 miles per hour |
| OAKDALE ROAD, north of Orangeburg Avenue within the City limits | 50 miles per hour |
| ORANGEBURG AVENUE, between Oakdale Road and 1,000 feet east of Oakdale Road | 40 miles per hour |
| ORANGEBURG AVENUE, between 1,000 feet east of Oakdale Road and 2,650 feet east of Lakewood Avenue | 45 miles per hour |
| ORANGEBURG AVENUE, between Martin Avenue and Prescott Road | 25 miles per hour |
| PEARL STREET, between Carver Road and west end of Pearl Street | 25 miles per hour |
| RIVER ROAD, between Herndon Avenue and 1,200 feet west of Herndon Avenue | 35 miles per hour |
| ROBLE AVENUE, between Santa Ana Avenue and Rosina Avenue | 25 miles per hour |
| RUMBLE ROAD, between Dale Road and Conant Avenue | 35 miles per hour |
| RUMBLE ROAD, between Tully Road and McHenry Avenue | 25 miles per hour |
| SCENIC DRIVE, between 300 feet west of Rose Avenue and Oakdale Road | 35 miles per hour |
| SHERWOOD AVENUE, between Orangeburg Avenue and Briggsmore Avenue | 25 miles per hour |
| STANDIFORD AVENUE, between Tidewater Southern Railroad and McHenry Avenue | 35 miles per hour |
| STODDARD AVENUE, between McHenry Avenue and Virginia Avenue | 25 miles per hour |
| VENEMAN ROAD, between Dale Road and easterly City limits | 55 miles per hour |
| WESTERN WAY, between Sutter Avenue and Roselawn Avenue | 25 miles per hour |
| WHITMORE AVENUE, between Tidewater Southern Railroad and 592' west of Tidewater Southern Railroad Tracks | 50 miles per hour |
| WRIGHT STREET, between Sycamore Avenue and McHenry Avenue | 25 miles per hour |
| 7TH STREET, between Sierra Drive and the Tuolumne River | 25 miles per hour |
| 9TH STREET, on the Tuolumne River Bridge | 40 miles per hour |
| 9TH STREET, between north end of the Tuolumne River Bridge and D Street | 30 miles per hour |
| 9TH STREET, between P Street and Tully Road | 35 miles per hour |

9TH STREET, between Tully Road and
Shoemaker Avenue

50 miles per hour

SEC. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSES OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE. By authority contained in California Vehicle Code Sections 22357 and 22358, upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code Sections 627 and 40802, and Chapter 8 (dated January 1971) of the Traffic Manual of the Department of Public Works, Business and Transportation Agency, State of California, issued by the Division of Highways, it is hereby determined that the prima facie speed limits hereinafter set forth would facilitate the orderly movement of vehicular traffic and would be reasonable and safe, except when passing school grounds, and it is hereby determined that a speed limit greater than those hereinafter set forth would be more than is reasonable or safe. It is hereby declared the prima facie speed limits hereinafter set forth are established according to said Traffic Manual Provisions at or near the 85th percentile speed as calculated by the engineering and traffic survey for each street on the date indicated.

| <u>NAME OF STREET OR PORTION AFFECTED</u> | <u>DECLARED PRIMA FACIE SPEED LIMIT</u> | <u>DATE SURVEYED</u> |
|---|---|--------------------------|
| BOWEN AVENUE, between Tully Road and McHenry Avenue | 35 miles per hour | July 26, 1973 |
| BRIGGSMORE AVENUE, west- bound between Coffee Road and McHenry Avenue | 45 miles per hour | May 16, 1973 |
| BRIGGSMORE AVENUE, east- bound between McHenry Avenue and 1,000 feet west of Coffee Road | 45 miles per hour | May 16, 1973 |
| CARVER ROAD, between 9th Street and Roseburg Avenue | 30 miles per hour | July 26, 1973 |
| CARVER ROAD, between Roseburg Avenue and Standiford Avenue | 35 miles per hour | July 26, 1973 |
| CELESTE DRIVE, between Oakdale Road and Coffee Road | 30 miles per hour | February 28, 1974 |
| COFFEE ROAD, between Scenic Drive and Briggsmore Avenue | 35 miles per hour | November 8, 1974 |
| COFFEE ROAD, between Briggsmore Avenue and Floyd Avenue | 35 miles per hour | November 8, 1974 |
| COFFEE ROAD, between Floyd Avenue and Rumble Road | 35 miles per hour | October 19, 1974 |
| COFFEE ROAD, between Rumble Road and Sylvan Avenue | 45 miles per hour | November 8, 1974 |
| COLLEGE AVENUE, between Princeton Avenue and Bowen Avenue | 35 miles per hour | July 19, 1973 |
| EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive | 35 miles per hour | July 26, 1973 |

| | | |
|--|-------------------|--------------------|
| EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits | 30 miles per hour | May 1, 1974 |
| FAIRMONT AVENUE, between Sunrise Avenue and Coffee Road | 30 miles per hour | February 5, 1974 |
| FLOYD AVENUE, between McHenry Avenue and Coffee Road | 35 miles per hour | July 26, 1973 |
| FLOYD AVENUE, between Coffee Road and 1,600' west of Oakdale Road | 35 miles per hour | January 23, 1974 |
| FRANKLIN STREET, between California Avenue and Maze Boulevard | 30 miles per hour | July 28, 1973 |
| GRANGER AVENUE, between Tully Road and Sunrise Avenue | 30 miles per hour | April 30, 1974 |
| KELLER STREET, between Sylvan Avenue and Rumble Road (excluding County portion) | 30 miles per hour | September 26, 1974 |
| LA LOMA AVENUE, between Buena Vista and Yosemite Boulevard | 30 miles per hour | August 2, 1973 |
| MILLER AVENUE, between La Loma Avenue and El Vista Avenue | 30 miles per hour | July 28, 1973 |
| MITCHELL ROAD, between Finch Road and 1,326' south of Finch Road | 50 miles per hour | May 22, 1973 |
| MORRIS AVENUE, between McHenry Avenue and Coffee Road | 30 miles per hour | July 27, 1973 |
| MT. VERNON AVENUE, between Prescott Road and College Avenue | 30 miles per hour | May 1, 1974 |
| NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road | 35 miles per hour | May 1, 1974 |
| ORANGEBURG AVENUE, between Carver Road and McHenry Avenue | 35 miles per hour | May 18, 1973 |
| E. ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road within the City limits | 35 miles per hour | April 30, 1974 |
| PRESCOTT ROAD, between Briggsmore Avenue and Rumble Road | 35 miles per hour | October 9, 1974 |
| ROSE AVENUE, between Scenic Drive and Briggsmore Avenue | 35 miles per hour | July 26, 1973 |

| | | |
|---|-------------------|--------------------|
| ROSE AVENUE, between Briggsmore Avenue and Floyd Avenue | 30 miles per hour | July 26, 1973 |
| ROSEBURG AVENUE, between Carver Road and McHenry Avenue | 30 miles per hour | April 30, 1974 |
| E. RUMBLE ROAD, between McHenry Avenue and Coffee Road within the City limits | 35 miles per hour | March 13, 1974 |
| W. RUMBLE ROAD, between Conant Avenue and Tully Road | 30 miles per hour | April 8, 1974 |
| STANDIFORD AVENUE, between Carver Road and Tully Road | 40 miles per hour | September 26, 1974 |
| SUNRISE AVENUE, between Lucern Avenue and Floyd Avenue | 30 miles per hour | March 19, 1974 |
| SUTTER AVENUE, between Paradise Avenue and Robertson Road | 30 miles per hour | July 28, 1973 |
| SYLVAN AVENUE, between McHenry Avenue and Oakdale Road within the City limits | 45 miles per hour | March 8, 1974 |
| TULLY ROAD, between Coldwell Avenue and Standiford Avenue | 35 miles per hour | May 16, 1973 |
| TUOLUMNE BOULEVARD, between 7th Street and Paradise Avenue | 35 miles per hour | May 21, 1973 |
| VIRGINIA AVENUE, between Needham Street and Roseburg Avenue | 35 miles per hour | April 12, 1974 |
| WOODROW AVENUE, between McHenry Avenue and Tully Road within the City limits | 30 miles per hour | February 4, 1974 |

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 9th day of December, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Simon

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. 1408-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 16th day of December, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Simon

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

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

EFFECTIVE DATE: January 15, 1975

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

WHEREAS, a petition was filed with the City Clerk by Robert L. Pyle, Mary F. Pyle, John L. Zamora, John M. Zamora, Patricia Zamora, Bette Oman Jensen, Harvey Jensen, C. A. Tallent, Doris M. Tallent, and C.O.R.M. Corporation

on October 11, 1974, 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 Spring Creek ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 24th day of October, 1974, set said petition for hearing at the hour of 4:00 o'clock P.M. on the 16th day of December, 1974, 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 November 1, 1974, and on November 8, 1974; and in The Riverbank News, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on November 8, 1974, and on November 15, 1974, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed

not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on September 20, 1974, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 16th day of December, 1974, at the hour of 4:00 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated as the Spring Creek ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

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

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

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

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 16th day of December, 19 74, by Councilman Dunlap, who moved its adoption and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton, Simon

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 [Signature]
Public Works Department JLC
10-29-74

All that real property in the State of California, County of Stanislaus, in Section 24, 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 a Southeastern corner of the ORANGEBURG-LILLIAN ADDITION (302), as per description filed March 22, 1973, as Instrument 40448, Stanislaus County Records, said point being on the center line of a 50.00 foot public road known as Scenic Drive; thence leaving the existing City Limits and along said center line of Scenic Drive; thence leaving the existing City Limits and along said center line of Scenic Drive the following courses: North 87°55'00" East, 87.63 feet; North 74°13'20" East, 161.82 feet; North 45°30'00" East, 129.51 feet; North 56°10'30" East, 304.60 feet; North 64°48'00" East, 272.20 feet; North 86°14'30" East, 330.69 feet; South 85°05'00" East, 493.32 feet; North 88°48'00" East, 114.87 feet, to a point on the Eastern line of Lot 19 of the IDAHO COLONY, as per map filed April 27, 1909, in Volume 4 of Maps, Page 20, Stanislaus County Records, said line also being the Eastern line of SPRINGCREEK NO. ONE Subdivision, as per map filed May 1, 1973, in Volume 24 of Maps, Page 43, Stanislaus County Records; thence along said Eastern line of Lot 19 of the IDAHO COLONY and said Eastern line of Springcreek No. One, North 00°47'00" West, 1378.16 feet, to the Northeastern corner of Lot 19 and a point on the Southeastern line of Lot 15 of said IDAHO COLONY; thence along said Southeastern line of Lot 15, said line being the center line of an irrigation ditch known as the Keeley Ditch, North 81°17'00" East, 527.14 feet, to the Southeastern corner of said Lot 15; thence along the Eastern line of Lot 15 and its Northerly extension, North 00°48'30" West, 262.74 feet, to the Southwestern corner of property conveyed to John L. Zamora, et al., by Deed recorded September 4, 1973, as Instrument 9101, Stanislaus County Records; thence along the Southern line of said zamora property, North 89°21'00" East, 654.76 feet, to a point on the East line of said Section 24, said line also being the center line of a 50.00 foot wide public road known as Claus Road; thence along said East line of Section 24 and said center line of Claus Road, North 00°47'00" West, 552.03 feet, to its intersection with the center line of a public road known as East Orangeburg Avenue; thence along said center line of East Orangeburg Avenue, South 89°21'00" West, 1209.99 feet, to its intersection with the Northerly extension of the Eastern line of the property conveyed to Alan M. Bancroft, et ux, as per Deed recorded June 21, 1971, as Instrument 22832, Stanislaus County Records; thence along said Northerly extension and Eastern line of said Bancroft property, South 00°50'00" East, 164.50 feet, to the Southeastern corner of the Bancroft property; thence along the Southern line of the Bancroft property, South 89°21'00" West, 100.00 feet, to a point on the Western line of Lot 15; thence along the Western line of Lot 15, South 00°50'00" East, 743.55 feet, to a point on a Northwestern line of Lot 19 and said center line of the Keeley Ditch; thence along said Northwestern line of Lot 19, South 81°17'00" West, 595.45 feet; thence continuing along a Northwestern line of Lot 19 and the center line of the Keeley Ditch, South 64°37'00" West, 71.28 feet, to the Northeastern corner of Lot 20 of the IDAHO COLONY; thence along the Northwestern line of Lot 20 and the center line of the Keeley Ditch, South 64°37'00" West, 719.60 feet, to the Northwestern corner of Lot 20 and a point on the existing City Limits as established by a Southeastern corner of said ADDITION (302); thence along the existing City Limits on a Southern line of ADDITION (302), South 89°21'30" West, 337.72 feet; thence continuing along the existing City Limits on an Eastern line of ADDITION (302), South 00°53'00" East, 1329.50 feet, to the point of beginning, containing 71.793 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 7-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(HORN CONSTRUCTION COMPANY - STANDIFORD AND HETCH HETCHY)

WHEREAS, a verified application for an amendment to Section
7-3-9 of the Zoning Map was filed by Horn Construction Company
on October 7, 1974, to reclassify from Low Density Residential
Zone, R-1, to Medium Density Residential
Zone, R-2, the hereinafter described
property, and

WHEREAS, after public hearing held on November 19, 1974,
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. 74-194, adopted on November 19,
1974, the Planning Commission recommended to the Council that the
application of Horn Construction Company

to amend Section 7-3-9 of the Zoning Map to reclassify the herein-
after described property from Low Density Residential
Zone, R-1, to Medium Density 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 held on
December 16, 1974, 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
for the following reasons:

1. The subject property has frontage on Standiford Avenue, a major street
and also on the Hetch Hetchy aqueduct right-of-way.

2. The proposed rezoning to R-2 would provide a transitional land development pattern separating the major street and portion of the aqueduct right-of-way from the interior residential subdivision to the north.

3. The proposed change to R-2 zoning is in conformance with the land use pattern, the spirit, and the intent of the zoning and development policies of the Planning Commission.

SECTION 2. ZONING CHANGE. Section 7-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

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

Commencing at the West quarter corner of said Section 7; thence South 88° 55' 20" East along the East-West Quarter Section line of said Section 7 also being the centerline of Standiford Avenue a distance of 1318.23 feet to the southerly extension of the West line of the James D. Horn property, being the point of beginning of this description; thence along said West line, North 0° 42' 30" West 367.65 feet; thence North 89° 17' 30" East 121.00 feet; thence South 88° 56' 25" East 220.11 feet; thence South 63° 02' 18" East 243.83 feet; thence South 47° 50' 19" East 95.30 feet to a point on the Northerly line of the 110 foot wide Hetch Hetchy right-of-way; thence South 69° 52' 20" West along said Northerly line 559.11 feet to a point on said East-West Quarter Section line of Section 7; thence North 88° 55' 20" West along said Quarter Section line 99.55 feet to the point of beginning.

CONTAINING: 3.63 acres

SECTION 3. ZONING MAP. Section 7-3-9 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 16th day of December, 1974, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton,
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

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

BY William Richards
Planning Department

Ordinance 1410 C.S.
Exhibit A – Map

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

Ord. No. 1410-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 December, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Simon, 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 22, 1975

AN ORDINANCE AMENDING SECTION MAP 9-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(BERBERIAN - NORTHWEST CORNER SYLVAN AVENUE AND COFFEE
ROAD)

WHEREAS, a verified application for an amendment to Section
9-3-9 of the Zoning Map was filed by Haig Berberian

on October 9, 1974, to reclassify from Planned Development
Zone, P-D(47), to Low Density
Residential Zone, R-1, the hereinafter described
property, and

WHEREAS, after public hearing held on November 19, 1974,
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. 74-200, adopted on November 19
1974, the Planning Commission recommended to the Council that the
application of Haig Berberian

to amend Section 9-3-9 of the Zoning Map to reclassify the herein-
after described property from Planned Development
Zone, P-D(47), to Low Density 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 held on
December 16, 1974, 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
for the following reasons:

1. The applicant has revised his plans for the subject property, P-D(47), and for the property zoned P-D(53) which permits development of a neighborhood shopping center, located at the northeast corner of the subject intersection, to reflect a more contemporary development pattern.
2. Residential zoning for the subject property would be in conformance with the City's adopted neighborhood shopping center policy which specifies that commercial development should occur at only one corner of an intersection shown on the General Plan Map as the location for such a shopping center.

SECTION 2. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Planned Development Zone, P-D(47); to Low Density Residential Zone, R-1:

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

Beginning at the east quarter section corner of said Section 9; thence North $0^{\circ} 48'$ West along the east line of said Section 9 a distance of 225.00 feet; thence South $89^{\circ} 12'$ West a distance of 219.38 feet; thence South $0^{\circ} 39'$ West a distance of 219.38 feet to the east-west quarter section line of said Section 9; thence South $89^{\circ} 21'$ East along said east-west quarter section line of Section 9 a distance of 225.00 feet to the point of beginning.

Containing 1.33 acres gross.

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 16th day of December, 1974, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton, Simon, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian

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 William Richards
Planning Department

Ordinance 1411 C.S.
Exhibit A – Map

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

Ord. No. 1411-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 December, 1974, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton,
Simon, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Kullijian

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

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

EFFECTIVE DATE: January 22, 1975

ORDINANCE NO. 1412 -C. S.

AN ORDINANCE AMENDING THE FIRST PARAGRAPH AND SUBSECTION (b) OF SECTION 2 OF ORDINANCE NO. 1205 -C. S. ENTITLED " AN ORDINANCE GRANTING TO AIRPORT GARBAGE SERVICE, A CO-PARTNERSHIP COMPOSED OF EUGENE GILTON AND LEROY GILTON A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO. "

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

SECTION 1. The first paragraph of Section 2 of Ordinance No. 1205 - C. S. entitled "An Ordinance Granting to Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton

A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

A license to collect garbage, including industrial garbage and salvageable waste, in the City of Modesto is hereby granted to Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton subject to the following terms and conditions.

SECTION 2. Subsection (b) of Section 2 of Ordinance No. 1205 - C. S. entitled "An Ordinance Granting to Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton

A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

- (b) Said license shall be an exclusive license to collect garbage, except industrial garbage and salvageable waste, within the area delineated and marked as Area B on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made. Said license shall be a non-exclusive license to collect industrial garbage and salvageable waste.

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

SECTION 4. This ordinance shall be operative from and after January 1, 1973.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of December, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, 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

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 6th day of January, 1975, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

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

EFFECTIVE DATE: January 1, 1973

ORDINANCE NO. 1413 -C.S.

AN ORDINANCE AMENDING THE FIRST PARAGRAPH AND SUBSECTION (b) OF SECTION 2 OF ORDINANCE NO. 1206 -C.S. ENTITLED " AN ORDINANCE GRANTING TO MODESTO GARBAGE COMPANY, INC., A CALIFORNIA CORPORATION, dba MODESTO DISPOSAL SERVICE A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO. "

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

SECTION 1. The first paragraph of Section 2 of Ordinance No. 1206 - C.S. entitled "An Ordinance Granting to Modesto Garbage Company, Inc., A California Corporation, dba Modesto Disposal Service

A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

A license to collect garbage, including industrial garbage and salvageable waste, in the City of Modesto is hereby granted to Modesto Garbage Company, Inc., A California Corporation, dba Modesto Disposal Service subject to the following terms and conditions.

SECTION 2. Subsection (b) of Section 2 of Ordinance No. 1206 - C.S. entitled "An Ordinance Granting to Modesto Garbage Company, Inc., A California Corporation, dba Modesto Disposal Service

A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

- (b) Said license shall be an exclusive license to collect garbage, except industrial garbage and salvageable waste, within the area delineated and marked as Area C on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made. Said license shall be a non-exclusive license to collect industrial garbage and salvageable waste.

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

SECTION 4. This ordinance shall be operative from and after January 1, 1973.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of December, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, 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. 1413-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 6th day of January, 1975, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

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

EFFECTIVE DATE: January 1, 1973

ORDINANCE NO. 1414 -C.S.

AN ORDINANCE AMENDING THE FIRST PARAGRAPH AND SUBSECTION (b) OF SECTION 2 OF ORDINANCE NO. 1207 -C.S. ENTITLED "AN ORDINANCE GRANTING TO RONALD T. DRISCOLL AND DIANE M. DRISCOLL,
dba ORANGE LINE SANITATION COMPANY
A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. The first paragraph of Section 2 of Ordinance No. 1207 -
C.S. entitled "An Ordinance Granting to Ronald T. Driscoll and Diane M. Driscoll,
dba Orange Line Sanitation Company

A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

A license to collect garbage, including industrial garbage and salvageable waste, in the City of Modesto is hereby granted to Ronald T. Driscoll and Diane M. Driscoll, dba
Orange Line Sanitation Company
subject to the following terms and conditions.

SECTION 2. Subsection (b) of Section 2 of Ordinance No. 1207 -
C.S. entitled "An Ordinance Granting to Ronald T. Driscoll and Diane M.
Driscoll, dba Orange Line Sanitation Company

A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

- (b) Said license shall be an exclusive license to collect garbage, except industrial garbage and salvageable waste, within the area delineated and marked as Area D on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made. Said license shall be a non-exclusive license to collect industrial garbage and salvageable waste.

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

SECTION 4. This ordinance shall be operative from and after January 1, 1973.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of December, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kujjian, Mensinger, Newton, Simon, 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

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 6th day of January, 1975, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

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

EFFECTIVE DATE: January 1, 1973

ORDINANCE NO. 1415 -C.S.

AN ORDINANCE AMENDING THE FIRST PARAGRAPH AND SUBSECTION (b) OF SECTION 2 OF ORDINANCE NO. 1208-C.S. ENTITLED "AN ORDINANCE GRANTING TO SANDERS BROTHERS, INC., A CALIFORNIA CORPORATION, dba SANDERS GARBAGE COMPANY A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. The first paragraph of Section 2 of Ordinance No. 1208-C.S. entitled "An Ordinance Granting to Sanders Brothers, Inc., a California Corporation, dba Sanders Garbage Company, a License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

A license to collect garbage, including industrial garbage, in the City of Modesto is hereby granted to Sanders Brothers, Inc., a California Corporation, dba Sanders Garbage Company, subject to the following terms and conditions.

SECTION 2. Subsection (b) of Section 2 of Ordinance No. 1208-C.S. entitled "An Ordinance Granting to Sanders Brothers, Inc., A California Corporation, dba Sanders Garbage Company A License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

(b) Said license shall be an exclusive license to collect garbage, except industrial garbage, within the area delineated and marked as Area A on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made. Said license shall be a non-exclusive license to collect industrial garbage.

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

SECTION 4. This ordinance shall be operative from and after January 1, 1973.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of December, 1974, by Councilman Simon, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Simon, 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

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 6th day of January, 1975, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

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

EFFECTIVE DATE: January 1, 1973

AN ORDINANCE AMENDING THE FIRST PARAGRAPH AND SUBSECTION (b) OF SECTION 2 OF ORDINANCE NO. 1205-C.S. ENTITLED "AN ORDINANCE GRANTING TO AIRPORT GARBAGE SERVICE, A CO-PARTNERSHIP COMPOSED OF EUGENE GILTON AND LEROY GILTON A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. The first paragraph of Section 2 of Ordinance No. 1205-C.S. entitled "An Ordinance Granting to Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton a License for the Collection of Garbage in the City of Modesto", as amended by Ordinance No. 1412-C.S., is hereby amended to read as follows:

A license to collect garbage, including salvageable waste, in the City of Modesto is hereby granted to Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton subject to the following terms and conditions.

SECTION 2. Subsection (b) of Section 2 of Ordinance No. 1205-C.S. entitled "An Ordinance Granting to Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton a License for the Collection of Garbage in the City of Modesto", as amended by Ordinance No. 1412-C.S., is hereby amended to read as follows:

(b) Said license shall be an exclusive license to collect garbage, except salvageable waste, within the area delineated and marked as Area B on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made. Said license shall be a non-exclusive license to collect salvageable waste.

SECTION 3. This ordinance shall go into effect and be in full force and operation on and after March 1, 1975.

SECTION 4. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 January, 1975, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Mayor Davies
- NOES: Councilmen: None
- ABSENT: Councilmen: Newton

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

ATTEST:
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 13th day of January, 1975, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, 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 1, 1975

AN ORDINANCE GRANTING TO GILTON INDUSTRIAL WASTE COMPANY, INC.
A LICENSE FOR THE COLLECTION OF INDUSTRIAL GARBAGE IN THE CITY
OF MODESTO.

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

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 2. A limited license to collect industrial garbage in the City of Modesto is hereby granted to Gilton Industrial Waste Company, Inc. subject to the following terms and conditions:

(a) Said license shall be for a term commencing on March 1, 1975, and ending December 31, 1982, unless terminated at an earlier date under the provisions of this license.

(b) Said license shall be a non-exclusive license to collect industrial garbage.

(c) In accepting this license, Licensee thereby agrees that the services provided during the term herein specified shall be in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

(d) The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, from time to time, as required in order to protect the public health, safety and welfare of the City.

(e) The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of this license.

(f) The Director of Public Works of the City of Modesto shall administer and supervise the Licensee's operations under the terms of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code.

(g) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license for collection of industrial garbage by said Licensee including, but not limited to, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all such business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable time by the City and its authorized officers, agents, or employees and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official. The Licensee shall provide the City annually within ninety (90) days of the end of the preceding fiscal year ending June 30th with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

(h) The Licensee shall not litter any premises or public property in making collections of industrial garbage nor shall industrial garbage be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. Licensee's personnel shall make all collections in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances. Vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Director of Public Works, and the outside of each vehicle shall be cleaned and washed at least once a week.

(i) All equipment and containers used for the collection and hauling of industrial garbage shall be approved by the Director of Public Works and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall

not be loaded in excess of requirements of the State of California Motor Vehicle Code. All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed thereto. Collection trucks shall be painted a color approved by the Director of Public Works, and shall be equipped with such safety devices and warning lights as are required by the State of California Motor Vehicle Code.

All vehicles and equipment used in the collection of industrial garbage, if kept within the boundaries of the City, shall at all times when not in use be kept on private property in the appropriate zone and not on streets or other public ways.

(j) All collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition.

(k) Industrial garbage collected by the Licensee may be disposed of at such locations as are approved by the Health Officer.

(l) Salvaging or scavenging by the Licensee, or any of his employees, is prohibited during collection.

(m) Licensee agrees, in connection with the performance of all operations under or pursuant to this license, to be an equal opportunity employer and not to discriminate against any employee or applicant for employment because of race, creed, color or national origin.

SECTION 3. This ordinance shall go into effect and be in full force and operation on and after March 1, 1975; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 4. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto 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 January, 1975, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

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

(SEAL)

APPROVED AS TO FORM:
By Blewin L. Johnson
BLEWIN 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 13th day of January, 1975, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, 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 1, 1975

ORDINANCE NO. 1418 -C.S.

AN ORDINANCE AMENDING SECTION MAP 24-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO PREZONING CERTAIN PROPERTY LOCATED THEREON. (HORN CONSTRUCTION COMPANY, LAKEWOOD AVENUE)

WHEREAS, a verified application for an amendment to Section 24-3-9 of the Zoning Map was filed by HORN CONSTRUCTION COMPANY on October 4, 1974, to prezone to Medium Density Residential Zone, R-2, the hereinafter described property plus four tentative subdivision lots fronting on the south side of Laramie Drive extended, and

WHEREAS, after public hearing held on November 19, 1974, it was found and determined by the Planning Commission that pre zoning to R-2, the portion of the property located north of Laramie Drive extended is required by public necessity, convenience, and general welfare for the following reasons:

1. The subject property fronts upon Lakewood Avenue which is designated a major street on the General Plan and on the City's Select Street System.
2. The proposed R- 2 pre zoning would allow a variety of housing types in the Lakewood neighborhood as called for in the General Plan.
3. The proposed pre zoning is in exact compliance with the Lakewood zoning and development policy adopted by the Planning Commission,

and,

WHEREAS, it was further found and determined by the Planning Commission that pre zoning to R-2 that portion of the property which is comprised of 4 tentative subdivision lots fronting on the south side of Laramie Drive extended is not required by public necessity, convenience, and general welfare for the following reasons:

1. The southerly four tentative lots adjoin to the rear an existing single family residential development.
2. The southerly four tentative lots are suitable for single family residential development.
3. Denial of R-2 on the southerly four tentative lots would result in a compatible residential density transition on the applicant's property rather than resulting in a transition on the existing development.

and,

WHEREAS, by Resolution No. 74-193, adopted on November 19, 1974, the Planning Commission recommended to the Council that the application of HORN CONSTRUCTION COMPANY to amend Section 24-3-9 of the Zoning Map to prezone the hereinafter described property to Medium Density 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, held on January 13, 1975, this Council finds and determines that rezoning to Medium Density Residential Zone, R-2 the portion of the property located north of Laramie Drive extended 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 24-3-9 of the Zoning Map is hereby amended to prezone the following described property to Medium Density Residential Zone, R-2:

All that certain real property situate in Lot 9 of the Idaho Colony, according to the Official Map thereof filed for record in Volume 4 of Maps at Page 21, Stanislaus County Records, located in Section 24, 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:

Commencing at the West Quarter Section corner of said Section 24; thence North North $0^{\circ} 58' 45''$ West along the West line of said Section 24 and the centerline of Lakewood Avenue a distance of 156.02 feet to the point of beginning; thence continuing North $0^{\circ} 58' 45''$ West along said West line of Section 24 and the centerline of Lakewood Avenue a distance of 1166.82 feet; thence North $89^{\circ} 21' 00''$ East along the centerline of East Orangeburg Avenue 350.01 feet; thence South $0^{\circ} 58' 45''$ East 1166.82 feet; thence South $89^{\circ} 20' 55''$ West 350.01 feet to the point of beginning.

SECTION 3. ZONING MAP. Section 24-3-9 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 January, 1975, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, 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 William Nichols
Planning Department

Ordinance 1418 C.S.
Exhibit A – Map

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

Ord. No. 1418-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 January, 1975, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: February 19, 1975

ORDINANCE NO. 1419 -C.S.

AN ORDINANCE AMENDING SECTION MAPS 24-3-8 AND 19-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED - MJC WEST AREA)

WHEREAS, an amendment to Sections 24-3-8 and 19-3-9 of the Zoning Map was initiated by the Planning Commission on November 5, 1974, by Resolution No. 74-189, to rezone from Highway Frontage Zone, H-1, to Medium High Density Residential Zone, R-3, property located along the southwesterly side of North Ninth Street between Blue Gum Avenue and the MID Lateral No. 3 south of Shoemake Avenue, as shown on the map titled "MJC West Area, Zoning Study Map, November 5, 1974", which map is on file in the office of the Planning Director, and

WHEREAS, a public hearing was held by the Planning Commission on December 17, 1974, at which time it was found and determined by the Planning Commission that the proposed rezoning of said property from Highway Frontage Zone, H-1, to Medium High Density Residential Zone, R-3, as initiated, is required by public necessity, convenience, and general welfare, and

WHEREAS, by Resolution No. 74-214, adopted on December 17, 1974, the Planning Commission recommended to the Council that the Planning Commission initiated amendment to Sections 24-3-8 and 19-3-9 of the Zoning Map to rezone said property from Highway Frontage Zone, H-1, to Medium High Density 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 held on January 20, 1975, this Council finds and determines that the recommended rezoning from Highway Frontage Zone, H-1, to Medium High Density Residential Zone, R-3, of the property located along the southwesterly side of North Ninth Street between Blue Gum Avenue and the MID Lateral No. 3 south of Shoemake Avenue, 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 for the following reasons:

1. The existing strip of H-1 zoning had been zoned in the County as part of a very broad area wide rezoning and does not reflect a special need or strong purpose.
2. The proposed rezoning of the 200' strip of H-1 land to R-3 would cause the zoning to conform to the adjacent land to the west of which it is a part.
3. The land covered in the proposed rezoning is owned, occupied, and used only by governmental agencies and the proposed rezoning would not affect the usage.

SECTION 2. ZONING CHANGE. Sections 24-3-8 and 19-3-9 of the Zoning Map are hereby amended to rezone from Highway Frontage Zone, H-1, to Medium High Density Residential Zone, R-3, an area as shown on the map titled "MJC West Area Proposed Rezoning, December 17, 1974", a copy of which map is attached hereto.

SECTION 3. ZONING MAP. Sections 24-3-8 and 19-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance.

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 20th day of January, 1975, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton

APPROVED Lee H. Davies
LEE H. DAVIES, Mayor

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

(SEAL)

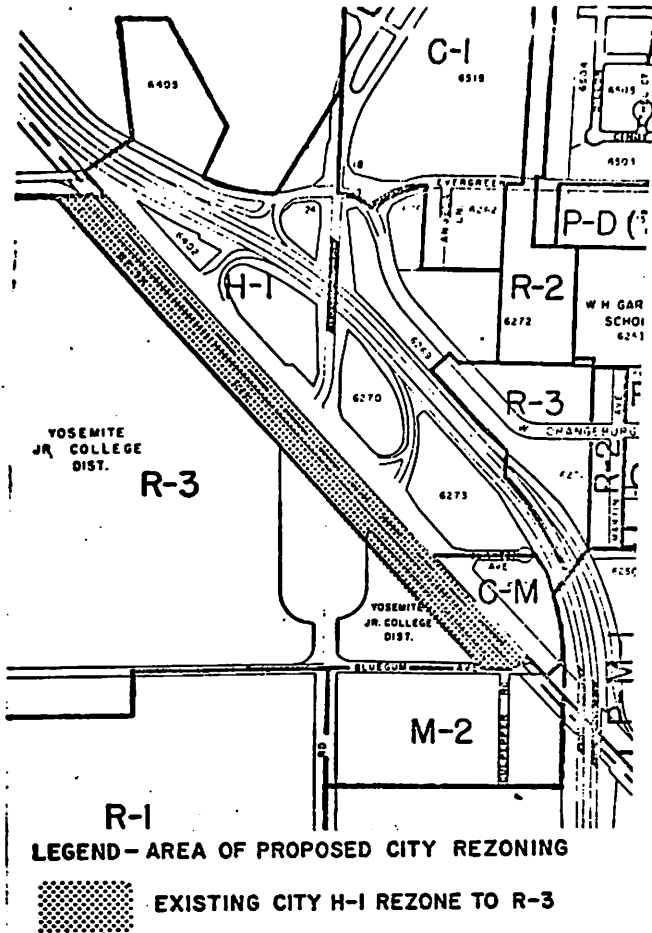
APPROVED AS TO FORM:

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

DESCRIPTION APPROVED BY:

William Nichols
Planning Department

M.J.C. WEST AREA PROPOSED REZONING, DECEMBER 17, 1974



Ordinance 1419 C.S.
Exhibit A – Map

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

Ord. No. 1419-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 January, 1975, Councilmember Mensinger its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, 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: February 27, 1975

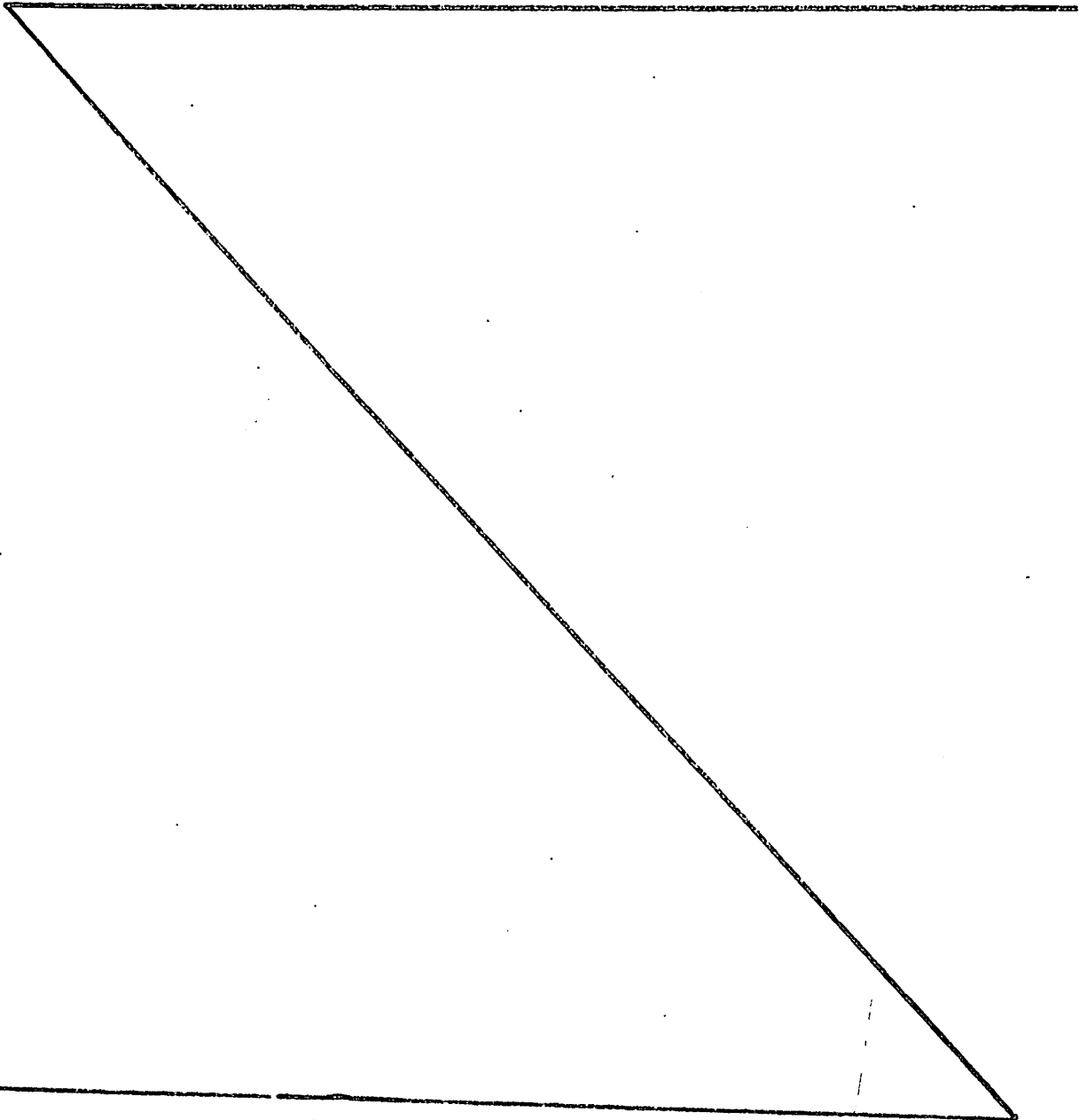
AN ORDINANCE AMENDING SUBSECTION (e) OF SECTION 2 OF ORDINANCE NO. 1205 -C. S. ENTITLED "AN ORDINANCE GRANTING TO AIRPORT GARBAGE SERVICE, A CO-PARTNERSHIP COMPOSED OF EUGENE GILTON AND LEROY GILTON" A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO.

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

SECTION 1. Subsection (e) of Section 2 of Ordinance No. 1205 -C. S. entitled "An Ordinance Granting to Airport Garbage Service, a co-partnership composed of Eugene Gilton and Leroy Gilton"

A License for the Collection of Garbage in the City of Modesto" as amended by Ordinance No. 1330 -C. S., is hereby amended to read as follows:

(e) The City hereby sets the following rates and charges to be charged for the collection of garbage:



STANDARD CONTAINERS

| No. of Containers | Number of Collections per Week | | | | | | | | | | | |
|-------------------|--------------------------------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 1 | 1.40 | 1.60 | 2.80 | 3.20 | 4.20 | 4.80 | 5.60 | 6.40 | 7.00 | 8.00 | 8.40 | 9.60 |
| 2 | 2.10 | 2.40 | 4.20 | 4.80 | 6.30 | 7.20 | 8.40 | 9.60 | 10.50 | 12.00 | 12.60 | 14.40 |
| 3 | 2.80 | 3.20 | 5.60 | 6.40 | 8.40 | 9.60 | 11.20 | 12.80 | 14.00 | 16.00 | 16.80 | 19.20 |
| 4 | 3.50 | 4.00 | 7.00 | 8.00 | 10.50 | 12.00 | 14.00 | 16.00 | 17.50 | 20.00 | 21.00 | 24.00 |
| 5 | 4.20 | 4.80 | 8.40 | 9.60 | 12.60 | 14.40 | 16.80 | 19.20 | 21.00 | 24.00 | 25.20 | 28.80 |
| 6 | 4.90 | 5.60 | 9.80 | 11.20 | 14.70 | 16.80 | 19.60 | 22.40 | 24.50 | 28.00 | 29.40 | 33.60 |

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

| Container Size | Number of Collections per Week | | | | | | | | | | | |
|----------------|--------------------------------|-------|-------|-------|-------|-------|-------|-------|--------|--------|--------|--------|
| | 1 | 2 | 3 | 4 | 5 | 6 | | | | | | |
| 1 cy | 5.25 | 6.00 | 10.50 | 12.00 | 15.75 | 18.00 | 21.00 | 24.00 | 26.25 | 30.00 | 31.50 | 36.00 |
| 1 1/2 cy | 7.88 | 9.00 | 15.76 | 18.00 | 23.64 | 27.00 | 31.52 | 36.00 | 39.40 | 45.00 | 47.28 | 54.00 |
| 2 cy | 10.50 | 12.00 | 21.00 | 24.00 | 31.50 | 36.00 | 42.00 | 48.00 | 52.50 | 60.00 | 63.00 | 72.00 |
| 3 cy | 15.75 | 18.00 | 31.50 | 36.00 | 47.50 | 54.00 | 63.00 | 72.00 | 78.75 | 90.00 | 94.50 | 108.00 |
| 4 cy | 21.00 | 24.00 | 42.00 | 48.00 | 63.00 | 72.00 | 84.00 | 96.00 | 105.00 | 120.00 | 126.00 | 144.00 |

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

| Detachable Container Size | 1 cy | 1 1/2 cy | 2 cy | 3 cy | 4 cy | | | | | |
|---------------------------|------|----------|------|------|------|------|------|------|------|------|
| Monthly Rental Rates | 5.00 | 5.70 | 5.25 | 6.00 | 5.50 | 6.30 | 6.00 | 6.85 | 6.50 | 7.40 |

DROP BOX CONTAINERS

Pickup Charge \$25.00/\$28.60 pickup
 Rental \$ 1.00/\$ 1.15 day with \$25.00 max. for each 30-day rental period
 Disposal Charge Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent \$2.00 \$2.30 plus \$0.25 \$0.30/container
 Detachable Containers \$5.00 \$5.70 plus \$0.75 \$0.85/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

| 1 yd | 2 yd | 3 yd | 4 yd |
|-----------|-----------|-----------|-------------|
| 5.00 5.70 | 6.00 6.85 | 8.00 9.15 | 10.00 11.45 |

NOTATIONS

- Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
- Where tenant pays for can regardless of location, it shall be regarded as one service.

~~Said charges shall remain in effect for not less than a three (3) year period commencing on January 1, 1973, except that any revisions in dumping fees at the Geer Road Sanitary Landfill may be considered as grounds for possible revision of the rates during this period. Service charges and costs of operation of the Licensee will be reviewed biennially after said three (3) year period by the City Council, and rate adjustments made if deemed necessary by the City Council.~~

Said charges shall be in effect from March 1, 1975, until revised by the City Council. Service charges and costs of operation of the Licensee will be reviewed biennially by the City Council and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1, 1976, and January 1 of each of said biennial periods thereafter, as determined by the City Council.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

SECTION 2. This ordinance shall go into effect and be in full force and operation from and after March 1, 1975.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 1975, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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 27th day of January, 1975, Councilmember ~~Mensinger~~ moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, 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 1, 1975

ORDINANCE NO. 1421 - C. S.

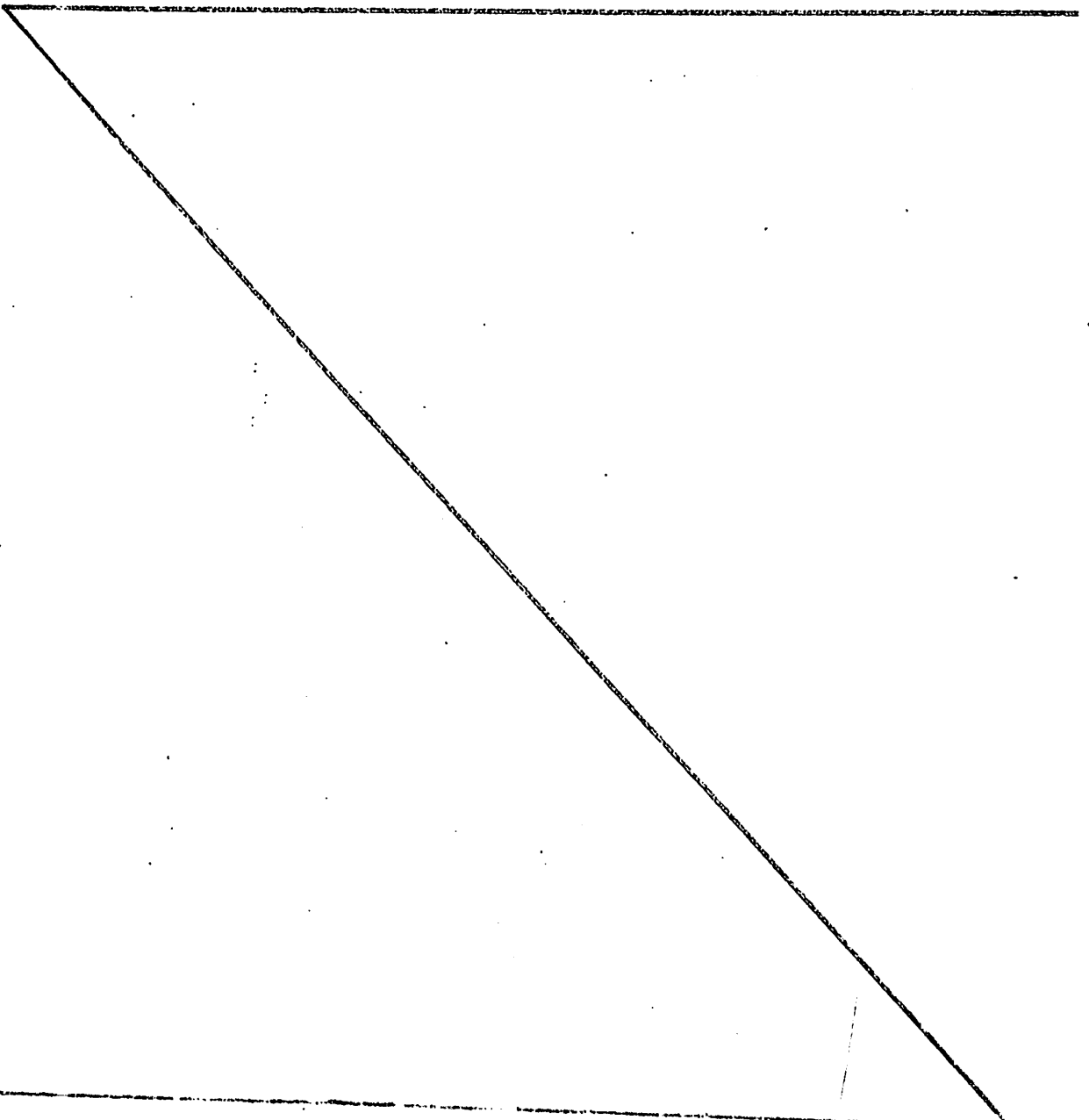
AN ORDINANCE AMENDING SUBSECTION (e) OF SECTION 2 OF ORDINANCE NO. 1206 -C. S. ENTITLED "AN ORDINANCE GRANTING TO MODESTO GARBAGE COMPANY, INC., A CALIFORNIA CORPORATION, dba MODESTO DISPOSAL SERVICE A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. Subsection (e) of Section 2 of Ordinance No. 1206 -C. S. entitled "An Ordinance Granting to Modesto Garbage Company, Inc., a California corporation, dba Modesto Disposal Service"

A License for the Collection of Garbage in the City of Modesto" as amended by Ordinance No. 1331 -C. S. , is hereby amended to read as follows:

(e) The City hereby sets the following rates and charges to be charged for the collection of garbage:



CHARGES FOR GARBAGE SERVICE

STANDARD CONTAINERS

| No. of Containers | Number of Collections per Week | | | | | | | | | | | |
|-------------------|--------------------------------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 1 | 2 | 3 | 4 | 5 | 6 |
| 1 | 1.40 | 1.60 | 2.80 | 3.20 | 4.20 | 4.80 | 5.60 | 6.40 | 7.00 | 8.00 | 8.40 | 9.60 |
| 2 | 2.30 | 2.40 | 4.20 | 4.80 | 6.30 | 7.20 | 8.40 | 9.60 | 10.50 | 12.00 | 12.60 | 14.40 |
| 3 | 2.80 | 3.20 | 5.60 | 6.40 | 8.40 | 9.60 | 11.20 | 12.80 | 14.00 | 16.00 | 16.80 | 19.20 |
| 4 | 3.50 | 4.00 | 7.00 | 8.00 | 10.50 | 12.00 | 14.00 | 16.00 | 17.50 | 20.00 | 21.00 | 24.00 |
| 5 | 4.20 | 4.80 | 8.40 | 9.60 | 12.60 | 14.40 | 16.80 | 19.20 | 21.00 | 24.00 | 25.20 | 28.80 |
| 6 | 4.90 | 5.60 | 9.80 | 11.20 | 14.70 | 16.80 | 19.60 | 22.40 | 24.50 | 28.00 | 29.40 | 33.60 |

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

| Container Size | Number of Collections per Week | | | | | | | | | | | |
|----------------|--------------------------------|-------|-------|-------|-------|-------|-------|-------|--------|--------|--------|--------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 1 | 2 | 3 | 4 | 5 | 6 |
| 1 cy | 5.25 | 6.00 | 10.50 | 12.00 | 15.75 | 18.00 | 21.00 | 24.00 | 26.25 | 30.00 | 31.50 | 36.00 |
| 1 1/2 cy | 7.88 | 9.00 | 15.76 | 18.00 | 23.64 | 27.00 | 31.52 | 36.00 | 39.40 | 45.00 | 47.28 | 54.00 |
| 2 cy | 10.50 | 12.00 | 21.00 | 24.00 | 31.50 | 36.00 | 42.00 | 48.00 | 52.50 | 60.00 | 63.00 | 72.00 |
| 3 cy | 15.75 | 18.00 | 31.50 | 36.00 | 47.50 | 54.00 | 63.00 | 72.00 | 78.75 | 90.00 | 94.50 | 108.00 |
| 4 cy | 21.00 | 24.00 | 42.00 | 48.00 | 63.00 | 72.00 | 84.00 | 96.00 | 105.00 | 120.00 | 126.00 | 144.00 |

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

| Detachable Container Size | 1 cy | 1 1/2 cy | 2 cy | 3 cy | 4 cy |
|---------------------------|-----------|-----------|-----------|-----------|-----------|
| Monthly Rental Rates | 5.00 5.70 | 5.25 6.00 | 5.50 6.30 | 6.00 6.85 | 6.50 7.40 |

DROP BOX CONTAINERS

Pickup Charge \$25.00/\$28.60 pickup
 Rental \$ 1.00/\$ 1.15 day with \$25.00 max. for each 30-day rental period
 Disposal Charge Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent \$2.00 \$2.30 plus \$0.25 \$0.30/container
 Detachable Containers \$5.00 \$5.70 plus \$0.75 \$0.85/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

| 1 yd | 2 yd | 3 yd | 4 yd |
|-----------|-----------|-----------|-------------|
| 5.00 5.70 | 6.00 6.85 | 8.00 9.15 | 10.00 11.45 |

NOTATIONS

- Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
- Where tenant pays for can regardless of location, it shall be regarded as one service.

~~Said charges shall remain in effect for not less than a three (3) year period commencing on January 1, 1973, except that any revisions in dumping fees at the Geer Road Sanitary Landfill may be considered as grounds for possible revision of the rates during this period. Service charges and costs of operation of the Liconsoo will be reviewed biennially after said three (3) year period by the City Council, and rate adjustments made if deemed necessary by the City Council.~~

Said charges shall be in effect from March 1, 1975, until revised by the City Council. Service charges and costs of operation of the Licensee will be reviewed biennially by the City Council and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1, 1976, and January 1 of each of said biennial periods thereafter, as determined by the City Council.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

SECTION 2. This ordinance shall go into effect and be in full force and operation from and after March 1, 1975.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 1975, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
MAYOR Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED: 

LEE H. DAVIES, Mayor

ATTEST:

By 

W. T. CHYNOWETH, City Clerk

(SEAL)

APPROVED AS TO FORM:

By 

ELWYN L. JOHNSON, City Attorney

Ord. No. 1421-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 January, 1975, Councilmember **Mensing** moved its final adoption, which motion being duly seconded by Councilman **Dunlap**, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: **Dunlap, Elliott, Kullijian, Mensinger, Newton, 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 1, 1975

AN ORDINANCE AMENDING SUBSECTION (e) OF SECTION 2 OF ORDINANCE NO. 1207 -C. S. ENTITLED "AN ORDINANCE GRANTING TO RONALD T. DRISCOLL AND DIANE M. DRISCOLL, dba ORANGE LINE SANITATION COMPANY
A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO."

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

SECTION 1. Subsection (e) of Section 2 of Ordinance No. 1207 -C. S. entitled "An Ordinance Granting to Ronald T. Driscoll and Diane M. Driscoll, dba Orange Line Sanitation Company

A License for the Collection of Garbage in the City of Modesto" as amended by Ordinance No. 1329 -C. S., is hereby amended to read as follows:

(e) The City hereby sets the following rates and charges to be charged for the collection of garbage:

STANDARD CONTAINERS

| No. of Containers | Number of Collections per Week | | | | | | | | | | | |
|-------------------|--------------------------------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | 1 | 2 | 3 | 4 | 5 | 6 | | | | | | |
| 1 | 1.40 | 1.60 | 2.80 | 3.20 | 4.20 | 4.80 | 5.60 | 6.40 | 7.00 | 8.00 | 8.40 | 9.60 |
| 2 | 2.10 | 2.40 | 4.20 | 4.80 | 6.30 | 7.20 | 8.40 | 9.60 | 10.50 | 12.00 | 12.60 | 14.40 |
| 3 | 2.80 | 3.20 | 5.60 | 6.40 | 8.40 | 9.60 | 11.20 | 12.80 | 14.00 | 16.00 | 16.80 | 19.20 |
| 4 | 3.50 | 4.00 | 7.00 | 8.00 | 10.50 | 12.00 | 14.00 | 16.00 | 17.50 | 20.00 | 21.00 | 24.00 |
| 5 | 4.20 | 4.80 | 8.40 | 9.60 | 12.60 | 14.40 | 16.80 | 19.20 | 21.00 | 24.00 | 25.20 | 28.80 |
| 6 | 4.90 | 5.60 | 9.80 | 11.20 | 14.70 | 16.80 | 19.60 | 22.40 | 24.50 | 28.00 | 29.40 | 33.60 |

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

| Container Size | Number of Collections per Week | | | | | | | | | | | |
|----------------|--------------------------------|-------|-------|-------|-------|-------|-------|-------|--------|--------|--------|--------|
| | 1 | 2 | 3 | 4 | 5 | 6 | | | | | | |
| 1 cy | 5.25 | 6.00 | 10.50 | 12.00 | 15.75 | 18.00 | 21.00 | 24.00 | 26.25 | 30.00 | 31.50 | 36.00 |
| 1 1/2 cy | 7.88 | 9.00 | 15.76 | 18.00 | 23.64 | 27.00 | 31.52 | 36.00 | 39.40 | 45.00 | 47.28 | 54.00 |
| 2 cy | 10.50 | 12.00 | 21.00 | 24.00 | 31.50 | 36.00 | 42.00 | 48.00 | 52.50 | 60.00 | 63.00 | 72.00 |
| 3 cy | 15.75 | 18.00 | 31.50 | 36.00 | 47.50 | 54.00 | 63.00 | 72.00 | 78.75 | 90.00 | 94.50 | 108.00 |
| 4 cy | 21.00 | 24.00 | 42.00 | 48.00 | 63.00 | 72.00 | 84.00 | 96.00 | 105.00 | 120.00 | 126.00 | 144.00 |

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

| Detachable Container Size | 1 cy | 1 1/2 cy | 2 cy | 3 cy | 4 cy | | | | | |
|---------------------------|------|----------|------|------|------|------|------|------|------|------|
| Monthly Rental Rates | 5.00 | 5.70 | 5.25 | 6.00 | 5.50 | 6.30 | 6.00 | 6.85 | 6.50 | 7.40 |

DROP BOX CONTAINERS

Pickup Charge \$25.00/\$28.60 pickup
 Rental \$ 1.00/\$ 1.15 day with \$25.00 max. for each 30-day rental period
 Disposal Charge Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent \$2.00 \$2.30 plus \$0.25 \$0.30/container
 Detachable Containers \$5.00 \$5.70 plus \$0.75 \$0.85/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY
REPLACEMENT AND CLEANING SERVICE

| 1 yd | 2 yd | 3 yd | 4 yd |
|-----------|-----------|-----------|-------------|
| 5.00 5.70 | 6.00 6.85 | 8.00 9.15 | 10.00 11.45 |

NOTATIONS

- Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
- Where tenant pays for can regardless of location, it shall be regarded as one service.

~~Said charges shall remain in effect for not less than a -
three (3) year period commencing on January 1, 1973, - except -
that any revisions in dumping fees at the Geer Road Sanitary -
Landfill may be considered as grounds for possible revision -
of the rates during this period. - Service charges and costs of
operation of the Licensee will be reviewed biennially after
said three (3) year period by the City Council, - and rate -
adjustments made if deemed necessary by the City Council. -~~

Said charges shall be in effect from March 1, 1975, until
revised by the City Council. Service charges and costs of
operation of the Licensee will be reviewed biennially by the
City Council and, if deemed necessary by the City Council,
rate adjustments made to be effective on or after January 1,
1976, and January 1 of each of said biennial periods thereafter,
as determined by the City Council.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

SECTION 2. This ordinance shall go into effect and be in full force and operation from and after March 1, 1975.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 1975, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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. 1422-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 January, 1975, Councilmember Mensinger moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: None

APPROVED 
LEE H. DAVIES, Mayor

ATTEST: 
W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 1, 1975

ORDINANCE NO. 1423 - C. S.

AN ORDINANCE AMENDING SUBSECTION (e) OF SECTION 2 OF ORDINANCE NO. 1208 -C. S. ENTITLED "AN ORDINANCE GRANTING TO SANDERS BROTHERS, INC., A CALIFORNIA CORPORATION, dba SANDERS GARBAGE COMPANY A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO.

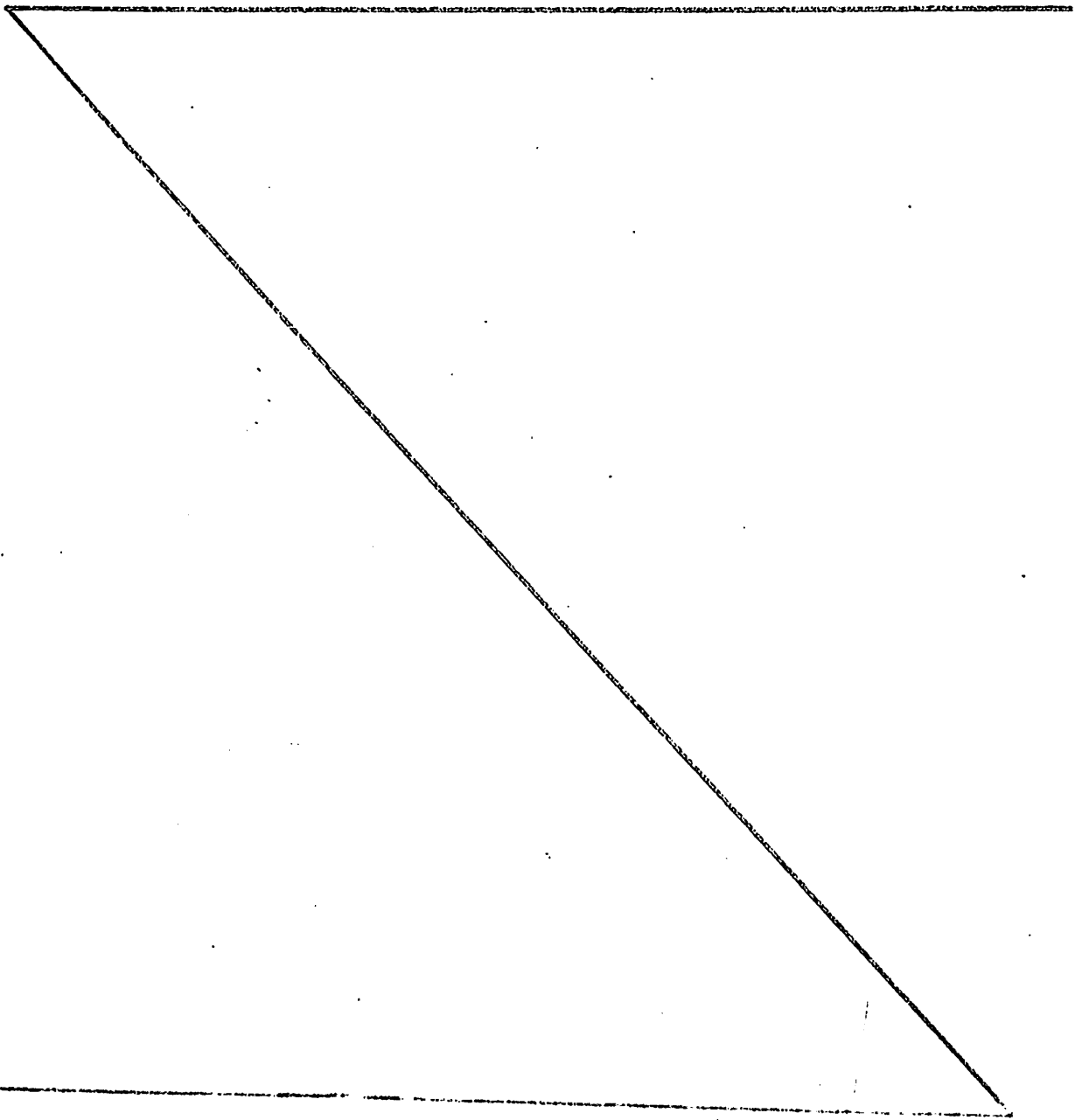
The Council of the City of Modesto does ordain as follows:

SECTION 1. Subsection (e) of Section 2 of Ordinance No. 1208 -C. S.

entitled "An Ordinance Granting to Sanders Brothers, Inc., a California corporation, dba Sanders Garbage Company

A License for the Collection of Garbage in the City of Modesto" as amended by Ordinance No. 1332 -C. S., is hereby amended to read as follows:

(e) The City hereby sets the following rates and charges to be charged for the collection of garbage:



STANDARD CONTAINERS

| No. of Containers | Number of Collections per Week | | | | | | | | | | | |
|-------------------|--------------------------------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | |
| 1 | 1.40 | 1.60 | 2.80 | 3.20 | 4.20 | 4.80 | 5.60 | 6.40 | 7.00 | 8.00 | 8.40 | 9.60 |
| 2 | 2.10 | 2.40 | 4.20 | 4.80 | 6.30 | 7.20 | 8.40 | 9.60 | 10.50 | 12.00 | 12.60 | 14.40 |
| 3 | 2.80 | 3.20 | 5.60 | 6.40 | 8.40 | 9.60 | 11.20 | 12.80 | 14.00 | 16.00 | 16.80 | 19.20 |
| 4 | 3.50 | 4.00 | 7.00 | 8.00 | 10.50 | 12.00 | 14.00 | 16.00 | 17.50 | 20.00 | 21.00 | 24.00 |
| 5 | 4.20 | 4.80 | 8.40 | 9.60 | 12.60 | 14.40 | 16.80 | 19.20 | 21.00 | 24.00 | 25.20 | 28.80 |
| 6 | 4.90 | 5.60 | 9.80 | 11.20 | 14.70 | 16.80 | 19.60 | 22.40 | 24.50 | 28.00 | 29.40 | 33.60 |

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

| Container Size | Number of Collections per Week | | | | | |
|----------------|--------------------------------|-------|-------|-------|-------|-------|
| | 1 | 2 | 3 | 4 | 5 | 6 |
| 1 cy | 5.25 | 6.00 | 10.50 | 12.00 | 15.75 | 18.00 |
| 1 1/2 cy | 7.88 | 9.00 | 15.76 | 18.00 | 23.64 | 27.00 |
| 2 cy | 10.50 | 12.00 | 21.00 | 24.00 | 31.50 | 36.00 |
| 3 cy | 15.75 | 18.00 | 31.50 | 36.00 | 47.50 | 54.00 |
| 4 cy | 21.00 | 24.00 | 42.00 | 48.00 | 63.00 | 72.00 |

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

| Detachable Container Size | 1 cy | 1 1/2 cy | 2 cy | 3 cy | 4 cy |
|---------------------------|------|-----------|-----------|-----------|-----------|
| Monthly Rental Rates | 5.70 | 5.25 6.00 | 5.50 6.30 | 6.00 6.85 | 6.50 7.40 |

DROP BOX CONTAINERS

Pickup Charge \$25.00/\$28.60 pickup
 Rental \$ 1.00/\$ 1.15 day with \$25.00 max. for each 30-day rental period
 Disposal Charge Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent \$2.00 \$2.30 plus \$0.25 \$0.30/container
 Detachable Containers \$5.00 \$5.70 plus \$0.75 \$0.85/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY REPLACEMENT AND CLEANING SERVICE

| 1 yd | 2 yd | 3 yd | 4 yd |
|-----------|-----------|-----------|-------------|
| 5.00 5.70 | 6.00 6.85 | 8.00 9.15 | 10.00 11.45 |

NOTATIONS

- Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
- Where tenant pays for can regardless of location, it shall be regarded as one service.

~~Said charges shall remain in effect for not less than a three (3) year period commencing on January 1, 1973, except that any revisions in dumping fees at the Geer Road Sanitary Landfill may be considered as grounds for possible revision of the rates during this period. Service charges and costs of operation of the Licensee will be reviewed biennially after said three (3) year period by the City Council, and rate adjustments made if deemed necessary by the City Council.~~

Said charges shall be in effect from March 1, 1975, until revised by the City Council. Service charges and costs of operation of the Licensee will be reviewed biennially by the City Council and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1, 1976, and January 1 of each of said biennial periods thereafter, as determined by the City Council.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

SECTION 2. This ordinance shall go into effect and be in full force and operation from and after March 1, 1975.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of January, 1975, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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 Y. Johnson
ELWYN Y. JOHNSON, City Attorney

Ord. No. 1423-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 January, 1975, Councilmember Mensing moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, 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 1, 1975

ORDINANCE NO. 1424 -C. S.

AN ORDINANCE REPEALING SECTION 5 OF ORDINANCE NO. 352-C. S. AND REPEALING ORDINANCE NO. 907-C. S. RELATING TO BUILDING LINE SETBACK ON NEEDHAM AVENUE.

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

SECTION 1. REPEALS. Section 5 of Ordinance No. 352-C. S. and Ordinance No. 907-C. S. relating to building line setback on Needham Avenue are 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 27th day of January, 1975, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, 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. 1424-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 3rd day of February, 1975, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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

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

EFFECTIVE DATE: March 5, 1975

ORDINANCE NO. 1425 -C.S.

AN ORDINANCE AMENDING SECTION MAP 31-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED - NORTHEAST-SOUTHEAST CHICAGO AVENUE AND PARADISE ROAD)

WHEREAS, an amendment to Section 31-3-9 of the Zoning Map was initiated by the Planning Commission on November 5, 1974, by Resolution No. 74-190, to rezone from Low Density Residential Zone, R-1, to Neighborhood Commercial Zone, C-1, and from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3, two properties located respectively at the northeast and southeast corners of the intersection of Chicago Avenue and Paradise Road, as shown on the map titled "Northeast-Southeast Corners, Chicago Avenue and Paradise Road Zoning Study Map, November 5, 1974", which map is on file in the office of the Planning Director, and

WHEREAS, a public hearing was held by the Planning Commission on December 17, 1974, at which time it was found and determined by the Planning Commission that the proposed rezoning of the property located at the southeast corner of Chicago Avenue and Paradise Road from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3, as initiated, is not required by public necessity, convenience, and general welfare for the following reasons:

1. The subject property fronts on a major street and is surrounded by an existing high density residential development which provides physical constraints which do not lend themselves to providing a reasonable R-3 development on the subject property.

2. Retention of the existing C-1 zoning would provide for a reasonable development of the small parcel of land,

and

WHEREAS, the Planning Commission further determined that the proposed rezoning of the property located at the northeast corner of Chicago Avenue and Paradise Road from Low Density Residential Zone, R-1, to Neighborhood Commercial Zone, C-1, as shown on the map titled "Northeast-Southeast Corner of Chicago Avenue and Paradise Road Zoning Study Map, November 5, 1974", is required by public necessity, convenience, and general welfare for the following reasons:

1. The subject property currently contains a service station building and in accordance with the provisions of the Municipal Code, the property owner can continue with C-1 zone uses on the subject property.

2. The proposed C-1 zoning reflects a reasonable transition of zoning between the General Commercial, C-2, immediately to the east and the C-1 and R-3 southerly thereof,

and

WHEREAS, by Resolution No. 74-215, adopted on December 17, 1974, the Planning Commission recommended to the Council that rezoning of property at the southeast corner of Chicago Avenue and Paradise Road as shown on the map titled "Northeast-Southeast Corners of Chicago Avenue and Paradise Road Zoning Study Map, November 5, 1974", be denied, and

WHEREAS, the Planning Commission further recommended to the Council rezoning from Low Density Residential Zone, R-1, to Neighborhood Commercial Zone, C-1, of property at the northeast corner of Chicago Avenue and Paradise Road as shown on the map titled "Northeast-Southeast Corner Chicago Avenue and Paradise Road Proposed Rezoning, December 17, 1974",

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

SECTION 1. COUNCIL FINDINGS. After a public hearing held on February 3, 1975, this Council finds and determines that the recommended rezoning from Low Density Residential Zone, R-1, to Neighborhood Commercial Zone, C-1, of property at the northeast corner of Chicago Avenue and Paradise Road 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 for the reasons set forth above.

SECTION 2. ZONING CHANGE. Section 31-3-9 of the Zoning Map is hereby amended to rezone from Low Density Residential Zone, R-1, to Neighborhood Commercial Zone, C-1, the area as shown on the map titled "Northeast-Southeast Corner Chicago Avenue and Paradise Road Proposed Rezoning, December 17, 1974", a copy of which map is attached hereto.

SECTION 3. ZONING MAP. Section 31-3-9 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.

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 February, 1975, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

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

(SEAL)

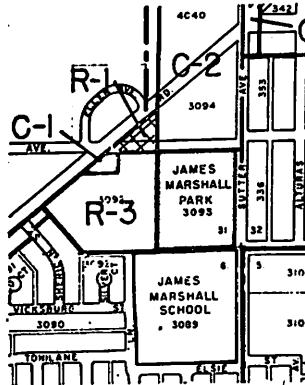
APPROVED AS TO FORM:

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


DESCRIPTION APPROVED BY:

William Nichols
Planning Department

NORTHEAST-SOUTHEAST
CORNERS CHICAGO AVE. &
PARADISE RD. PROPOSED
REZONING, DEC. 17, 1974



LEGEND

 REZONE FROM R-1
TO C-1

**Ordinance 1425 C.S.
Exhibit A – Map**

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

AN ORDINANCE AMENDING SECTION MAP 13-3-8 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PLANNING COMMISSION INITIATED - PORTION OF NORTHWEST CORNER OF EARL AND STRIVENS).

WHEREAS, an amendment to Section 13-3-8 of the Zoning Map was initiated by the Planning Commission on August 20, 1974, by Resolution No. 74-147, to rezone from Neighborhood Commercial Zone, C-1, to Medium Density Residential Zone, R-2, property located on the north side of Earl Street and on the west side of Strivens Avenue, and

WHEREAS, a public hearing was held by the City Council on September 23, 1974, and by Resolution No. 74-815, it denied said rezoning and requested that the Planning Commission initiate rezoning of said property from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3, and

WHEREAS, on October 1, 1974, by Resolution No. 74-170, the Planning Commission initiated proceedings to amend Section 13-3-9 of the Zoning Map to rezone from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3, property located on the north side of Earl Street and on the west side of Strivens Avenue, as shown on the map attached hereto titled "Portion of Northwest Corner of Earl and Strivens Proposed Rezoning, October 1, 1974", which map is on file in the office of the Planning Director, and set a public hearing for November 19, 1974, and

WHEREAS, on November 19, 1974, by Resolution 74-198, the Planning Commission reset said public hearing for December 17, 1974, and

WHEREAS, a public hearing was held by the Planning Commission on December 17, 1974, at which time it was found and determined by the Planning Commission that the proposed rezoning of said property from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3, as initiated, is required by public necessity, convenience, and general welfare, and

WHEREAS, by Resolution No. 74-217, adopted on December 17, 1974, the Planning Commission recommended to the Council that the Planning Commission initiated amendment to Section 13-3-8 of the Zoning Map to rezone said property from Neighborhood Commercial Zone, C-1, to Medium High Density 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 held on February 3, 1975, this Council finds and determines that the recommended rezoning from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3, of the property

located on the north side of Earl Street and on the west side of Strivens Avenue, 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 for the following reasons:

1. Rezoning from C-1 to R-3 would be in conformance with the Modesto Urban Area General Plan map which specifies residential uses in the subject area rather than commercial uses.
2. R-3 zoning would allow a desirable residential dwelling unit density in the subject area.
3. The existing land use conforms to R-3 zoning.

SECTION 2. ZONING CHANGE. Section 13-3-8 of the Zoning Map is hereby amended to rezone from Neighborhood Commercial Zone, C-1, to Medium High Density Residential Zone, R-3, an area as shown on the map titled "Portion of Northwest Corner of Earl and Strivens, Proposed Rezoning, October 1, 1974", a copy of which map is attached hereto.

SECTION 3. ZONING MAP. Section 13-3-8 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.

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 February, 1975, by Councilman Mensinger, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

| | | |
|---------|-------------|--|
| AYES: | Councilmen: | Dunlap, Elliott, Kullijian, Mensinger, Mayor Davies |
| NOES: | Councilmen: | None |
| ABSENT: | Councilmen: | Newton |

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

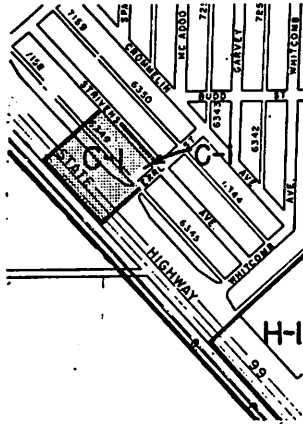
APPROVED Lee H. Davies
LEE H. DAVIES, Mayor

(SEAL)

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

DESCRIPTION APPROVED BY:
Planning Department

PORTION OF NORTHWEST
CORNER OF EARL AND
STRIVENS PROPOSED
REZONING - OCT. 1, 1974



LEGEND - AREA OF PROPOSED
CITY REZONING

EXISTING CITY C-1
REZONE TO R-3

**Ordinance 1426 C.S.
Exhibit A – Map**

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

Ord. No. 1426-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 10th day of February, 1975, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Vice Mayor Newton
NOES: Councilmen: None
ABSENT: Councilmen: Mayor Davies

APPROVED


~~XXXXXXXXXXXXXXXXXXXX~~
PHILLIP E. NEWTON, Vice Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 12, 1975

AN ORDINANCE AMENDING SECTION MAP 9-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO PREZONING
CERTAIN PROPERTY LOCATED THEREON. (SALTER - EAST
SIDE OF MC HENRY AVENUE NORTH OF UNION AVENUE)

WHEREAS, a verified application for an amendment to
Section 9-3-9 of the Zoning Map was filed by Maxwell and
Janet Salter on October 16,
19 74, to prezone to Highway Frontage Zone,
H-1, the hereinafter described property, and

WHEREAS, after public hearing held on December 17,
19 74, 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 No. 74-218, adopted on
December 17, 19 74, the Planning Commission recommended to
the Council that the application of Maxwell and Janet Salter
to amend Section 9-3-9 of the Zoning
Map to prezone the hereinafter described property 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
held on February 3, 1975, 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 9-3-9 of the Zoning
Map is hereby amended to prezone the following described property
to Highway Frontage Zone, H-1:

All that portion of property in Section 9, Township 3 South, Range 9 East, Mount Diablo Base and Meridian Stanislaus County, described as follows:

Commencing at a point on the Northwest corner of Section 9 also being on the centerline of McHenry Avenue; thence South 0° 53' East along the centerline of McHenry Avenue 334.65 feet to the true point of beginning; thence South 89°18'20" East 1000.00 feet; thence South 0°53' East 660.44 feet; thence North 89°18'20" West 1000.00 feet to a point on the centerline of McHenry Avenue; thence North 0° 53' West along the centerline of McHenry Avenue 660.44 feet to the true point of beginning.

CONTAINING: 15.161 gross acres

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 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 February, 1975, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Newton

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 William Brubbs
Planning Department

Ordinance 1427 C.S.
Exhibit A – Map

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

Ord. No. 1427-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 10th day of February, 1975, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Vice Mayor Newton

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED


~~PHILLIP E. NEWTON, Vice Mayor~~
PHILLIP E. NEWTON, Vice Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 12, 1975

Ord. No. 1428-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 February, 1975, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton

APPROVED

Lee H. Davies
LEE H. DAVIES, Mayor

ATTEST:

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

EFFECTIVE DATE: March 20, 1975

AN ORDINANCE AMENDING SECTION 5-6.07 OF CHAPTER 6 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO SUBTRUNK SEWERS.

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.07 of Chapter 6 of Title V of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 5-6.07. PAYMENT OF SUBTRUNK SEWER EXTENSION CHARGES. Subtrunk sewer extension charges shall be paid at the time sewer service is made available to any subdivision, tract, area or lot in the Sewer District. In the case of new subdivisions or parcel maps, this charge shall be paid at the time of filing the final subdivision or parcel map. The Council may, by resolutions or agreements adopted or entered into from time to time, establish conditions under which the subtrunk sewer extension charges set forth in Section 5-6.06 may be spread over a period of time.

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.

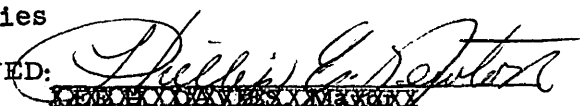
SECTION 3. PUBLICATION. This ordinance shall be published in full at least once at least three (3) days prior to its final adoption in The Modesto Bee, the official newspaper of the City of Modesto.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of February, 1975, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Vice Mayor Newton

NOES: Councilmen: None

ABSENT: Councilmen: Mayor Davies

APPROVED: 
~~PHILLIP E. NEWTON, Mayor~~
PHILLIP E. NEWTON, Vice Mayor

ATTEST:
By 
W. T. CHYNOWETH, City Clerk

(SEAL)

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

Ord. No. 1429-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 February, 1975, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Newton

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: March 20, 1975

AN INTERIM ORDINANCE PROHIBITING THE ISSUANCE OF ANY PERMIT, LICENSE, OR APPROVAL FOR A MASSAGE OR BATH ESTABLISHMENT OR A SCHOOL OF MASSAGE IN THE CITY OF MODESTO FOR A MINIMUM PERIOD OF FOUR MONTHS.

WHEREAS, the Council of the City of Modesto intends initiating an ordinance to require conditional use permits for massage and bath establishments and schools of massage in the City of Modesto,

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

SECTION 1. PROHIBITION. No department or employee of the City of Modesto shall issue any permit, license, or approval for a massage or bath establishment, or for a school of massage, or for any similar type of business, firm, or use in the City of Modesto for a period of four (4) months from the effective date of this ordinance.

SECTION 2. PURPOSE. This interim ordinance is adopted for the purpose of enabling the Planning Commission and City Council of the City of Modesto to initiate and review a proposed amendment to the City's zoning regulations which would require a conditional use permit for massage and bath establishments and schools of massage in the City of Modesto.

SECTION 3. EXTENSION. This interim ordinance may be extended as an urgency measure by the City Council for eight (8) months for reasonable grounds and upon proper notice and pursuant to a public hearing and subsequently may be extended by the City Council as an urgency measure for one year, for reasonable grounds and upon proper notice and pursuant to a public hearing.

SECTION 4. EMERGENCY PROVISIONS. DECLARATION OF URGENCY. The Council of the City of Modesto hereby finds and declares that this interim ordinance is adopted as an emergency measure in order to protect the public peace, health, safety, and welfare of the inhabitants of the City of Modesto.

Unless the foregoing ordinance is adopted without delay, massage and bath establishments and schools of massage could locate and commence operation in the City of Modesto without a review through the conditional use permit process to assure that they are compatible with other existing and potential uses within the general area and thereby jeopardize the public peace, health, safety and welfare of the inhabitants 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 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 18th day of February, 1975, by Councilman Elliott, who moved its adoption and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Mayor
Davies

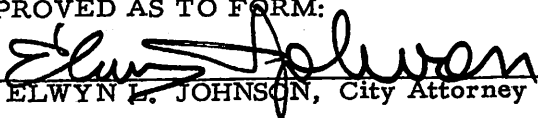
NOES: Councilmen: None

ABSENT: Councilmen: Newton

APPROVED: 
LEE H. DAVIES, Mayor

ATTEST:
By 
W. T. CHYNOWETH, City Clerk

(SEAL)

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

AN ORDINANCE AMENDING SECTION MAP 8-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (SANTA ANITA DEVELOPMENT CORPORATION)

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

SECTION 1. ZONING CHANGE. Section 8-3-9 of the Zoning Map is hereby amended to reclassify from Low Density Residential Zone, R-1, Medium High Density Residential Zone, R-3, and Highway Frontage Zone, H-1, to Planned-Development Zone, P-D(125), and to prezone to Planned Development Zone, P-PD(125), the following described property:

R-1 to P-D

All that portion of the Southeast quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

COMMENCING at the East quarter corner, said corner being the center line intersection of McHenry Avenue and Standiford Avenue; thence North 89°08'55" West, along the East-West quarter section line of said Section 8, and the center line of Standiford Avenue, a distance of 783.68 feet to the true point of beginning; thence South 0°21'55" East, a distance of 448.57 feet; thence North 89°07'30" West, a distance of 252.81 feet to the Northeast corner of Lot 1, Block 13023 of Woodrow Manor No. 2 as filed February 10, 1970, in Volume 22 of Maps at Page 41, Stanislaus County Records; thence North 0°56'55" West, a distance of 448.59 to the intersection of the East-West quarter section line of Section 8, and the center line of Standiford Avenue; thence South 89°08'55" East, along said East-West quarter section line a distance of 257.38 feet to the true point of beginning.

Containing: 2.626 Acres

R-1 to P-D

All that portion of the Southeast quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

COMMENCING at the East quarter corner, said corner being the center line intersection of McHenry Avenue and Standiford Avenue; thence South 0°55' East, along the East line of said Section 8, and the center line of McHenry Avenue, a distance of 279.23 feet; thence North 89°08'55" West, a distance of 425.00 feet to the true point of beginning; thence South 0°55' East, a distance of 169.61 feet; thence North 89°07'30" West, a distance of 109.11 feet; thence North 0°21'55" West, a distance of 169.52 feet; thence South 89°08'55" East, a distance of 107.47 feet to the true point of beginning.

Containing: 0.421 Acres

R-3 to P-D

All that portion of the Southeast quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

COMMENCING at the East quarter corner, said corner being the center line intersection of McHenry Avenue and Standiford Avenue; thence North 89°08'55" West, along the East-West quarter section line of said Section 8, and the center line of Standiford Avenue, a distance of 529.78 feet to the true point of beginning; thence South 0°21'55" East, a distance of 448.68 feet thence North 89°07'30" West, a distance of 253.90 feet; thence North 0°21'55" West, a distance of 448.57 feet to the intersection with said East-West quarter section line and the center line of Standiford Avenue; thence South 89°08'55" East, along said East-West quarter section line and the center line of Standiford Avenue, a distance of 253.90 feet to the true point of beginning.

Containing: 2.614 Acres

H-1 to P-D.

All that portion of the Southeast quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

COMMENCING at the East quarter corner, said corner being the centerline intersection of McHenry Avenue and Standiford Avenue; thence South 0°55' East, along the East line of said Section 8, and the center line of McHenry Avenue, a distance of 279.23, feet to the true point of beginning; thence continuing South 0°55' East along the East line of said Section 8, and the center line of McHenry Avenue, a distance of 169.78 feet; thence North 89°07'30" West a distance of 425.00 feet; thence North 0°55' West a distance of 169.61 feet; thence South 89°08'55" East, a distance of 425.00 feet to the true point of beginning.

Containing: 1.655 Acres

Prezone to P-D

All that portion of the Southeast quarter of Section 8, Township 3 South, Range 9 East, Mount Diablo Base and Meridian described as follows:

COMMENCING at the East quarter corner, said corner being the center line intersection of McHenry Avenue and Standiford Avenue; thence South 0°55' East, along the East line of said Section 8, and the center line of McHenry Avenue, a distance of 449.01 feet to the true point of beginning; thence continuing South 0°55' East along the East line of Section 8 and the center line of McHenry Avenue a distance of 428.99 feet; thence North 89°07'30" West a distance of 425.00 feet; thence South 0°55' East, a distance of 446.54 feet to the intersection with the South line of said Section 8, and the center line of Woodrow Avenue; thence North 89°04'15" West, along said South line of Section 8, and the center line of Woodrow Avenue, a distance of 615.35 feet to an intersection with the southerly prolongation of the East line of Woodrow Manor No. 2 Subdivision as filed February 10, 1970, in Volume 22 of Maps at Page 41, Stanislaus County Records; thence North 0°56'55" West, along said southerly prolongation of the East line of Woodrow Manor No. 2, a distance of 874.97 feet to the Northeast corner of Lot 1, Block 13023 of Woodrow Manor No. 2; thence South 89°07'30" East, a distance of 1040.82 feet to the true point of beginning.

Containing: 16.546 Acres

SECTION 2. USES. The following uses shall be permitted in said P-D(125)

Zone and P-PD(125) 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 community shopping center containing a maximum of 135,000 square feet of retail sales space. Uses within the shopping center shall be limited to those uses permitted in the H-1 Zone.
2. 72 two-story apartment dwelling units with accessory recreation areas and structures and parking.
3. 33 one-story townhouse residential dwelling units with accessory parking.

SECTION 3. ZONING MAP. Section Map 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 24th day of February, 1975, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

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 William Richards
Planning Department

Ordinance 1431 C.S.
Exhibit A – Map

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

Ord. No. 1431-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 3rd day of March, 1975, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

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

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

EFFECTIVE DATE: April 2, 1975

AN ORDINANCE AMENDING SECTION MAP 9-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO, PREZONING
CERTAIN PROPERTY LOCATED THEREON. (C. W. BROWER -
NORTHEAST CORNER MC HENRY AND UNION)

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

SECTION 1. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to prezone the following-described property to Planned-Development Zone, P-PD(123):

Parcel A of Parcel Map filed in Volume 18 of Parcel Maps at Page 8, Stanislaus County Records.

Including also the north half of Union Avenue and the east half of McHenry Avenue adjacent to the above described property.

SECTION 2. USES. The following uses shall be permitted in said P-PD(123) 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:

- a. Convenience market with partially covered gas pump island
- b. General Commercial retail and office buildings

SECTION 3. ZONING MAP. Section Map 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 24th day of February, 1975, by Councilman Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

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 Catherine Phillips
Planning Department

Ordinance 1432 C.S.
Exhibit A – Map

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

Ord. No. 1432-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 3rd day of March, 1975, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Dunlap, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Kullijian, Mensinger, Newton,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Elliott

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 2, 1975

ORDINANCE NO. 1433 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1229-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 21-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON (SETLIFF BROTHERS)". (FOTOMAT)

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1229-C.S. Section 2 of Ordinance No. 1229-C.S. is hereby amended to read as follows:

SECTION 2. USES. The following uses shall be permitted in said P-D(103) 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.

1. A hardware store to include a garden and nursery shop section.
2. A coin-operated car wash to include vacuum stations.
3. A minimum of 39 off-street parking spaces.
4. A photo service drive-up facility.

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 3rd day of March, 1975, by Councilman Newton, who moved

its introduction and passage to print, which motion being duly seconded by Councilman Mensingher, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian

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. 1433-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 10th day of March, 1975, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Mensinger, Newton,
Mayor Davies

NOES: Councilmen: None

ABSENT: Councilmen: Kullijian

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

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

EFFECTIVE DATE: April 9, 1975

ORDINANCE NO. 1434 -c.s.

AN ORDINANCE AMENDING SECTION MAP 24-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (DOMLEE DEVELOPMENT CORPORATION-NORTHEAST CORNER LAKEWOOD AND EAST ORANGEBURG AVENUES)

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

SECTION 1. ZONING CHANGE. Section 24-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Low Density Residential Zone, R-1, to Planned-Development Zone, P-D(124):

All that portion of property in Section 24, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

All of Lot 10 in Block 1655 as shown on the subdivision map titled Old Orchard No. 3 and filed February 26, 1974 in Book 24 of maps at page 66 in the Stanislaus County records.

Including also, the Southerly 30 feet of Mulholland Drive, the Easterly 50 feet of Lakewood Avenue and the Northerly 30 feet of East Orangeburg Avenue all being immediately adjacent to the above described property.

Excepting therefrom, the South 163.90 feet of the East 150.00 feet of said Lot 10.

Excepting also, the Northerly 30.00 feet of East Orangeburg Avenue immediately adjacent to the South line of the East 150.00 feet of said Lot 10.

SECTION 2. USES. The following uses shall be permitted in said P-D(124) 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:

Forty 1 and 2-story dwelling units.

SECTION 3. ZONING MAP. Section Map 24-3-9 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 3rd day of March, 1975, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, 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 William Smith
Planning Department

Ordinance 1434 C.S.
Exhibit A – Map

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

Ord. No. 1434-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 10th day of March, 1975, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, 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: April 9, 1975

ORDINANCE NO. 1435 -C. S.

AN ORDINANCE AMENDING SECTIONS 10-2.1510 AND 10-2.1511 OF ARTICLE 15 OF 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. Sections 10-2.1510 and 10-2.1511 of Article 15 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.1510. PERMITTED LOCATIONS OF MOBILE HOMES, TRAVEL TRAILERS, CAMP CARS AND CAMPERS.

(a) It shall be unlawful for any person to place, keep or maintain, or permit to be placed, kept or maintained, any mobile home, except a travel trailer, upon any lot, piece or parcel of land within the residential zones of the City, except in a mobile home park.

(b) It shall be unlawful for any person to place, keep or maintain, or permit to be placed, kept or maintained, a travel trailers, camp cars, or campers upon any lot, or piece or parcel of land within the residential zones of the City, except in a mobile home parks or a travel trailer parks, with the following exceptions:

(1) ~~One~~ Such facility-facilities may be placed, kept or maintained wholly within a structure lawfully existing on the premises.

(2) ~~One~~ Two such facility-facilities may be placed, kept or maintained upon any lot, piece or parcel of land within the residential zones of the City provided that ~~it they~~ shall be located no closer than fifteen (15') feet to ~~any-street-line~~ the boundary line between a street right-of-way and the abutting property and provided further that no part of any travel trailer, camp car, or camper shall be maintained, kept or placed closer than three (3') feet to any building used for human habitation.

(3) Notwithstanding any provisions contained herein, such facility facilities may be located anywhere on the lot, except in a clear vision zone of a corner lot as defined in Section 10-2.1609 hereof, for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes or for the temporary storage not to exceed seven (7) days of such facility facilities owned by a bona fide guest of the occupants of the premises.

(4) Notwithstanding any provision contained herein, a camp car or mounted camper which is not more than seventy-eight (78") inches in height and seventy-two (72") inches in width shall be exempt from the provisions of this section.

(c) It shall be unlawful for any person to place, keep or maintain, or permit to be placed, kept or maintained, any mobile home, travel trailer, camp car or camper upon any lot, piece or parcel of land within the nonresidential zones of the City other than in a mobile home park or trailer park except for storage, sale, or business use, as permitted in such zone.

SEC. 10-2.1511. PERMITTED LOCATIONS OF BOATS AND BOAT TRAILERS.

(a) It shall be unlawful for any person to place, keep or maintain, or permit to be placed, kept or maintained, any boat or boat trailer upon any lot, piece or parcel of land within the residential zones of the City with the following exceptions:

(1) Boats or boat trailers may be placed, kept or maintained wholly within a structure lawfully existing on the premises.

(2) Boats or boat trailers may be placed, kept or maintained upon any lot, piece or parcel of land within the residential zones of the City provided that no part of any boat or boat trailer shall be located closer than fifteen (15') feet to any-street-line the boundary line between a street right-of-way and the abutting property.

(3) Notwithstanding any provisions contained herein, such boat or boat trailer may be located anywhere on the lot, except in a clear vision zone of a corner lot as defined in Section 10-2.1609 hereof, for a temporary period not to exceed twenty-four (24) hours for loading and unloading purposes, or for the temporary storage not to exceed seven (7) days of such facility owned by a bona fide guest of the occupants of the premises.

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 10th day of March, 1975, by Councilman Mensinger, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, 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 P. Johnson
ELWYN P. JOHNSON, City Attorney

Ord. No. 1435-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 17th day of March, 1975, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Vice Mayor
Newton

NOES: Councilmen: None

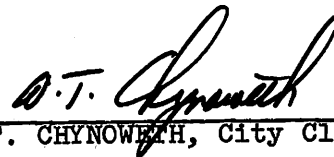
ABSENT: Councilmen: Dunlap, Siefkin, Mayor Davies

APPROVED



~~PHILLIP E. NEWTON, Vice Mayor~~
PHILLIP E. NEWTON, Vice Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 16, 1975

ORDINANCE NO. 1436 -C. S.

AN ORDINANCE AMENDING SECTIONS 4-4.101, 4-4.103, 4-4.302, 4-4.303, 4-4.401, 4-4.404, 4-4.601, 4-4.603, 4-4.604, 4-4.605, 4-4.606, 4-4.609 AND 4-4.901 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, AMENDING ARTICLES 2, 5, 7 AND 8 OF CHAPTER 4 OF TITLE IV AND REPEALING SECTION 4-4.106 OF ARTICLE 1 OF CHAPTER 4 OF TITLE IV RELATING TO SUBDIVISION REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-4.101, 4-4.103, 4-4.302, 4-4.303, 4-4.401, 4-4.404, 4-4.601, 4-4.603, 4-4.604, 4-4.605, 4-4.606, 4-4.609 and 4-4.901 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-4.101. PURPOSE. This chapter is for the purpose of adopting subdivision regulations, under the authority of and in accordance with the provisions of Division 2 of Title 7 of the Government Code of the State of California, and any future amendments thereto, referred to herein as the Subdivision Map Act, and is in addition to any other regulations provided by law.

SEC. 4-4.103. UNLAWFUL. It shall be unlawful for any person, as a principal, agent, or otherwise, to:

(a) Divide real property in any manner that shall constitute a subdivision, unless and until all the requirements of this chapter have been complied with, or

(b) Sell, lease, or divide for purposes of financing, or contract or offer to sell, lease or divide for purposes of financing, any division of land that shall constitute a subdivision unless and until all the requirements of this chapter have been complied with.

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

(a) Streets and Highways.

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

(2) Center Lines. The center lines of all streets wherever practicable shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred (100') feet.

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

(4) Cul-de-sac or Dead End Streets. No cul-de-sac or dead end street shall be more than five hundred (500') feet in length. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead end streets may be approved without a turn-around. In all other cases a turn-around having a minimum radius of fifty (50') feet measured to the property line or a comparable area in another form shall be required separated to the depth of one lot from the exterior boundary line or other topographical feature of the subdivision.

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

(6) Intersection Corner Rounding. At street intersections, the block corners shall be rounded at the property line with a curve having a radius of not less than fifteen (15') feet. A greater curve radius may be required if streets intersect other than at right angles.

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

(8) Part-Width Streets. In case of a part-width street, a minimum of forty (40') feet along and adjacent to a boundary of the subdivision shall be required except in cases in which proper deed or instrument of dedication to the City duly executed by the owner or owners of the adjacent lands is filed with the map of the subdivision, granting sufficient land to make a street of the required full width. Part-width streets shall be permitted only on the periphery of a subdivision and only when the street design approved by the Planning Commission requires the street to be so located that a full dedication would require land not in the subdivider's ownership or control. In no case shall a part-width street be less than forty (40') feet in width, except as provided below. The words "part-width street" shall be lettered on the map following the name of such streets.

Exception - A part-width street less than forty (40') feet may be permitted upon recommendation of the Planning Commission and subject to the approval of the City Council, as set forth in Section 1805 of the Streets and Highways Code of the State of California. The recommendation of the Planning Commission and the approval of the City Council shall be based upon the following factors:

(aa) The extension of the street is along property lines which form a boundary of the subdivision.

(ab) Adherence to the forty (40') foot part-width standards creates an offset in the center of the street.

(ac) The public interest in having a street without an offset in the center line thereof outweighs the general public policy, set forth above of having all part-width streets a minimum of forty (40') feet in width.

In all cases in which a part-width street less than forty (40') feet is permitted, on-street parking may be prohibited until such time as a minimum of forty (40') feet of the street is improved.

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

| <u>Street Class</u> | <u>Minimum Width</u> |
|---------------------------|---|
| Freeway | As determined by State Highway Commission |
| Expressway | As determined by precise plan |
| Major streets | 100 feet |
| Collector streets | 60 feet |
| Industrial streets | 60 feet |
| Residential streets | 50 feet |
| Frontage road | As Required |
| Cul-de-sac | 50 feet (plus 50-foot radius) |

(b) Alleys.

(1) Alleys shall be prohibited in residential subdivisions except when approved or required by the Planning Commission for any one of the following reasons:

(aa) To widen an existing part-width alley which has been dedicated and improved in an adjacent subdivision;

(ab) To complete the continuity of existing alleys where the property to be subdivided is located adjacent to existing blocks containing alleys;

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

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

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

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

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

(4) Where two (2) alleys intersect, ten (10') foot corner cut-offs measured along the property lines from the point of intersection will be required.

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

(c) Blocks.

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

(2) Block Lengths. Block lengths shall not exceed eleven hundred (1100') feet. For those blocks of an "el" shape, "tee" shape, or superblock configuration, the width shall not exceed five hundred (500') feet in each of any other direction perpendicular or nearly perpendicular to the length. For the purposes of measurement, the distance between extreme property lines measured generally along rear property lines will be utilized. The above limitations shall not apply to blocks which will abut irrigation canals, railroads, freeways, limited access expressways, existing subdivisions with a block over eleven hundred (1100') feet in length, or other existing barriers over eleven hundred (1100') feet in length.

(3) Block Widths. Blocks shall be of sufficient width to permit the plotting of two (2) tiers of lots except where blocks are adjacent to major streets, freeways, or expressways and lots are created which back up to such street and front onto a residential or collector street and access rights to such major street, freeway, or expressway are waived by the subdivider. The Planning Commission may grant an exception to these provisions to permit through lots which are to be developed with uses facing both streets when it is determined that such exception is warranted by the circumstances of a particular subdivision and is in compliance with an existing zoning classification.

(d) Lots.

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

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

(3) Lot Widths and Depths. The size and shape of each lot shall be in conformance to the zoning regulations effective in the area of the proposed subdivision.

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

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

(e) Easements.

(1) For Utilities. The subdivider shall grant easements for public utility use along lot lines where necessary for the extension of any such utility and for the relocation of existing public utility facilities.

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

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

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

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

(f) Underground Utilities. All utility distribution facilities and lines including, but not limited to, gas, water, sewer, electrical, communications, street lighting and cable television shall be installed underground, except that overhead utility lines may be permitted when it is determined by the Planning Commission that such facilities are designed to serve areas larger than that being subdivided and that it is impractical to locate such facilities underground.

When overhead lines are approved by the Planning Commission, they shall extend along alleys, side lot, rear yard, or privately owned easements whichever is possible, except where such overhead lines cross streets, or must be located outside of easements for good and sufficient reasons as determined by the Planning Commission.

Overhead service to lots abutting existing overhead lines is permitted where no extension of overhead lines is required.

It shall be the responsibility of the subdivider to insure that utilities are installed in compliance with the requirements of this section. He shall make the necessary arrangements with the utility companies or other agencies for such installation, according to the specifications of the governing agency. For the purpose of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets may be placed above-ground.

(g) Subdivisions Along Major Streets. When a subdivision is developed adjacent to a freeway, expressway or major street as shown on the General Plan, the Planning Commission may require the subdivider to dedicate and improve a frontage road to provide ingress and egress to adjacent lots or to create back-up lots which front upon an interior residential street and back up to such freeway, expressway or major street. When back-up lots are created, the subdivider shall waive direct access rights from the lots to the freeway, expressway or major street and shall construct a masonry wall, fence, or other suitable barrier as required by the Planning Commission between the subdivision and the adjacent freeway, expressway or major street.

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

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

SEC. 4-4.303. CONDITIONS OF APPROVAL. In approving tentative maps, the Planning Commission may impose such reasonable 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.

SEC. 4-4.401. FILING AND DEPARTMENTAL APPROVAL.

(a) Number and Time of Filing. Twenty (20) copies of a tentative map and statement of the proposed subdivision of any land shall be filed with the Planning Commission at least twenty-five (25) days prior to the meeting of the Commission at which consideration is desired.

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

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

(d) Departmental Action. The department or agency receiving a copy of the map shall notify, within ten (10) days of the receipt thereof, the Planning Commission of particulars which do not conform to requirements coming within its authorized scope. If a reply is not received prior to the meeting at which consideration of the map is made, it will be assumed that the map does conform to the requirements of the department concerned.

SEC. 4-4.404. ACTION ON TENTATIVE MAP.

(a) Action by Planning Commission. The Planning Commission shall review the tentative map to determine whether it is in conformity with the provisions of law and of this chapter and upon that basis within fifty (50) days after the filing of the tentative map, adopt a resolution approving, conditionally approving or disapproving the tentative map. The Planning Commission is authorized to report its action directly to the subdivider, and shall also transmit to the City Engineer a copy of the tentative map and a copy of the resolution setting forth the action of the Planning Commission.

(b) Consistency with General Plan. A tentative map shall not be approved or conditionally approved by the Planning Commission unless the Planning Commission finds that the proposed subdivision, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City.

(c) Discharge of Waste. In connection with their review of a tentative map the Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California. In the event that the Planning Commission finds that the proposed waste discharge would result in or add to violation of requirements of such board, it may disapprove the tentative subdivision map.

(d) Limitations on Approval. A tentative map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:

(1) That the proposed map is not consistent with applicable general and specific plans.

(2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(3) That the site is not physically suitable for the type of development.

(4) That the site is not physically suitable for the proposed density of development.

(5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

(e) Reports and Recommendations. Any reports or recommendations on the map or maps of any subdivision submitted to the Planning Commission or City Council shall be submitted in writing to the subdivider at least three (3) days prior to any hearing or action on the map or maps by the Planning Commission or City Council. Such required submission in writing shall be deemed complied with when such reports or recommendations are placed in the mail, bearing proper postage, and directed to the subdivider at his address shown on the map.

(f) Appeal. If the subdivider or any interested person is dissatisfied with any action of the Planning Commission with respect to the tentative map, or the kinds, nature and extent of the improvements required by the Planning Commission, he may, within fifteen (15) days after such action is taken by the Planning Commission, appeal in writing to the City Council for a public hearing thereon. The City Council shall hear the appeal, upon notice being given in accordance with the provisions of Section 66451.3 of the Government Code and to the appellant and the Planning Commission, within fifteen (15) days or at its next succeeding regular meeting, unless the appellant consents to a continuance. At the time fixed for the hearing the City Council shall proceed to hear the testimony of the appellant or any witnesses in his behalf. It may also hear the testimony of other competent persons respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality of kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into.

Upon conclusion of the hearing the City Council shall, within ten (10) days, declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with the provisions of this chapter and the Subdivision Map Act.

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

(h) Extension of Time Limits. The time limits for acting and reporting on tentative maps as specified in this section may be extended by mutual consent of the subdivider and the Planning Commission or City Council as the case may be.

(i) Information to be Furnished to City Engineer. When the approval or conditioned approval of the tentative map of any subdivision has become final, the subdivider shall furnish the following information to the City Engineer, and shall receive his authorization prior to construction of any of the improvements or preparation of the final map.

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

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

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

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

SEC. 4-4.601. FILING.

(a) Filing Within Eighteen (18) Months of Tentative Approval. The subdivider or his agent may file a final map within eighteen (18) months after the approval or conditional approval of the tentative map. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map the Planning Commission may extend the time for filing a final map for a period or periods not exceeding two (2) years if it determines that conditions affecting the subdivision have not substantially changed. In any case where a final map has not been filed within eighteen (18) months or such extended period of time as may be granted by the Planning Commission, approval of a new tentative map shall be required.

(b) Fees. A tracing of the final map shall be filed with the City Engineer. The subdivider shall deposit with the City the County Recorder's fee for recording the final map and shall pay to the City the fees for checking the map and for preparing prints thereof, the amount of such fees to be set from time to time by resolution of the Council. Subdivider shall also pay at that time all other fees required by law to be paid in connection with the approval of a subdivision.

(c) Filing of Traverse Sheets. At the time of the filing of the final map with the City Engineer, the subdivider shall also file therewith traverse sheets showing traverse closures and the computation of all distances, angles, and course shown on the final map. The traverse of the boundaries of the tract and of lots and blocks shall close within a limit of error of one in ten thousand (10,000).

(d) Report and Guarantee of Clear Title. The final map shall be accompanied by a report prepared by a duly authorized title company naming the persons whose consent is necessary to the preparation and recordation of said map and to the dedication of the streets, alleys, and other public places shown on the map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to said subdivision. At the time of recording the approved map, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the City showing that persons (naming them) consenting to the preparation and recordation of said map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to said subdivision and to the dedication shown thereon.

SEC. 4-4.603. CERTIFICATES AND TAX BOND.

(a) The following certificates and acknowledgments and others required by law shall appear on the final map; such certificates may be combined where appropriate.

(1) Certificate by Parties Holding Title. A certificate signed and acknowledged by all parties having any title interest in the land subdivided, consenting to the preparation and recordation of said map, provided however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map.

(aa) Rights of way, easements or other interest which cannot ripen into a fee, except those owned by a public entity or public utility unless it is determined by the City Council that division and development of the property in the manner set forth on the final map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement; provided that such signatures may be required by the City Council. If such signatures are not required by the City Council the subdivider shall send, by certified mail, a sketch of the proposed final map, together with a copy of this section, to any public entity or public utility which has previously acquired a right-of-way or easement. If the public entity or public utility objects to recording the final map without the signature of each public entity or public utility, it shall so notify the subdivider and within thirty (30) days after receipt thereof, otherwise the signature may be omitted. Failure of the public entity or public utility to object to recording the final map without its signature shall in no way affect its rights under a right-of-way or easement.

(ab) Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and which signature it is impossible or impractical to obtain. In this case, a reasonable statement of circumstances preventing the procurement of the signature shall be set forth on the map.

(ac) Any subdivision map including land originally patented by the United States or this State, under patent reserving interest to either or both of these entities, may be recorded under the provision of this article without the consent of the United States or of this State thereto, or to dedication made thereon.

(ad) Interests in or rights to minerals, including but not limited to oil, gas or other hydrocarbon substances, if

(i) The ownership of such interests or rights does not include a right of entry on the surface of the land; or

(ii) The use of the land, or the surface thereof, in connection with the ownership of such interests or rights, is prohibited by zoning or other local ordinances or regulations, provided that such signatures may be required by the City Council.

(2) Dedication Certificate. A certificate signed and acknowledged as above offering for dedication all parcels of land shown on the final map and intended for any public use, except those parcels other than streets which are intended for the exclusive use of the lot owners in the subdivision, their licenses, visitors, tenants and servants.

(3) Engineer's Certificate. A certificate by the Civil Engineer or Licensed Surveyor responsible for the survey and final map. The signature of such Civil Engineer or Surveyor, unless accompanied by his seal, must be attested.

(4) Certificates for execution by each of the following:

- (aa) City Engineer
- (ab) Secretary of the Planning Commission
- (ac) City Clerk
- (ad) County Recorder

(5) Certificates Regarding Tax Liens.

(aa) Prior to the filing of the final map with the governing body, the subdivider shall file with the Clerk of the Board of Supervisors of Stanislaus County, a certificate from the official, computing redemptions in the County or any municipal corporation in which any part of the subdivision is located, showing that, according to the records of his office, there are no liens against the subdivision or any part thereof for unpaid State, County, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable.

(ab) As to taxes or special assessments collected as taxes not yet payable, the subdivider shall file with the Clerk of the Board of Supervisors mentioned, a certificate by each proper officer giving his estimate of the amount of taxes and assessments which are a lien but which are not yet payable.

(ac) Whenever any part of the subdivision is subject to lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the owner or subdivider executes and files with the Board of Supervisors, a good and sufficient bond to be approved by said Board and by its terms made to inure to the benefit of the County and conditioned upon the payment of all State, County, municipal and local taxes and all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable bonds in the same amount, and of the kind approved for securing deposits of public money.

SEC. 4-4.604. ACTION ON FINAL MAP.

(a) Approval of Planning Commission. The Secretary of the Planning Commission upon receiving the final map from the subdivider or his agent shall examine the same to determine whether said map conforms with the tentative map and with all changes and requirements imposed as a condition to the acceptance of said tentative map by the Planning Commission. If it is determined that the final map does not conform, the subdivider shall be advised of the changes or additions that must be made before the final map can be certified by the Secretary of the Planning Commission. If the subdivider is not satisfied with the determination made by the Secretary of the Planning Commission, he may appeal in writing, within fifteen (15) days, to the Planning Commission. If it is determined that the map is in conformity, the Secretary of the Planning Commission shall certify approval thereon.

(b) Approval by City Engineer. Upon approval by the Secretary of the Planning Commission, the final map and other data shall be submitted to the City Engineer, who shall examine and determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any improved alterations

thereof, that all provisions of the law and of this chapter applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct. If the City Engineer shall determine that full conformity therewith has been made, he shall so certify on said map. In the event a subdivision is partly in the City and partly outside the City, the County Surveyor and the City Engineer shall enter into an agreement by and with the consent of their respective governing bodies, providing that the County Surveyor may perform the duties of the City Engineer or vice versa, or providing for an apportionment between them of said duties. The County Surveyor or the City Engineer, when by such agreement all such duties devolve upon either one, may after his performance thereof make the aforesaid certification upon said map and, when by such agreement said duties are apportioned between the County Surveyor and City Engineer, it shall be sufficient, if each shall, after the performance thereof, make a certification on said map, touching the duties performed by each. When all certificates required on the final map have been signed, except the approval certificate of the Council, the City Engineer shall transmit said map to the City Clerk.

(c) Approval by City Council.

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

(2) The Council shall approve said map if it is determined to be in conformity with the provisions of law and of this article. The Council shall disapprove said map if it is determined to be not in conformity with the provisions of law and of this chapter and shall advise the subdivider of its disapproval, and the reason or reasons therefor.

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

SEC. 4-4.605. AGREEMENT AND SECURITY FOR IMPROVEMENT.

(a) Provisions of Agreement.

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

(2) Such agreement may also provide:

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

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

(ac) For partial release of the improvement securities upon acceptance by the City Council of the work as it progresses.

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

(b) Improvement Security. The subdivider shall also file with the aforesaid agreement, two (2) improvement securities, each to be in an amount based upon the total estimated cost of the improvement as determined by the City Engineer. One improvement security shall secure faithful performance of said agreement and shall be in an amount equal to one hundred (100%) per cent of the estimated cost of the improvements. The second improvement security shall secure the obligations set forth in subsection (b) of Section 66499.3 of the Government Code, for payment of the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for said improvements, and shall be in an amount equal to fifty (50%) per cent of the total estimated cost of the improvements. Such improvement securities shall be in one of the following forms:

(1) A cash deposit or deposits.

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

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

(4) An instrument or instruments of credit from one or more financial institutions subject to regulations by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payments and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument.

(5) Any other form of improvement security, authorized by the Subdivision Map Act, including the deposit, with a responsible escrow agent or trust company approved by the Council, of money or negotiable bonds of the kind approved for securing deposits of public money.

The required security shall be in an amount determined by the City Engineer as sufficient to cover the cost of said improvements, engineering, inspection, fees and incidental expenses. The required improvement security shall be approved by the Director of Finance as to sufficiency and by the City Attorney as to form.

(c) Forfeiture of Improvement Security. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the City shall have to complete same, or if the subdivider shall fail to reimburse the City for the cost of inspection, engineering, fees, and incidental expenses, the City shall call on the surety for reimbursement, or shall appropriate from any cash deposits, savings and loan certificates and shares, or instruments of credit, funds for reimbursement. In any case, if the amount of the surety bond, savings and loan certificate and share,

instrument of credit, or cash deposit shall exceed all cost and expense incurred by the City it shall release the remainder of such bond, savings and loan certificate and share or cash deposit. If the amount of the surety bond, savings and loan certificate and share, instrument of credit, or cash deposit shall be less than the cost and expense incurred by the City, the subdivider shall be liable to the City for such difference.

(d) Release of Improvement Security. Improvement securities may be released or reduced, in whole or in part, only in the time and manner prescribed in Section 66499.7 of the Government Code, as it now exists or is hereafter amended, and only after certification by the City Engineer that the work covered thereby has been satisfactorily completed and upon approval of the Council.

(e) Guarantee and Warranty Security. In addition to the improvement securities specified in subsection (b) of this section, the subdivider shall file with the subdivision agreement an amount as specified in said agreement to guarantee and warrant subdivision improvements for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished. The Director of Public Works is authorized to release said security upon expiration of the guarantee and warranty period if it is determined that subdivision improvements so guaranteed and warranted are satisfactory.

SEC. 4-4.606. PRELIMINARY SOIL REPORT. Prior to the submission of the final map, the subdivider shall file with the Chief Building Official a preliminary soil report, prepared by a civil engineer who is registered by the State of California, based upon adequate test borings or excavations of every subdivision for which a final map is required. The preliminary soil report may be waived if the Chief Building Official shall determine that, due to the knowledge of the building department as to the soil qualities of the subdivision, no preliminary analysis is necessary.

SEC. 4-4.609. DIVISION OF EXISTING BUILDINGS. Prior to the recordation of a final map which will result in the division of any existing building or buildings into separate units or parts, the subdivider shall secure certification by the Chief Building Official that any building or buildings to be divided will, after division, meet current code standards for new construction. As used in this section, the phrase "current code standards" refers to all standards in the current adopted editions of the Building Code, Electrical Code, Plumbing Code, Mechanical Code and Fire Code of the City of Modesto.

SEC. 4-4.901. AUTHORITY TO VARY REGULATIONS.

(a) The Planning Commission may vary the regulations relating to the subdivision of land by granting an exception provided it is shown by the subdivider that:

(1) There are exceptional or extraordinary circumstances or conditions applicable to the property such as topography, fixed rights of way, unique location of easements, etc.; or

(2) Because of the unique nature of a particular subdivision concept, design, innovations are proposed which meet the functional standards of the zoning and subdivision regulations without strict adherence to the requirements of this chapter; or

(3) In the case of a parcel map, the applicant is being denied the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or zone in which the property is located;

(4) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or these regulations.

(b) Where it is determined by the Planning Commission that the design of a proposed subdivision is in compliance with a development plan which has been adopted by the City Council in conjunction with a Planned Development Zone, the Planning Commission may approve such subdivision without formally granting exceptions for design factors which are not in strict compliance with the provisions of this chapter.

(c) In granting an exception, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so excepted.

SECTION 2. AMENDMENT OF CODE. Articles 2, 5, 7 and 8 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

ARTICLE 2. DEFINITIONS

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

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

(b) "Owner" shall mean any person having sufficient proprietary interest in the real property sought to be divided to commence and maintain proceedings to divide the same under this chapter, and while used here in the masculine gender and singular number it shall be deemed to mean the feminine and neuter gender and plural number wherever required.

(c) "Subdivider" shall mean a subdivider as defined in the Subdivision Map Act.

(d) "Subdivision" shall mean a subdivision as defined in the Subdivision Map Act, as it now exists or may hereinafter be amended.

(e) "Lot" shall mean a parcel or portion of land separated from other parcels or portions by description as on a final of parcel map or by metes and bounds for purpose of sale, lease, financing, or separate use.

(f) "Tentative Map" shall mean a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around such subdivision. Such map need not be based upon an accurate or detailed field survey of the property but shall be of the form and contain the information required by this chapter.

(g) "Final Map" shall mean a subdivision map other than a parcel map, prepared in accordance with the provisions of this chapter and the Subdivision Map Act, which is designed to be placed on record in the office of the County Recorder.

(h) "Parcel Map" shall mean a subdivision map other than a final map prepared in accordance with the provisions of this chapter and the Subdivision Map Act, which is designed to be placed on record in the office of the County Recorder.

(i) "Person" shall mean any person, firm, corporation, partnership, association, syndicate, trust or other legal entity.

ARTICLE 5, PARCEL MAPS

SEC. 4-4.501. APPROVAL REQUIRED FOR PARCEL MAPS. Land may be divided by parcel map, when such division is authorized by provisions of the Subdivision Map Act, by first obtaining Planning Commission approval of a tentative parcel map and by subsequently recording the parcel map in the office of the County Recorder.

SEC. 4-4.502. TENTATIVE PARCEL MAPS.

(a) Filing and Departmental Approval. The legal owner of record, or his authorized representative, desiring the reparceling of any lot or lots or parcels of land under the provisions of this article shall file fifteen (15) copies of a tentative parcel map with the Planning Commission at least twenty-five (25) days prior to the meeting of the Commission at which consideration is desired. Acceptance, distribution, and departmental action on such maps shall be in accordance with the provisions of Section 4-4.401 relating to tentative subdivision maps.

(b) Form of Maps. Tentative parcel maps shall be eighteen (18") inches by twenty-six (26") inches in size. Maps shall be to a scale of one inch equals one hundred (100') feet for large areas, or to a scale of one inch equals fifty (50') feet for small areas where practical. Every tentative parcel map shall be clearly and legibly reproduced and shall contain the following information:

- (1) Date, north point, scale and sufficient description to define the location and boundaries of the proposed reparceling.
- (2) Name and address of record owner or owners.
- (3) Name and address of the subdivider, if other than owner.
- (4) Name and business address of the person who prepared the map, if other than owner.
- (5) Locations, names and existing width of all adjoining and contiguous highways, streets and ways.

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

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

(8) Location and character of all existing and proposed street improvements.

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

(10) Method of serving individual parcels to be created with utilities.

(11) Lot layout, dimensions of each lot, and lot designations.

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

(c) Consistency with General Plan. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission unless the Planning Commission finds that the proposed parcel map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City.

(d) Requirements for Approval. If the tentative parcel map complies with all of the requirements of this article and the Subdivision Map Act, the Planning Commission may approve the division, subject to the dedication of necessary right-of-way for streets and easements, the installation of all improvements along the frontages of the property so divided, as required by the Commission, and the installation of all necessary utilities and connections to each lot. All lot sizes shall conform to the provisions of the zoning regulations of the City of Modesto.

(e) Limitations on Approval. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:

(1) That the proposed map is not consistent with applicable general and specific plans.

(2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(3) That the site is not physically suitable for the type of development.

(4) That the site is not physically suitable for the proposed density of development.

(5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easement of record or to easements established by judgment of a court of competent jurisdiction.

(f) Security. If the Planning Commission approves the tentative parcel map it may grant the subdivider a period of time after the recording of the parcel map in which to complete the installation of the public improvements required by the Commission to be installed as a condition of approval of the map. If such a time period is granted, the Commission shall require improvement security to be posted in one of the forms set forth in subsection (b) of Section 4-4.605.

(g) Requirement for Street Trees. As a condition of approval for parcel maps, 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 parcel map, 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. Such sum shall be paid at the time of filing the parcel map. Upon the payment of such sum, the City shall be responsible for planting and maintaining such street trees.

(h) Drainage Facilities. Whenever the City, by ordinance, has adopted a drainage plan for a particular drainage area, pursuant to Section 66483 of the Government Code of the State of California, each subdivider filing a parcel map for the division of land, any part of which is located within the boundaries of such a drainage area and the tentative map of which is filed after the effective date of the addition of this subsection, shall pay to the City at the time of the filing of the parcel map, as a condition of approval thereof, such fees as may be required by said ordinance. The Council may by resolutions or agreements adopted or entered into from time to time, establish conditions under which such fees may be spread over a period of time.

SEC. 4-4.503. FILING PARCEL MAPS.

(a) Filing Within Eighteen (18) Months of Tentative Approval. The subdivider or his agent may file a 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. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map the Planning Commission may extend the time for filing a parcel map for a period or periods not exceeding two (2) years, if it determines that conditions affecting the parcel map have not substantially changed. In any case where a parcel map has not been recorded within eighteen (18) months or such extended period of time as may be granted by the Planning Commission, approval of a new tentative parcel map shall be required.

A 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) Fees. A tracing of the parcel map shall be filed with the City Engineer. In addition, the subdivider shall deposit with the City the Recorder's fee for recording the parcel map.

(c) Form of Parcel Map. The parcel map shall conform to the provisions of Section 4-4.602 for final maps where applicable. The map shall show the definite location of the parcel or parcels and particularly their relation to surrounding surveys. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey, but only by reference to the existing record boundaries if such remainder has a gross area of five (5) acres or more.

The 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) Consent by Owner. The parcel map shall contain a certificate, which shall be signed and acknowledged by all parties having any record title interest in the real property being subdivided, consenting to the preparation and recordation of the parcel map. Such signatures shall be in accordance with the provisions of Section 4-4.603(a)(1) of this chapter pertaining to final maps.

(e) Dedications. If dedications of streets, alleys, walkways, easements, public utility easements, or other public ways, or access rights are required by the Planning Commission as conditions of approval of a parcel map, such dedications shall either be shown on and offered by a certificate on the parcel map or made by separate instrument as determined by the City Engineer. Such certificate or instrument shall be signed by those parties having any record title interest in the real property being subdivided in accordance with the provisions of Section 4-4.603(a)(1) of this Chapter pertaining to final maps.

(f) Certification by City Engineer. Upon receipt of the parcel map, together with the 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 parcel map and with all changes and requirements imposed as conditions of approval by the Planning Commission. The City Engineer shall also refer the 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 and the zoning regulations of the City of Modesto. If the City Engineer shall determine that the parcel map fully conforms with all of the requirements set forth herein, he shall so certify on said map.

(g) Acceptance of Dedications. Offers of dedication as set forth in subsection (e) of this section shall be reviewed by the City Engineer for compliance with the conditions of approval imposed by the Planning Commission. If all offers of dedication are in accordance with the requirements of the Planning Commission, the City Engineer shall recommend the acceptance of such dedications by the authorized official of the City.

(h) Recordation of Parcel Map. Upon certification by the City Engineer, the parcel map shall be transmitted to the City Clerk, who shall cause said map to be recorded in the office of the County Recorder.

SEC. 4-4.504. ISSUANCE OF BUILDING PERMITS. No building permit shall be issued for the construction of any building, structure or other work on any parcel proposed to be created until a parcel map has been approved in accordance with the provisions of this article and the Subdivision Map Act, and recorded in the office of the County Recorder.

SEC. 4-4.505. DIVISION OF EXISTING BUILDINGS. Prior to the recordation of a parcel map which will result in the division of any existing building or buildings into separate units or parts, the applicant shall secure certification by the Chief Building Official that any building or buildings to be divided will, after division meet current code standards for new construction. As used in this section, the phrase "current code standards" refers to all standards in the current adopted editions of the Building Code, Electrical Code, Plumbing Code, Mechanical Code and Fire Code of the City of Modesto.

ARTICLE 7. OTHER MAPS

SEC. 4-4.701. REVERSION TO ACREAGE. Subdivided property may be reverted to acreage pursuant to provisions of this article.

(a) Initiation of Proceedings by Owners. Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall contain the following information and such other information as required by the Secretary of the Planning Commission:

- (1) Evidence of title to the real property; and
- (2) Evidence of the consent of all the owners of an interest in the property; or
- (3) Evidence that none of the improvements required to be made have been made within two (2) years from the date the final map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
- (4) Evidence that no lots shown on the final or parcel map have been sold within five (5) years from the date such final or parcel map was filed for record.
- (5) A tentative map in the form prescribed by Section 4-4.602; or
- (6) A final map in the form prescribed by Section 4-4.602 which delineates dedications which will not be vacated and dedications required as a condition to reversion.

(b) Initiation of Proceedings by City Council. The City Council at the request of any person or on its own motion may by resolution initiate proceedings to revert property to acreage. The City Council shall direct the Secretary of the Planning Commission to obtain the necessary information to initiate and conduct proceedings.

(c) Fees. Petitions to revert property to acreage shall be accompanied by a fee to cover the cost of processing and public hearing in an amount to be set from time to time by resolution of the City Council. If the proceedings are initiated pursuant to subsection (b) of this section, the person or persons who requested the City Council to initiate the proceedings shall pay the fee established by resolution of the City Council. Fees are not refundable.

(d) Proceedings. A public hearing shall be held before the City Council on all petitions for, and City Council initiations for, reversions to acreage. Notice of the public hearings shall be given as provided in Section 66451.3 of the Government Code. The City Council may give such other notice that it deems necessary or advisable.

Prior to City Council consideration of the reversion to acreage and the holding of a public hearing the City Council may refer the proposed reversion to acreage to the Planning Commission for a report and recommendation.

The City Council may approve a reversion to acreage only if it finds and records in writing that:

(1) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

(2) Either:

(aa) All owners of an interest in the real property within the subdivision have consented to reversion; or

(ab) None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or

(ac) No lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

The City Council may require as conditions of reversions:

(1) The owners dedicate or offer to dedicate streets or easements.

(2) The retention of all or a portion of previously paid subdivision fees, deposits, or improvements securities if the same are necessary to accomplish any of the provisions of this chapter.

(e) Return of Fees, Deposits; Release of Securities. Except as provided in subsection (d) of this section, upon filing of the final map for reversion to acreage with the County Recorder, all fees and deposits shall be returned to the subdivider and all improvement securities shall be released by the City Council.

(f) Recording of Final Map. After the hearing before the City Council and approval of the reversion, the final map shall be delivered to the County Recorder. The reversion to acreage shall be effective upon the final map being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect.

SEC. 4-4.702. RESUBDIVISION OF AN EXISTING SUBDIVISION. In the event an existing subdivision is resubdivided such that the street alignment, lot design or drainage shall be changed, then the area constitutes a new subdivision and the procedures for filing a tentative and final map as outlined in this chapter apply.

ARTICLE 8. IMPROVEMENTS

SEC. 4-4.801. STANDARDS AND APPROVAL. All improvements shall conform to the requirements contained in the Standard Specifications of the City of Modesto prepared by the City Engineer, recommended by the Planning Commission, and adopted by the Council as the same now exists or may hereafter be amended. Copies of said Standard Specifications shall be maintained on file in the offices of the City Clerk, Planning Commission and City Engineer.

SEC. 4-4.802. GENERAL REQUIREMENTS. The subdivider shall install improvements in accordance with the standards specified in this chapter and in the Standard Specifications referred to in Section 4-4.801 hereof.

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

(b) Drainage Facilities. Drainage facilities shall be installed as deemed necessary by the City Engineer to provide for the removal of surface water. Such drainage facilities shall be of a character and design approved by the City Engineer and in accordance with the requirements of the Standard Specifications referred to in Section 4-4.801 hereof, in order to insure proper grading and erosion control including the prevention of sedimentation or damage to off-site property.

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

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

(e) Sewage Disposal. Sanitary sewer facilities connecting with the existing City system shall be installed to serve each lot when connection to such system is available. Sewers shall be installed to grades, location, design and sizes approved by the City Engineer in accordance with the provisions of applicable laws of the City.

(f) Water. Water mains connecting with the existing City or public utility system shall be installed to serve each lot when connection to such system is available. In the latter case, when it is proposed that water will be supplied by a private water company, the subdivider shall submit a letter from the governing body of such water system showing the ability of the system to serve the proposed subdivision and evidence that a satisfactory agreement has been entered into for connection to that system. Water mains shall then be installed to grades, location, design and sizes approved by the City Engineer and the engineer of the governing body of the water system.

(g) Street Lights. Street lighting standards, underground cables or conduit and conductors and all materials and appurtenances necessary shall be installed of a design and location approved by the City Engineer. There shall be at least one electrolier at each intersection, and intermediate electroliers not more than three hundred thirty (330') feet apart in blocks exceeding three hundred (330') feet in length. Electroliers shall be spaced not more than three hundred thirty (330') feet apart on both sides of major streets.

Where a cul-de-sac is longer than one hundred-fifty (150') feet measured from the center of the turnaround at the end of the cul-de-sac to the center line of the intersecting street, an electrolier shall be provided at the turnaround in a location approved by the City Engineer.

(h) Railroad Crossings. Provisions shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the California State Public Utilities Commission for the establishment and improvement of such crossing. The cost of such railroad crossing improvement shall be borne by the subdivider.

(i) Street Name Signs. Each subdivider shall pay to the City at the time of approval of the final map as condition of such approval an amount established by resolution of the City Council for each street name sign required in the subdivision; provided, that when only a part of an intersection requiring a street name sign is within or contiguous to the subdivision, the charge for street name signs for such intersection shall be proportional to the number of corners of the intersection within or contiguous to the subdivision.

SEC. 4-4.303. DRAINAGE FACILITIES. Whenever the City by ordinance, has adopted a drainage plan for a particular drainage area pursuant to Section 66483 of the Government Code of the State of California, each subdivider of a subdivision, any part of which is located within the boundaries of such a drainage area and the tentative map of which is filed after the effective date of this section, shall pay to the City at the time of approval of the final map, as a condition of such approval, such fees as may be required by said ordinance.

SEC. 4-4.803.1. STREET TREES. Each subdivider of a subdivision, the tentative map of which is approved by the Planning Commission after the effective date of this section, shall pay to the City at the time of approval of the final map as a condition of such approval such sum as may be established by resolution of the Council. The purpose of such requirement is to provide funds for the cost of furnishing, locating, planting and fertilizing street trees and providing and installing supports for street trees in such subdivision. Street trees shall be planted and maintained in accordance with the provisions of Chapter 5 of Title XII of this Code.

SEC. 4-4.804. MONUMENTS.

(a) At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey.

(b) Permanent monuments as required by the Standard Specifications of the City of Modesto shall be set at each corner and angle point in the exterior boundaries of the subdivision except where such monuments already exist in their proper positions. The exterior boundary of the subdivision shall be adequately monumented or referenced before the final map is recorded.

(c) Interior monuments shall be set as required by the Standard Specifications of the City of Modesto. Interior monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the City a cash deposit in an amount for each monument to be set as established by resolution of the City Council adopted from time to time.

(d) Within five (5) days after the final setting of all monuments has been completed by the engineer or surveyor, he shall give written notice to the subdivider, and to the City Engineer, that the final monuments have been set.

Upon payment to the engineer or surveyor for setting the final monuments, the subdivider shall present to the City Engineer evidence of such payment and receipt thereof by the engineer or surveyor. Upon receipt of such evidence the City Engineer is authorized to release the cash deposit. The City Engineer is authorized to cause payment to be made to the engineer or surveyor for the setting of the final monuments from said cash deposit, if so requested by the depositor.

If the subdivider does not present evidence to the City Engineer that he has paid the engineer or surveyor for the setting of the final monuments, and if the engineer or surveyor notifies the City Engineer that he has not been paid by the subdivider for the setting of the final monuments, the City Engineer may, within three (3) months from the date of said notification, authorize payment to the engineer or surveyor from the cash deposit the amount due.

SECTION 3. REPEALS. Section 4-4.106 of Article 1 of Chapter 4 of Title IV of the Modesto Municipal Code is hereby repealed.

SECTION 4. EMERGENCY PROVISIONS: DECLARATION OF URGENCY. 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 because the State Legislature has amended and re-enacted the Subdivision Map Act as part of the Government Code of the State of California effective March 1, 1975. New tentative subdivision and parcel maps cannot be approved by the Planning Commission of the City of Modesto and final subdivision maps cannot be approved by the City Council until the City of Modesto's Subdivision Regulations are amended to conform with the amended and re-enacted Subdivision Map Act.

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 10th day of March, 1975, by Councilman Elliott, who moved its adoption and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, 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

ORDINANCE NO. 1437 -C. S.

AN ORDINANCE AMENDING SECTIONS 4-4.101, 4-4.103, 4-4.302, 4-4.303, 4-4.401, 4-4.404, 4-4.601, 4-4.603, 4-4.604, 4-4.605, 4-4.606, 4-4.609 AND 4-4.901 OF CHAPTER 4 OF TITLE IV OF THE MODESTO MUNICIPAL CODE, AMENDING ARTICLES 2, 5, 7 AND 8 OF CHAPTER 4 OF TITLE IV AND REPEALING SECTION 4-4.106 OF ARTICLE 1 OF CHAPTER 4 OF TITLE IV RELATING TO SUBDIVISION REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 4-4.101, 4-4.103, 4-4.302, 4-4.303, 4-4.401, 4-4.404, 4-4.601, 4-4.603, 4-4.604, 4-4.605, 4-4.606, 4-4.609 and 4-4.901 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 4-4.101. PURPOSE. This chapter is for the purpose of adopting subdivision regulations, under the authority of and in accordance with the provisions of Division 2 of Title 7 of the Government Code of the State of California, and any future amendments thereto, referred to herein as the Subdivision Map Act, and is in addition to any other regulations provided by law.

SEC. 4-4.103. UNLAWFUL. It shall be unlawful for any person, as a principal, agent, or otherwise, to:

(a) Divide real property in any manner that shall constitute a subdivision, unless and until all the requirements of this chapter have been complied with, or

(b) Sell, lease, or divide for purposes of financing, or contract or offer to sell, lease or divide for purposes of financing, any division of land that shall constitute a subdivision unless and until all the requirements of this chapter have been complied with.

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

(a) Streets and Highways.

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

(2) Center Lines. The center lines of all streets wherever practicable shall be the continuations of the center lines of existing streets, or shall be offset at least one hundred (100') feet.

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

(4) Cul-de-sac or Dead End Streets. No cul-de-sac or dead end street shall be more than five hundred (500') feet in length. Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundary of the property and the resulting dead end streets may be approved without a turn-around. In all other cases a turn-around having a minimum radius of fifty (50') feet measured to the property line or a comparable area in another form shall be required separated to the depth of one lot from the exterior boundary line or other topographical feature of the subdivision.

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

(6) Intersection Corner Rounding. At street intersections, the block corners shall be rounded at the property line with a curve having a radius of not less than fifteen (15') feet. A greater curve radius may be required if streets intersect other than at right angles.

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

(8) Part-Width Streets. In case of a part-width street, a minimum of forty (40') feet along and adjacent to a boundary of the subdivision shall be required except in cases in which proper deed or instrument of dedication to the City duly executed by the owner or owners of the adjacent lands is filed with the map of the subdivision, granting sufficient land to make a street of the required full width. Part-width streets shall be permitted only on the periphery of a subdivision and only when the street design approved by the Planning Commission requires the street to be so located that a full dedication would require land not in the subdivider's ownership or control. In no case shall a part-width street be less than forty (40') feet in width, except as provided below. The words "part-width street" shall be lettered on the map following the name of such streets.

Exception - A part-width street less than forty (40') feet may be permitted upon recommendation of the Planning Commission and subject to the approval of the City Council, as set forth in Section 1805 of the Streets and Highways Code of the State of California. The recommendation of the Planning Commission and the approval of the City Council shall be based upon the following factors:

(aa) The extension of the street is along property lines which form a boundary of the subdivision.

(ab) Adherence to the forty (40') foot part-width standards creates an offset in the center of the street.

(ac) The public interest in having a street without an offset in the center line thereof outweighs the general public policy, set forth above of having all part-width streets a minimum of forty (40') feet in width.

In all cases in which a part-width street less than forty (40') feet is permitted, on-street parking may be prohibited until such time as a minimum of forty (40') feet of the street is improved.

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

| <u>Street Class</u> | <u>Minimum Width</u> |
|---------------------------|---|
| Freeway | As determined by State Highway Commission |
| Expressway | As determined by precise plan |
| Major streets | 100 feet |
| Collector streets | 60 feet |
| Industrial streets | 60 feet |
| Residential streets | 50 feet |
| Frontage road | As Required |
| Cul-de-sac | 50 feet (plus 50-foot radius) |

(b) Alleys.

(1) Alleys shall be prohibited in residential subdivisions except when approved or required by the Planning Commission for any one of the following reasons:

(aa) To widen an existing part-width alley which has been dedicated and improved in an adjacent subdivision;

(ab) To complete the continuity of existing alleys where the property to be subdivided is located adjacent to existing blocks containing alleys;

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

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

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

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

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

(4) Where two (2) alleys intersect, ten (10') foot corner cut-offs measured along the property lines from the point of intersection will be required.

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

(c) Blocks.

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

(2) Block Lengths. Block lengths shall not exceed eleven hundred (1100') feet. For those blocks of an "el" shape, "tee" shape, or superblock configuration, the width shall not exceed five hundred (500') feet in each of any other direction perpendicular or nearly perpendicular to the length. For the purposes of measurement, the distance between extreme property lines measured generally along rear property lines will be utilized. The above limitations shall not apply to blocks which will abut irrigation canals, railroads, freeways, limited access expressways, existing subdivisions with a block over eleven hundred (1100') feet in length, or other existing barriers over eleven hundred (1100') feet in length.

(3) Block Widths. Blocks shall be of sufficient width to permit the plotting of two (2) tiers of lots except where blocks are adjacent to major streets, freeways, or expressways and lots are created which back up to such street and front onto a residential or collector street and access rights to such major street, freeway, or expressway are waived by the subdivider. The Planning Commission may grant an exception to these provisions to permit through lots which are to be developed with uses facing both streets when it is determined that such exception is warranted by the circumstances of a particular subdivision and is in compliance with an existing zoning classification.

(d) Lots.

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

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

(3) Lot Widths and Depths. The size and shape of each lot shall be in conformance to the zoning regulations effective in the area of the proposed subdivision.

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

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

(e) Easements.

(1) For Utilities. The subdivider shall grant easements for public utility use along lot lines where necessary for the extension of any such utility and for the relocation of existing public utility facilities.

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

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

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

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

(f) Underground Utilities. All utility distribution facilities and lines including, but not limited to, gas, water, sewer, electrical, communications, street lighting and cable television shall be installed underground, except that overhead utility lines may be permitted when it is determined by the Planning Commission that such facilities are designed to serve areas larger than that being subdivided and that it is impractical to locate such facilities underground.

When overhead lines are approved by the Planning Commission, they shall extend along alleys, side lot, rear yard, or privately owned easements whichever is possible, except where such overhead lines cross streets, or must be located outside of easements for good and sufficient reasons as determined by the Planning Commission.

Overhead service to lots abutting existing overhead lines is permitted where no extension of overhead lines is required.

It shall be the responsibility of the subdivider to insure that utilities are installed in compliance with the requirements of this section. He shall make the necessary arrangements with the utility companies or other agencies for such installation, according to the specifications of the governing agency. For the purpose of this section, appurtenances and associated equipment such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets may be placed above-ground.

(g) Subdivisions Along Major Streets. When a subdivision is developed adjacent to a freeway, expressway or major street as shown on the General Plan, the Planning Commission may require the subdivider to dedicate and improve a frontage road to provide ingress and egress to adjacent lots or to create back-up lots which front upon an interior residential street and back up to such freeway, expressway or major street. When back-up lots are created, the subdivider shall waive direct access rights from the lots to the freeway, expressway or major street and shall construct a masonry wall, fence, or other suitable barrier as required by the Planning Commission between the subdivision and the adjacent freeway, expressway or major street.

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

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

SEC. 4-4.303. CONDITIONS OF APPROVAL. In approving tentative maps, the Planning Commission may impose such reasonable 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.

SEC. 4-4.401. FILING AND DEPARTMENTAL APPROVAL.

(a) Number and Time of Filing. Twenty (20) copies of a tentative map and statement of the proposed subdivision of any land shall be filed with the Planning Commission at least twenty-five (25) days prior to the meeting of the Commission at which consideration is desired.

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

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

(d) Departmental Action. The department or agency receiving a copy of the map shall notify, within ten (10) days of the receipt thereof, the Planning Commission of particulars which do not conform to requirements coming within its authorized scope. If a reply is not received prior to the meeting at which consideration of the map is made, it will be assumed that the map does conform to the requirements of the department concerned.

SEC. 4-4.404. ACTION ON TENTATIVE MAP.

(a) Action by Planning Commission. The Planning Commission shall review the tentative map to determine whether it is in conformity with the provisions of law and of this chapter and upon that basis within fifty (50) days after the filing of the tentative map, adopt a resolution approving, conditionally approving or disapproving the tentative map. The Planning Commission is authorized to report its action directly to the subdivider, and shall also transmit to the City Engineer a copy of the tentative map and a copy of the resolution setting forth the action of the Planning Commission.

(b) Consistency with General Plan. A tentative map shall not be approved or conditionally approved by the Planning Commission unless the Planning Commission finds that the proposed subdivision, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City.

(c) Discharge of Waste. In connection with their review of a tentative map the Planning Commission shall determine whether the discharge of waste from the proposed subdivision into the existing sewer system would result in violation of existing requirements prescribed by the California Regional Water Quality Control Board pursuant to Division 7 (commencing with Section 13000) of the Water Code of the State of California. In the event that the Planning Commission finds that the proposed waste discharge would result in or add to violation of requirements of such board, it may disapprove the tentative subdivision map.

(d) Limitations on Approval. A tentative map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:

(1) That the proposed map is not consistent with applicable general and specific plans.

(2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(3) That the site is not physically suitable for the type of development.

(4) That the site is not physically suitable for the proposed density of development.

(5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

(e) Reports and Recommendations. Any reports or recommendations on the map or maps of any subdivision submitted to the Planning Commission or City Council shall be submitted in writing to the subdivider at least three (3) days prior to any hearing or action on the map or maps by the Planning Commission or City Council. Such required submission in writing shall be deemed complied with when such reports or recommendations are placed in the mail, bearing proper postage, and directed to the subdivider at his address shown on the map.

(f) Appeal. If the subdivider or any interested person is dissatisfied with any action of the Planning Commission with respect to the tentative map, or the kinds, nature and extent of the improvements required by the Planning Commission, he may, within fifteen (15) days after such action is taken by the Planning Commission, appeal in writing to the City Council for a public hearing thereon. The City Council shall hear the appeal, upon notice being given in accordance with the provisions of Section 66451.3 of the Government Code and to the appellant and the Planning Commission, within fifteen (15) days or at its next succeeding regular meeting, unless the appellant consents to a continuance. At the time fixed for the hearing the City Council shall proceed to hear the testimony of the appellant or any witnesses in his behalf. It may also hear the testimony of other competent persons respecting the character of the neighborhood in which the subdivision is to be located, the kinds, nature and extent of improvements, the quality of kinds of development to which the area is best adapted and any other phase of the matter with respect to which it may desire to inquire into.

Upon conclusion of the hearing the City Council shall, within ten (10) days, declare its findings based upon the testimony and documents produced before it. It may sustain, modify, reject or overrule any recommendations or rulings of the Planning Commission and may make such findings as are not inconsistent with the provisions of this chapter and the Subdivision Map Act.

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

(h) Extension of Time Limits. The time limits for acting and reporting on tentative maps as specified in this section may be extended by mutual consent of the subdivider and the Planning Commission or City Council as the case may be.

(1) Information to be Furnished to City Engineer. When the approval or conditioned approval of the tentative map of any subdivision has become final, the subdivider shall furnish the following information to the City Engineer, and shall receive his authorization prior to construction of any of the improvements or preparation of the final map.

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

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

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

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

SEC. 4-4.601. FILING.

(a) Filing Within Eighteen (18) Months of Tentative Approval. The subdivider or his agent may file a final map within eighteen (18) months after the approval or conditional approval of the tentative map. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map the Planning Commission may extend the time for filing a final map for a period or periods not exceeding two (2) years if it determines that conditions affecting the subdivision have not substantially changed. In any case where a final map has not been filed within eighteen (18) months or such extended period of time as may be granted by the Planning Commission, approval of a new tentative map shall be required.

(b) Fees. A tracing of the final map shall be filed with the City Engineer. The subdivider shall deposit with the City the County Recorder's fee for recording the final map and shall pay to the City the fees for checking the map and for preparing prints thereof; the amount of such fees to be set from time to time by resolution of the Council. Subdivider shall also pay at that time all other fees required by law to be paid in connection with the approval of a subdivision.

(c) Filing of Traverse Sheets. At the time of the filing of the final map with the City Engineer, the subdivider shall also file therewith traverse sheets showing traverse closures and the computation of all distances, angles, and course shown on the final map. The traverse of the boundaries of the tract and of lots and blocks shall close within a limit of error of one in ten thousand (10,000).

(d) Report and Guarantee of Clear Title. The final map shall be accompanied by a report prepared by a duly authorized title company naming the persons whose consent is necessary to the preparation and recordation of said map and to the dedication of the streets, alleys, and other public places shown on the map and certifying that as of the date of the preparation of the report, the persons therein named are all the persons necessary to give clear title to said subdivision. At the time of recording the approved map, there shall be filed with the County Recorder a guarantee executed by a duly authorized title company for the benefit and protection of the City showing that persons (naming them) consenting to the preparation and recordation of said map and offering for dedication the streets, alleys and other public places shown thereon are all the persons necessary to pass clear title to said subdivision and to the dedication shown thereon.

SEC. 4-4.603. CERTIFICATES AND TAX BOND.

(a) The following certificates and acknowledgments and others required by law shall appear on the final map; such certificates may be combined where appropriate.

(1) Certificate by Parties Holding Title. A certificate signed and acknowledged by all parties having any title interest in the land subdivided, consenting to the preparation and recordation of said map, provided however, that the signatures of parties owning the following types of interests may be omitted if their names and the nature of their interests are set forth on the map.

(aa) Rights of way, easements or other interest which cannot ripen into a fee, except those owned by a public entity or public utility unless it is determined by the City Council that division and development of the property in the manner set forth on the final map will not unreasonably interfere with the free and complete exercise of the public entity or public utility right-of-way or easement; provided that such signatures may be required by the City Council. If such signatures are not required by the City Council the subdivider shall send, by certified mail, a sketch of the proposed final map, together with a copy of this section, to any public entity or public utility which has previously acquired a right-of-way or easement. If the public entity or public utility objects to recording the final map without the signature of each public entity or public utility, it shall so notify the subdivider and within thirty (30) days after receipt thereof, otherwise the signature may be omitted. Failure of the public entity or public utility to object to recording the final map without its signature shall in no way affect its rights under a right-of-way or easement.

(ab) Rights-of-way, easements or reversions, which by reason of changed conditions, long disuse or laches appear to be no longer of practical use or value and which signature it is impossible or impractical to obtain. In this case, a reasonable statement of circumstances preventing the procurement of the signature shall be set forth on the map.

(ac) Any subdivision map including land originally patented by the United States or this State, under patent reserving interest to either or both of these entities, may be recorded under the provision of this article without the consent of the United States or of this State thereto, or to dedication made thereon.

(ad) Interests in or rights to minerals, including but not limited to oil, gas or other hydrocarbon substances, if

(i) The ownership of such interests or rights does not include a right of entry on the surface of the land; or

(ii) The use of the land, or the surface thereof, in connection with the ownership of such interests or rights, is prohibited by zoning or other local ordinances or regulations, provided that such signatures may be required by the City Council.

(2) Dedication Certificate. A certificate signed and acknowledged as above offering for dedication all parcels of land shown on the final map and intended for any public use, except those parcels other than streets which are intended for the exclusive use of the lot owners in the subdivision, their licenses, visitors, tenants and servants.

(3) Engineer's Certificate. A certificate by the Civil Engineer or Licensed Surveyor responsible for the survey and final map. The signature of such Civil Engineer or Surveyor, unless accompanied by his seal, must be attested.

(4) Certificates for execution by each of the following:

- (aa) City Engineer
- (ab) Secretary of the Planning Commission
- (ac) City Clerk
- (ad) County Recorder

(5) Certificates Regarding Tax Liens.

(aa) Prior to the filing of the final map with the governing body, the subdivider shall file with the Clerk of the Board of Supervisors of Stanislaus County, a certificate from the official, computing redemptions in the County or any municipal corporation in which any part of the subdivision is located, showing that, according to the records of his office, there are no liens against the subdivision or any part thereof for unpaid State, County, municipal or local taxes or special assessments collected as taxes, except taxes or special assessments not yet payable.

(ab) As to taxes or special assessments collected as taxes not yet payable, the subdivider shall file with the Clerk of the Board of Supervisors mentioned, a certificate by each proper officer giving his estimate of the amount of taxes and assessments which are a lien but which are not yet payable.

(ac) Whenever any part of the subdivision is subject to lien for taxes or special assessments collected as taxes which are not yet payable, the final map shall not be recorded until the owner or subdivider executes and files with the Board of Supervisors, a good and sufficient bond to be approved by said Board and by its terms made to inure to the benefit of the County and conditioned upon the payment of all State, County, municipal and local taxes and all special assessments collected as taxes, which at the time the final map is recorded are a lien against the property, but which are not yet payable. In lieu of a bond, a deposit may be made of money or negotiable bonds in the same amount, and of the kind approved for securing deposits of public money.

SEC. 4-4.604. ACTION ON FINAL MAP.

(a) Approval of Planning Commission. The Secretary of the Planning Commission upon receiving the final map from the subdivider or his agent shall examine the same to determine whether said map conforms with the tentative map and with all changes and requirements imposed as a condition to the acceptance of said tentative map by the Planning Commission. If it is determined that the final map does not conform, the subdivider shall be advised of the changes or additions that must be made before the final map can be certified by the Secretary of the Planning Commission. If the subdivider is not satisfied with the determination made by the Secretary of the Planning Commission, he may appeal in writing, within fifteen (15) days, to the Planning Commission. If it is determined that the map is in conformity, the Secretary of the Planning Commission shall certify approval thereon.

(b) Approval by City Engineer. Upon approval by the Secretary of the Planning Commission, the final map and other data shall be submitted to the City Engineer, who shall examine and determine that the subdivision as shown is substantially the same as it appeared on the tentative map, and any improved alterations

thereof, that all provisions of the law and of this chapter applicable at the time of approval of the tentative map have been complied with, and that he is satisfied that the map is technically correct. If the City Engineer shall determine that full conformity therewith has been made, he shall so certify on said map. In the event a subdivision is partly in the City and partly outside the City, the County Surveyor and the City Engineer shall enter into an agreement by and with the consent of their respective governing bodies, providing that the County Surveyor may perform the duties of the City Engineer or vice versa, or providing for an apportionment between them of said duties. The County Surveyor or the City Engineer, when by such agreement all such duties devolve upon either one, may after his performance thereof make the aforesaid certification upon said map and, when by such agreement said duties are apportioned between the County Surveyor and City Engineer, it shall be sufficient, if each shall, after the performance thereof, make a certification on said map, touching the duties performed by each. When all certificates required on the final map have been signed, except the approval certificate of the Council, the City Engineer shall transmit said map to the City Clerk.

(c) Approval by City Council.

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

(2) The Council shall approve said map if it is determined to be in conformity with the provisions of law and of this article. The Council shall disapprove said map if it is determined to be not in conformity with the provisions of law and of this chapter and shall advise the subdivider of its disapproval, and the reason or reasons therefor.

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

SEC. 4-4.605. AGREEMENT AND SECURITY FOR IMPROVEMENT.

(a) Provisions of Agreement.

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

(2) Such agreement may also provide:

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

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

(ac) For partial release of the improvement securities upon acceptance by the City Council of the work as it progresses.

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

(b) Improvement Security. The subdivider shall also file with the aforesaid agreement, two (2) improvement securities, each to be in an amount based upon the total estimated cost of the improvement as determined by the City Engineer. One improvement security shall secure faithful performance of said agreement and shall be in an amount equal to one hundred (100%) per cent of the estimated cost of the improvements. The second improvement security shall secure the obligations set forth in subsection (b) of Section 66499.3 of the Government Code, for payment of the contractor, his subcontractors and to persons renting equipment or furnishing labor or materials to them for said improvements, and shall be in an amount equal to fifty (50%) per cent of the total estimated cost of the improvements. Such improvement securities shall be in one of the following forms:

(1) A cash deposit or deposits.

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

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

(4) An instrument or instruments of credit from one or more financial institutions subject to regulations by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payments and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the instrument.

(5) Any other form of improvement security, authorized by the Subdivision Map Act, including the deposit, with a responsible escrow agent or trust company approved by the Council, of money or negotiable bonds of the kind approved for securing deposits of public money.

The required security shall be in an amount determined by the City Engineer as sufficient to cover the cost of said improvements, engineering, inspection, fees and incidental expenses. The required improvement security shall be approved by the Director of Finance as to sufficiency and by the City Attorney as to form.

(c) Forfeiture of Improvement Security. In the event the subdivider shall fail to complete all improvement work in accordance with the provisions of this chapter and the City shall have to complete same, or if the subdivider shall fail to reimburse the City for the cost of inspection, engineering, fees, and incidental expenses, the City shall call on the surety for reimbursement, or shall appropriate from any cash deposits, savings and loan certificates and shares, or instruments of credit, funds for reimbursement. In any case, if the amount of the surety bond, savings and loan certificate and share,

instrument of credit, or cash deposit shall exceed all cost and expense incurred by the City it shall release the remainder of such bond, savings and loan certificate and share or cash deposit. If the amount of the surety bond, savings and loan certificate and share, instrument of credit, or cash deposit shall be less than the cost and expense incurred by the City, the subdivider shall be liable to the City for such difference.

(d) Release of Improvement Security. Improvement securities may be released or reduced, in whole or in part, only in the time and manner prescribed in Section 66499.7 of the Government Code, as it now exists or is hereafter amended, and only after certification by the City Engineer that the work covered thereby has been satisfactorily completed and upon approval of the Council.

(e) Guarantee and Warranty Security. In addition to the improvement securities specified in subsection (b) of this section, the subdivider shall file with the subdivision agreement an amount as specified in said agreement to guarantee and warrant subdivision improvements for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished. The Director of Public Works is authorized to release said security upon expiration of the guarantee and warranty period if it is determined that subdivision improvements so guaranteed and warranted are satisfactory.

SEC. 4-4.606. PRELIMINARY SOIL REPORT. Prior to the submission of the final map, the subdivider shall file with the Chief Building Official a preliminary soil report, prepared by a civil engineer who is registered by the State of California, based upon adequate test borings or excavations of every subdivision for which a final map is required. The preliminary soil report may be waived if the Chief Building Official shall determine that, due to the knowledge of the building department as to the soil qualities of the subdivision, no preliminary analysis is necessary.

SEC. 4-4.609. DIVISION OF EXISTING BUILDINGS. Prior to the recordation of a final map which will result in the division of any existing building or buildings into separate units or parts, the subdivider shall secure certification by the Chief Building Official that any building or buildings to be divided will, after division, meet current code standards for new construction. As used in this section, the phrase "current code standards" refers to all standards in the current adopted editions of the Building Code, Electrical Code, Plumbing Code, Mechanical Code and Fire Code of the City of Modesto.

SEC. 4-4.901. AUTHORITY TO VARY REGULATIONS.

(a) The Planning Commission may vary the regulations relating to the subdivision of land by granting an exception provided it is shown by the subdivider that:

(1) There are exceptional or extraordinary circumstances or conditions applicable to the property such as topography, fixed rights of way, unique location of easements, etc.; or

(2) Because of the unique nature of a particular subdivision concept, design, innovations are proposed which meet the functional standards of the zoning and subdivision regulations without strict adherence to the requirements of this chapter; or

(3) In the case of a parcel map, the applicant is being denied the preservation and enjoyment of a substantial property right possessed by other property in the same vicinity or zone in which the property is located;

(4) That the granting of the exception will not be materially detrimental to the public welfare or injurious to other property or improvements in the vicinity or zone in which the property is located and will not nullify the intent and purpose of the General Plan or these regulations.

(b) Where it is determined by the Planning Commission that the design of a proposed subdivision is in compliance with a development plan which has been adopted by the City Council in conjunction with a Planned Development Zone, the Planning Commission may approve such subdivision without formally granting exceptions for design factors which are not in strict compliance with the provisions of this chapter.

(c) In granting an exception, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so excepted.

SECTION 2. AMENDMENT OF CODE. Articles 2, 5, 7 and 8 of Chapter 4 of Title IV of the Modesto Municipal Code are hereby amended to read as follows:

ARTICLE 2. DEFINITIONS

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

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

(b) "Owner" shall mean any person having sufficient proprietary interest in the real property sought to be divided to commence and maintain proceedings to divide the same under this chapter, and while used here in the masculine gender and singular number it shall be deemed to mean the feminine and neuter gender and plural number wherever required.

(c) "Subdivider" shall mean a subdivider as defined in the Subdivision Map Act.

(d) "Subdivision" shall mean a subdivision as defined in the Subdivision Map Act, as it now exists or may hereinafter be amended.

(e) "Lot" shall mean a parcel or portion of land separated from other parcels or portions by description as on a final or parcel map or by metes and bounds for purpose of sale, lease, financing, or separate use.

(f) "Tentative Map" shall mean a map made for the purpose of showing the design of a proposed subdivision and the existing conditions in and around such subdivision. Such map need not be based upon an accurate or detailed field survey of the property but shall be of the form and contain the information required by this chapter.

(g) "Final Map" shall mean a subdivision map other than a parcel map, prepared in accordance with the provisions of this chapter and the Subdivision Map Act, which is designed to be placed on record in the office of the County Recorder.

(h) "Parcel Map" shall mean a subdivision map other than a final map prepared in accordance with the provisions of this chapter and the Subdivision Map Act, which is designed to be placed on record in the office of the County Recorder.

(i) "Person" shall mean any person, firm, corporation, partnership, association, syndicate, trust or other legal entity.

ARTICLE 5, PARCEL MAPS

SEC. 4-4.501. APPROVAL REQUIRED FOR PARCEL MAPS. Land may be divided by parcel map, when such division is authorized by provisions of the Subdivision Map Act, by first obtaining Planning Commission approval of a tentative parcel map and by subsequently recording the parcel map in the office of the County Recorder.

SEC. 4-4.502. TENTATIVE PARCEL MAPS.

(a) Filing and Departmental Approval. The legal owner of record, or his authorized representative, desiring the reparceling of any lot or lots or parcels of land under the provisions of this article shall file fifteen (15) copies of a tentative parcel map with the Planning Commission at least twenty-five (25) days prior to the meeting of the Commission at which consideration is desired. Acceptance, distribution, and departmental action on such maps shall be in accordance with the provisions of Section 4-4.401 relating to tentative subdivision maps.

(b) Form of Maps. Tentative parcel maps shall be eighteen (18") inches by twenty-six (26") inches in size. Maps shall be to a scale of one inch equals one hundred (100') feet for large areas, or to a scale of one inch equals fifty (50') feet for small areas where practical. Every tentative parcel map shall be clearly and legibly reproduced and shall contain the following information:

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

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

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

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

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

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

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

(8) Location and character of all existing and proposed street improvements.

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

(10) Method of serving individual parcels to be created with utilities.

(11) Lot layout, dimensions of each lot, and lot designations.

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

(c) Consistency with General Plan. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission unless the Planning Commission finds that the proposed parcel map, together with the provisions for its design and improvements, is consistent with the General Plan and applicable specific plans of the City.

(d) Requirements for Approval. If the tentative parcel map complies with all of the requirements of this article and the Subdivision Map Act, the Planning Commission may approve the division, subject to the dedication of necessary right-of-way for streets and easements, the installation of all improvements along the frontages of the property so divided, as required by the Commission, and the installation of all necessary utilities and connections to each lot. All lot sizes shall conform to the provisions of the zoning regulations of the City of Modesto.

(e) Limitations on Approval. A tentative parcel map shall not be approved or conditionally approved by the Planning Commission if it makes any of the following findings:

(1) That the proposed map is not consistent with applicable general and specific plans.

(2) That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans.

(3) That the site is not physically suitable for the type of development.

(4) That the site is not physically suitable for the proposed density of development.

(5) That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

(6) That the design of the subdivision or the type of improvements is likely to cause serious public health problems.

(7) That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the Planning Commission may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easement of record or to easements established by judgment of a court of competent jurisdiction.

(f) Security. If the Planning Commission approves the tentative parcel map it may grant the subdivider a period of time after the recording of the parcel map in which to complete the installation of the public improvements required by the Commission to be installed as a condition of approval of the map. If such a time period is granted, the Commission shall require improvement security to be posted in one of the forms set forth in subsection (b) of Section 4-4.605.

(g) Requirement for Street Trees. As a condition of approval for parcel maps, 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 parcel map, 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. Such sum shall be paid at the time of filing the parcel map. Upon the payment of such sum, the City shall be responsible for planting and maintaining such street trees.

(h) Drainage Facilities. Whenever the City, by ordinance, has adopted a drainage plan for a particular drainage area, pursuant to Section 66483 of the Government Code of the State of California, each subdivider filing a parcel map for the division of land, any part of which is located within the boundaries of such a drainage area and the tentative map of which is filed after the effective date of the addition of this subsection, shall pay to the City at the time of the filing of the parcel map, as a condition of approval thereof, such fees as may be required by said ordinance. The Council may by resolutions or agreements adopted or entered into from time to time, establish conditions under which such fees may be spread over a period of time.

SEC. 4-4.503. FILING PARCEL MAPS.

(a) Filing Within Eighteen (18) Months of Tentative Approval. The subdivider or his agent may file a 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. Upon application of the subdivider filed prior to the expiration of the approved or conditionally approved tentative map the Planning Commission may extend the time for filing a parcel map for a period or periods not exceeding two (2) years, if it determines that conditions affecting the parcel map have not substantially changed. In any case where a parcel map has not been recorded within eighteen (18) months or such extended period of time as may be granted by the Planning Commission, approval of a new tentative parcel map shall be required.

A 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) Fees. A tracing of the parcel map shall be filed with the City Engineer. In addition, the subdivider shall deposit with the City the Recorder's fee for recording the parcel map.

(c) Form of Parcel Map. The parcel map shall conform to the provisions of Section 4-4.602 for final maps where applicable. The map shall show the definite location of the parcel or parcels and particularly their relation to surrounding surveys. The location of any remainder of the original parcel shall be shown, but need not be shown as a matter of survey, but only by reference to the existing record boundaries if such remainder has a gross area of five (5) acres or more.

The 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) Consent by Owner. The parcel map shall contain a certificate, which shall be signed and acknowledged by all parties having any record title interest in the real property being subdivided, consenting to the preparation and recordation of the parcel map. Such signatures shall be in accordance with the provisions of Section 4-4.603(a)(1) of this chapter pertaining to final maps.

(e) Dedications. If dedications of streets, alleys, walkways, easements, public utility easements, or other public ways, or access rights are required by the Planning Commission as conditions of approval of a parcel map, such dedications shall either be shown on and offered by a certificate on the parcel map or made by separate instrument as determined by the City Engineer. Such certificate or instrument shall be signed by those parties having any record title interest in the real property being subdivided in accordance with the provisions of Section 4-4.603(a)(1) of this Chapter pertaining to final maps.

(f) Certification by City Engineer. Upon receipt of the parcel map, together with the 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 parcel map and with all changes and requirements imposed as conditions of approval by the Planning Commission. The City Engineer shall also refer the 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 and the zoning regulations of the City of Modesto. If the City Engineer shall determine that the parcel map fully conforms with all of the requirements set forth herein, he shall so certify on said map.

(g) Acceptance of Dedications. Offers of dedication as set forth in subsection (e) of this section shall be reviewed by the City Engineer for compliance with the conditions of approval imposed by the Planning Commission. If all offers of dedication are in accordance with the requirements of the Planning Commission, the City Engineer shall recommend the acceptance of such dedications by the authorized official of the City.

(h) Recordation of Parcel Map. Upon certification by the City Engineer, the parcel map shall be transmitted to the City Clerk, who shall cause said map to be recorded in the office of the County Recorder.

SEC. 4-4.504. ISSUANCE OF BUILDING PERMITS. No building permit shall be issued for the construction of any building, structure or other work on any parcel proposed to be created until a parcel map has been approved in accordance with the provisions of this article and the Subdivision Map Act, and recorded in the office of the County Recorder.

SEC. 4-4.505. DIVISION OF EXISTING BUILDINGS. Prior to the recordation of a parcel map which will result in the division of any existing building or buildings into separate units or parts, the applicant shall secure certification by the Chief Building Official that any building or buildings to be divided will, after division meet current code standards for new construction. As used in this section, the phrase "current code standards" refers to all standards in the current adopted editions of the Building Code, Electrical Code, Plumbing Code, Mechanical Code and Fire Code of the City of Modesto.

ARTICLE 7. OTHER MAPS

SEC. 4-4.701. REVERSION TO ACREAGE. Subdivided property may be reverted to acreage pursuant to provisions of this article.

(a) Initiation of Proceedings by Owners. Proceedings to revert subdivided property to acreage may be initiated by petition of all of the owners of record of the property. The petition shall contain the following information and such other information as required by the Secretary of the Planning Commission:

- (1) Evidence of title to the real property; and
- (2) Evidence of the consent of all the owners of an interest in the property; or
- (3) Evidence that none of the improvements required to be made have been made within two (2) years from the date the final map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or
- (4) Evidence that no lots shown on the final or parcel map have been sold within five (5) years from the date such final or parcel map was filed for record.
- (5) A tentative map in the form prescribed by Section 4-4.602; or
- (6) A final map in the form prescribed by Section 4-4.602 which delineates dedications which will not be vacated and dedications required as a condition to reversion.

(b) Initiation of Proceedings by City Council. The City Council at the request of any person or on its own motion may by resolution initiate proceedings to revert property to acreage. The City Council shall direct the Secretary of the Planning Commission to obtain the necessary information to initiate and conduct proceedings.

(c) Fees. Petitions to revert property to acreage shall be accompanied by a fee to cover the cost of processing and public hearing in an amount to be set from time to time by resolution of the City Council. If the proceedings are initiated pursuant to subsection (b) of this section, the person or persons who requested the City Council to initiate the proceedings shall pay the fee established by resolution of the City Council. Fees are not refundable.

(d) Proceedings. A public hearing shall be held before the City Council on all petitions for, and City Council initiations for, reversions to acreage. Notice of the public hearings shall be given as provided in Section 66451.3 of the Government Code. The City Council may give such other notice that it deems necessary or advisable.

Prior to City Council consideration of the reversion to acreage and the holding of a public hearing the City Council may refer the proposed reversion to acreage to the Planning Commission for a report and recommendation.

The City Council may approve a reversion to acreage only if it finds and records in writing that:

(1) Dedications or offers of dedication to be vacated or abandoned by the reversion to acreage are unnecessary for present or prospective public purposes; and

(2) Either:

(aa) All owners of an interest in the real property within the subdivision have consented to reversion; or

(ab) None of the improvements required to be made have been made within two (2) years from the date the final or parcel map was filed for record, or within the time allowed by agreement for completion of the improvements, whichever is later; or

(ac) No lots shown on the final or parcel map have been sold within five (5) years from the date such map was filed for record.

The City Council may require as conditions of reversions:

(1) The owners dedicate or offer to dedicate streets or easements.

(2) The retention of all or a portion of previously paid subdivision fees, deposits, or improvements securities if the same are necessary to accomplish any of the provisions of this chapter.

(e) Return of Fees, Deposits; Release of Securities. Except as provided in subsection (d) of this section, upon filing of the final map for reversion to acreage with the County Recorder, all fees and deposits shall be returned to the subdivider and all improvement securities shall be released by the City Council.

(f) Recording of Final Map. After the hearing before the City Council and approval of the reversion, the final map shall be delivered to the County Recorder. The reversion to acreage shall be effective upon the final map being filed for record by the County Recorder. Upon filing, all dedications and offers of dedication not shown on the final map for reversion shall be of no further force and effect.

SEC. 4-4.702. RESUBDIVISION OF AN EXISTING SUBDIVISION. In the event an existing subdivision is resubdivided such that the street alignment, lot design or drainage shall be changed, then the area constitutes a new subdivision and the procedures for filing a tentative and final map as outlined in this chapter apply.

ARTICLE 8. IMPROVEMENTS

SEC. 4-4.801. STANDARDS AND APPROVAL. All improvements shall conform to the requirements contained in the Standard Specifications of the City of Modesto prepared by the City Engineer, recommended by the Planning Commission, and adopted by the Council as the same now exists or may hereafter be amended. Copies of said Standard Specifications shall be maintained on file in the offices of the City Clerk, Planning Commission and City Engineer.

SEC. 4-4.802. GENERAL REQUIREMENTS. The subdivider shall install improvements in accordance with the standards specified in this chapter and in the Standard Specifications referred to in Section 4-4.801 hereof.

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

(b) Drainage Facilities. Drainage facilities shall be installed as deemed necessary by the City Engineer to provide for the removal of surface water. Such drainage facilities shall be of a character and design approved by the City Engineer and in accordance with the requirements of the Standard Specifications referred to in Section 4-4.801 hereof, in order to insure proper grading and erosion control including the prevention of sedimentation or damage to off-site property.

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

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

(e) Sewage Disposal. Sanitary sewer facilities connecting with the existing City system shall be installed to serve each lot when connection to such system is available. Sewers shall be installed to grades, location, design and sizes approved by the City Engineer in accordance with the provisions of applicable laws of the City.

(f) Water. Water mains connecting with the existing City or public utility system shall be installed to serve each lot when connection to such system is available. In the latter case, when it is proposed that water will be supplied by a private water company, the subdivider shall submit a letter from the governing body of such water system showing the ability of the system to serve the proposed subdivision and evidence that a satisfactory agreement has been entered into for connection to that system. Water mains shall then be installed to grades, location, design and sizes approved by the City Engineer and the engineer of the governing body of the water system.

(g) Street Lights. Street lighting standards, underground cables or conduit and conductors and all materials and appurtenances necessary shall be installed of a design and location approved by the City Engineer. There shall be at least one electrolier at each intersection, and intermediate electroliers not more than three hundred thirty (330') feet apart in blocks exceeding three hundred (330') feet in length. Electroliers shall be spaced not more than three hundred thirty (330') feet apart on both sides of major streets.

Where a cul-de-sac is longer than one hundred-fifty (150') feet measured from the center of the turnaround at the end of the cul-de-sac to the center line of the intersecting street, an electrolier shall be provided at the turnaround in a location approved by the City Engineer.

(h) Railroad Crossings. Provisions shall be made for any and all railroad crossings necessary to provide access to or circulation within the proposed subdivision, including the preparation of all documents necessary for application to the California State Public Utilities Commission for the establishment and improvement of such crossing. The cost of such railroad crossing improvement shall be borne by the subdivider.

(i) Street Name Signs. Each subdivider shall pay to the City at the time of approval of the final map as condition of such approval an amount established by resolution of the City Council for each street name sign required in the subdivision; provided, that when only a part of an intersection requiring a street name sign is within or contiguous to the subdivision, the charge for street name signs for such intersection shall be proportional to the number of corners of the intersection within or contiguous to the subdivision.

SEC. 4-4.803. DRAINAGE FACILITIES. Whenever the City by ordinance, has adopted a drainage plan for a particular drainage area pursuant to Section 66483 of the Government Code of the State of California, each subdivider of a subdivision, any part of which is located within the boundaries of such a drainage area and the tentative map of which is filed after the effective date of this section, shall pay to the City at the time of approval of the final map, as a condition of such approval, such fees as may be required by said ordinance.

SEC. 4-4.803.1. STREET TREES. Each subdivider of a subdivision, the tentative map of which is approved by the Planning Commission after the effective date of this section, shall pay to the City at the time of approval of the final map as a condition of such approval such sum as may be established by resolution of the Council. The purpose of such requirement is to provide funds for the cost of furnishing, locating, planting and fertilizing street trees and providing and installing supports for street trees in such subdivision. Street trees shall be planted and maintained in accordance with the provisions of Chapter 5 of Title XII of this Code.

SEC. 4-4.804. MONUMENTS.

(a) At the time of making the survey for the final map, the engineer or surveyor shall set sufficient durable monuments to conform with the standards described in Section 8771 of the Business and Professions Code so that another engineer or surveyor may readily retrace the survey.

(b) Permanent monuments as required by the Standard Specifications of the City of Modesto shall be set at each corner and angle point in the exterior boundaries of the subdivision except where such monuments already exist in their proper positions. The exterior boundary of the subdivision shall be adequately monumented or referenced before the final map is recorded.

(c) Interior monuments shall be set as required by the Standard Specifications of the City of Modesto. Interior monuments need not be set at the time the map is recorded, if the engineer or surveyor certifies on the map that the monuments will be set on or before a specified later date, and if the subdivider furnishes to the City a cash deposit in an amount for each monument to be set as established by resolution of the City Council adopted from time to time.

(d) Within five (5) days after the final setting of all monuments has been completed by the engineer or surveyor, he shall give written notice to the subdivider, and to the City Engineer, that the final monuments have been set.

Upon payment to the engineer or surveyor for setting the final monuments, the subdivider shall present to the City Engineer evidence of such payment and receipt thereof by the engineer or surveyor. Upon receipt of such evidence the City Engineer is authorized to release the cash deposit. The City Engineer is authorized to cause payment to be made to the engineer or surveyor for the setting of the final monuments from said cash deposit, if so requested by the depositor.

If the subdivider does not present evidence to the City Engineer that he has paid the engineer or surveyor for the setting of the final monuments, and if the engineer or surveyor notifies the City Engineer that he has not been paid by the subdivider for the setting of the final monuments, the City Engineer may, within three (3) months from the date of said notification, authorize payment to the engineer or surveyor from the cash deposit the amount due.

SECTION 3. REPEALS. Section 4-4.106 of Article 1 of Chapter 4 of Title IV 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 10th day of March, 1975, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, 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. 1437-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 24th day of March, 1975, Councilman Elliott moved its final adoption, which motion being duly seconded by Councilman Mensinger, was upon roll call carried and the ordinance adopted by the following vote:


AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Mayor Davies
NOES: Councilmen: None
ABSENT: Councilmen: Siefkin

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 23, 1975

AN ORDINANCE AMENDING SECTION 10-2.1609 OF ARTICLE 16 OF 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. Section 10-2.1609 of Article 16 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1609. VISION CLEARANCE FOR CORNER LOTS. In all zones which require a front yard, no obstruction to view in excess of three (3') feet in height measured from the top of the curb adjacent to said front yard shall be placed on any corner or reversed corner lot within a triangular area formed by the boundary lines between the street rights-of-way and the abutting property and a line connecting them at points twenty-five (25') feet from the intersection of the boundary lines between the street rights-of-way and the abutting property, except that street trees are permitted which are pruned at least eight (8') feet above the top of the curb adjacent to said front yard so as not to obstruct clear view by motor vehicle drivers. If no curb exists adjacent to said front yard, the City Engineer shall establish the grade of the curb.

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 17th day of March, 1975, by Councilman Siefkin, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Siefkin, Vice Mayor Newton

NOES: Councilmen: None

ABSENT: Councilmen: Dunlap, Mayor Davies

APPROVED: Phillip E. Newton
~~PHILLIP E. NEWTON, Vice Mayor~~
PHILLIP E. NEWTON, Vice Mayor

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

(SEAL)

APPROVED AS TO FORM: Elwyn E. Johnson
ELWYN E. 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 24th day of March, 1975, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Elliott, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Elliott, Kullijian, Mensinger, Newton, Siefkin

NOES: Councilmen: None


ABSENT: Councilmen: Dunlap, Mayor Davies

APPROVED



~~XXXXXXXXXXXXXXXXXXXX~~
PHILLIP E. NEWTON, Vice Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: April 23, 1975

AN ORDINANCE ANNEXING UNINHABITED TERRITORY KNOWN AS
 THE MC HENRY-WOODROW ADDITION TO THE
 CITY OF MODESTO.

WHEREAS, a petition was filed with the City Clerk by Richard Vanderwall, Dick Shorman, James Sorensen, Thomas S. Tanner, Donna Tanner, Elmer E. Jespersen, Elmo Wilson, Jack McCoy, Sarah E. Jespersen, Christina M. Sorensen, Ethel Vanderwall, Marilyn Shorman

on January 24, 1975, to annex to the City of Modesto under the provisions of the Annexation of Uninhabited Territory Act of 1939, as amended, certain uninhabited territory, hereinafter described and designated as the McHenry-Woodrow ADDITION, situated in the County of Stanislaus, State of California, and contiguous to the City of Modesto, and

WHEREAS, the City Council by resolution adopted on the 3rd day of February, 1975, set said petition for hearing at the hour of 4:00 o'clock P.M. on the 17th day of March, 1975, 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 February 9, 1975, and on February 16, 1975; and in The Ceres Courier, a newspaper published outside the City of Modesto, but in the County of Stanislaus, on February 12, 1975, and on February 19, 1975, for the time and in the manner required by law, which publications were completed at least twenty (20) days prior to the date set for hearing; that written notice of the proposed annexation has been mailed by the City Clerk of the City of Modesto to each person to whom land within the territory proposed to be annexed was assessed on the last equalized assessment roll available on the date the proceedings were initiated, at the address as shown thereon, or as known to said Clerk, and to any person who has filed his name and address and the designation of the lands in which he has any interest, either legal or equitable, with said Clerk, which notices were mailed

not less than twenty (20) days before the date set for public hearing, and that all the requirements of the Annexation of Uninhabited Territory Act of 1939, as amended, have been complied with, and

WHEREAS, the Stanislaus County Local Agency Formation Commission did on December 6, 1974, approve the annexation of said uninhabited territory to the City of Modesto, pursuant to the Government Code, and

WHEREAS, on the 17th day of March, 1975, at the hour of 4:00 o'clock P.M., in the Council Chambers at the City Hall, 801 Eleventh Street in the City of Modesto, County of Stanislaus, State of California, the Council of the City of Modesto did hear and pass upon all protests made to the proposed annexation and did determine that protests had not been made by the owners of one-half of the value of the territory proposed to be annexed as shown by the last equalized assessment roll, nor by public and private owners of one-half of the value of the territory proposed to be annexed as determined by said Council, and

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

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

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

SECTION 2. The area or territory so annexed, designated as the McHenry-Woodrow ADDITION, is uninhabited territory within the meaning of the Annexation of Uninhabited Territory Act of 1939, as amended, and is more particularly described as attached hereto and made a part hereof as though set forth in full herein.

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

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

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

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 17th day of March, 1975, by Councilman Elliott, who moved its adoption and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmen: Elliott, Kullijian, Mensinger, Siefkin, Vice Mayor Newton
- NOES: Councilmen: None
- ABSENT: Councilmen: Dunlap, Mayor Davies

APPROVED: Phillip E. Newton
~~XXXXXXXXXXXXXXXXXXXX~~
PHILLIP E. NEWTON, Vice 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 Ken Campbell
Public Works Department

RM
2-7-75

October 9, 1974

MCHENRY - WOODROW ADDITION

Amended 1-28-75 as
per Local Agency
Formation Commission

All that real property in the State of California, County of Stanislaus, being a portion of the Southeast quarter of Section 8, 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 a Northeastern corner of the MCHENRY ADDITION (241), as per description filed October 9, 1969, as Instrument 33951, Stanislaus County Records, said point being on the center line of a public road known as Woodrow Avenue, said line also being the South line of the North half of the Southeast quarter of Section 8;

1. thence along a Northern line of ADDITION (241), and the center line of said Woodrow Avenue, North 89°30'00" West, 130.29 feet, to a Northeastern corner of the LEVELAND ADDITION (221), as per description filed August 14, 1968, as Instrument 25254, Stanislaus County Records;
2. thence along the boundary of ADDITION (221), North 89°30'00" West, 845.19 feet;
3. thence North 01°20'00" West, 270.14 feet;
4. thence South 89°30'00" East, 120.06 feet;
5. thence North 01°20'00" West, 60.03 feet;
6. thence South 89°30'00" East, 120.06 feet;
7. thence North 01°20'00" West, 544.80 feet; to a point on a Southern line of the STANDIFORD ADDITION (264), as per description filed November 3, 1970, as Instrument 36118, Stanislaus County Records;
8. thence along a Southern line of said ADDITION (264), South 89°35'00" East, 1040.31 feet, to the center line of a 110.00 foot public road known as McHenry Avenue, said line also being the East line of Section 8;
9. thence leaving the existing City Limits and along said center line of McHenry Avenue, South 01°20'00" East, 876.48 feet, to a Northwestern corner of ADDITION (241);
10. thence along the boundary of ADDITION (241), South 01°20'00" East, 145.00 feet;
11. thence North 89°30'00" West, 305.00 feet;
12. thence North 01°20'00" West, 145.00 feet, to the point of beginning, containing 23.573 Acres, more or less.

AN ORDINANCE AMENDING SECTION MAP 20-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (HOLDEN OPTICAL CO. - COLLEGE AVENUE CONGREGATIONAL CHURCH)

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

SECTION 1. ZONING CHANGE. Section 20-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Medium Density Residential Zone, R-2, to Planned-Development Zone, P-D (126) :

All that portion of the East half of the Southwest quarter of the Northwest quarter of Section 20, Township 3 South, Range 9 East, M. D. B. & M. particularly described as follows:

Beginning at the Northeast corner of the Southwest quarter of the Northwest quarter; thence North 88° 51' west 660.09 feet to the Northwest corner of the East half of the Southwest quarter of the Northwest quarter; thence South 0° 49' East along the West line of the East half of the Southwest quarter of the Northwest quarter 236.89 feet; thence South 88° 24' East 660.30 feet; thence North 0° 50' west along the quarter section line 242.14 feet to the point of beginning.

Excepting therefrom the interest in the Southerly six feet of the above described property as conveyed to the City of Modesto by Deed dated May 16, 1952, and recorded July 16, 1952, in Volume 1097 of Official Records, page 278, Instrument No. 16684.

SECTION 2. USES. The following uses shall be permitted in said P-D (126) 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:

(a) Church facilities and parking area as indicated on the plan.

(b) Continued utilization of said church facilities as a maximum 96-child day care nursery.

(c) Conversion of a single family residence into an optical firm and professional offices.

(d) Construction of future professional offices as indicated on the plan.

(e) Off-street parking spaces to satisfy Section 10-2.1804 of the Municipal Code for all uses.

SECTION 3. ZONING MAP. Section Map 20-3-9 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 24th day of March, 1975, by Councilman Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilman Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: members:
Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, Mayor Davies

NOES: members:
Councilmen: None

ABSENT: members:
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 William Smith
Planning Department

**Ordinance 1440 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 7th day of April, 1975, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, 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 7, 1975

AN ORDINANCE AMENDING SECTION MAP 25-3-9
OF THE ZONING MAP OF THE CITY OF MODESTO,
RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON.
(MID COAST MORTGAGE COMPANY - LINCOLN SQUARE NO. 4)

WHEREAS, a verified application for an amendment to Section
25-3-9 of the Zoning Map was filed by Mid Coast Mortgage Company
on January 14, 1975, to reclassify from Low Density
Residential Zone, R-1, to Medium Density
Residential Zone, R-2, the hereinafter described
property, and

WHEREAS, after public hearing held on February 18, 1975,
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. 75-29, adopted on February 18,
1975, the Planning Commission recommended to the Council that the
application of Mid Coast Mortgage Company

to amend Section 25-3-9 of the Zoning Map to reclassify the herein-
after described property from Low Density Residential
Zone, R-1, to Medium Density 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 held on
March 24, 1975, 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
for the following reasons:

1. The proposed R-2 zoning as requested by Mid Coast Mortgage Company, being located on a major street, does conform to the standard locational criteria for medium density development as applied to current Planning Commission Zoning and Development Policy Plans.

2. The proposed R-2 zoning as requested is an integral part of the Lincoln Square No. 4 Subdivision and constitutes a northerly extension of a previously established R-2 zoning and development pattern.

SECTION 2. ZONING CHANGE. Section 25-3-9 of the Zoning Map is hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

All that certain real property situate in a portion of Lot 5, Land of H. T. Crow as shown on map filed in Volume 2 of Maps, Page 28, Stanislaus County Records located in the West half of Section 25, 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:

COMMENCING at quarter section corner common to Sections 25 and 26; thence North 89° 33' 09" East along the east-west quarter section line of said Section 25 a distance of 20.00 feet to the center line of Lincoln Avenue; thence North 0° 31' 51" West along said center line of Lincoln Avenue a distance of 661.42 feet to a point on the North line of the South half of said Lot 5 of Land of H. T. Crow, and the point of beginning of this description; thence continuing North 0° 31' 51" West along said center line a distance of 661.42 feet to a point on the North line of said Lot 5, Land of H. T. Crow; thence North 89° 32' 49" East along said North line a distance of 253.00 feet; thence South 0° 27' 11" East 123.00 feet; thence North 89° 32' 49" East 7.64 feet; thence South 0° 27' 11" East 125.00 feet; thence North 89° 32' 49" East 34.70 feet; thence South 0° 31' 51" East 413.44 feet to the North line of Lincoln Square No. 2, filed in Volume 25 of Maps, at Page 10, Stanislaus County Records; thence South 89° 33' 02" West along said North line 295.00 feet to the point of beginning.

CONTAINING: 4.25 Acres.

SECTION 3. ZONING MAP. Section 25-3-9 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 24th day of March, 1975, by Councilman Kullijian, who moved its introduction and passage to print, which motion being duly seconded by Councilman Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, 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 William Smith
Planning Department

**Ordinance 1441 C.S.
Exhibit A – Map**

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

Ord. No. 1441-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 7th day of April, 1975, Councilman Dunlap moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, 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 7, 1975

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MODESTO AUTHORIZING AN AMENDMENT TO THE CONTRACT BETWEEN THE CITY COUNCIL AND THE BOARD OF ADMINISTRATION OF THE CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM.

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

SECTION 1. AMENDMENT TO CONTRACT. That an amendment to the contract between the City Council of the City of Modesto and the Board of Administration, California Public Employees' Retirement System is hereby authorized, a copy of said amendment to the contract being attached hereto, marked Exhibit "A", and by such reference made a part hereto as though herein set out in full.

SECTION 2. AUTHORIZATION TO EXECUTE AMENDMENT TO CONTRACT. The City Manager of the City of Modesto is hereby authorized, empowered and directed to execute said amendment to the contract for and on behalf of said Agency.

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 7th day of April, 1975, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmember: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM
AND THE

CITY COUNCIL
OF THE
CITY OF MODESTO

The Board of Administration, Public Employees' Retirement System, hereinafter referred to as Board, and the CITY COUNCIL of the CITY OF MODESTO, hereinafter referred to as Public Agency, having entered into a contract under date of July 27, 1946, effective May 1, 1946, as amended effective December 1, 1950, July 1, 1956, July 1, 1959, November 1, 1959, January 1, 1960, October 1, 1962, January 1, 1969, May 1, 1973, and May 1, 1974, and as provided by Chapters 170 and 316, Statutes of 1971, which provide for participation of Public Agency in said System, Board and Public Agency hereby agree as follows:

- A. Sub-paragraph (f) shall be added to Paragraph 5 of said contract:
5. (f) Sections 21263 and 21263.1 (providing upon the death of a miscellaneous and/or local safety member who has retired for service or disability for the continuation of the post-retirement survivor allowance to certain survivors).
- B. Paragraphs 6 (a) and 6 (b) shall be stricken from said contract and the following paragraphs substituted therefor:
6. (a) With respect to miscellaneous members, the public agency shall contribute the following percentages of monthly salaries earned as miscellaneous members of said System:
- (1) 0.91 percent until June 30, 2000 on account of the liability for prior service benefits.
 - (2) 8.49 percent of total monthly salaries earned as miscellaneous members of said System on account of the liability for current service benefits.
 - (3) 0.63 percent until May 31, 1976 to provide the benefits under Section 21222.1 of the Government Code.
 - (4) 0.02 percent on account of the liability for the 1959 survivors program.
6. (b) With respect to local safety members, the public agency shall contribute the following percentages of monthly salaries earned as local safety members of said System:

- (1) 0.275 percent until June 30, 2000 on account of the liability for prior service benefits.
- (2) 12.131 percent on account of the liability for current service benefits.
- (3) 0.870 percent until May 31, 1976 to provide the benefits under Section 21222.1 of the Government Code.
- (4) 0.062 percent on account of the liability for the 1959 Survivors program.

C. This amendment shall be attached to said contract and shall become effective on the _____ day of _____.

Witness our hands this _____ day of _____.

BOARD OF ADMINISTRATION
PUBLIC EMPLOYEES' RETIREMENT SYSTEM

CITY COUNCIL
OF THE
CITY OF MODESTO

BY _____
Carl J. Blochinger, Executive Officer

BY _____
Garth Lipsky, City Manager

Attest:

Clerk

Ord. No. 1442-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 14th day of April, 1975, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, 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 14, 1975

ORDINANCE NO. 1443 - C. S.

AN ORDINANCE AMENDING SECTIONS 11-1.05, 11-1.06, 11-1.07 and 11-1.14 OF CHAPTER 1 OF TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO WATER RATES .

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

SECTION 1. AMENDMENT OF CODE. Sections 11-1.05, 11-1.06, 11-1.07 and 11-1.14 of Chapter 1 of Title XI of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 11-1.05. WATER MAIN CONNECTION CHARGES. In addition to the water service installation charges imposed by Section 11-1.04 of this chapter, and in the case of metered services, the meter costs imposed by Section 11-1.06 of this chapter, the following water main connection charges shall apply:

(a) Territory Within the City. For all water services in all areas within the City, the main connection charge to existing mains shall be Thirty and no/100ths (\$30.00) Dollars plus two (2) cents for each square foot so served.

(b) Territory Outside the City. In territory outside the City limits the main connection charge to existing mains shall be Eighty and no/100ths (\$80.00) Dollars plus two (2) cents for each square foot so served.

(c) Main Extensions. Where water main extensions are required before water service can be provided outside the City, the City may require an agreement with the person desiring water service which shall provide the basis upon which water mains will be constructed and financed. Such an agreement, among other things, may include the requirement of annexation of any territory so served to the City at the earliest opportunity.

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

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

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

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

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

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

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

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

(e) Water Connection Charges to Subdivisions. Each subdivision of land shall be served by the City water system only if the developer of said subdivision agrees that if the water main connection charges set forth in subsections (a), (b) and (c) above have not been paid for eighty (80%) percent of all lots within said subdivision within three (3) years and ninety (90) days from the date of recordation of the final map, or within three (3) years of the completion of installation of the water lines by the City, whichever is the longer period of time, developer, or his assignees shall forthwith pay to City water main connection charges for all lots for which said fees have not been paid. Notwithstanding the provisions of this subsection, the City may enter into special agreements with developers of industrial subdivisions which shall provide the basis upon which water mains shall be constructed and financed.

SEC. 11-1.06. METERED SERVICES.

(a) All hotels, lodging houses, two family dwellings, multiple family dwellings, camp grounds, office buildings, eating houses, commercial establishments, industrial plants, theaters, hospitals, laundries, dance halls, warehouses, bus stations, milk plants, manufacturing establishments, service stations, wash racks, cooling systems and any or all other places offering services to the public or commodities for sale, as well as owners of gardens using water for irrigation of flowers and vegetables to be used commercially, must be equipped with meters and shall be charged for water on the metered rate as specified in Section 11-1.07 of this chapter.

(b) Where clusters of single family dwellings are located on a single parcel of property, service may be provided by an unmetered connection for each individual unit or a single metered connection serving all units under one ownership. Where clusters of two family dwellings or multiple family dwellings are located on a single parcel, all services must be metered.

(c) All buildings of any kind whatsoever, whether industrial, commercial, or residential, heretofore or hereafter equipped with water using heat pumps or refrigeration units shall be equipped with meters and shall be charged for water on the metered rate as specified in Section 11-1.07 of this chapter.

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

(e) For all metered services, the City will furnish, install, and maintain all meters with the consumer to pay the cost of the meter and installation. The cost of meters and installation shall be in accordance with a schedule approved by the Council from time to time by resolution and on file in the offices of the City Clerk, Director of Public Works, and Director of Finance. In the case of existing meters under the ownership of the consumer, the City will assume responsibility for maintenance and replacement of the meters upon receipt of transfer of title from the owner. Said title shall be in a form satisfactory to the Director of Public Works.

(f) Except as provided in Sections 11-1.06 (c) and 11-1.14 (a) single family dwellings shall not be required to have metered services.

SEC. 11-1.07. CHARGES FOR METERED WATER SERVICES. All water delivered through the meter shall be charged as follows:

For the first six thousand (6,000) cubic feet per bi-monthly period, One and 55/100ths (\$1.55) Dollars per one thousand (1,000) cubic feet. For the next sixty thousand (60,000) cubic feet per bi-monthly period, One and 30/100ths (\$1.30) Dollars per each one thousand (1,000) cubic feet. For the next thirty-four thousand (34,000) cubic feet per bi-monthly period, One and 05/100ths (\$1.05) Dollars per one thousand (1,000) cubic feet. For all over one hundred thousand (100,000) cubic feet per bi-monthly period, eighty-five (85¢) cents per one thousand (1,000) cubic feet; provided, however, that in any event, the following minimum rates shall be charged and paid:

CUBIC FEET FOR MINIMUM RATE

| Size of Meter | Bi-Monthly Rate | Cubic Feet |
|---------------|-----------------|------------|
| 3/4" | \$ 5.20 | 3,355 |
| 1" | \$ 6.90 | 4,452 |
| 1 1/2" | \$ 8.65 | 5,581 |
| 2" | \$10.35 | 6,808 |
| 3" | \$13.80 | 9,462 |
| 4" | \$18.00 | 12,692 |
| 6" | \$27.60 | 20,077 |
| 8" | \$34.50 | 25,385 |
| 10" | \$41.50 | 30,769 |

Independent fire sprinkler systems and private fire hydrant systems shall pay one-half (1/2) of the above minimum meter rate based upon the size of the service or services off the City main.

If a meter shall be found out of order, the bi-monthly charge shall be determined by the Director of Finance based upon previous water consumption.

If a consumer has more than one meter, a separate minimum charge will be made for each meter as well as the amount of water registered for each meter. Compound meters, however, shall be construed to be a single meter.

Charges for metered services will be due and payable when billed and no advance or partial payments of such charges will be accepted by the City without consent of the Director of Finance.

SEC. 11-1.14. RULES AND REGULATIONS. In addition to all other provisions and requirements of this chapter, the following additional rules and regulations for the use of water are hereby established:

(a) Consumers on the unmetered rate shall not waste water. The City shall have the right, after notifying the occupant in writing of such waste, to install a meter at the consumer's expense, if waste continues.

(b) All water services installed shall have a wheel valve where the service pipe enters the house and/or structure.

(c) In making plumbing connections, the consumer shall comply with the regulations of the State and County Departments of Public Health. Such regulations prohibit (1) unprotected cross-connections between a public supply and any unapproved source of water, and (2) water service to premises where there is a possibility of contaminated water backflowing into the public water system. In addition, approved double check valves or other protective devices shall be installed on water services when (1) another source of water, whether cross-connected or not, is in use or is available for use; or (2) contaminating liquid substances of any kind are used, produced, or processed. The Director of Public Works shall determine the type, design and layout of backflow control devices required at each premises and the devices shall be installed at the expense of the customer. The control devices shall be inspected, tested and approved by the Director of Public Works as a condition of service to the premises.

(d) Regulations of the California State Department of Public Health require the owner of any premises on or for which check valves or other protective devices are installed to inspect these devices for water tightness and reliability at least once per year. Double check valves and other protective devices may, in addition, be inspected and tested for water tightness by the City at any time. If the inspection cannot be made without undue difficulty because of an obstruction or other interference, the consumer will be notified and requested either to correct the condition or have the inspection made at his own expense and witnessed by the City. Any defects found in any backflow control device shall be corrected by the consumer within three (3) days. Failure to correct such defects is cause for discontinuance of water service.

(e) Water bills for unmetered services shall be issued on a bi-monthly basis for water service in the months immediately preceding and following the first of the month in which they are issued. The water bills are due and payable upon presentation, and if they are not paid at the end of the month in which they are billed, they shall be considered delinquent. If they are delinquent for more than ten (10) days and a delinquent notice issued by the Director of Finance has been delivered to the user or posted on the premises, a delinquent charge of Two and no/100ths (\$2.00) Dollars shall be added to the regular service charges, and service shall be subject to being disconnected. If the water service is disconnected because of nonpayment, the service shall not be reconnected until the amount of the delinquent bill including the delinquent charges of Two and no/100ths (\$2.00) Dollars and an additional Two and no/100ths (\$2.00) Dollar charge for reconnection is paid except where a new owner has acquired title since the delinquent bill was incurred.

(f) Water bills for metered services shall be issued for the two (2) months immediately preceding the date of the meter reading and shall be due and payable upon presentation. If the water bills are not paid at the end of the month in which they are billed, they shall be considered delinquent and the same procedure and charges as for the unmetered service shall apply.

(g) No person shall supply water in any way for use outside of the premises to which the service is assigned or appurtenant, except by permission from the Director of Public Works.

(h) The water charges herein specified will be charged against vacant or untenanted buildings unless notice of the vacancy and a request for discontinuance of service is made to the office of the Director of Finance.

(i) Access to service connections and water meters must be provided at all times.

(j) All persons must keep the service pipes in good order at their own expense and may be held liable for damages which may result from their failure to do so. When leaky faucets or fixtures are discovered and not immediately repaired, the water service may be disconnected. Authorized employees of the City of Modesto shall be admitted at all reasonable hours to all parts of any premises supplied with water, except the interior of dwellings, but including the meter box, to see that the regulations contained in this chapter are observed and complied with.

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

(l) Owners of property will be held responsible for water used on their premises, although payments will be accepted from tenants. In case the tenants do not pay in accordance with the provisions of this chapter, the service may be disconnected and shall not be restored until the delinquent water charges, including the cost of water delivered as well as the cost of reconnecting service, shall have been paid.

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

(n) All sprinkler systems installed for the irrigation of lawns and flowers shall be so designed and installed that the water shall not be sprayed or permitted to be sprayed over or upon a sidewalk. Portable sprinklers will not be permitted on the sidewalk, nor may they be placed in such a manner as to spray the water upon sidewalks or so as to prevent pedestrians from using the sidewalks at all times without being struck or wet by the spray from the sprinklers.

(o) Independent fire sprinkler systems and private fire hydrant systems shall have a check valve and bypass meter assembly furnished, installed, and maintained by the City with the consumer to pay the cost of the check valve and bypass meter assembly and installation plus ten (10%) percent. The Director of Public Works may waive the check valve and bypass meter assembly requirement for a fire sprinkler system if the system is supervised by means of an alarm direct to the Communications Center.

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 7th day of April, 1975, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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

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 14th day of April, 1975, Councilman Kullijian moved its final adoption, which motion being duly seconded by Councilman Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, 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 14, 1975

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, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

| | |
|--|--------|
| Each single family dwelling or mobile home on a lot | \$1.15 |
| One additional dwelling unit or mobile home on the same lot | .70 |
| Each dwelling unit in a duplex | .90 |
| Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park | .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, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

| | |
|--|--------|
| Each single family dwelling or mobile home on a lot | \$1.50 |
| One additional dwelling unit or mobile home on the same lot | .90 |
| Each dwelling unit in a duplex | 1.15 |
| Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park | .90 |

(3) In areas annexed to the City after July 1, 1960, the monthly sewer service charges for dwelling units, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

| | |
|--|--------|
| Each single family dwelling or mobile home on a lot | \$1.95 |
| One additional dwelling unit or mobile home on the same lot | 1.15 |
| Each dwelling unit in a duplex | 1.50 |
| Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park | 1.15 |

(4) 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, mobile homes and mobile home spaces in mobile home parks connected or required to be connected to the sewage system shall be:

| | |
|--|--------|
| Each single family dwelling or mobile home on a lot | \$2.35 |
| One additional dwelling unit or mobile home on the same lot | 1.40 |
| Each dwelling unit in a duplex | 1.80 |
| Each dwelling unit in an apartment building or dwelling group or mobile home space in a mobile home park | 1.40 |

(5) In areas outside the Sewer District, the monthly sewer service charges for dwelling units or mobile homes or mobile home spaces in mobile home parks shall be three (3) times the inside City rate for areas annexed to the City after July 1, 1960.

(6) For dwelling units or mobile homes required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsections (a) (1), (a) (2), (a) (3) and (a) (4) above there shall be an additional charge of One and no/100ths (\$1.00) Dollar per month per premises to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(b) Commercial.

(1) Sewer service charges for all commercial users inside the City limits connected or required to be connected to the sewage system shall be sixty-five (65%) percent of a user's bimonthly water bill, if all water used on the premises is from the City's water system, or an amount equal to sixty-five (65%) percent of the charges which would be made were such water from the City's water system.

(2) Sewer service charges for all commercial users outside the City limits but inside the Sewer District as of July 1, 1967, connected or required to be connected to the sewage system shall be the charges for commercial users inside the City limits multiplied by one and two tenths (1.2).

(3) Sewer service 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) For commercial users required to be connected to the sewage system, but which have not been connected to said system, in addition to the sewer service charges set forth in subsections (b) (1) and (b) (2) above, there shall be an additional charge of One and 50/100ths (\$1.50) Dollars per month to cover the costs of inspections to insure that the continued use of septic tanks does not cause a health hazard or nuisance.

(5) Commercial users shall have all water used on the premises metered in order to determine the users' sewer service charges.

(aa) Commercial users on a public water system other than the City's shall obtain a metered water service from the water purveyor and shall pay the sewer service charge which would be made were such water from the City's water system.

(ab) Commercial users not connected to a public water system shall allow the City to furnish, install and maintain a water meter with the user to pay for the cost of the meter and installation plus ten (10%) percent. The user shall pay the sewer service charge which would be made were such water from the City's water system. Authorization shall be granted to City from user to install, read and maintain said meter by user executing an agreement on a form furnished by the Director of Public Works.

(6) In the case of existing meters which are under the ownership of users, the City will assume responsibility for maintenance of such meters upon:

(aa) Receipt of transfer of title from the owner in a form satisfactory to the Director of Public Works, and

(ab) Authorization being granted to City for reading and maintaining the meter as set forth in paragraph (5) above.

(c) Industrial.

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

| <u>Flow</u> | <u>Charge Per Month</u> |
|-------------------|-----------------------------|
| 3,000 CF or less | \$10.00 |
| Next 12,000 CF | 100 CF |
| Next 185,000 CF | .11 |
| Next 300,000 CF | .09 |
| Next 500,000 CF | .08 |
| Over 1,000,000 CF | .06 |
| | .04 |

If 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 (e) 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:

| <u>Flow</u> | <u>Charge Per Month</u> |
|-------------------|-----------------------------|
| 3,000 CF or less | \$20.00 |
| Next 12,000 CF | 100 CF |
| Next 185,000 CF | .16 |
| Next 300,000 CF | .13 |
| Next 500,000 CF | .11 |
| Over 1,000,000 CF | .08 |
| | .05 |

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 (e) herein.

(3) In those cases where an industrial user has elected to install an effluent metering device to measure industrial waste and has an unmetered connection for disposal of sanitary sewage, the Director of Public Works may establish an estimated volume of sanitary sewage. The estimated volume shall be based upon the number and usage of plumbing fixture units contributing to the system and any other available information that indicates the volume of sanitary sewage. The quantity of flow thus obtained shall be added to the volume of industrial waste passing through the effluent meter and monthly waste charges shall be based upon the total volume.

(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 (\$.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 (\$.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 7th day of April, 1975, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Newton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, 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: Elyse Johnson
ELWYNE L. JOHNSON, City Attorney

Ord. No. 1444-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 14th day of April, 1975, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 14, 1975

AN ORDINANCE AMENDING ARTICLE 10 OF CHAPTER 3 OF TITLE 2 OF THE MODESTO MUNICIPAL CODE RELATING TO PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT.

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

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

ARTICLE 10. PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

SEC. 2-3.1001. CREATION AND FUNCTION. A Planning and Community Development Department is hereby established. The functions of the Planning and Community Development Department shall include:

(a) Perform staff work for the Planning Commission and the Board of Zoning Adjustment by receiving and processing communications; preparing meeting agenda, documents, charts, maps pertaining to planning matters; surveying, analyzing and recommending on planning matters; and preparing supporting and descriptive data, reports, and cartographic presentations.

(b) Assist the City Manager by performing staff work of a technical nature pertaining to planning, housing and community development matters, by presenting information and recommendations to the Council, and by advising the Chief Building Official in matters relating to the enforcement of zoning regulations.

(c) Direct the making of surveys, gathering of data, preparation of reports, maps, charts, analysis and graphic presentations pursuant to the preparation, presentation, adoption and revision of a community general plan.

(d) Perform such other duties as the City Manager may direct.

SEC. 2-3.1002. ORGANIZATION AND DIRECTION. There shall be a Director of Planning and Community Development who shall be appointed by the City Manager and be subject to his general administrative direction. The Director of Planning and Community Development, subject to the approval of the City Manager, shall organize and maintain such divisions in the department as in his judgment the operations may require and shall be responsible for the direction and control of all functions assigned to the department.

SEC. 2-3.1003. ACTING DIRECTOR. In the absence or disability of the Director of Planning and Community Development, the City Manager shall designate a person to perform the duties and exercise the powers of the Director of Planning and Community Development.

SEC. 2-3.1004. REFERENCES. (a) Whenever this code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the names Director of Planning or Planning Director, they shall be deemed to refer to the Director of Planning and Community Development.

(b) Whenever this code or any ordinance, resolution or other official document or action of the City of Modesto refers to or uses the names Planning Department or Department of Planning, they shall be deemed to refer to the Planning and Community Development Department.

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 7th day of April, 1975, by Councilmember Mensing, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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. 1445-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 14th day of April, 1975, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

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

EFFECTIVE DATE: May 14, 1975

ORDINANCE NO. 1446 -C. S.

AN ORDINANCE AMENDING SECTION 10-2. 901 OF ARTICLE 9 OF CHAPTER 2 OF TITLE X AND SECTION 10-2.1101 OF ARTICLE 11 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. 901 of Article 9 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2. 901. PERMITTED USES. In a C-2 zone only the following uses are permitted:

(a) Primary uses:

- (1) Any use permitted in the C-1 (Neighborhood Commercial) zone.
- (2) Signs, subject to the limitations and provisions of Section 10-2. 907.
- (3) Amusement and recreation services.
- (4) Antique store.
- (5) Appliance sales, household.
- (6) Armored car service.
- (7) Automobile or trailer rental.
- (8) Automobile repair, excluding painting, upholstery, and body and fender work, except that which is incidental to general repair.
- (9) Bus terminal.
- (10) Carnival.
- (11) Circus.
- (12) Coin operated machine rental service.
- (13) Department store; mail order house.
- (14) Detective and watching agency.
- (15) Drinking place.
- (16) Eating place.
- (17) Electrical supply store.
- (18) Employment agency.

- (19) Express office.
- (20) Farm and garden supply store.
- (21) Farm machinery sales, storage, repair and rental conducted wholly within an entirely enclosed building.
- (22) Floor covering sales.
- (23) Funeral service.
- (24) Furniture.
- (25) Furrier and fur shop, including repair and storage.
- (26) Hardware store.
- (27) Heating and plumbing equipment dealer.
- (28) Hobby shop.
- (29) Hospital supply.
- (30) House equipment display.
- (31) Ice dealer.
- (32) Insulation sales.
- (33) Leather goods, repair.
- (34) Mobile home dealer, including travel trailers, campers and camp cars.
- (35) Motion picture distributor.
- (36) Motion picture theater, indoor.
- (37) Motor vehicle dealer, new and used cars.
- (38) News syndicate.
- (39) Nonprofit educational and scientific research agency.
- (40) Nonprofit membership organization, except a church.
- (41) Orthopedic and artificial limb store.
- (42) Parts dealer, airplane, automobile, motorboat, motorcycle and trailer.
- (43) Printing shop.
- (44) Private museum or art gallery.
- (45) Public address system business.
- (46) Radio or television broadcasting studio.
- (47) Research agency, commercial and testing laboratory.
- (48) Roofing sales.
- (49) Secondhand store.
- (50) Sign painting shop.
- (51) Taxicab central office, cab maintenance, storage and repair, excluding painting, upholstering and body and fender work, except that which is incidental to general repair.
- (52) Taxidermist shop.
- (53) Tire, battery and accessory dealer, not including tire recapping and vulcanizing.
- (54) Travel bureau.
- (55) Upholstery and furniture repair.
- (56) Vocational school.
- (57) Weather stripping sales.

(b) The following uses subject to the granting of a conditional use permit by the Board of Zoning Adjustment:

- (1) Car laundry.
- (2) Kennel.
- (3) Massage and bath establishments and schools of massage.
- (4) Small animal hospital.

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

(d) Processing, packaging, treating, storing or manufacturing of products to be sold at retail on the premises or to be sold wholesale, subject to the provisions and limitations of Section 10-2.902.

Article 11 of Chapter 2 of Title X of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 10-2.1101. PERMITTED USES. In an M-1 zone only the following uses are permitted as are hereinafter specifically provided and allowed:

(a) Any use permitted in the C-M zone, and the following uses, provided they are accessory to, incidental to and located upon the same piece of property as a commercial or an industrial use permitted in this zone:

- (1) School.
- (2) Church.
- (3) Hospital.
- (4) Dwelling.

- (b) Armature rewinding shop.
- (c) Battery rebuilding.
- (d) Blacksmith shop.
- (e) Bottling plant.
- (f) Brewery.
- (g) Distributing plant.
- (h) Draying, freighting or trucking yard or terminal.
- (i) Flour mill.
- (j) Food products manufacturing, storage and processing of, except lard, pickles, sauerkraut, sausages or vinegar.
- (k) Fruit and vegetable canning, preserving and freezing.
 - (l) Garment manufacture.
 - (m) Hatchery and sale of baby chicks.
 - (n) Ice and cold storage plant.
 - (o) Lumber yard; building materials sales and storage, including rock, sand, gravel, brick and building blocks, but excluding concrete mixing, building block manufacture and rock crushing.
 - (p) Machine shop; welding shop provided that all welding shall be conducted within an entirely enclosed building or solid fence or wall not less than six (6') feet in height.
 - (q) Manufacture of prefabricated buildings.
 - (r) Manufacture, compounding, processing, packaging or treatment of such products as candy, cosmetics, drugs, perfumes, pharmaceuticals and toiletries.
 - (s) Manufacture, compounding, assembling or treatment of articles of merchandise from the following previously prepared materials: bone, cellophane, canvas, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paint, paper, plastics, precious or semiprecious metals or stones, rubber, shell, straw, textiles, tobacco, wood, wool and yarn.
 - (t) Manufacture and maintenance of electric and neon signs, billboards, commercial advertising structures, sheet metal products, venetian blinds, window shades and awnings.
 - (u) Manufacture of musical instruments, toys, novelties, rubber and metal stamps, cameras and photographic equipment, business machines, household equipment.
 - (v) Massage and bath establishments and schools of massage.
 - (w) Mill, planing, except that burning operations shall require a conditional use permit, as set forth in Article 20 of this chapter.
 - (x) Paint mixing, provided a boiling process is not employed, no tank farm is permitted and above-surfacing thinner storage is limited to two hundred (200) gallons.
 - (y) Pipe line booster, or pumping plant in connection with water, oil, petroleum, gasoline or other petroleum products.
 - (z) Plastics, fabrication from.

- (aa) Poultry and rabbit slaughter, including custom dressing.
- (ab) Public utility service yard or electrical receiving and/or transforming stations.
- (ac) Rubber, fabrication of products made from finished rubber.
- (ad) Shoe manufacture.
- (ae) Soap manufacture, cold mix only.
- (af) Stone monuments and tombstones works.
- (ag) Storage space for transit and transportation equipment, except freight classification yards.
- (ah) Textile manufacture.
- (ai) Tile manufacture of wall and floor tile and related small tile products.
- (aj) Truck repairing, overhauling and rental.
- (ak) Accessory uses and buildings customarily incidental to the above.

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 14th day of April, 1975, by Councilman Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilman Elliott, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmen: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, 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. 1446-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 21st day of April, 1975, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

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

EFFECTIVE DATE: May 21, 1975

AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSI-
FYING CERTAIN PROPERTY LOCATED THEREON. (PETERSON
AND TANNER - COMMUNITY SHOPPING CENTER)

The Council of the City of Modesto does ordain as fol-
lows:

SECTION 1. ZONING CHANGE. Section 23-3-9 of the
Zoning Map is hereby amended to reclassify the following-described
property from Low-Density Residential Zone, R-1,
to Planned-Development Zone, P-D (127) :

All that portion of Lot 4 of the O. McHenry Ranch,
according to the Official Map thereof, filed in the
office of the Recorder of Stanislaus County, California
in Volume 2 of Maps, at Page 7, and more particularly
described as follows:

BEGINNING at the Southwesterly corner of said Lot 4
said corner being at the point of intersection of the
center lines of Old Oakdale Road and East Orangeburg
Avenue; thence along the west line of said Lot 4 and
the center line of said Old Oakdale Road, North 0° 20'
West 670.0 feet; thence Parallel with the South Line
of Lot 4 South 89° 35' East, 1,314.43 feet to a point
on the East line of said Lot 4; thence along said East
line, South 0° 21' East, 670 feet to a point on the
South line of said Lot 4 and also on the center line
of said East Orangeburg Avenue; thence along said last
named line, North 89° 35' West, 1,314.59 feet to the
point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D (127) 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:

All uses permitted in the General Commercial Zone, C-2.

SECTION 3. ZONING MAP. Section Map 23-3-9 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 14th day of April, 191975, by Councilmember Elliott, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: Siefkin

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 Urban Smith
Planning Department

Ordinance 1447 C.S.

Exhibit A – Map

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

Ord. No. 1447-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 21st day of April, 1975, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies


NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED


LEE H. DAVIES, Mayor

ATTEST:


W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: May 21, 1975

AN ORDINANCE GRANTING TO ORANGE LINE SANITATION COMPANY, INC., A CALIFORNIA CORPORATION, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO.

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

SECTION 1. This ordinance is enacted pursuant to the authority provided in, and all of the provisions, terms and conditions of Article XIV of the Charter of the City of Modesto and Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 2. A license to collect garbage, including industrial garbage and salvageable waste, in the City of Modesto is hereby granted to Orange Line Sanitation Company, Inc., a California Corporation, subject to the following terms and conditions.

(a) Said license shall be for a term commencing on the effective date of the ordinance and ending on December 31, 1982, unless terminated at an earlier date under the provisions of this license. Nothing herein shall be deemed or construed to impair or affect in any way the right of the City to acquire the equipment and assume the operations of the Licensee at any time during the term of this license by purchase of the Licensee's equipment at a fair and just market value, which shall not include any amount for the license itself or for any of the rights or privileges granted by this license.

(b) Said license shall be an exclusive license to collect garbage, except industrial garbage and salvageable waste, within the area delineated and marked as Area D on that certain map entitled "Garbage Areas" dated July 11, 1972, on file in the office of the City Clerk, and to which reference is hereby made. Said license shall be a nonexclusive license to collect industrial garbage and salvageable waste.

(c) In accepting this license, Licensee thereby agrees to serve the area covered by the license for the term herein specified in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

(d) Said license shall automatically extend to any portion of the Licensee's service area, as shown on the map referred to in paragraph (b) above, which is hereafter annexed to the City, except that City may permit any person or firm licensed by the County of Stanislaus and then serving such area or portion thereof to continue to serve such area or portion thereof for such period of time, not to exceed three (3) years from the date of annexation, as the City deems proper. The Licensee, when required to serve new portions of the City, shall promptly extend his routes and services and, when necessary, shall hire additional personnel and obtain additional equipment.

(e) The City hereby sets the following rates and charges to be charged for the collection of garbage:

| No. of Containers | Number of Collections per Week | | | | | | | | | | | |
|-------------------|--------------------------------|------|------|-------|-------|-------|-------|-------|-------|-------|-------|-------|
| | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
| 1 | 1.40 | 1.60 | 2.80 | 3.20 | 4.20 | 4.80 | 5.60 | 6.40 | 7.00 | 8.00 | 8.40 | 9.60 |
| 2 | 2.40 | 2.40 | 4.20 | 4.80 | 6.30 | 7.20 | 8.40 | 9.60 | 10.50 | 12.00 | 12.60 | 14.40 |
| 3 | 2.80 | 3.20 | 5.60 | 6.40 | 8.40 | 9.60 | 11.20 | 12.80 | 14.00 | 16.00 | 16.80 | 19.20 |
| 4 | 3.50 | 4.00 | 7.00 | 8.00 | 10.50 | 12.00 | 14.00 | 16.00 | 17.50 | 20.00 | 21.00 | 24.00 |
| 5 | 4.20 | 4.80 | 8.40 | 9.60 | 12.60 | 14.40 | 16.80 | 19.20 | 21.00 | 24.00 | 25.20 | 28.80 |
| 6 | 4.90 | 5.60 | 9.80 | 11.20 | 14.70 | 16.80 | 19.60 | 22.40 | 24.50 | 28.00 | 29.40 | 33.60 |

The standard container rates shall apply for service when containers are placed in a location as set forth in Section 5-5.10 Container Locations (a.1) (a.2). If it is necessary for the collector to enter a fenced yard and/or go more than fifty (50') feet from the property line but less than one hundred (100') feet from the property line to reach a container, there shall be added to the regular monthly collection charge an additional charge of fifty (50¢) cents per month. When containers are located at a distance greater than one hundred (100') feet from the property line or there are three or more containers within a fenced yard or more than fifty (50') feet from the property line which required additional trips by the garbage collector shall be handled as a Special Service Condition for which the rates are to be established by negotiation.

DETACHABLE CONTAINERS

| Container Size | Number of Collections per Week | | | | | | | | | | | |
|----------------|--------------------------------|-------|-------|-------|-------|-------|-------|-------|--------|--------|--------|--------|
| | 1 | 2 | 3 | 4 | 5 | 6 | | | | | | |
| 1 cy | 5.25 | 6.00 | 10.50 | 12.00 | 15.75 | 18.00 | 21.00 | 24.00 | 26.25 | 30.00 | 31.50 | 36.00 |
| 1/2 cy | 7.88 | 9.00 | 15.76 | 18.00 | 23.64 | 27.00 | 31.52 | 36.00 | 39.40 | 45.00 | 47.28 | 54.00 |
| 2 cy | 10.50 | 12.00 | 21.00 | 24.00 | 31.50 | 36.00 | 42.00 | 48.00 | 52.50 | 60.00 | 63.00 | 72.00 |
| 3 cy | 15.75 | 18.00 | 31.50 | 36.00 | 47.50 | 54.00 | 63.00 | 72.00 | 78.75 | 90.00 | 94.50 | 108.00 |
| 4 cy | 21.00 | 24.00 | 42.00 | 48.00 | 63.00 | 72.00 | 84.00 | 96.00 | 105.00 | 120.00 | 126.00 | 144.00 |

DETACHABLE CONTAINER RENTAL RATES NOT INCLUDED IN ABOVE SCHEDULE

| Detachable Container Size | 1 cy | 1 1/2 cy | 2 cy | 3 cy | 4 cy | | | | | |
|---------------------------|------|----------|------|------|------|------|------|------|------|------|
| Monthly Rental Rates | 5.00 | 5.70 | 5.25 | 6.00 | 5.50 | 6.30 | 6.00 | 6.85 | 6.50 | 7.40 |

DROP BOX CONTAINERS

Pickup Charge \$25.00/\$28.60 pickup
 Rental \$ 1.00/\$ 1.15 day with \$25.00 max. for each 30-day rental period
 Disposal Charge Actual charge

Garbage Company will provide up to 40 cy Drop Box Containers for above stated charges subject only to load limit on transfer vehicle.

EXTRA PICKUPS

Standard Containers or equivalent \$2.00 \$2.30 plus \$0.25 \$0.30/container
 Detachable Containers \$5.00 \$5.70 plus \$0.75 \$0.85/cy

SPECIAL SERVICE CONDITIONS

In situations where none of the above rates reasonably apply, the cost of service is to be negotiated between the garbage company and customer.

DETACHABLE CONTAINER ONLY

REPLACEMENT AND CLEANING SERVICE

| 1 yd | 2 yd | 3 yd | 4 yd |
|------|------|------|-------|
| 5.00 | 5.70 | 6.00 | 6.85 |
| | | 8.00 | 9.15 |
| | | | 10.00 |
| | | | 11.45 |

NOTATIONS

- Where landlord pays for all cans in one location it shall be regarded as one service. Each location in which cans are placed for collection must be regarded as a separate service.
- Where tenant pays for can regardless of location, it shall be regarded as one service.

Said charges shall be in effect from the effective date of this ordinance until revised by the City Council. Service charges and costs of operation of the Licensee will be reviewed biennially by the City Council and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1, 1976, and January 1 of each of said biennial periods thereafter, as determined by the City Council.

The City reserves the right to require adjustments in operations of the Licensee due to changing community needs, and/or developments in the field of garbage collection and disposal. Rate adjustments, if necessary, will be considered in such cases.

(f) Licensee shall bill and collect all garbage service charges.

(g) The City reserves the right to revise the provisions of Chapter 5 of Title V of the Modesto Municipal Code, from time to time, as required in order to protect the public health, safety and welfare of the City.

(h) The Licensee shall comply with all existing and future State and Federal laws, and all ordinances and regulations which may in any manner affect the Licensee's operations under the terms and conditions of this license.

(i) The Director of Public Works of the City of Modesto shall administer and supervise the Licensee's operations under the terms of this license and in accordance with the provisions of Chapter 5 of Title V of the Municipal Code.

In the event of any disagreement between the Licensee and customers regarding the amount of charges for garbage collection service or the type or extent of service provided by the Licensee, the Director of Public Works shall make an investigation and determination, and the decision of the Director of Public Works shall be final.

(j) The Licensee shall establish and maintain an office within the City of Modesto, or other location approved by the City Manager, and shall keep said office open for business from 8:00 a.m. to 5:00 p.m. of each and every day except Saturday, Sunday, and all legal holidays observed by the City of Modesto.

The Licensee shall keep and maintain in said office at all times during the hours it is required to be open, competent personnel who shall have authority to represent the Licensee in his relations with the City and with the public. The Licensee shall obtain and keep in said office sufficient listed telephones and personnel to courteously, quickly and expeditiously receive and answer all telephone and other calls to said office. A daily log of service calls received and the disposition thereof shall be kept by the Licensee.

(k) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with the license by said Licensee including but not limited to records of all special monthly collections, receipts, expenses, profits, supporting statements and vouchers, balance sheets, profit and loss statements, and other documents, accurately reflecting and showing all business of the Licensee. All such books and records shall be subject to audit and inspection at any and all reasonable times by the City and its authorized officers, agents, or employees, and shall be made available at said office for such inspection or audit at any and all reasonable times upon request or demand of the authorized City official.

The Licensee shall provide the City annually, within ninety (90) days of the end of the preceding fiscal year ending June 30th, with five (5) copies of an annual balance sheet and profit and loss statement. Financial statements submitted by the Licensee to the City shall be regarded by the City as confidential financial records of the Licensee, and shall not be released as a public record for inspection by any party other than authorized City officers.

The City may require a complete financial audit prepared by a "Public Accountant" with his "opinion" attached thereto and such other financial information deemed necessary by the City when considering a request for rate adjustments.

(1) The Licensee shall collect and remove from any and all premises, within twenty-four (24) hours, and no later, after notice, demand or request, any and all garbage which Licensee shall have failed to collect and remove at the regularly scheduled time. The customer's failure to place garbage for collection at the regularly scheduled time shall not be deemed a missed collection.

(m) The Licensee shall collect garbage at least once each calendar week, on a Monday through Friday basis for residential collections, and on a Monday through Saturday basis for commercial and industrial collections. For purposes of such collection, the Licensee shall divide the City into collection routes. Such collection routes shall be each wholly within the City limits, and shall be approved by the Director of Public Works. Upon approval of the proposed routes by the Director of Public Works, the Licensee shall prepare route books as soon as possible which shall indicate the address of each service, number of containers, frequency of collection, and such other pertinent information as the Director of Public Works may require. The Licensee shall keep route books up to date at all times. The Licensee shall give reasonable notice to the general public as to the days and times for collection on each route. No changes in collection schedules shall be made without the approval of the Director of Public Works and reasonable notice thereof to the customers concerned by the Licensee.

The Licensee will not be required to make collections on Sundays or legal holidays observed by the City. The Licensee may arrange with commercial and industrial customers for Sunday and holiday collections, however, Scheduled collections not made on legal holidays shall be made within twenty-four (24) hours, Sundays excepted.

(n) The Licensee shall make garbage collection service available on request to all schools, public agencies, institutions, and other non-residential premises at the same rates established for business locations.

In special cases where unusual quantities of materials or special type of materials, or where special methods of handling and/or disposing is required, the Director of Public Works may permit independent arrangements with the Licensee.

(o) The Licensee shall have approved detachable containers for apartment, commercial, business, and industrial services on a rental basis. The Licensee shall be responsible for the general repair and upkeep of all detachable containers. Containers shall be kept in serviceable condition at all times. The Licensee shall provide detachable container cleaning service at a rate approved by the Director of Public Works.

Containers shall be of metal and shall be so constructed that no liquid can leak from said containers. However, containers made of materials other than metal may be proposed by the Licensee for the approval of the Director of Public Works during the term of this license. No materials may be substituted without prior approval.

(p) The Licensee shall supply all occupants or premises in the Licensee's service area with printed information cards approved by the Director of Public Works containing information regarding amounts of garbage which will be collected, complaint procedures, charges, regulations and days of collection. Such cards shall be distributed every two years and, in addition, upon request by occupants or owners of any premises and in advance of route, charge or regulation changes.

(q) The Licensee shall not litter any premises or public property in making collections of garbage, nor shall garbage be allowed to leak, blow or fall from collection vehicles; however, if in spite of normal precautions against spillage, a litter is made on any premises or public property, the Licensee shall immediately remove same and clean up the area of spillage. The Licensee shall, without delay, after removing garbage from any container replace the container in its designated position on the premises with its cover on, and shall repair or replace at his expense any containers damaged as a result of his handling thereof, normal wear and tear excepted. The Licensee shall close all gates after making collections and shall avoid crossing private or public planted areas and climbing or jumping over hedges and fences. Licensee's personnel shall make all collections

in a quiet and orderly manner and shall refrain from making unnecessary disturbances and noise. If, for any reason, garbage is not picked up, such as overweight container, not in container, etc., the Licensee shall attach a tag to the container explaining the reason therefor, and shall maintain a log or record of such refusals.

The Licensee's collection vehicles shall be operated in full compliance with the State of California Motor Vehicle Code and local ordinances, vehicles shall be thoroughly washed and disinfected inside the collection body each day, or as approved by the Director of Public Works, and the outside of each vehicle shall be cleaned and washed at least once a week.

(r) All equipment used for the collection and hauling of garbage shall be approved by the Director of Public Works and shall be so constructed and maintained as to prevent leakage, spillage, or overflow. Trucks shall not be loaded in excess of requirements of the State of California Motor Vehicle Code. All trucks and equipment shall be clearly identified by an assigned equipment number and with the firm name and local telephone number affixed thereto. Collection trucks shall be painted white, or other color approved by the Director of Public Works, and shall be equipped with such safety devices and warning lights required by the State of California Motor Vehicle Code.

All vehicles and equipment used in the collection of garbage, if kept within the boundaries of the City, shall at all times when not in use in the collection of garbage be kept on private property in the appropriate zone and not on streets or other public ways.

(s) All garbage collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition. The Licensee shall institute a complete and comprehensive system of preventative maintenance on all vehicles and shall keep them lubricated and in good repair. Records in a form approved by the Director of Public Works to provide data on operating, maintenance and repair costs shall be kept on each piece of equipment.

(t) For purposes of this paragraph the following definitions shall apply:

(1) "Interruption of service" shall mean:

(aa) Any time period during which garbage collection services by the Licensee are interrupted by a labor dispute and scheduled collections are discontinued or substantially reduced; or

(ab) Any time period after notice by the City of the termination of the license by reason of a breach or default by the Licensee and until other suitable equipment can reasonably be purchased or otherwise acquired by the City for such purpose.

(2) "Equipment" shall mean any and all vehicles and equipment used by the Licensee for the purpose of performing the services provided for in the license at any time within the ninety (90) days immediately prior to the commencement of the interruption of service.

(3) "Payment for use" shall have the following meaning:

(aa) In the case of a piece of equipment subject to a contract, "payment for use" shall mean any installment payment coming due under a contract for such piece of equipment while the City is possessing and using such piece of equipment pursuant to this paragraph during an interruption of service. Payment for use shall not be deemed to include any payment coming due under such contract either prior to, or after the expiration of, such period. Payment for use shall be made by the City, from time to time, directly to the person or company to whom the payment is owed under the contract, and the making of such payment or payments shall constitute full compensation to all persons for the City's temporary use of such piece of equipment.

(ab) In the case of a piece of equipment not subject to a contract, "payment for use" shall mean the reasonable rental value of such piece of equipment for such period of time during which the City possesses and uses such piece of equipment pursuant to this paragraph during an interruption of service.

Such payment shall, at the expiration of the term of the interruption of such service, be applied against any sums then owed to the City by the Licensee, or, if none, it shall be paid by the City to the Licensee.

(4) "Contract" shall mean any conditional sales contract, mortgage, encumbrance, lease, rental agreement or other agreement which provides for retention of title to said equipment or grants a security interest therein, that may exist at the commencement of the interruption of service with regard to a piece of equipment.

(5) "Notice" shall mean written notification actually received by the person to be notified or mailed to him by registered or certified mail at the most recent address furnished by him to the City Clerk of the City of Modesto. As to the holder of a contract, the City shall be required to give notice only if the holder's identity is known to the City and the holder has furnished his address to said City Clerk.

In the event of an interruption of service, the City shall be entitled to have the temporary possession of all or any portion of the equipment of Licensee on the condition that the City shall, from time to time, make the payment for use as provided in subparagraph (3) hereof. Upon taking such temporary possession, City shall forthwith give notice thereof to the Licensee and to the then holder of a contract on such equipment, if any. Such temporary use shall not be deemed to be a breach of the terms of any contract regarding said equipment, but it shall otherwise be subject to the terms of such contract which are not in conflict herewith, except that the City shall not be required to make any payment other than the payment for use prescribed in subparagraph (3) hereof. The making by the City of the payment for use prescribed in subparagraph (3) hereof shall be deemed to be compensation only for the temporary use of such equipment and the City shall not thereby acquire any ownership interest in such equipment.

So long as the City continues to make the payment for use of a piece of equipment when due, or within ten (10) days thereafter, such equipment may be retained by the City and may not be repossessed from the City. In the event the City fails to make a payment for use when due, or within ten (10) days thereafter, the City's right to the continued temporary use of such piece of equipment shall cease, and possession of such equipment may be retaken by the Licensee or the the holder of any contract thereon.

At the expiration of the City's temporary possession of such equipment the City shall give written notice of such expiration to the Licensee and to the then holder of a contract on such equipment, if any. In the event the Licensee shall fail to take possession of such equipment within ten (10) days after such notice, the Licensee shall be deemed to have abandoned such equipment and waived all interest therein, and the City shall be free to use and dispose of such equipment without liability or compensation to the Licensee, subject to the terms of any contract that may then exist with regard to such equipment.

All equipment used by the Licensee for the purpose of performing the services provided for in this license shall be solely owned by the Licensee except that the Licensee may, with the prior approval of the City Manager, enter into contracts as defined in subparagraph (4) hereof with respect to such equipment. All such contracts shall provide for temporary possession by the City as set forth herein and shall provide that such temporary possession shall not be deemed a breach of such contract.

(u) All vehicles and equipment used by the Licensee for the collection and hauling of garbage shall be solely owned by Licensee, except that the Licensee may, with the prior approval of the City Manager, enter into conditional sales contracts, mortgages, encumbrances, leases, rental agreements, and other appropriate agreements for the purpose of purchasing, leasing or renting vehicles and equipment to be used in providing the services provided for in this license. All such documents shall provide for temporary possession by the City as set forth in the foregoing section and shall provide that such temporary possession shall not be deemed a breach of the agreement.

(v) Garbage collected by the Licensee shall be disposed of at the Geer Road sanitary landfill. The City reserves the right to designate other sanitary landfill areas for disposal, and other methods of disposal. Disposal of garbage at the sanitary landfill will be in accordance with regulations in effect for the same as they now exist or may hereafter be amended. Industrial garbage collected by the Licensee may be disposed of at such other locations as are approved by the Health Officer.

(w) The Licensee shall have the full and exclusive right to all salvageable materials collected in connection with the collection of garbage under this license, and shall have the sole right to any and all funds received from the sale of said salvageable materials. Such funds shall be accounted for as part of the gross revenues of Licensee.

Salvaging or scavenging by the Licensee, or any of his employees, is prohibited on the collection routes. Salvaging at a suitable location is encouraged, however.

(x) The Licensee agrees to keep the Director of Public Works advised as to any current developments in recycling programs, and to participate in such recycling programs when it can be done on a sound economical basis. The Licensee agrees to cooperate on any reasonable basis with local civic organizations who desire to participate in a recycling program. The term recycling as used herein means any process which has as its goal the conversion of garbage, rubbish or salvageable waste into a usable product.

(y) The Licensee shall file with the City Clerk and maintain during the term of this license a corporate surety bond or other form of security satisfactory to the City Attorney in the sum of Five Thousand and no/100ths (\$5,000.00) Dollars. Said bond or security shall be conditioned upon the faithful performances of the terms and conditions of this license and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

(z) Licensee agrees, in connection with the performance of all operations under or pursuant to this license, to be an Equal Opportunity Employer and not to discriminate against any employee or applicant for employment because of race, creed, color or national origin.

SECTION 3. Ordinances No. 1207-C.S., 1240-C.S., 1329-C.S., 1422-C.S. and 1414-C.S. are hereby repealed.

SECTION 4. This ordinance shall become effective thirty (30) days from and after its final passage and adoption; provided, however, that the license hereby granted shall not become effective unless and until Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all of the requirements thereof, in a form satisfactory to the City Attorney, and delivers to the City Clerk the bond and insurance policies required to be furnished, pursuant to the provisions of this ordinance and of Chapter 5 of Title V of the Modesto Municipal Code.

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

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of April, 1975, by Councilmember Dunlap, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Kullijian, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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

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

(SEAL)

APPROVED AS TO FORM: Elwin L. Johnson
ELWIN L. JOHNSON, City Attorney

Ord. No. 1448-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 May, 1975, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

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

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

EFFECTIVE DATE: June 4, 1975

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

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

SECTION 1. ZONING CHANGE. Section 19-3-9 of the Zoning Map is hereby amended to reclassify the following-described property from Medium Density Residential Zone, R-2, and Medium-High Density Residential Zone, R-3, to Planned-Development Zone, P-D(128):

R-2 to P-D

Commencing at the southeast corner of Lot 8 of the McDonald Tract as per map thereof filed April 30, 1903 in Volume 1 of Maps, Page 49, Stanislaus County Records; thence North $89^{\circ} 50'$ west along the south line of Lot 8 a distance of 30 feet to the point of beginning of this description; thence along the westerly right-of-way line of Martin Avenue, North $0^{\circ} 56' 15''$ West a distance of 212 feet; thence North $89^{\circ} 50'$ West a distance of 100 feet; thence southerly parallel to the westerly right-of-way line of Martin Avenue a distance of 212 feet to a point on the south line of Lot 8; thence South $89^{\circ} 50'$ East along the south line of said Lot 8 a distance of 100 feet, more or less, to the point of beginning. Including also, all of Martin Avenue, a 60 foot street, immediately adjacent to the above described property.

R-3 to P-D

Commencing at the southeast corner of Lot 8 of the McDonald Tract as per map thereof filed April 30, 1903 in Volume 1 of Maps, Page 49, Stanislaus County Records; thence North $89^{\circ} 50'$ west along the south line of Lot 8 a distance of 130 feet to the point of beginning of this description; thence northerly parallel to the westerly right-of-way line of Martin Avenue North $0^{\circ} 56' 15''$ West a distance of 212 feet; thence North $89^{\circ} 50'$ West a distance of 127 feet, more or less, to a point on the easterly right-of-way line of U. S. 99 Freeway; thence along the easterly line of U. S. Freeway 99 along a curve concave to the southwest, having a radius of 2000 feet, a distance of 245 feet, more or less, to a point on the south line of said Lot 8; thence South $89^{\circ} 50'$ East along the south line of said Lot 8 a distance of 4.18 feet, more or less, to the point of beginning.

SECTION 2. USES. The following uses shall be permitted in said P-D(128) 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:

1. A large shop building containing approximately 16,000 square feet which may contain the following uses:

- (a) woodworking shop
- (b) warehousing
- (c) wholesale and distribution
- (d) general contractor's office
- (e) metal fabrication and machine shop
- (f) other similar commercial/industrial type uses

2. A double bay of 90° parking area containing approximately 28 off-street parking spaces.

3. A covered, semi-enclosed equipment storage area as indicated on the plan.

SECTION 3. ZONING MAP. Section Map 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 28th day of April, 1975, by Councilmember Mensinger, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Siefkin, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

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: John R. Corey
Planning Department

**Ordinance 1449 C.S.
Exhibit A – Map**

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

Ord. No. 1449-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 May, 1975, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED



LEE H. DAVIES, Mayor

ATTEST:



W. T. CHYNOWETH, City Clerk

EFFECTIVE DATE: June 4, 1975

AN ORDINANCE ADDING CHAPTER 2 ENTITLED "MESSAGE ESTABLISHMENTS AND SCHOOLS OF MESSAGE" TO TITLE V OF THE MODESTO MUNICIPAL CODE.

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

SECTION 1. AMENDMENT OF CODE. Chapter 2 entitled "Massage Establishments" is hereby added to Title V of the Modesto Municipal Code to read as follows:

CHAPTER 2 - MASSAGE ESTABLISHMENTS
AND SCHOOLS OF MESSAGE

ARTICLE 1. GENERAL PROVISIONS

SEC. 5-2.101. LEGISLATIVE PURPOSE. The purpose and intent of the City Council in enacting this Chapter is to protect the health, welfare, safety, and interest of the public and of patrons of establishments regulated herein by requiring the licensing and regulation of the establishments, services, and persons herein defined, by providing minimum building, health, and sanitation standards for such establishments, and by requiring minimum qualifications for persons performing such services.

SEC. 5-2.102. DEFINITIONS. For the purpose of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this section.

(a) "Applicant": A person who is required to file an application for a permit under this Chapter, including a masseur, masseuse, instructor, trainee, individual owner, managing partner, managing officer of a corporation, or any other operator, manager or employee of a massage establishment or school of massage.

(b) "Baths": The giving or furnishing of Russian, Finnish, Swedish, hot air, vapor, electric cabinet, steam, mineral, sweat, salt, Japanese, sauna, formentation or electric baths or baths of any kind whatever, excluding ordinary tub baths or showers where an attendant is not required.

(c) "Bona Fide Nonprofit Organization": Any fraternal, charitable, religious, benevolent, or any other nonprofit organization having a regular membership association primarily for mutual, social, mental, political, and civic welfare to which admission is limited to the members and guests and revenue accruing therefrom is to be used exclusively for the purposes of said organization, and which organization or agency is exempt from taxation, under the Internal Revenue Laws of the United States, as a bona fide fraternal, charitable, religious, benevolent, or other nonprofit organization and in which any massage or bath services provided are incidental to its primary operation.

(d) "Health Officer": The Health Officer of the City of Modesto or his duly authorized agent.

(e) "Instructor": A person employed by a school of massage for the purpose of teaching and/or demonstrating courses in said school.

(f) "Massage": Any method of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, or stimulating of the external parts of a human body with the use of the hands, arms, or other portion of another human body, with or without the aid of any mechanical or electrical apparatus or appliances and with or without such supplementary aids as rubbing alcohol, liniments, antiseptics, oils, powders, creams, lotions, ointments or other similar preparations commonly used on the human body. Massage shall also include the giving of any baths as listed under subsection (b) hereof.

(g) "Massage Establishment": Any establishment having a fixed place of business where any person, firm, association, or corporation engages in, or carries on, or permits to be engaged in or carried on any of the activities mentioned in subsection (b) or (f) of this section. Any establishment engaged in or carrying on, or permitting any combination of massage and bath shall also be deemed a massage establishment.

(h) "Masseur or Masseuse": Any person who, for any consideration whatsoever, engages in the practice of massage as herein defined unless otherwise excepted.

(i) "Out Call Massage": The engaging in or carrying on massage for a fee not at a massage establishment or school of massage, but at a location designated by the customer or client, by any permittee or by any other party.

(j) "Person": Any individual, partnership, co-partnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.

(k) "School of Massage": Any school or institution of learning which has for its purpose the teaching of the theory, method, profession, or work of massage, which school requires a resident course of study not less than one hundred eighty (180) class hours to be given in not less than three (3) calendar months before the student shall be furnished with a diploma or certificate of graduation from such school or institution of learning following the successful completion of such course of study or learning, and which school has been approved pursuant to Section 29007.5 of the Education Code of the State of California.

(l) "Trainee": A person accepted for enrollment in a course of study leading to a degree or certificate of graduation from a school of massage in the City of Modesto.

SEC. 5-2.103. PERMIT REQUIRED. (a) It shall be unlawful for any person to engage in, conduct, or carry on, or to permit to be engaged in, conducted, or carried on, in or upon any premises in the City of Modesto, the operation of a massage establishment or a school of massage without first having obtained a permit from the City of Modesto as herein required.

(b) It shall be unlawful for any person to act as a masseur, masseuse, instructor, trainee, or to take any other position of employment with a massage establishment or school of massage in the City of Modesto without first having obtained a permit from the City of Modesto as herein required.

(c) It shall be unlawful for any person engaged in, conducting or carrying on the operation of a massage establishment to operate or use the same premises, location, or facilities as a school of massage.

(d) It shall be unlawful for any person engaged in, conducting, or carrying on the operation of a school of massage to operate or use the premises, location, or facilities as a massage establishment.

ARTICLE 2. APPLICATIONS AND PERMITS

SEC. 5-2.201. FILING AND FEE PROVISIONS. (a) Every person who proposes to maintain, operate, or conduct a massage establishment or a school of massage in the City of Modesto shall file an application with the City Manager upon a form provided by the City of Modesto and shall pay a filing fee of One Hundred and no/100ths (\$100.00) Dollars, which shall not be refundable.

(b) Every person who proposes to be employed by a massage establishment or a school of massage, every person who proposes to engage in the practice of massage, and every person who proposes to be an instructor or trainee in a school of massage shall file an application with the City Manager upon a form provided by the City of Modesto and shall pay a filing fee of Twenty-Five and no/100ths (\$25.00) Dollars, which shall not be refundable.

(c) A permit when issued shall state whether it is for a massage establishment, for a school of massage, for a masseur or masseuse, for a massage establishment or school of massage employee who is not authorized to perform a massage, or for an instructor or trainee in a school of massage.

SEC. 5-2.202. APPLICATIONS. (a) Every application submitted to the City Manager shall include the following information:

- (1) The type of permit applied for.
- (2) The name, including all aliases, by which the applicant is or has ever been known.
- (3) The applicant's present residence address and the residence addresses and dates thereof for the three (3) years immediately preceding the date of the application.

(4) Written proof that the applicant is at least eighteen (18) years of age.

(5) The applicant's height, weight, color of eyes and hair.

(6) Two (2) portrait photographs of the applicant at least 2" x 2".

(7) The business, occupation, or employment of the applicant for the three (3) years immediately preceding the date of application.

(8) The applicant's social security number and driver's license number, if any.

(9) The message or similar business license or permit history of the applicant including:

(aa) Whether such person has previously operated in this or another city or state under license or permit.

(ab) Whether such person has had such license or permit revoked or suspended and the reason therefor.

(ac) The business activity or occupation of such person subsequent to such action of suspension or revocation.

(10) Whether the applicant has ever been convicted of:

(aa) An offense involving conduct which requires registration pursuant to Section 290 of the Penal Code.

(ab) An offense involving the use of force and violence upon the person of another that amounts to a felony.

(ac) An offense involving sexual misconduct with children.

(ad) An offense involving theft of property.

(ae) An offense as defined in California Penal Code Sections 311, 315, 316, 318, 266, 266a, 266b, 266d, 266e, 266f, 266g, 266h, 266i, 647 subdivision (a), 647 subdivision (b), 647 subdivision (d), or 647a.

(af) Conspiracy to commit or an attempt to commit any of the aforesaid offenses.

(ag) The equivalent of any of the aforesaid offenses in a jurisdiction outside the State of California.

(11) Whether such person is or has ever been licensed or registered as a prostitute, or otherwise

authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction. If any person mentioned in this subsection has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other state to engage in prostitution, a statement must be made giving the place of such registration, licensing or legal authorization, and the inclusive dates during which such person was so licensed, registered, or authorized to engage in prostitution.

(12) Whether the applicant, including a corporation or partnership, or a former employer of the applicant while so employed, or a building in which the applicant was so employed or a business conducted, was ever subjected to an abatement proceeding under California Penal Code Sections 11225 through 11235 or any similar provisions of law in a jurisdiction outside the State of California.

(13) The location at which the permittee is to be employed.

(14) Such other identification and information necessary to disclose the truth of matters hereinbefore specified as required to be set forth in the application.

(b) Every application for a permit to be a masseur, masseuse, instructor or trainee shall also be accompanied by a certificate from a physician licensed to practice medicine in the State of California showing that the applicant has been tested within the previous thirty (30) days in a manner approved by the Health Officer and has been found to be free of all contagious, infectious, and communicable disease.

(c) Every applicant for a permit to be a masseur, masseuse, or instructor shall also furnish a diploma or certificate of graduation from a school of massage, wherein the method, profession, and work of massage is taught and shall show satisfactory completion of courses in anatomy and hygiene.

(1) The City Manager shall accept as meeting the above requirements satisfactory evidence that the applicant has completed courses of instruction substantially equivalent to the above.

(2) The City Manager shall accept two (2) years' bona fide experience as a masseur or masseuse in a massage establishment, attested to in writing under oath by a person other than the applicant, as satisfying the requirement for training in the theory, method, profession or work of massage. Any such applicant who has not completed courses in anatomy and hygiene may provide evidence satisfactory to the Health Officer of knowledge equivalent to that taught in such courses, or, if required by the Health Officer, shall within a reasonable time complete courses of instruction in such subjects.

(d) Every application for a permit to operate a massage establishment or school of massage shall also set forth the exact nature of the massage and/or baths to be administered and the proposed place of business and facilities therefor.

(e) Every application for a permit to operate a massage establishment or a school of massage shall give the name and address of the owners and lessors of the real property upon or in which the business is to be conducted.

(f) Every application for a school of massage shall be accompanied by:

(1) Proof of approval pursuant to Section 29007.5 of the Education Code of the State of California.

(2) A statement of the educational and experience qualifications and the names and residence addresses of all administrators and instructors, and the subject matter to be taught or demonstrated by each.

(3) A copy of the course outline, schedule of tuition, fees and other charges, regulations pertaining to tardiness and absence, grading policy, and rules of operation and conduct.

(g) If an applicant is a corporation, the application shall also set forth the name of the corporation exactly as shown in its articles of incorporation together with the names and residence addresses of each of the officers, directors, and each stockholder holding five percent (5%) or more of the stock of the corporation.

The corporation shall designate one of its officers to act as the responsible managing officer of the massage establishment or school of massage. Such officer shall complete the application form as an individual applicant under this Chapter.

(h) If the applicant is a partnership, the application shall also set forth the name and residence address of each of the partners, including limited partners.

The partnership shall designate one of the partners to act as the managing partner of the massage establishment or school of massage. Such partner shall complete the application form as an individual applicant under this Chapter. If one or more of the partners is a corporation, the provisions of this section pertaining to a corporate applicant shall apply.

(i) Every application for a permit shall be verified by affidavit, or by declaration or certification under penalty of perjury as provided in the California Code of Civil Procedure.

SEC. 5-2.203. REFERRAL OF APPLICATION TO OTHER DEPARTMENTS. (a) All applications for permits for massage establishments or schools of massage shall be referred to the Chief Building Official, the Fire Chief, the Health Officer, the Director of Planning, and the Chief of Police who shall make written recommendations to the City Manager concerning compliance with the laws and ordinances that they administer and enforce.

(b) All other applications shall be referred to the Health Officer and Chief of Police for their written recommendations to the City Manager concerning compliance with the laws and ordinances that they administer and enforce.

(c) The Chief of Police shall require an applicant to have his or her fingerprints taken and may require such additional information as may be necessary to establish the identification of the applicant.

SEC. 5-2.204. TRAINEE PERMIT. The City Manager shall issue a trainee permit after an application therefor has been reviewed and approved. The City Manager may refuse, revoke, or suspend a trainee permit for the reasons set forth in Section 5-2.205. No such trainee shall perform any of the massage services enumerated in Section 5-2.102, except that such trainee may engage in massage services within the school premises under the direction of a qualified instructor and in his immediate presence.

Such trainee permit shall be valid for a period of six (6) months and shall not be renewed or extended except for a delay in completing required training due to accident, illness, or other showing of good cause. Such renewal or extension must be in writing by the City Manager. The applicant for a trainee permit must submit a letter signed by the individual owner, managing partner, or managing officer of the school of massage showing that the applicant is currently accepted for enrollment in a course of study leading to a degree or certificate of graduation.

SEC. 5-2.205. ISSUANCE, REFUSAL, REVOCATION, OR SUSPENSION OF PERMITS. (a) The City Manager shall issue all other permits after the application therefor has been reviewed and approved. For good cause the City Manager may refuse, revoke, or suspend a permit for a massage establishment, a school of massage, or for any other applicant or permittee for any of the following reasons, which reasons shall be set forth fully in writing and delivered to the applicant or permittee:

(1) That the operation as proposed by the applicant, if permitted, will not or does not comply with all applicable laws, including but not limited to ordinances relating to building, health, planning, housing, zoning, and fire protection, and other applicable laws and regulations which the departments named in this Chapter have a responsibility to administer.

(2) That the applicant or any other person who will be directly engaged in the management and operation of a massage establishment or school of massage has been convicted of any of the offenses enumerated in paragraph (a) (10) of Section 5-2.202, or convicted of an offense outside the State of California that would have constituted any of the described offenses if committed within the State of California.

A permit may be issued to any person convicted of any of the crimes described if such conviction occurred more than five (5) years prior to the date of the application and the applicant has had no subsequent felony convictions of any nature and no subsequent misdemeanor convictions for crimes mentioned in paragraph (a) (10) of Section 5-2.202.

(3) That the applicant has been licensed or registered in any state as a prostitute.

(4) That the City Manager is not satisfied the moral character of the applicant is such that the applicant's employment by or maintenance and operation of a massage establishment or school of massage will not adversely affect the public interest, morals or welfare, or that he is not satisfied the moral character of any person who is an owner, partner, director of a corporation, stockholder holding five percent (5%) or more of the stock of the corporation, or lessor or owner of the real property is such that the maintenance and operation of a massage establishment or school of massage will not adversely affect the public interest, morals, or welfare. The Police Department shall, on request, indicate to the City Manager its approval or disapproval of an application on moral grounds.

(5) That any of the provisions of this Chapter have been violated or that the permittee or any employee, including a masseur, masseuse, instructor, or trainee, is engaged in any conduct at a massage establishment or school of massage which violates any State or local law or ordinances, or that the permittee of a massage establishment or school of massage has actual or constructive knowledge of such violations, or where such permittee by the exercise of due diligence should have had actual or constructive knowledge of any such violation, or that such permittee or any other person acting on the permittee's behalf has refused to allow any duly authorized building inspector, police officer, or health officer of the City of Modesto to inspect the premises or the operations therein pursuant to the provisions of this Chapter.

(6) That the Health Officer has determined that such business is being managed, conducted, or maintained without regard for the public health, or for the health of patrons or customers, or without due regard to proper sanitation and hygiene.

(b) Any refusal to issue a permit, or the suspension, or revocation of a permit under the provisions of this section is appealable to the City Council in accordance with the provisions of Chapter 4 of Title I of the Modesto Municipal Code.

SEC. 5-2.206. TERM OF PERMIT. Permits issued under the provisions of Section 5-2.205 of this Chapter shall be valid for a period of one year from the date of issuance and shall be renewable annually.

(a) An application for the renewal of a masseur or masseuse permit shall be accompanied by a filing fee of Ten and no/100ths (\$10.00) Dollars which shall not be refundable, and shall contain the same information as in paragraph (a) of Section 5-2.202, excluding therefrom subparagraphs (4), (7), (8), and (9).

(b) All applications for renewal shall be referred to the Chief of Police who may require an applicant to have his or her fingerprints taken and to furnish such additional information as may be necessary to establish the identification of the applicant.

(c) All applications for renewal shall be accompanied by a certificate from a physician licensed to practice medicine in the State of California showing that the applicant has been tested within the previous thirty (30) days in a manner approved by the Health Officer and has been found to be free of all contagious, infectious, and communicable disease.

SEC. 5-2.207. SALE, TRANSFER, OR CHANGE OF LOCATION. Upon the sale, transfer, or relocation of a massage establishment or school of massage the permit therefor shall be null and void; provided, however, that upon the death or incapacity of the permittee, a massage establishment or school of massage may continue in business for a reasonable period of time, not to exceed three (3) months, to allow for an orderly transfer of the business. No permittee shall operate under any name or conduct his business under any designation or at any location not specified in the permit. Any masseur, masseuse, instructor, trainee, or other employee may have a valid and unexpired permit transferred for use at any other massage establishment or school of massage upon written application to the City Manager accompanied by a non-refundable Five and no/100ths (\$5.00) Dollar transfer fee.

ARTICLE 3. FACILITIES AND OPERATION

SEC. 5-2.301. REQUIRED FACILITIES. (a) Every massage establishment and school of massage shall have the following facilities to provide for and protect the health and safety of the patrons thereof:

(1) Rooms and facilities used for toilets, tubs, steam baths, and showers shall be constructed and installed in accordance with the applicable building regulations of the State of California and City of Modesto.

(2) Toilet facilities shall be provided in convenient locations. Separate toilet facilities shall be provided for males and females and shall be designated as to the sex accommodated therein.

(3) Lavatories or wash basins, provided with both hot and cold running water, shall be installed in every toilet room or the vestibule thereto. All lavatories and wash basins shall be provided with soap in a dispenser and with sanitary towels.

(4) Every cubicle, room, booth or other area provided or used for patrons' use shall be provided with adequate light, heat, and ventilation, as approved by the Health Officer. When windows or skylights are used for ventilation, at least one half (1/2) of the total required window area shall be openable.

(5) To allow for adequate ventilation, any cubicle, room, booth, or other area provided or used for patrons' use and not served directly by an openable window, skylight, or mechanical system of ventilation shall be constructed so that the height of partitions does not exceed seventy-five percent (75%) of the floor-to-ceiling height of the area in which it is located.

(6) No cubicle, room or booth, or other area which is provided or used for patrons' use, other than toilet facilities, shall be fitted with a door capable of being locked.

(7) All electrical equipment and plumbing fixtures shall be installed in accordance with the applicable building regulations of the State of California and the City of Modesto.

(8) Individual security deposit facilities capable of being locked by the patron shall be provided at no extra charge for the protection of the valuables of patrons.

(b) No permit to conduct a massage establishment or school of massage shall be issued until an inspection has been made of the proposed facilities by representatives of the Chief Building Official, Health Officer, and Chief of Police of the City of Modesto, and said officials have determined that the proposed facility meets or can be made to meet the requirements of this Chapter.

SEC. 5-2.302. OPERATING REQUIREMENTS. (a) Every portion of a massage establishment or school of massage, including appliances and apparatus, shall be kept clean and operated in a sanitary condition.

(b) All masseurs, masseuses, instructors, and trainees shall be clean and wear clean outer garments, the use of which is restricted to the massage establishment or school of massage. A separate dressing room for each sex must be maintained on the premises with individual lockers for each employee or trainee. Doors to such dressing rooms shall open inward and shall be self-closing.

(c) Each massage establishment and school of massage shall be provided with an adequate quantity of clean, laundered sheets and towels. Said sheets and towels shall be laundered after each use thereof and shall be stored in an approved and sanitary manner. Each massage table shall be provided with clean sheets and towels prior to each use. Approved receptacles shall be provided for the storage of soiled linens and towels.

(d) Cubicles, rooms, booths, toilet rooms, plumbing fixtures, and other patron facilities shall be thoroughly cleaned at least once each day the massage establishment or school of massage is in operation. Bathtubs and shower compartments shall be thoroughly cleaned with a disinfectant after each use.

(e) No massage establishment or school of massage, or any portion of a building in which the massage establishment or school of massage is located, shall be used for residential or sleeping purposes.

(f) If male and female patrons are to be served simultaneously, separate rooms, baths, and other patron facilities shall be provided for such male and female patrons.

(g) Massage establishments and schools of massage may be open for operation only between the hours of 7:00 A.M. and 12:00 P.M., inclusive, of each day.

(h) No out call massage services shall be performed unless authorized in writing by a physician and surgeon or osteopath duly licensed to practice in the State of California.

(i) No alcoholic beverage shall be sold, served, furnished, kept or possessed on the premises of any massage establishment or school of massage.

SEC. 5-2.303. REGISTER AND PERMIT NUMBER OF EMPLOYEES.

(a) Every permittee of a massage establishment must maintain a register of all persons employed on the premises and their permit numbers. Such register shall be available for inspection during regular business hours by any police officer or health officer of the City of Modesto.

(b) Every permittee of a school of massage must maintain a register of all persons employed on the premises and of all trainees or students. Such register shall be available for inspection during regular business hours by any health officer or police officer of the City of Modesto.

SEC. 5-2.304. DISPLAY OF PERMIT AND IDENTIFICATION CARDS.

(a) Every massage establishment or school of massage shall display at all times during business hours the permit issued pursuant to the provisions of this Chapter for such massage establishment or school of massage in a conspicuous place so that the same may be readily seen by all persons entering the massage establishment or school of massage.

(b) The City Manager shall provide each masseur, masseuse, instructor, or trainee, or other employee granted a permit with an identification card which shall contain a photograph of and the first name and permit number of said masseur, masseuse, instructor, or trainee which must be worn on the front of the outermost garment at all times during the hours of employment or training.

SEC. 5-2.305. EMPLOYMENT OF PERSONS UNDER THE AGE OF EIGHTEEN (18) PROHIBITED. It shall be unlawful for any individual owner, managing partner, managing officer, or other person in charge of any massage establishment or school of massage to employ any person who is not at least eighteen (18) years of age.

SEC. 5-2.306. RECORDS OF TREATMENT. (a) Every permittee of a massage establishment or school of massage shall keep a record of the date and hour of each treatment, and the name and address of the patron, and the name of the employee administering such treatment and the type of treatment administered. Such records shall be maintained for a period of six (6) months.

(b) Such records shall be open to inspection by the Health Officer. The information furnished or secured as a result of any such inspection shall be confidential. No public officer or deputy officer or employee of the City shall in any manner reveal any such confidential information except in a legal action to enforce the provisions of this Chapter or pursuant to a court order.

(c) Any unauthorized disclosure or use of such information by an owner, operator, manager, permittee or employee of a massage establishment or school of massage shall constitute a misdemeanor, and such person shall be subject to the penalty provisions of this Code in addition to any other penalties provided by law.

SEC. 5-2.307. SERVICES AND RATE SIGN. Every permittee of a massage establishment or school of massage shall post a sign in a conspicuous place so that the same may be readily seen by all persons entering the massage establishment or school of massage, printed in bold letters not less than one inch in height, listing the services available and the rates to be charged therefor. No services shall be performed and no sums shall be charged for such services other than those shown on the sign posted.

SEC. 5-2.308. INSPECTION SIGN. Every permittee of a massage establishment or school of massage shall post a sign in a conspicuous place so that the same may be readily seen by all persons entering the massage establishment or school of massage, printed in bold letters not less than one inch in height, with the following thereon: "These premises are subject to inspection without notice by authorized officials of the City of Modesto."

ARTICLE 4. ENFORCEMENT

SEC. 5-2.401. INSPECTION. The Health Officer, Chief Building Official, and Chief of Police shall from time to time, but not less than twice a year, cause an inspection to be made of the premises of each massage establishment and school of massage in the City of Modesto for the purpose of determining whether the provisions of this Chapter are being complied with.

SEC. 5-2.402. EMPLOYMENT OF PERSONS WITHOUT PERMITS UNLAWFUL. It shall be unlawful for any owner, operator, manager, or permittee in charge of or in control of a massage establishment or school of massage to employ any person who is not in possession of a valid, unrevoked permit or to allow such a person to practice massage within a massage establishment or school of massage.

SEC. 5-2.403. TIME LIMIT FOR FILING APPLICATION FOR PERMIT. All persons who possess an outstanding business license heretofore issued for the operation of a massage establishment or school of massage and all employees thereof must apply for and obtain a permit within ninety (90) days of the effective date of this Chapter. Failure to do so and continued operation of a massage establishment or school of massage or continued employment as a masseur, masseuse, instructor, trainee, or other employee of a massage establishment or school of massage without a permit shall constitute a violation of this Chapter.

SEC. 5-2.404. EXCEPTIONS. This Chapter shall not apply to:

(a) Hospitals, nursing homes or sanitarium.

(b) Physicians and surgeons, osteopaths, chiropractors, or physical therapists who are duly licensed to practice their respective professions in the State of California, or persons working under the direction of any such persons in hospitals, nursing homes or sanitarium.

(c) Nurses who are registered under the laws of the State of California.

(d) Barbers or cosmetologists when lawfully carrying out their particular profession or business and holding a valid, unrevoked license or certificate of registration issued by the State of California.

(e) Bona fide trainers or coaches of any amateur, semiprofessional, or professional athlete or athletic team and the facilities therefor.

(f) A bona fide nonprofit organization, as defined herein, its employees, and the facilities thereof.

SEC. 5-2.405. SEVERABILITY. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this Chapter or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Chapter or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, invalid, or ineffective.

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 28th day of April, 1975, by Councilmember Newton, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Dunlap, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger, Newton, Siefkin, Mayor Davies

NOES: Councilmembers: None

ABSENT: Councilmembers: 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. 1450-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 May, 1975, Councilmember Kullijian moved its final adoption, which motion being duly seconded by Councilmember Newton, was upon roll call carried and the ordinance adopted by the following vote:

AYES: Councilmembers: Dunlap, Elliott, Kullijian, Mensinger,
Newton, Siefkin, Mayor Davies
NOES: Councilmembers: None
ABSENT: Councilmembers: None

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

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

EFFECTIVE DATE: June 4, 1975