

ORDINANCE NO. 2187 -C.S.

AN ORDINANCE AMENDING SECTION MAPS 23-3-9  
AND 26-3-9 OF THE ZONING MAP OF THE CITY OF  
MODESTO RECLASSIFYING CERTAIN PROPERTY  
LOCATED THEREON. (DAVID A. CERUTTI)

WHEREAS, a verified application for an amendment to Sections 23-3-9 and 26-3-9 of the Zoning Map was filed by David A. Cerutti on February 28, 1983, 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 March 21, 1983, 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. 83-46, adopted on March 21, 1983, the Planning Commission recommended to the Council that the application of David A. Cerutti to amend Sections 23-3-9 and 26-3-9 of the Zoning Map to reclassify the hereinafter 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 May 10, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, 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 property fronts directly onto Scenic Drive, a major street.
2. The proposed R-2 zoning conforms to the E. Orangeburg Zoning and Development policy adopted by the Planning Commission on January 18, 1972.

SECTION 2. ZONING CHANGE. Sections 23-3-9 and 26-3-9 of the Zoning Map are hereby amended to reclassify the following described property from Low Density Residential Zone, R-1, to Medium Density Residential Zone, R-2:

All that portion of Lot 9 of the Elbert Tract as per Map filed January 21, 1908 in Volume 3 of Maps, at Page 28, Stanislaus County Records in Sections 23 and 26, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, described as follows:

Commencing at the Northwest corner of said Lot 9, thence South 67° 13' East along the centerline of Dry Creek County Road and the North boundary of Lot 9 as shown on the Map of said Elbert Tract, a distance of 166.04 feet to the true point of beginning of this description; thence continuing along said North boundary and centerline of said road south 67° 13' East, a distance of 100 feet; thence South 21° 12' West, a distance of 22.79 feet to the South right-of-way line of Scenic Drive as shown on County Highway Layouts in Volume G-10 at Page 50 as filed in the office of the County Surveyer, Stanislaus County, California; thence continuing South 21° 12' West, a distance of 149.08 feet, more or less, to the centerline of Dry Creek as the same existed on September 24, 1954; thence North 63° 58' 54" West along the centerline of Dry Creek as it existed on September 24, 1954, a distance of 100.12 feet to a point that bears south 21° 12' West from the point of beginning; thence leaving the centerline of said Dry Creek, North 21° 12' East a distance of 144.53 feet to a point on the South right-of-way line of said Scenic Drive that is South 21° 12' West 21.67 feet from the point of beginning; thence North 21° 12' East a distance of 21.67 feet to the point of beginning.

SECTION 3. ZONING MAP. Sections 23-3-9 and 26-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1983, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William J. ...  
Department of Planning and  
Community Development

Ordinance 2187 C.S.  
Exhibit A – Map

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

Ord. No. 2187-C.S.

**FINAL ADOPTION CLAUSE**

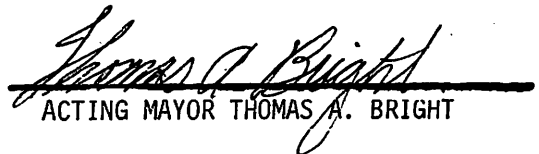
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 17th day of May, 1983, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Mayor Bright

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Mensinger

**APPROVED**

  
ACTING MAYOR THOMAS A. BRIGHT

**ATTEST:**   
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** June 16, 1983

ORDINANCE NO. 2188 -C.S.

AN ORDINANCE AMENDING SECTION MAP 25-3-8 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. (RETTIG BROS.)

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

SECTION 1. ZONING CHANGE. Section 25-3-8 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 (339) :

All that certain real property situate in a portion of the Northwest  
Quarter of Section 25, Township 3 South, Range 8 East, Mount Diablo  
Base and Meridian, City of Modesto, State of California, more  
particularly described as follows:

Commencing at the Northeast corner of Lot 1 of Block 5471, as shown  
on the Official Map of Woodland Estates, recorded in Book 28 of Maps,  
at Page 59; thence South 1°39'13" East, 1.82 feet to the point of  
beginning of this description; thence North 88°23'47" East, 250.00  
feet; thence South 1°39'13" East, 245.00 feet; thence South 88°28'47"  
West, 250.00 feet; thence North 1°39'13" West, 244.87 feet to the point  
of beginning of this description.

Including also all of the southern one-half of 60.00 foot wide Woodland  
Avenue and the western one-half of 50.00 foot wide Mercy Avenue immedi-  
ately adjacent to the above described property.

**SECTION 2. USES.** The following uses shall be permitted in said P-D(339) Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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.

Engine remanufacturing and parts sales facility.  
Automotive and truck engine repair.  
Off-street parking as shown on the approved plan.

**SECTION 3. ZONING MAP.** Section Map 25-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

**SECTION 5. PUBLICATION.** At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 10th day of May, 1983, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Lang, Muratore, Sutton, Whiteside

NOES: Councilmembers: Bright, Patterson, Mayor Mensinger

ABSENT: Councilmembers: None

APPROVED:

*Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

*Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By

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

APPROVED AS TO DESCRIPTION:

By

*William Smith*  
Department of Planning and  
Community Development

Ordinance 2188 C.S.  
Exhibit A – Map

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

Ord. No. 2188-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 May, 1983, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Lang, Muratore, Sutton, Whiteside

**NOES:** Councilmembers: Patterson, Acting Mayor Bright

**ABSENT:** Councilmembers: Mayor Mensinger

**APPROVED**

Thomas A. Bright  
ACTING MAYOR THOMAS A. BRIGHT

**ATTEST:**

Norrine Coyle  
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** June 16, 1983

ORDINANCE NO. 2189 -C.S.

AN ORDINANCE AMENDING SECTION 2 OF ORDINANCE NO. 1447-C.S. ENTITLED "AN ORDINANCE AMENDING SECTION MAP 23-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (PETERSON AND TANNER - COMMUNITY SHOPPING CENTER)."

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

SECTION 1. AMENDMENT OF ORDINANCE NO. 1447-C.S. Section 2 of Ordinance No. 1447-C.S. is hereby amended to read as follows:

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, and a family amusement machine 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 17th day of May, 1983, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was

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

AYES: Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside,  
Acting Mayor Bright

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: Thomas A. Bright  
THOMAS A. BRIGHT, Acting Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2189-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 May, 1983, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

**AYES: Councilmembers:** Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger.

**NOES: Councilmembers:** None

**ABSENT: Councilmembers:** None

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: June 23, 1983

ORDINANCE NO. 2190 -C.S.

AN ORDINANCE GRANTING TO DELTA PAPER STOCK, INC. A LIMITED LICENSE FOR THE COLLECTION OF SALVAGEABLE WASTE 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 salvageable waste in the City of Modesto is hereby granted to Delta Paper Stock, Inc., subject to the following terms and conditions:

- a. Said license shall be for a term commencing on the effective date of this license, as provided for in Section 3 hereof, and ending on June 30, 1984, unless terminated at an earlier date under the provisions of this license.
- b. Said license shall be a non-exclusive license to collect salvageable waste in the City of Modesto. For purposes of said license, salvageable waste is limited to cardboard and paper products.
- c. In accepting this license, the 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, including repeal of the provisions which require salvageable waste licenses.
- 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 Utility Services 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 Modesto Municipal Code.

- g. The Licensee shall not litter any premises or public property in making collections of salvageable waste nor shall salvageable waste 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.

- h. All equipment and containers used for the collection and hauling of salvageable waste shall be approved by the Director of Utility Services 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 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 salvageable waste, 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.

- i. All collection vehicles shall be well maintained, properly identified, painted, clean and in satisfactory mechanical condition.
- j. Salvaging or scavenging by the Licensee, or any of its employees, is prohibited during collection.
- k. The 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. EFFECTIVE DATE. 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 the Licensee files with the City Clerk written acceptance thereof and an agreement to be bound by and comply with all 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 Chapter 5 of Title V of the Modesto Municipal Code.

SECTION 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1983, by Councilmember Whiteside, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Muratore, Patterson, Whiteside, Mayor Mensinger

NOES: Councilmembers: Bright, Sutton

ABSENT: Councilmembers: Lang

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2190-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 June, 1983, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Lang, Muratore, Patterson, Whiteside, Mayor Mensinger  
**NOES:** Councilmembers: Bright, Sutton  
**ABSENT:** Councilmembers: None

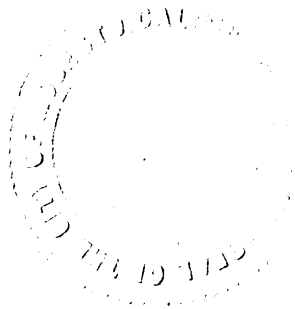
APPROVED

  
MAYOR PEGGY MENSINGER

ATTEST:

  
MORRINE COYLE, City Clerk

EFFECTIVE DATE: July 7, 1983



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

WHEREAS, a verified application for an amendment to Sections 7-3-9 and 18-3-9 of the Zoning Map was filed by Irwin Steinpress on March 8, 1983, to reclassify from Planned Development Zone, P-D(254), to Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2, property located on the north side of Rumble Road described as follows:  
P-D(254) to R-1

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

Beginning at the Northwest corner of Lot 4, Block 13315, as shown on that certain map entitled "Applegate No. 4" filed in Volume 24 of Maps at Page 32, Stanislaus County Records, said Northwest corner of Lot 4 also being the most Northerly point on the Westerly boundary line of said Applegate No. 4; thence South 0°10'52" East, along said Westerly boundary line and the Southerly prolongation thereof, a distance of 826.96 feet to the intersection with the centerline of Rumble Road, as shown on said maps; thence North 88°36'06" West along said centerline of Rumble Road, a distance of 303.06 feet; thence North 0°10'52" West, 632.76 feet; thence North 89°49'08" East, 78.95 feet; thence North 0°10'52" West, 172.50 feet; thence North 89°48'08" East, 90.74 feet to a point on a curve from which a radial line bears South 77°03'11" East, thence Northeasterly 17.66 feet along said curve concave to the Southeast having a radius of 143.00 feet through a central angle of 7°04'28" to a point from which a radial line bears South 69°58'34" East; thence South 88°35'32" East, 128.25 feet to the point of beginning.

P-D(254) to R-2

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

Commencing at the Northwest corner of Lot 4, Block 13315 as shown on that certain map entitled Applegate No. 4 filed in Volume 24 of Maps at Page 32, Stanislaus County Records, said Northwesterly corner of Lot 4 also being the most Northerly point of the Westerly boundary line of said Applegate No. 4; thence North 88°35'32" West, 128.25

feet to a point on a curve from which a radial line bears South 69°58'34" East, said point being the true point of beginning of this description; thence southwesterly 17.66 feet along said curve concave to the southeast having a radius of 143.00 feet through a central angle of 7°04'28" to a point from which a radial line bears South 77°03'11" East; thence South 89°49'08" West, 90.74 feet; thence South 0°10'52" East 172.50 feet; thence South 89°49'08" West, 78.95 feet; thence North 0°10'52" West 149.59 feet; thence North 88°30'07" West, 263.96 feet to the intersection with the centerline of Prescott Road; thence along said centerline, North 0°14'51" West, a distance of 53.25 feet; thence South 88°35'32" East, 438.83 feet to the point of beginning.

and

WHEREAS, a public hearing was held by the Planning Commission on April 18, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, thereafter the Planning Commission found and determined that rezoning of the property as requested, except for one small east appendage which should be zoned R-1 instead of the requested R-2, is required by public necessity, convenience, and general welfare for the following reasons:

1. The proposed R-1 rezoning reflects the developers choice in the type of low density housing for which it is believed the best market presently exists.
2. The proposed R-2 zoning conforms to the 300 ft. depth from the major street as called for in the General Plan prototype.
3. The east appendage proposed for R-2 should be rezoned R-1 to conform to the General Plan standards and to prevent intrusions of R-2 zoning into the interior of an R-1 area.

and

WHEREAS, by Resolution No. 83-58, adopted on April 18, 1983, the Planning Commission recommended to the Council that Sections 7-3-9 and 18-3-9 of the Zoning Map be amended to reclassify the property herein-after described from Planned Development Zone, P-D(254), to Low Density Residential Zone, R-1, and 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 May 24, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, this Council finds and determines that the rezoning as recommended by the Planning Commission is in accordance with the general plan and will serve the public health, safety and general welfare and provide the economic and social advantages resulting from orderly, planned use of land resource for the reasons set forth in Planning Commission Resolution No. 83-58 and quoted above.

SECTION 2. ZONING CHANGE. Sections 7-3-9 and 18-3-9 of the Zoning Map are hereby amended to reclassify the following described property from Planned Development Zone, P-D(254), to Low Density Residential Zone, R-1, and Medium Density Residential Zone, R-2:

P-D(254) to R-1

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

Beginning at the Northwest corner of Lot 4, Block 13315, as shown on that certain map entitled "Applegate No. 4" filed in Volume 24 of Maps, at Page 32, Stanislaus County Records, said Northwest corner of Lot 4 also being the most Northerly point on the Westerly boundary line of said Applegate No. 4; thence South  $0^{\circ}10'52''$  East, along said Westerly boundary line and the Southerly prolongation thereof, a distance of 826.96 feet to the intersection with the centerline of Rumble Road, as shown on said map; thence North  $88^{\circ}36'06''$  West along said centerline of Rumble Road, a distance of 303.06 feet; thence North  $0^{\circ}10'52''$  West, 632.76 feet; thence North  $89^{\circ}49'08''$  East, 78.95 feet; thence North  $0^{\circ}10'52''$  West, 192.07 feet; thence South  $88^{\circ}35'32''$  East, 224.08 feet to the point of beginning.

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

Commencing at the Northwest corner of Lot 4, Block 13315 as shown on that certain map entitled Applegate No. 4 filed in Volume 24 of Maps at Page 32, Stanislaus County Records, said Northwesterly corner of Lot 4 also being the most Northerly point of the Westerly boundary line of said Applegate No. 4; thence North  $88^{\circ}35'32''$  West, 224.08 feet to the true point of beginning of this description; thence South  $0^{\circ}10'52''$  East, 192.07 feet; thence South  $89^{\circ}49'08''$  West, 78.95 feet; thence North  $0^{\circ}10'52''$  West, 140.59 feet; thence North  $88^{\circ}30'07''$  West, 263.96 feet to the intersection with the centerline of Prescott Road; thence along said centerline, North  $0^{\circ}14'51''$  West, a distance of 53.25 feet; thence South  $88^{\circ}35'32''$  East, 343.00 feet to the point of beginning.

SECTION 3. ZONING MAP. Sections 7-3-9 and 18-3-9 of the Zoning Map of the City of Modesto are amended to appear as set forth on the maps attached hereto, which are 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 (30) days after its final passage and adoption.

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 24th day of May, 1983, by Councilmember Muratore, who moved its introduction

and passage to print, which motion being duly seconded by Councilmember  
Whiteside, was upon roll call carried and ordered printed and  
published by the following vote:

AYES: Councilmembers: Bright, Muratore, Patterson, Sutton, Whiteside,  
Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: Lang

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST: NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Brooks  
Department of Planning and  
Community Development

**Ordinance 2191 C.S.**  
**Exhibit A – Map**

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

Ord. No. 2191-C.S.

**FINAL ADOPTION CLAUSE**

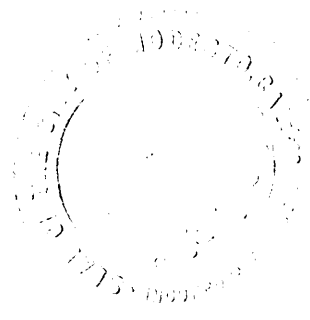
The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 5th day of July, 1983, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Mayor Bright
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: Mayor Mensinger

**APPROVED** Thomas A. Bright  
ACTING MAYOR THOMAS A. BRIGHT

**ATTEST:** Judy C. Hall  
JUDY C. HALL, Acting City Clerk

**EFFECTIVE DATE:** August 4, 1983



ORDINANCE NO. 2192 -C.S.

AN ORDINANCE AMENDING SECTION 8-2.915 OF CHAPTER 2 OF TITLE VIII OF THE MODESTO MUNICIPAL CODE RELATING TO UTILITY USERS' TAX.

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

SECTION 1. AMENDMENT OF CODE. Section 8-2.915 of Chapter 2 of Title VIII of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 8-2.915. SAME -- ANNUAL GROSS INCOME LESS THAN \$8,700.00.

- (a) A refund of not to exceed thirty dollars (\$30.00) of taxes due and paid under the provisions of this article for utility services rendered in any calendar year shall be made whenever all of the following occur:
  - (1) The annual gross income of the household in which the claimant lives is less than eight thousand seven hundred dollars (\$8,700.00) for the claimant's last federal or state personal income tax reporting period.
  - (2) The claimant makes application and files a verified claim in writing with the Director of Finance for such refund upon a claim form provided by the Director of Finance.
  - (3) The claim is approved by the Director of Finance as being in conformance with this section. Only one (1) member of each household may file a claim, and only one (1) claim may be filed for each individual household.
- (b) The claimant shall be the person in whose name the bills for utilities services were rendered. Income of the household means all income of the claimant's household while members of such household and related to the claimant as a spouse or as defined in Sections 17056 and 17057 of the Revenue and Taxation Code of California.
- (c) "Gross income" shall mean the sum of adjusted gross income as used for purposes of the California Personal Income Tax Law, together with the net income from all sources of all kinds, including but not limited to alimony, support money, cash public assistance and relief, pensions, annuities, social security, interest on securities (including tax-free interest on governmental securities), realized capital gains, workmen's

compensation (not including medical benefits), unemployment insurance income, insurance benefits of all kinds (other than medical), and gifts; except that income shall not include Medicare benefits, Medicaid benefits, gifts of food and gifts between members of the household, the receipt of surplus food or other relief in kind supplied by a governmental agency.

- (d) The claim for such refund, for the preceding calendar year, shall be made only during the period of January first to April fifteenth of each year, and must be accompanied by a copy of the utility bills, together with proof that the utility taxes have been paid by the claimant or some member of the household. No such refund shall be made on any claim filed or postmarked later than the fifteenth day of April.
- (e) No refund shall be made to any person for taxes levied on a utility account for which any utility tax is due and outstanding for the period for which refund is claimed or for any prior period. No refund shall be made of any tax which was paid with public assistance or relief funds which included an allowance to pay the tax.
- (f) Nothing in this section shall be construed to require that any utility company has any obligation to make or furnish, for the purpose of the refund provisions hereof, proof of utility taxes due or utility taxes paid.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 7th day of June, 1983, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peget Mensinger  
PEGET MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2192-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 June, 1983, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Mayor Bright

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Mensinger

**APPROVED**

Thomas A. Bright  
ACTING MAYOR THOMAS A. BRIGHT

**ATTEST:**

Norrine Coyle  
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** July 14, 1983

ORDINANCE NO. 2193-C.S.

AN ORDINANCE ADOPTING THE BUDGET FOR THE CITY OF  
MODESTO FOR THE FISCAL YEAR ENDING JUNE 30, 1984,  
AND PROVIDING FOR CERTAIN TRANSFERS OF FUNDS.

WHEREAS, pursuant to the Charter of the City of Modesto, a proposed budget for the 1983 -84 fiscal year has been submitted to the City Council by the City Manager, and the City Council has made such revisions as it has deemed advisable, and

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

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

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

SECTION 1. That the "City of Modesto Proposed Budget 1983 -84", presented by the City Manager to the City Council at its meeting held May 3, 1983, and as thereafter amended by the City Council, a copy of which budget, as amended, is on file in the office of the City Clerk, is hereby adopted as the budget for the City of Modesto for the fiscal year ending June 30, 1984, and the several amounts stated therein as proposed expenditures are hereby appropriated for the various objects therein described.

SECTION 2. That funds of the City of Modesto encumbered on June 30, 1983, are hereby appropriated for the purposes for which they are encumbered and shall be a part of the budget for the fiscal year 1983-1984 adopted hereby.

SECTION 3. That Capital Projects carried over from fiscal year 1982-1983 are hereby re-appropriated as a part of the budget for the fiscal year 1983-1984 adopted hereby. The amount of said appropriations will equal the Reserve for Appropriated Carryover Projects established in the General Ledger Accounts of the City of Modesto for all funds as of June 30, 1983.

SECTION 4. That the City Council is authorized by resolution to transfer funds from one department to another department and to transfer and authorize the expenditure of funds from the Reserved Fund Balances for specific purposes.

SECTION 5. That the City Manager is authorized to transfer funds within departmental budgets between the following classifications, to wit: Employee Services, Professional and Contractual Services, Materials and Supplies, other operating expenses and Capital Appropriations; and to transfer appropriations for capital items budgeted within the same department within the same capital fund.

SECTION 6. Pursuant to Section 722 of the Charter of the City of Modesto, this ordinance shall take effect upon adoption.

SECTION 7. Copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its adoption and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1983, by Councilmember Bright, who moved its adoption and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*  
Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

ORDINANCE NO. 2194-C.S.

AN ORDINANCE AMENDING SECTIONS 5-5.02, 5-5.03, 5-5.09, 5-5.11, 5-5.16, 5-5.19, 5-5.27 AND 5-5.38 OF CHAPTER 5 OF TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO GARBAGE REGULATIONS.

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

SECTION 1. AMENDMENT OF CODE. Sections 5-5.02, 5-5.03, 5-5.09, 5-5.11, 5-5.16, 5-5.19, 5-5.27 and 5-5.38 of Chapter 5 of Title V of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 5-5.02. DEFINITIONS.

The following words and phrases, whenever used in this chapter, shall be construed as defined in this section:

- (a) "Director of Finance" means the Director of Finance of the City of Modesto or his duly authorized agent.
- (b) "Director of Public Works" means the Director of Public Works of the City of Modesto or his duly authorized agent.
- (c) "Health Officer" means the Health Officer of the City of Modesto or his duly authorized agent.
- (d) "Disposal Area" as used in this chapter shall mean any area designated or provided by the City Council from time to time for the purpose of disposal of garbage.
- (e) "Place" or "Premises" means every dwelling house, dwelling unit, apartment house or multiple dwelling building, trailer or mobile home park, store, restaurant, rooming house, hotel, motel, hospital, office building, department store; manufacturing, processing or assembling shop or plant; warehouse; and every other property or building where any person resides or any business or activity is carried on or conducted within the City of Modesto.
- (f) "Customer" shall mean any person, firm or corporation receiving garbage service under the provisions of this chapter.

- (g) "Garbage" means any and all matter and materials which are rejected, abandoned, or discarded by the owners or producers thereof as offensive, or useless, or no longer desired by said owners or producers thereof, and/or which by their presence or accumulation may injuriously affect the health, comfort or safety of the community. It shall include rubbish, waste matter, swill, and similar substances or materials of the nature described above, but shall not include salvageable waste as defined herein nor garden refuse as defined in Section 4-7.1102 of this Code.
- (h) "Swill" means all classes of putrescible, animal, fish, fowl, fruit or vegetable matter, and shall include matter or substances used in the preparation, cooking, dealing in or storage of meats, fowl, fish, fruits and vegetables that are subject to immediate decay and the attraction of flies or rodents, and having a property value.
- (i) "Rubbish" means nonputrescible, useless, unused, unwanted or discarded material or debris, either combustible or noncombustible which by their presence may injuriously affect the health, safety and comfort of persons and property in the vicinity thereof.
- (j) "Salvageable waste" means matter and material which will be reused and which has a property value.
- (k) "Property value" means a worth to the extent that a person will collect the materials involved with compensation to the owner or producer, or at no cost to the owner or producer.
- (l) "Industrial garbage" means garbage produced by any person, firm or corporation engaged in the business of processing or manufacturing agricultural products, animals, poultry, goods, wares or other products or materials, who processes or manufactures the same for the purpose of wholesale in processed or manufactured form. "Industrial garbage" also means garbage produced by any person, firm or corporation engaged in the business of building construction and/or building demolition.

- (m) "Garbage collector" means an agent or employee of the City or any person, or the agents, assignees or employees thereof, to whom a license shall have been issued under the terms of this chapter for the collection of garbage as hereinafter set forth.
- (n) "Swill collector" means an agent or employee of the City, or any person, or the agents, assignees, or employees thereof, to whom a license shall have been issued under the terms of this chapter for the collection of swill.
- (o) "Industrial garbage collector" means an agent or employee of the City, or any person, or the employees thereof, to whom a license shall have been issued under the terms of this chapter for the collection of industrial garbage.
- (p) "Standard container" means a galvanized metal can, watertight and with a close fitting cover, cover handle and side handles, of not less than ten (10) nor more than thirty-three (33) gallons net capacity of a design satisfactory to the Director of Public Works or such other disposal unit of like capacity approved by the Director of Public Works.
- (q) "Detachable container" means a metal container, watertight and with a cover, designed for direct dumping into a collection vehicle, and constructed in standard sizes with a minimum of one cubic yard in capacity, as approved by the Director of Public Works, and furnished by a licensed collector.
- (r) "Drop box container" means a metal box designed for loading upon a vehicle for transportation to the disposal area, with a minimum of twenty (20) cubic yards capacity, of a design approved by the Director of Public Works, and furnished by a licensed collector.

SEC. 5-5.03. SEGREGATION AND DISPOSITION OF WASTE MATERIALS.

Every producer of garbage may at his option segregate the same into rubbish, and/or swill, and dispose of the same as provided in this chapter.

**SEC. 5-5.09. PROHIBITED LOCATION OF CONTAINERS.**

Garbage, rubbish, swill, and industrial garbage containers shall not be placed or allowed to remain in or on any street or alley right-of-way, unless authorized by the Director of Public Works.

**SEC. 5-5.11. EXPLOSIVES OR HAZARDOUS MATERIALS.**

No person shall deposit in any container used for garbage, rubbish, swill, industrial garbage or any explosive, highly flammable, radioactive or otherwise hazardous material or substance without having first made special arrangements therefor with the collector thereof. A violation of this section shall be punishable as a misdemeanor.

**SEC. 5-5.16. LICENSE TO COLLECT GARBAGE.**

- (a) It shall be unlawful for any person to engage in the business of collecting garbage, swill, and/or industrial garbage within the City unless such person is an employee or agent of the City, or has been granted a license by the Council so to do, or is the employee of a person who has been so licensed.
- (b) It shall be unlawful for any person to interfere in any manner with the lawful operations of such licensee or his authorized agents or assignees.
- (c) The City may provide in any license issued pursuant to this chapter that the licensee may assign a portion or portions of the garbage collection services for which he is so licensed to one or more agents or assignees upon approval of the City Council. The licensee shall be responsible for the operation and conduct of such agents or assignees.

**SEC. 5-5.19. LICENSE FEE AND COLLECTION OF SWILL.**

The license fee for the privilege of engaging in the business of collecting swill in the City shall be the sum of Twenty-five and no/100ths (\$25.00) Dollars per calendar quarter, or fraction thereof, payable in advance.

SEC. 5-5.27. LIMIT ON NUMBER OF LICENSES.

In order to preserve the health, safety and welfare of the people in the City, the Council hereby retains the authority to limit the number of licenses for the collection of garbage, swill, and industrial garbage which will be issued under this chapter.

SEC. 5-5.38. ANNUAL FINANCIAL REPORT BY GARBAGE COLLECTORS.

Each person granted a license to collect garbage or industrial garbage pursuant to the provisions of this chapter shall file each year with the Director of Finance a detailed financial statement, including a balance sheet and profit and loss statement. Said statement shall be filed on or before the date set forth in said license for the fiscal or calendar year specified in said license. Any person granted such a license who fails to file said statement on or before said date shall pay a penalty of Five and no/100ths (\$5.00) Dollars a day for each calendar day, or part thereof, until said statement is filed.

This section shall not apply to swill collectors.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1983 by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton,  
Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By *Elynn L. Johnson*  
ELYNN L. JOHNSON, City Attorney

Ord. No. 2194-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 28th day of June, 1983, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Judy C. Hall  
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: July 28, 1983

ORDINANCE NO. 2195 -C.S.

AN ORDINANCE AMENDING SECTION 11-1.13 OF CHAPTER I OF  
TITLE XI OF THE MODESTO MUNICIPAL CODE RELATING TO DEPOSITS  
FOR WATER SERVICE

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

SECTION 1. AMENDMENT OF CODE. Section 11-1.13 of Chapter I of

Title XI of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 11-1.13. DEPOSITS FOR WATER SERVICE.

An advance water deposit, as may be established from time to time by resolution duly adopted by the Council, shall be required for each service; except that if the Director of Finance is of the opinion that a larger deposit is required in order to protect the interests of the City, the Director may require an advance deposit in an amount not to exceed twice the amount of charges of a normal billing period. The advance deposit shall not be required where the consumer is the owner of record of the real property being served.

Said advance deposit may be applied toward the nonpayment of water and sewer service accounts after the service has been discontinued. Service shall not be resumed on such account until such time as the deposit is replaced to the satisfaction of the Director of Finance.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1983, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



Ord. No. 2195-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 28th day of June, 1983, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED

*Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST:

*Judy C. Hall*  
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: July 28, 1983

AN ORDINANCE ADDING SECTION 5-6.02.1 OF CHAPTER 6 OF  
TITLE V OF THE MODESTO MUNICIPAL CODE RELATING TO ADVANCE  
SEWER DEPOSIT CHARGES

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

SECTION 1. AMENDMENT OF CODE. Section 5-6.02.1 is hereby added to  
Chapter 6 of Title V of the Modesto Municipal Code to read as follows:

SEC. 5-6.02.1 DEPOSITS FOR SEWER SERVICE.

An advance sewer deposit, as may be established from time to time  
by resolution duly adopted by the Council, shall be required for  
each premise where the City does not provide water service; except  
that if the Director of Finance is of the opinion that a larger  
deposit is required in order to protect the interests of the City,  
the Director may require an advance deposit in an amount not to  
exceed twice the amount of charges of a normal billing period. The  
advance deposit shall not be required where the consumer is the  
owner of record of the real property being served.

Said advance deposit may be applied toward the nonpayment of the  
sewer service account after the service has been discontinued.  
Service shall not be resumed on such account until such time as the  
deposit is replaced to the satisfaction of the Director of Finance.

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. At least two (2) days prior to its final  
adoption, copies of this ordinance shall be posted in at least three (3)  
prominent and distinct locations in the City; and a notice shall be published  
once in The Modesto Bee, the official newspaper of the City of Modesto, setting  
forth the title of this ordinance, the date of its introduction and the places  
where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the  
Council of the City of Modesto held on the 21st day of June, 1983,  
by Councilmember Bright, who moved its introduction and passage to

print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2196-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 28th day of June, 1983, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

**AYES: Councilmembers:** Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger.

**NOES: Councilmembers:** None

**ABSENT: Councilmembers:** None

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Judy C. Hall  
JUDY C. HALL, Acting City Clerk

**EFFECTIVE DATE:** July 28, 1983

AN ORDINANCE AMENDING SECTION 2-5.10 OF CHAPTER 5 OF TITLE II OF THE MODESTO MUNICIPAL CODE RELATING TO SUSPENSION OF EMPLOYEES IN CITY SERVICE.

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

SECTION 1. AMENDMENT OF CODE. Section 2-5.10 of Chapter 5 of Title II of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 2-5.10. SUSPENSION.

Any person holding a position of employment in the City service shall be subject to disciplinary suspension without pay by the appointing power, but such suspensions shall not exceed a total of ninety (90) calendar days in any fiscal year. A department head not having power of appointment may make disciplinary suspensions in accordance with the rules.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 21st day of June, 1983, by Councilmember Bright, who moved its introduction and passage to

print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*  
PEGGY MENSINGER, Mayor

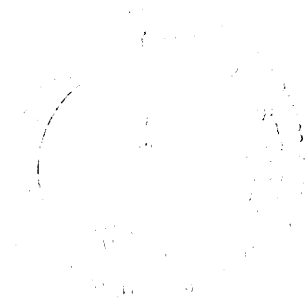
ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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



Ord. No. 2197-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 28th day of June, 1983, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

  
MAYOR PEGGY MENSINGER

ATTEST:

  
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: July 28, 1983

ORDINANCE NO. 2198-C.S.

AN ORDINANCE AMENDING SUBSECTION (a) OF SECTION 2 OF ORDINANCE NO. 2171-C.S., ENTITLED "AN ORDINANCE GRANTING TO BERTOLOTTI DISPOSAL, INC., A CALIFORNIA CORPORATION DBA BERTOLOTTI DISPOSAL SERVICE, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO" TO EXTEND SAID LICENSE.

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

SECTION 1. Subsection (a) of Section 2 of Ordinance No. 2171-C.S., entitled "An Ordinance Granting to Bertolotti Disposal Service, Inc., a California Corporation dba Bertolotti Disposal Service, a License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

"(a) Said license shall be for a term commencing on June 4, 1975 and ending September 30, 1983, 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."

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure preserving the public peace, health and safety, and the following is a statement of reasons for its urgency:

The existing license of Bertolotti Disposal Service, Inc. for the collection of garbage in the City of Modesto will expire on June 30, 1983. Bertolotti Disposal Service, Inc. has made application for a new license which will take from 60 to 90 days to be processed and become effective. Therefore, it is necessary to extend the existing license of Bertolotti Disposal Service, Inc. for 90 days so there will be no interruption of garbage service to the areas of the City of Modesto served by Bertolotti Disposal Service, Inc.

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. Copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its adoption and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 28th day of June, 1983, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES:	Councilmembers:	Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
NOES:	Councilmembers:	None
ABSENT:	Councilmembers:	None

APPROVED: *Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

By *Judy C. Hall*  
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXXX~~  
JUDY C. HALL, Acting City Clerk  
(SEAL)

APPROVED AS TO FORM:

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



ORDINANCE NO. 2199-C.S.

AN ORDINANCE AMENDING SUBSECTION (a) OF SECTION 2 OF ORDINANCE NO. 1448-C.S., AS PREVIOUSLY AMENDED BY ORDINANCE NO. 2159-C.S., ENTITLED "AN ORDINANCE GRANTING TO ORANGE LINE SANITATION COMPANY, INC., A CALIFORNIA CORPORATION, A LICENSE FOR THE COLLECTION OF GARBAGE IN THE CITY OF MODESTO" TO EXTEND SAID LICENSE.

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

SECTION 1. Subsection (a) of Section 2 of Ordinance No. 1448-C.S., as previously amended by Ordinance No. 2159-C.S., entitled "An Ordinance Granting to Orange Line Sanitation Company, Inc., a California Corporation, a License for the Collection of Garbage in the City of Modesto" is hereby amended to read as follows:

"(a) Said license shall be for a term commencing on June 4, 1975 and ending September 30, 1983, 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."

SECTION 2. DECLARATION OF EMERGENCY. The Council of the City of Modesto hereby finds and declares that the foregoing ordinance is necessary as an emergency measure preserving the public peace, health and safety, and the following is a statement of reasons for its urgency:

The existing license of Orange Line Sanitation Company, Inc. for the collection of garbage in the City of Modesto will expire on June 30, 1983. Orange Line Sanitation Company, Inc. has made application for a new license which will take from 60 to 90 days to be processed and become effective. Therefore, it is necessary to extend the existing license of Orange Line Sanitation Company, Inc. for 90 days so there will be no interruption of garbage service to the areas of the City of Modesto served by Orange Line Sanitation Company, Inc.



AN ORDINANCE AMENDING SECTION MAP 9-3-9 OF THE ZONING MAP TO REZONE P-D(301) TO R-2, PROPERTY LOCATED ON LAS CRUCES COURT WEST FROM COFFEE ROAD (BRIGHT DEVELOPMENT).

WHEREAS, the City Council, by Ordinance No. 2036-C.S., which was adopted on May 12, 1981, and which became effective on June 18, 1981, amended Section Map 9-3-9 of the Zoning Map to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(301), to allow condominium dwelling units on property located around Las Cruces Court, extending west from Coffee Road, and

WHEREAS, a verified application for an amendment to Section 9-3-9 of the Zoning Map was filed by Bright Development representing Stanley W. and Charlotte E. Smith, and Wilbur F. Earley, on April 22, 1983, to reclassify said property from Planned Development Zone, P-D(301), to Medium Density Residential Zone, R-2, and

WHEREAS, after public hearing held on June 6, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, it was found and determined by the Planning Commission that rezoning of the property as requested is required by public necessity, convenience and general welfare, for the following reasons:

1. The proposed R-2 zoning is the previous zone to which this property would revert if the current P-D(301) were allowed to expire.
2. The proposed R-2 will allow a rental development to conform to the existing subdivision lots.

and

WHEREAS, by Resolution No. 83-83, adopted June 6, 1983, the Planning Commission recommended to the City Council that Section Map 9-3-9 of the Zoning Map be amended to rezone P-D(301) to R-2, and

WHEREAS, said matter was set for public hearing before the Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on July 5, 1983, at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the proposed amendment to Section 9-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(301) to Medium Density Residential Zone, R-2, property located on Las Cruces Court West from Coffee Road, in the City of Modesto, should be approved,

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

SECTION 1. COUNCIL FINDINGS. The Council of the City of Modesto finds and determines that the amendment of Section 9-3-9 of the Zoning Map to rezone from Planned Development, P-D(301), to Medium Density Residential Zone, R-2, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 83-83, and quoted above.

SECTION 2. ZONING CHANGE. Section 9-3-9 of the Zoning Map is hereby amended to rezone Planned Development Zone, P-D(301), to Medium Density Residential Zone, R-2, property located on Las Cruces Court West from Coffee Road, in the City of Modesto, and described as follows:

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

Beginning at the Northwest corner of Hacienda Estates as shown on the official map thereof filed for record in Book 29 of Maps, at page 41, Stanislaus County Records; thence South 89°37'17" East along the north line of said Hacienda Estates and the easterly extension thereof, a distance of 298.00 feet to a point on the centerline of Coffee Road; thence along said centerline South 0°50'30" East 292.38 feet; thence North 89°37'17" West along the southerly line of said Hacienda Estates and the easterly extension thereof, a distance of 298.13 feet; thence North 0°48'57" West along the westerly line of said Hacienda Estates, a distance of 292.38 feet to the point of beginning.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1983, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

- AYES: Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Mayor Bright
- NOES: Councilmembers: None
- ABSENT: Councilmembers: Mayor Mensinger

APPROVED: Thomas A. Bright  
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~  
THOMAS A. BRIGHT, Acting Mayor

ATTEST: Judy C. Hall  
~~XXXXXXXXXXXXXXXXXXXXXXXXXXXX~~  
JUDY C. HALL, Acting City Clerk  
(SEAL)

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

APPROVED AS TO DESCRIPTION:  
By William Prichard  
Department of Planning and  
Community Development

Ordinance 2200 C.S.  
Exhibit A – Map

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

Ord. No. 2200-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 12th day of July, 1983, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Mayor Bright

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Mayor Mensinger

**APPROVED**

Thomas A. Bright  
THOMAS A. BRIGHT, Acting Mayor

**ATTEST:**

Morrine Coyle  
MORRINE COYLE, City Clerk

**EFFECTIVE DATE:** August 11, 1983

ORDINANCE NO. 2201 -C.S.

AN ORDINANCE AMENDING SECTION 15-3-9 OF THE ZONING MAP TO REZONE FROM P-D(282) TO P-0, PROPERTY LOCATED ON THE EAST SIDE OF COFFEE ROAD SOUTH OF ENSENADA DRIVE.

WHEREAS, the City Council, by Ordinance No. 1991-C.S., which was adopted on November 4, 1980, finally adopted November 12, 1980, and which became effective on December 12, 1980, amended Section Map 15-3-9 of the Zoning Map to reclassify from Professional Office Zone, P-0, to Planned Development Zone, P-D(282), to allow condominium conversion of a 124-unit apartment complex known as Villa Verde North, property located on the east side of Coffee Road south of Ensenada Drive, and

WHEREAS, the City Council, by Resolution No. 80-1120, approved the development plan for Planned-Development Zone, P-D(282), with a development schedule which specified that the construction be in one phase, to begin construction on or before June 1, 1983, and completion to be not later than June 1, 1984, and

WHEREAS, Planned Development Zone, P-D(282), expired on June 1, 1983, and the Planning Commission, by Resolution No. 83-68, set date for public hearing to repeal Planned Development Zone, P-D(282), and rezone back to Professional Office Zone, P-0, and

WHEREAS, a public hearing was held by the Planning Commission on June 6, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission, by Resolution No. 83-84, adopted

on June 6, 1983, found and determined that an amendment to Section 15-3-9 of the Zoning Map to repeal Planned Development Zone, P-D(282), and rezone to Professional Office Zone, P-0, property located on the east side of Coffee Road south of Ensenada Drive, in the City of Modesto, is required by public necessary, convenience, and general welfare for the following reasons:

1. The development schedule calls for start of construction pursuant to condominium conversion to be on or before June 1, 1983, which date has passed.
2. By letter, the developers have indicated that they are abandoning their proposal to convert the apartments to condominiums for economic reasons.
3. The apartments were built under the P-0 zoning as is allowed and this zone will have no effect on the continued use as apartments.

and

WHEREAS, said amendment was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on July 5, 1983 at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the proposed amendment to Section 15-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(282) to Professional Office Zone, P-0, property located on the east side of Coffee Road south of Ensenada Drive, in the City of Modesto, should be approved,

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

SECTION 1. COUNCIL FINDINGS. The Council of the City of Modesto finds and determines that the amendment of Section 15-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(282), to Professional Office Zone,

P-0, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 83-84, and quoted above.

SECTION 2. ZONING CHANGE. Section 15-3-9 of the Zoning Map is hereby amended to repeal Planned Development Zone, P-D(282), and rezone to Professional Office Zone, P-0, property located on the east side of Coffee Road south of Ensenada Drive, in the City of Modesto, and described as follows:

All that certain real property situate in a portion of Section 15, Township 3 South, Range 9 East, Mount Diablo Base and Meridian, and lying within the City of Modesto, County of Stanislaus, State of California, described as follows:

Beginning at the Northeast corner of Parcel C as shown on that certain map filed in Volume 3 of Parcel Maps at page 9, Stanislaus County Records; thence South  $0^{\circ} 52' 53''$  East along the East line of said Parcel C, a distance of 355.12 feet to the Southeast corner of said Parcel C; thence South  $89^{\circ} 46' 07''$  West along the South line of said Parcel C, also being the quarter section line of said Section 15 and the Westerly prolongation of said South line a distance of 575.22 feet to the intersection with the West line of said Section 15; thence North  $0^{\circ} 53'$  West along said Section line a distance of 255.05 feet to the intersection with the Westerly prolongation of the North line of Parcel B as shown on said map; thence North  $89^{\circ} 45' 45''$  East along said Northwest line of Parcel B and its Westerly prolongation a distance of 215.00 feet; thence North  $0^{\circ} 53'$  West along the West line of said Parcel B a distance of 100.00 feet; thence North  $89^{\circ} 45' 45''$  East along the North line of said Parcel B and the North line of said Parcel C, a distance of 360.24 feet to the point of beginning.

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

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

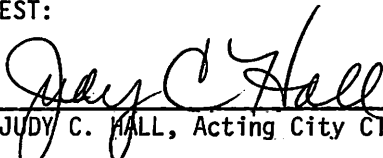
SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1983, by Councilmember Patterson, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

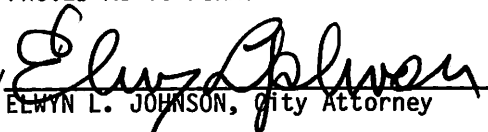
AYES: Councilmembers: Lang, Muratore, Patterson, Sutton,  
Whiteside, Acting Mayor Bright  
NOES: Councilmembers: None  
ABSENT: Councilmembers: Mayor Mensinger

APPROVED:   
PEGGY MENSINGER, Mayor

ATTEST:

By   
JUDY C. HALL, Acting City Clerk  
(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

APPROVED AS TO DESCRIPTION:

By   
Department of Planning and  
Community Development

**Ordinance 2201 C.S.  
Exhibit A – Map**

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


Ord. No. 2201-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 12th day of July, 1983, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Mayor Bright  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Mayor Mensinger

**APPROVED**

  
\_\_\_\_\_  
THOMAS A. BRIGHT, Acting Mayor

**ATTEST:**

  
\_\_\_\_\_  
MORRAINE COYLE, City Clerk

**EFFECTIVE DATE:** August 11, 1983

ORDINANCE NO. 2202 -C.S.

AN ORDINANCE AMENDING SECTION 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. Section 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. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSE OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE. By authority of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BLUE GUM AVENUE, between Poust and Carpenter Roads	40 miles per hour	July 11, 1980
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	November 15, 1982
BRIGGSMORE AVENUE, (westbound) between Coffee Road and McHenry Avenue	45 miles per hour	November 15, 1982
BRIGGSMORE AVENUE, (east- bound) between McHenry Avenue and 1,000 feet west of Coffee Road	40 miles per hour	November 13, 1982
BRIGGSMORE AVENUE, (eastbound), between a point 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour	April 20, 1979

BRIGGSMORE AVENUE, between Coffee Road and Rose Avenue	45 miles per hour	April 13, 1979
BRIGGSMORE AVENUE, between Rose Avenue and Oakdale Road	50 miles per hour	April 13, 1979
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	55 miles per hour	April 13, 1979
BRIGGSMORE AVENUE, (east and westbound) between McHenry Avenue and Tully Road	45 miles per hour	April 28, 1980
BRIGGSMORE AVENUE, between Tully Road and Prescott Road	45 miles per hour	April 28, 1980
BRIGHTON AVENUE, between Locke Road and Coffee Road	30 miles per hour	June 15, 1983
CARPENTER ROAD, between Paradise Road and Maze Boulevard	45 miles per hour	April 13, 1979
CARPENTER ROAD, between Woodland Avenue and Blue Gum Avenue	45 miles per hour	April 13, 1979
CARVER ROAD, between 9th Street and Roseburg Avenue	35 miles per hour	November 13, 1982
CARVER ROAD, between Roseburg Avenue and Brixton Lane within the City limits	35 miles per hour	November 15, 1982
CARVER ROAD, between Brixton Lane and M.I.D. Lateral No. 6 within the City limits	40 miles per hour	December 10, 1981
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	June 14, 1983
COFFEE ROAD, between Scenic Drive and Briggsmore Avenue	40 miles per hour	July 18, 1979

COFFEE ROAD, between Briggsmore Avenue and Floyd Avenue	40 miles per hour	July 18, 1979
COFFEE ROAD, between Floyd Avenue and Sylvan Avenue	40 miles per hour	April 13, 1979
COFFEE ROAD, between Sylvan Avenue and Mable Avenue	40 miles per hour	June 6, 1981
COLLEGE AVENUE, between Princeton Avenue and Bowen Avenue	35 miles per hour	November 20, 1982
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	35 miles per hour	January 19, 1981
CROWS LANDING ROAD, School Avenue to Blankenburg Avenue, within the City limits	35 miles per hour	June 22, 1983
DALE ROAD, between Standiford Avenue and Veneman Avenue	35 miles per hour	April 13, 1979
EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	May 25, 1983
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	March 11, 1981
EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive	40 miles per hour	November 16, 1982
EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	35 miles per hour	June 14, 1983
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	30 miles per hour	June 22, 1983
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	35 miles per hour	January 19, 1981
FAIRMONT AVENUE, between Coffee Road and Sunrise Avenue	30 miles per hour	June 15, 1983
FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	November 15, 1982

FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	June 14, 1983
FRANKLIN STREET, between California Avenue and Maze Boulevard	35 miles per hour	November 20, 1982
GRANGER AVENUE, between Sunrise Avenue and McHenry Avenue	30 miles per hour	June 14, 1983
GRANGER AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	June 14, 1983
KANSAS AVENUE, between Carpenter Road and Emerald Avenue within the City limits	40 miles per hour	July 9, 1981
KANSAS AVENUE, between Emerald Avenue and Eighth Street	35 miles per hour	April 13, 1979
KEARNEY AVENUE, between Coldwell Avenue and Glenwood Drive	30 miles per hour	January 19, 1981
KELLER STREET, between Rumble Road and Sylvan Avenue	30 miles per hour	April 13, 1979
LAKEWOOD AVENUE, between Scenic Drive and Orangeburg Avenue within the City limits	35 miles per hour	June 15, 1983
LA LOMA AVENUE, between Buena Vista and Yosemite Boulevard	35 miles per hour	November 16, 1982
LINCOLN AVENUE, between Yosemite Boulevard and 650' north of M.I.D. Lateral No. 2	35 miles per hour	June 3, 1980
MABLE AVENUE, between Coffee Road and Oakdale Road	40 miles per hour	February 24, 1981
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	November 16, 1982
MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	November 20, 1982

MORRIS AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	November 16, 1982
MT. VERNON DRIVE, between Carver Road and Prescott Road	30 miles per hour	June 14, 1983
MT. VERNON DRIVE, between College Avenue and Carver Road	30 miles per hour	June 23, 1983
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	June 14, 1983
NEEDHAM STREET, between L and 9th Streets	35 miles per hour	June 22, 1983
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	June 14, 1983
OAKDALE ROAD, between Scenic Drive and Briggsmore Avenue	40 miles per hour	July 18, 1979
OAKDALE ROAD, between Briggsmore Avenue and Floyd Avenue	45 miles per hour	April 13, 1979
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	July 21, 1980
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	March 17, 1980
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	March 17, 1980
ORANGEBURG AVENUE, between Coffee Road and Rose Avenue	35 miles per hour	December 9, 1981
ORANGEBURG AVENUE, between Rose Avenue and Oakdale Road	35 miles per hour	August 30, 1979
ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	30 miles per hour	July 11, 1980
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	35 miles per hour	July 11, 1980

PARADISE ROAD, between Vernon Avenue and Franklin Street	35 miles per hour	April 13, 1979
PRESCOTT ROAD, between Briggsmore Avenue and Rumble Road	40 miles per hour	July 18, 1979
PRINCETON AVENUE, between College Avenue and Tully Road	25 miles per hour	July 15, 1980
RIVERSIDE DRIVE, between Edgebrook Drive and Yosemite Boulevard	35 miles per hour	January 19, 1981
ROSE AVENUE, between Scenic Drive and Briggsmore Avenue	35 miles per hour	November 3, 1982
ROSE AVENUE, between Briggsmore Avenue and Floyd Avenue	35 miles per hour	November 16, 1982
ROSEBURG AVENUE, between Sunrise Avenue and McHenry Avenue	35 miles per hour	June 14, 1983
ROSEBURG AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	June 14, 1983
ROSEBURG AVENUE, between Tully Road and Carver Road	30 miles per hour	June 14, 1983
ROSELAWN AVENUE, between Colorado Avenue and Rouse Avenue	30 miles per hour	March 19, 1982
ROUSE AVENUE, between Neece Drive and Colorado Avenue within the City Limits	35 miles per hour	September 16, 1982
RUMBLE ROAD, between Coffee Road and McHenry Avenue within the City limits	35 miles per hour	June 14, 1983
RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	June 14, 1983
RUMBLE ROAD, between Sisk Road and Conant Avenue	40 miles per hour	December 9, 1981

RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	January 19, 1981
SCENIC DRIVE, between Burney Street and Coffee Road within the City limits	30 miles per hour	June 22, 1983
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	December 9, 1981
SCENIC DRIVE, Lillian Drive to Claus Road, within the City limits	40 miles per hour	November 3, 1982
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	45 miles per hour	December 9, 1981
SHARON WAY, between Budd Street and Prescott Road	30 miles per hour	June 7, 1983
SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	June 14, 1983
SISK ROAD, between Briggsmore Avenue and Brenner Way	40 miles per hour	June 8, 1983
SISK ROAD, between Brenner Way and Standiford Avenue	40 miles per hour	December 9, 1981
SISK ROAD, between Standiford Avenue and 600' north of Vintage Drive	40 miles per hour	March 6, 1981
STANDIFORD AVENUE, between Dale Road and Prescott Road	45 miles per hour	December 10, 1981
STANDIFORD AVENUE, between Prescott Road and Carver Road	40 miles per hour	December 10, 1981
STANDIFORD AVENUE, between Carver Road and Tully Road	45 miles per hour	July 19, 1979
STANDIFORD AVENUE, between Tully Road and McHenry Avenue	40 miles per hour	October 20, 1980
SUNRISE AVENUE, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	June 14, 1983

SUNRISE AVENUE, between Briggsmore Avenue and Lucern Avenue	30 miles per hour	June 22, 1983
SURREY AVENUE, between Oakdale Road and Eastridge Drive	25 miles per hour	May 30, 1980
SUTTER AVENUE, between Paradise Road and Robertson Road	30 miles per hour	November 1, 1982
SYCAMORE AVENUE, between Griswold Avenue and Orangeburg Avenue	35 miles per hour	June 15, 1983
SYLVAN AVENUE, between McHenry Avenue and Coffee Road within the City limits	45 miles per hour	June 14, 1983
SYLVAN AVENUE, between Coffee Road and Oakdale Road within the City limits	45 miles per hour	June 14, 1983
TOKAY AVENUE, between McHenry Avenue and Bodega Lane	35 miles per hour	January 27, 1982
TULLY ROAD, between Coldwell Avenue and Standiford Avenue	35 miles per hour	November 20, 1982
TULLY ROAD, between Standiford Avenue and M.I.D. Lateral No. 6	40 miles per hour	June 14, 1983
TUOLUMNE BOULEVARD, between 7th Street and Paradise Road	35 miles per hour	November 1, 1982
VENEMAN AVENUE, between Dale Road and MID Lateral No. 7	35 miles per hour	November 13, 1982
VIRGINIA AVENUE, between Needham Street and Roseburg Avenue	30 miles per hour	June 14, 1983
WHITMORE AVENUE, between Morgan Road and Crows Landing Road within the City limits	45 miles per hour	December 10, 1981

WOODLAND AVENUE, between Morse Avenue and Shasta Avenue, within the City limits	45 miles per hour	April 13, 1979
WOODLAND AVENUE, between Shasta Avenue and Carpenter Road within the City limits	45 miles per hour	February 5, 1980
WOODLAND AVENUE, between 9th Street and Carpenter Road within the City limits	35 miles per hour	December 10, 1981
WOODROW AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	June 14, 1983
WYLIE DRIVE, between Rose Avenue and Oakdale Road	35 miles per hour	August 31, 1979
9TH STREET, between L Street and P Street	35 miles per hour	December 9, 1981

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 5th day of July, 1983, by Councilmember Whiteside who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and order printed and published by the following vote:

AYES: Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Mayor Bright

NOES: Councilmembers: None

ABSENT: Councilmembers: Mayor Mensinger

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Judy C. Hall  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2202-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 12th day of July, 1983, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Lang, Muratore, Patterson, Sutton, Whiteside, Acting Mayor Bright  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: Mayor Mensinger

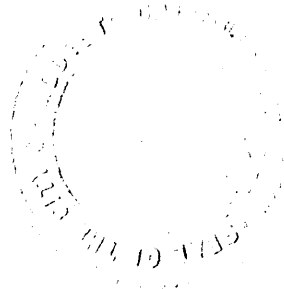
APPROVED

  
THOMAS A. BRIGHT, Acting Mayor

ATTEST:

  
MORRAINE COYLE, City Clerk

EFFECTIVE DATE: August 11, 1983



AN ORDINANCE OF THE CITY OF MODESTO,  
CALIFORNIA, APPROVING AND ADOPTING THE  
REDEVELOPMENT PLAN FOR THE MODESTO REDE-  
VELOPMENT PROJECT

WHEREAS, the City Council of the City of Modesto has received from the Redevelopment Agency of the City of Modesto (the "Agency") the proposed Redevelopment Plan (the "Redevelopment Plan") for the Modesto Redevelopment Project (the "Project"), as approved by the Agency, a copy of which is on file at the office of the Agency at 801 11th Street, Modesto, California, and at the office of the City Clerk, City Hall, 801 11th Street, Modesto, California, together with the Report of the Agency including the reasons for the selection of the Project Area, a description of the physical, social and economic conditions existing in the Project Area, the proposed method of financing the redevelopment of the Project Area, a plan for the relocation of business owners and tenants who may be temporarily or permanently displaced from the Project Area, an analysis of the Preliminary Plan, the report and recommendations of the Planning Commission of the City of Modesto (the "Planning Commission"), an environmental impact report on the Redevelopment Plan, the report of the County Fiscal Officer and the Fiscal Review Committee and the Agency's analysis thereof, and a neighborhood impact report; and

WHEREAS, the Planning Commission has submitted to the Council its report and recommendations for approval of the Redevelopment Plan, and its certification that the Redevelopment Plan conforms to the General Plan for the City of Modesto; and

WHEREAS, the Council and the Agency held a joint public hearing on July 6, 1983, on adoption of the Redevelopment Plan and on certification of the Final Environmental Impact Report on the Redevelopment Plan, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California; and

WHEREAS, a notice of said hearing was duly and regularly published in the Modesto Bee, a daily newspaper of general circulation in the City of Modesto, once a week for four successive weeks prior to the date of said hearing, and a copy of said notice and affidavit of publication are on file with the City Clerk and the Agency; and

WHEREAS, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the last known address of each assessee, as shown on the last equalized assessment roll of the County of Stanislaus, of each parcel of land in the proposed Project Area; and

WHEREAS, each assessee in the Project Area was sent a separate statement, attached to the notice of joint public hearing, that his property may be subject to acquisition by purchase or condemnation under the provisions of the Redevelopment Plan; and

WHEREAS, copies of the notice of joint public hearing were mailed by certified mail with return receipt requested to the governing body of each taxing agency which receives taxes from property in the Project Area; and

WHEREAS, the Agency has prepared and submitted a program for the relocation of persons and businesses who may be displaced as a result of carrying out the Project in accordance with the Redevelopment Plan; and

WHEREAS, the Council has general knowledge of the conditions existing in the Project Area and of the availability of suitable housing in the City for the relocation of families and persons who may be displaced by the Project, and in the light of such knowledge of local housing conditions, has carefully considered and reviewed such program for relocation; and

WHEREAS, the Council has considered the report and recommendations of the Planning Commission, the report of the Agency, the Redevelopment Plan and its economic feasibility, the feasibility of the relocation program and the Environmental Impact Report, has provided an opportunity for all persons to be heard and has received and considered all evidence and testimony presented for or against any and all aspects of the Redevelopment Plan; and

WHEREAS, the Agency and Council have reviewed and considered the Environmental Impact Report for the Redevelopment Plan, prepared and submitted pursuant to Public Resources Code Section 21151 and Health and Safety Code Section 33352, and certified the completion of said Environmental Impact Report on July 6, 1983, by Agency Resolution No. 5-83 and Council Resolution No. 83-472;

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

Section 1. That the purpose and intent of the City Council with respect to the Project Area is to accomplish the following:

a. Eliminate blighting influences and environmental deficiencies in the Project Area, including, among others, deteriorated and inadequate public improvements, substandard alleys, small and irregular lots, obsolete and aged building types, and incompatible and uneconomic land uses;

b. Assemble land into parcels suitable for modern, integrated development with improved pedestrian and vehicular circulation in the Project Area;

c. Replan, redesign and develop undeveloped areas which are stagnant or improperly utilized;

d. Strengthen retail and other commercial functions in the Project Area;

e. Strengthen the economic base of the Project Area and the community by installing needed site improvements to stimulate new commercial expansion, employment and economic growth;

f. Provide a community center;

g. Provide adequate land for parking and open spaces; and

h. Establish and implement performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire project.

Section 2. The Council hereby finds and determines that:

a. The Project Area is a blighted area, the redevelopment of which is necessary to effectuate the public purposes declared in the California Community Redevelopment Law (Health and Safety Code Section 33000 et seq.). This finding is based upon the following conditions which characterize the Project Area:

(1) The existence of unfit or unsafe buildings and structures due to age, obsolescence, faulty interior arrangements or exterior spacing and mixed character and shifting of uses;

(2) The existence of properties which suffer from deterioration and disuse because of: inadequate public improvements, facilities, utilities and open spaces, including inadequate and insufficient traffic circulation, parking and street lights which cannot be remedied with private or governmental action without redevelopment;

(3) The existence of properties which suffer from economic dislocation, deterioration and disuse resulting from faulty planning;

(4) A lack of proper utilization of property, resulting in a stagnant and unproductive condition of land potentially useful and valuable; and

(5) A prevalence of economic maladjustment and impaired investment evidenced by an increase in the number of vacant commercial buildings.

It is further found and determined that such conditions are causing and will increasingly cause a reduction and lack of proper utilization of the area to such an extent that it constitutes a serious physical, social and economic burden on the City, which cannot reasonably be expected to be reversed or alleviated by private enterprise acting alone, requiring redevelopment in the interest of the health, safety and general welfare of the people of the City and the State. This finding is based on the fact that governmental action available to the City without redevelopment would be insufficient to cause any significant correction of the blighting conditions, and that the nature and costs of the public improvements and facilities required to correct the blighting conditions are beyond the capacity of the City and cannot be undertaken or borne by private enterprise acting alone or in concert with available governmental action.

b. The Redevelopment Plan will redevelop the Project Area in conformity with the Community Redevelopment Law and in the interests of the public peace, health, safety and welfare. This finding is based upon the fact that redevelopment of the Project Area will implement the objectives of the Community Redevelopment Law by aiding in the elimination and correction of the conditions of blight, providing for planning, development, redesign, clearance, reconstruction or rehabilitation of properties which need improvement and providing for higher economic utilization of potentially useful land.

c. The adoption and carrying out of the Redevelopment Plan is economically sound and feasible. This finding is based on the fact that under the Redevelopment Plan no public redevelopment activity will be undertaken unless the Agency can demonstrate that it has adequate revenue to finance the activity.

d. The Redevelopment Plan conforms to the General Plan of the City of Modesto. This finding is based on the

finding of the Planning Commission that the Redevelopment Plan conforms to the General Plan for the City of Modesto.

e. The carrying out of the Redevelopment Plan will promote the public peace, health, safety and welfare of the City of Modesto and will effectuate the purposes and policy of the Community Redevelopment Law. This finding is based on the fact that redevelopment will benefit the Project Area by correcting conditions of blight and by coordinating public and private actions to stimulate development and improve the economic, social and physical conditions of the Project Area.

f. The condemnation of real property, as provided for in the Redevelopment Plan, is necessary to the execution of the Redevelopment Plan, and adequate provisions have been made for the payment for property to be acquired as provided by law. This finding is based upon the need to ensure that the provisions of the Redevelopment Plan will be carried out and to prevent the recurrence of blight.

g. The Agency has a feasible method and plan for the relocation of families and persons who might be displaced, temporarily or permanently, from housing facilities in the Project Area. This finding is based upon the fact that the Redevelopment Plan provides for relocation assistance according to law.

h. There are, or are being provided, within the Project Area or within other areas not generally less desirable with regard to public utilities and public and commercial facilities and at rents or prices within the financial means of the families and persons who might be displaced from the Project Area, decent, safe and sanitary dwellings equal in number to the number of and available to such displaced families and persons and reasonably accessible to their places of employment. This finding is based upon the fact that no person or family will be required to move from any dwelling unit until suitable replacement housing is available.

i. Inclusion of any lands, buildings or improvements which are not detrimental to the public health, safety or welfare is necessary for the effective redevelopment of the entire area of which they are a part, and any such area is not included for the purpose of obtaining the allocation of tax increment revenues from such area pursuant to Section 33670 of the Community Redevelopment Law without other substantial justification for its inclusion. This finding is based upon the fact that the boundaries of the Project Area were chosen as a unified and consistent whole to include lands that were underutilized because of blighting

influences, or affected by the existence of blighting influences, and land uses significantly contributing to the conditions of blight, whose inclusion is necessary to accomplish the objectives and benefits of the Redevelopment Plan.

j. The elimination of blight and the redevelopment of the Project Area could not reasonably be expected to be accomplished by private enterprise acting alone without the aid and assistance of the Agency. This finding is based upon the existence of blighting influences, including the lack of adequate public improvements and facilities, and the inability of individual developers to economically remove these blighting influences without substantial public assistance in providing adequate public improvements and facilities, and the inadequacy of other governmental programs and financing mechanisms to eliminate blight, including the provision of necessary public improvements and facilities.

k. The Redevelopment Plan for the Project Area will afford the maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of such area by private enterprise.

l. The Redevelopment Plan contains adequate safeguards so that the work of redevelopment will be carried out pursuant to the Redevelopment Plan, and it provides for the retention of controls and the establishment of restrictions and covenants running with the land sold or leased for private use for periods of time and under conditions specified in the Redevelopment Plan, which this Council deems necessary to effectuate the purposes of the Community Redevelopment Law.

Section 3. The Council is satisfied that permanent housing facilities will be available within three years from the time occupants of the Project Area are displaced, if any, and that pending the development of such facilities, there will be available to any such displaced occupants temporary housing facilities at rents comparable to those in the City of Modesto at the time of their displacement. No persons or families of low or moderate income shall be displaced from residences unless and until there is a suitable housing unit available and ready for occupancy by such displaced persons or families at rents comparable to those at the time of their displacement. Such housing units shall be suitable to the needs of such displaced persons or families and must be decent, safe, sanitary and otherwise standard dwellings. The Agency shall not displace any such persons or families until such housing units are available and ready for occupancy.

Section 4. The Council is convinced that the effect of tax increment financing will not cause a severe financial burden or detriment on any taxing agency deriving revenues from the Project Area.

Section 5. Written objections to the Redevelopment Plan filed with the City Clerk before the hour set for hearing and all oral objections presented to the Council at the hearing having been considered are hereby overruled.

Section 6. That certain document entitled "Redevelopment Plan for the Modesto Redevelopment Project," the maps contained therein and such other reports as are incorporated therein by reference, a copy of which is on file in the office of the City Clerk, having been duly reviewed and considered, is hereby incorporated in this Ordinance by reference and made a part hereof, and as so incorporated is hereby designated, approved and adopted as the official "Redevelopment Plan for the Modesto Redevelopment Project."

Section 7. In order to implement and facilitate the effectuation of the Redevelopment Plan hereby approved, this Council hereby (a) pledges its cooperation in helping to carry out the Redevelopment Plan, (b) requests the various officials, departments, boards and agencies of the City having administrative responsibilities in the Project Area likewise to cooperate to such end and to exercise their respective functions and powers in a manner consistent with the redevelopment of the Project Area, (c) stands ready to consider and take appropriate action upon proposals and measures designed to effectuate the Redevelopment Plan, and (d) declares its intention to undertake and complete any proceeding necessary to be carried out by the City under the provisions of the Redevelopment Plan.

Section 8. The City Clerk is hereby directed to send a certified copy of this Ordinance to the Agency, whereupon the Agency is vested with the responsibility for carrying out the Redevelopment Plan.

Section 9. The City Clerk is hereby directed to record with the County Recorder of Stanislaus County a description of the land within the Project Area and a statement that proceedings for the redevelopment of the Project Area have been instituted under the Community Redevelopment Law.

Section 10. The City Clerk is hereby directed to transmit a copy of the description and statement recorded by the Clerk pursuant to Section 9 of this Ordinance, a copy of this Ordinance and a map or plat indicating the boundaries of the Project Area, to the auditor and assessor

of the County of Stanislaus, to the governing body of each of the taxing agencies which receives taxes from property in the Project Area and to the State Board of Equalization.

Section 11. EFFECTIVE DATE. This Ordinance shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption.

Section 12. PUBLICATION. At least two (2) days prior to its final adoption, copies of this Ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this Ordinance, the date of its introduction and the places where this Ordinance is posted.

Section 13. SEVERABILITY. If any part of this Ordinance or the Redevelopment Plan which it approves is held to be invalid for any reason, such decision shall not affect the validity of the remaining portion of this Ordinance or of the Redevelopment Plan, and this Council hereby declares that it would have passed the remainder of this Ordinance or approved the remainder of the Redevelopment Plan if such invalid portion thereof had been deleted.

The foregoing Ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of July, 1983, by Council member Lang, who moved its introduction and passage to print, which motion being duly seconded by Council member Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Council members: Lang, Muratore, Patterson, Sutton,  
Whiteside, Acting Mayor Bright

NOES: Council members: None

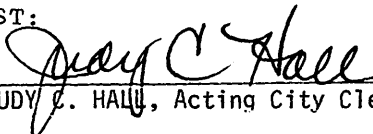
ABSENT: Council members: Mayor Mensinger

APPROVED:

  
THOMAS A. BRIGHT, Acting Mayor

ATTEST:


By

  
JUDY C. HALL, Acting City Clerk

(SEAL)

APPROVED AS TO FORM:

By

  
ELWYN L. JOHNSON, City Attorney

Ord. No. 2203-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 12th day of July, 19<sup>83</sup>, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

**AYES: Councilmembers:** Lang, Muratore, Patterson, Sutton, Whiteside, Acting Mayor Bright

**NOES: Councilmembers:** None

**ABSENT: Councilmembers:** Mayor Mensinger

**APPROVED** *Thomas A. Bright*  
THOMAS A. BRIGHT, Acting Mayor

**ATTEST:** *Norrine Coyles*  
NORRINE COYLES, City Clerk

**EFFECTIVE DATE:** August 11, 1983

ORDINANCE NO. 2204-C.S.

AN ORDINANCE GRANTING TO BERTOLOTTI DISPOSAL, INC., A CALIFORNIA CORPORATION, DBA BERTOLOTTI 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. 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 in the City of Modesto is hereby granted to Bertolotti Disposal, Inc., a California Corporation, dba Bertolotti Disposal Service, subject to the following terms and conditions:

(a) Said license shall be for a term commencing on October 1, 1983, and ending either on September 30, 1993, or when Bertolotti Disposal, Inc. ceases to have a license from the County of Stanislaus to provide garbage service to Stanislaus County Refuse Collection Area No. 1, whichever occurs first, unless terminated at an earlier date under the provisions of this ordinance or the provisions of Chapter 5 of Title V of the Modesto Municipal Code. 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) During the term specified in paragraph (a) above, said license shall automatically extend to and be an exclusive license to collect garbage:

(1) Within each of the areas, or any portions thereof, delineated and marked as Areas No. 1 through 7 on that certain map titled "Map - Bertolotti Service Area" dated 1-6-75, on file in the office of the City Clerk and to which reference is hereby made, for a maximum period of three (3) years for each of said areas, or any portion thereof, from and after the date of annexation of any of said Areas No. 1 through 7, or any portions thereof, which are annexed to the City of Modesto.

(2) Within each part of Stanislaus County Refuse Collection Area No. 1 located south of the Tuolumne River and annexed to the City of Modesto, for a maximum period of five (5) years for each of said parts from and after the date of annexation of any of said parts.

(c) In accepting this license, Licensee thereby agrees to serve the areas specified in paragraph (b) above during the periods specified in paragraph (b) above in compliance with the provisions of this ordinance and the provisions of Chapter 5 of Title V of the Modesto Municipal Code.

(d) Rates and charges to be charged by the Licensee for the collection of garbage shall be established by the Council by resolution. Service charges and costs of operation of the Licensee will be reviewed annually by the City and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1 of each year.

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.

(e) The Licensee shall bill and collect all garbage service charges, provided, however, the City may require that all or some of said garbage service charges shall be billed and collected by the City, and for the Licensee to pay to the City fees, to be determined by the City, for such billing and collection service.

(f) 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.

(g) 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.

(h) The Director of Utility Services 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 Utility Services shall make an investigation and determination, and the decision of the Director of Utility Services shall be final.

(i) 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 its 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.

(j) The Licensee shall maintain full and complete books of account and other records showing all business transacted in connection with this 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.

(k) 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.

(l) 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 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 Utility Services. Upon approval of the proposed routes by the Director of Utility Services, 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 Utility Services 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 Utility Services 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 customers for Sunday and holiday collections, however. Scheduled collections not made on legal holidays shall be made within twenty-four (24) hours, Sundays excepted.

(m) 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 Utility Services may permit independent arrangements with the Licensee.

(n) The Licensee shall have approved detachable containers for apartment, commercial, and business 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 Utility Services.

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 Utility Services during the term of this license. No materials may be substituted without prior approval.

(o) The Licensee shall supply all occupants or premises in the Licensee's service areas with printed information cards approved by the Director of Utility Services 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 (2) years, and in addition, upon request by occupants or owners of any premises and in advance of route, charge or regulation changes.

(p) 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 its expense any containers damaged as a result of its 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 Utility Services, and the outside of each vehicle shall be cleaned and washed at least once a week.

(q) All equipment used for the collection and hauling of garbage shall be approved by the Director of Utility Services 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 Utility Services 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.

(r) 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 Utility Services to provide data on operating, maintenance and repair costs shall be kept on each piece of equipment.

(s) 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 continued temporary use of such piece of equipment shall cease, and possession of such equipment may be retaken by the Licensee or by 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.

(t) 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.

(u) 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.

(v) 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 its employees, is prohibited on the collection routes. Salvaging at a suitable location is encouraged, however.

(w) The Licensee agrees to keep the Director of Utility Services 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 useable product.

(x) 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 One Hundred Thousand and no/100ths (\$100,000.00) 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.

(y) 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. EFFECTIVE DATE. This ordinance shall become effective from and after October 1, 1983; 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 4. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1983, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll carried and ordered printed and published by the following vote:

AYES: COUNCILMEMBERS: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2204-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of July, 1983, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: Lang

**APPROVED** *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

**ATTEST:** *Judy C. Hall*  
JUDY C. HALL, Acting City Clerk

**EFFECTIVE DATE:** August 25, 1983

ORDINANCE NO. 2205-C.S.

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 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) This license shall be for a term commencing on October 1, 1983 and ending on September 30, 1984. The term of this license may be terminated under the provisions of this ordinance or the provisions of Chapter 5 of Title V of the Modesto Municipal Code. 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 initial term of this license or any extensions thereof 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) This license shall be an exclusive license to collect garbage 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.

(c) In accepting this license, Licensee thereby agrees to serve the areas 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) This license shall automatically extend to any portion of the Licensee's service areas, 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 areas or portion thereof to continue to serve such areas or portion thereof for such period of time, not to exceed five (5) 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 its routes and services and, when necessary, shall hire additional personnel and obtain additional equipment.

(e) Rates and charges to be charged by the Licensee for the collection of garbage shall be established by the Council by resolution. Service charges and costs of operation of the Licensee will be reviewed annually by the City and, if deemed necessary by the City Council, rate adjustments made to be effective on or after January 1 of each year.

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) The Licensee shall bill and collect all garbage service charges, provided, however, the City may require that all or some of said garbage service charges shall be billed and collected by the City, and for the Licensee to pay to the City fees, to be determined by the City, for such billing and collection service.

(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 Utility Services 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 Utility Services shall make an investigation and determination, and the decision of the Director of Utility Services 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 its 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 this 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.

(l) 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 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 Utility Services. Upon approval of the proposed routes by the Director of Utility Services, 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 Utility Services 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 Utility Services 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 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 Utility Services may permit independent arrangements with the Licensee.

(o) The Licensee shall have approved detachable containers for apartment, commercial, and business 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 Utility Services.

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 Utility Services 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 areas with printed information cards approved by the Director of Utility Services containing information regarding amounts of garbage which will be collected, complaint procedures, charges, regulations and days of collection. Such cards shall be distributed as required by the Director of Utility Services, 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 its expense any containers damaged as a result of its 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 Utility Services, 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 Utility Services 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 Utility Services, 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 Utility Services 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 continued temporary use of such piece of equipment shall cease, and possession of such equipment may be retaken by the Licensee or by 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.

(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 its employees, is prohibited on the collection routes. Salvaging at a suitable location is encouraged, however.

(x) The Licensee agrees to keep the Director of Utility Services 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 One Hundred Thousand and no/100ths (\$100,000.00) 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. EFFECTIVE DATE.** This ordinance shall become effective from and after October 1, 1983; 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 4. PUBLICATION.** At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1983, by Councilmember Lang who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and order printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:

Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2205-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of July, 1983, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Lang

APPROVED

*Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST:

*Judy C. Hall*  
JUDY C. HALL, Acting City Clerk

EFFECTIVE DATE: August 25, 1983

AN ORDINANCE DECLARING NEED FOR THE INDUSTRIAL DEVELOPMENT AUTHORITY OF THE CITY OF MODESTO AND THAT SUCH AUTHORITY SHALL FUNCTION.

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

SECTION 1. PURPOSES. The California Industrial Development Financing Act, Title 10 (commencing with Section 91500), Government Code (the "Act"), has established an industrial development authority of this city for the achievement of specified public purposes. The public purposes are to increase opportunities for useful employment or otherwise contribute to economic development. The need for the establishment of an industrial development authority in the achievement of such purposes is based upon findings that industry requires the new and alternative method of capital finance that such authorities can provide in order for it to undertake the acquisition, construction or rehabilitation of facilities the use of which will serve those public purposes.

SECTION 2. FINDINGS. There is a need in the City of Modesto for the acquisition, construction or rehabilitation of facilities for the use of industry which will increase employment opportunities or otherwise contribute to economic development, and further, the new and alternative method of capital finance that industrial development authorities can provide will aid in satisfying that need.

SECTION 3. DECLARATIONS. (a) Need. There is a need in the City of Modesto for an industrial development authority to provide industry with an alternative and additional method of finance in accordance with state policy as set forth in the Act.

(b) Organization. The industrial development authority of

this City established by the Act is hereby declared organized and shall function under the name "Industrial Development Authority of the City of Modesto," and be authorized to transact business and exercise all of the powers and other authority conferred upon industrial development authorities by such Act.

SECTION 4. FILING. The City Clerk is hereby directed to cause a certified copy of this ordinance to be filed in the office of the Secretary of State.

SECTION 5. 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 6. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 19th day of July, 1983, by Councilmember Lang, who moved its introduction and passage to

print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2206-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 26th day of July, 1983, Councilmember Patterson moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Lang

APPROVED

  
MAYOR REGGY MENSINGER

ATTEST:

  
JUDY C. HALL, Acting City Clerk

**EFFECTIVE DATE:** August 25, 1983

AN ORDINANCE AMENDING SECTION MAP 29-3-9 OF THE ZONING MAP OF THE CITY OF MODESTO RECLASSIFYING CERTAIN PROPERTY LOCATED THEREON. (GLEN WILD/WILD SIGNS)

WHEREAS, a verified application for an amendment to Section 29-3-9 of the Zoning Map was filed by Glen Wild/Wild Signs

on June 1, 1983, to reclassify from Neighborhood Commercial Zone, C-1, to General Commercial Zone, C-2, the hereinafter described property, and

WHEREAS, after public hearing held on July 5, 1983, 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. 83-94, adopted on July 5, 1983, the Planning Commission recommended to the Council that the application of Glen Wild/Wild Signs

to amend Section 29-3-9 of the Zoning Map to reclassify the hereinafter described property from Neighborhood Commercial Zone, C-1, to General Commercial Zone, C-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 \_\_\_\_\_, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, 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 property is located at the intersection of two major streets and is contiguous to the existing C-2 zone.
2. Compatibility with adjacent residential uses would be maintained by the compatibility requirements of the C-2 zone as required by any future building permit.
3. The proposed rezoning doesn't conflict with the general plan.

SECTION 2. ZONING CHANGE. Section 29-3-9 of the Zoning

Map is hereby amended to reclassify the following described property

from Neighborhood Commercial Zone, C-1,  
to General Commercial Zone, C-2 :

Being all of lots 15, 16, 17 and 18, of Block 509, City of Modesto, according to the official map thereof, filed in the office of the Recorder of Stanislaus County, California, on December 21, 1942, in volume 15 of maps.

Including all of the East one-half of original 75 foot wide College Avenue, the northern portion of Needham Street located between the centerline of the original 65 foot wide right-of-way and said property, and the west 9 feet of the 18 foot wide alley in said Block 509 and all immediately adjacent to the above described property.

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 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 2nd day of August, 1983, by Councilmember Muratore, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton,  
Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Ray Mensinger  
PELAY MENSINGER, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William Nichols  
Department of Planning and  
Community Development

Ordinance 2207 C.S.  
Exhibit A – Map

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

Ord. No. 2207-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 9th day of August, 1983, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 8, 1983

ORDINANCE NO. 2208 -C.S.

AN ORDINANCE AMENDING SECTION 14-3-9 OF THE ZONING MAP TO REZONE FROM P-D(329) TO R-1, PROPERTY LOCATED ON THE NORTH SIDE OF MERLE AVENUE, EAST OF OAKDALE ROAD.

WHEREAS, the City Council, by Ordinance No. 2139-C.S., which was introduced on July 20, 1982, finally adopted July 27, 1982, and which became effective August 26, 1982, amended Section Map 14-3-9 of the Zoning Map to reclassify from Low Density Residential Zone, R-1, to Planned Development Zone, P-D(329), to allow patio homes and duplex dwellings, property located on the north side of Merle Avenue east of Oakdale Road, and

WHEREAS, the City Council, by Resolution No. 82-536, approved the development plan for Planned-Development Zone, P-D(329), and

WHEREAS, a verified application for an amendment to Section 14-3-9 of the Zoning Map was filed by Grant Construction Company on June 14, 1983, to reclassify from P-D(329) to R-1, property located on the north side of Merle Avenue east of Oakdale Road, and

WHEREAS, a public hearing to consider said application for amendment was held by the Planning Commission on July 18, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission, by Resolution No. 83-108, adopted on July 18, 1983, found and determined that rezoning of the property as requested is required by public necessity, convenience and general welfare for the following reasons:

1. R-1 zoning of the property is consistent with the adopted Orchard Neighborhood Zoning and Development Plan.

2. A subdivision map has previously been recorded which created lots for development which are consistent with R-1 Zone regulations.

and

WHEREAS, said application for an amendment was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on August 16, 1983, at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the application for an amendment to Section 14-3-9 of the Zoning Map to rezone from Planned Development Zone, P-D(329) to Low Density Residential Zone, R-1, property located on the north side of Merle Avenue east of Oakdale Road, should be approved,

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

SECTION 1. COUNCIL FINDINGS. The Council of the City of Modesto finds and determines that the application for an amendment to Section 14-3-9 of the Zoning Map, filed by Grant Construction Company on June 14, 1983, to rezone from Planned Development Zone, P-D(329), to Low Density Residential Zone, R-1, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 83-108, and quoted above.

SECTION 2. ZONING CHANGE. Section 14-3-9 of the Zoning Map is hereby amended to repeal Planned Development Zone, P-D(329), and rezone to Low Density Residential Zone, R-1, property located on the north side of Merle Avenue East of Oakdale Road, in the City of Modesto, and described as follows:

All the certain real property situate in a portion of the southwest quarter of Section 14, 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:

All of Lots 1 - 22, Block 11031 and Lots 1 - 38, Block 11032 of Walnut Tree Estates, according to the official map thereof, filed in the Office of the Recorder of Stanislaus County, California, on May 20, 1981, in Volume 29 of Maps, page 90.

Including all of the south one-half of Woodvale Drive, north one-half of Burlwood Drive, east one-half of Walnut Tree Drive, and west one-half of Walnut Haven Drive immediately adjacent to said Block 11032.

Also including all of the south one-half of Burlwood Drive, west one-half of Woodcrest Way, north one-half of Merle Avenue, and east one-half of Walnut Tree Drive immediately adjacent to said Block 11031.

SECTION 3. ZONING MAP. Section 14-3-9 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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 16th day of August, 1983, by Councilmember Lang, who moved its introduction and passage to

print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By Althea Anderson  
Department of Planning and  
Community Development

**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 August, 1983, Councilmember Lang moved its final adoption, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and the ordinance adopted by the following vote:

- AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
- NOES: Councilmembers: None
- ABSENT: Councilmembers: None

APPROVED *Reggy Mensinger*  
MAYOR REGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: September 22, 1983

Ordinance 2208 C.S.  
Exhibit A – Map

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

ORDINANCE NO. 2209-C.S.

AN ORDINANCE AMENDING SECTION 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. Section 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. 3-2.1401.1. CHANGE IN SPEED LIMITS SET BY STATE LAW: FOR PURPOSE OF ENFORCEMENT USING RADAR OR OTHER ELECTRONIC DEVICE. By authority of, and upon the basis of engineering and traffic surveys conducted pursuant to Vehicle Code and the Traffic Manual of the Department of Transportation, it is determined that the prima facie speed limits which follow would facilitate the orderly movement of vehicular traffic and would be reasonable and safe.

<u>NAME OF STREET OR PORTION AFFECTED</u>	<u>DECLARED PRIMA FACIE SPEED LIMIT</u>	<u>DATE SURVEYED</u>
BLUE GUM AVENUE, between Poust and Carpenter Roads	40 miles per hour	July 11, 1980
BOWEN AVENUE, between Tully Road and McHenry Avenue	35 miles per hour	November 15, 1982
BRIGGSMORE AVENUE, (westbound) between Coffee Road and McHenry Avenue	45 miles per hour	November 15, 1982
BRIGGSMORE AVENUE, (eastbound) between McHenry Avenue and 1,000 feet west of Coffee Road	40 miles per hour	November 13, 1982
BRIGGSMORE AVENUE, (eastbound), between a point 1,000 feet west of Coffee Road and Coffee Road	40 miles per hour	April 20, 1979

BRIGGSMORE AVENUE, between Coffee Road and Rose Avenue	45 miles per hour	April 13, 1979
BRIGGSMORE AVENUE, between Rose Avenue and Oakdale Road	50 miles per hour	April 13, 1979
BRIGGSMORE AVENUE, between Oakdale Road and Claus Road	55 miles per hour	April 13, 1979
BRIGGSMORE AVENUE, (east and westbound) between McHenry Avenue and Tully Road	45 miles per hour	April 28, 1980
BRIGGSMORE AVENUE, between Tully Road and Prescott Road	45 miles per hour	April 28, 1980
BRIGHTON AVENUE, between Locke Road and Coffee Road	30 miles per hour	June 15, 1983
CARPENTER ROAD, between Paradise Road and Maze Boulevard	45 miles per hour	April 13, 1979
CARPENTER ROAD, between Woodland Avenue and Blue Gum Avenue	45 miles per hour	April 13, 1979
CARVER ROAD, between 9th Street and Roseburg Avenue	35 miles per hour	November 13, 1982
CARVER ROAD, between Roseburg Avenue and Brixton Lane within the City limits	35 miles per hour	November 15, 1982
CARVER ROAD, between Brixton Lane and M.I.D. Lateral No. 6 within the City limits	40 miles per hour	December 10, 1981
CELESTE DRIVE, between Coffee Road and Oakdale Road	30 miles per hour	June 14, 1983
COFFEE ROAD, between Scenic Drive and Briggsmore Avenue	40 miles per hour	July 18, 1979
COFFEE ROAD, between Briggsmore Avenue and Floyd Avenue	40 miles per hour	July 18, 1979

COFFEE ROAD, between Floyd Avenue and Sylvan Avenue	40 miles per hour	April 13, 1979
COFFEE ROAD, between Sylvan Avenue and Mabel Avenue	40 miles per hour	June 6, 1981
COLLEGE AVENUE, between Princeton Avenue and Bowen Avenue	35 miles per hour	November 20, 1982
COLLEGE AVENUE, between Rumble Road and Bowen Avenue	35 miles per hour	January 19, 1981
CROWS LANDING ROAD, School Avenue to Blankenburg Avenue, within the City limits	35 miles per hour	June 22, 1983
DALE ROAD, between Standiford Avenue and Veneman Avenue	35 miles per hour	April 13, 1979
EASTRIDGE DRIVE, between Orangeburg Avenue and Scenic Drive	30 miles per hour	May 25, 1983
EICHER AVENUE, between Conant Avenue and Goldie Avenue	30 miles per hour	March 11, 1981
EL VISTA AVENUE, between Yosemite Boulevard and Scenic Drive	40 miles per hour	November 16, 1982
EMERALD AVENUE, between Maze Boulevard and California Avenue within the City limits	35 miles per hour	June 14, 1983
ENCINA AVENUE, between Santa Barbara Avenue and Conejo Avenue	30 miles per hour	June 22, 1983
EVERGREEN AVENUE, between Orangeburg Avenue and Carver Road	35 miles per hour	January 19, 1981
FAIRMONT AVENUE, between Coffee Road and Sunrise Avenue	30 miles per hour	June 15, 1983

FLOYD AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	November 15, 1982
FLOYD AVENUE, between Coffee Road and Oakdale Road	30 miles per hour	June 14, 1983
FRANKLIN STREET, between California Avenue and Maze Boulevard	35 miles per hour	November 20, 1982
GRANGER AVENUE, between Sunrise Avenue and McHenry Avenue	30 miles per hour	June 14, 1983
GRANGER AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	June 14, 1983
KANSAS AVENUE, between Carpenter Road and Emerald Avenue within the City limits	40 miles per hour	July 9, 1981
KANSAS AVENUE, between Emerald Avenue and Eighth Street	35 miles per hour	April 13, 1979
KEARNEY AVENUE, between Coldwell Avenue and Glenwood Drive	30 miles per hour	January 19, 1981
KELLER Street, between Rumble Road and Sylvan Avenue	30 miles per hour	April 13, 1979
LAKWOOD AVENUE, between Scenic Drive and Orangeburg Avenue within the City limits	35 miles per hour	June 15, 1983
LA LOMA AVENUE, between Buena Vista and Yosemite Boulevard	35 miles per hour	November 16, 1982
LINCOLN AVENUE, between Yosemite Boulevard and 650' north of M.I.D. Lateral No. 2	35 miles per hour	June 3, 1980
MABLE AVENUE, between Coffee Road and Oakdale Road	40 miles per hour	February 24, 1981
MILLER AVENUE, between La Loma Avenue and El Vista Avenue	35 miles per hour	November 16, 1982

MITCHELL ROAD, between Finch Road and the southerly City limits	50 miles per hour	November 20, 1982
MORRIS AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	November 16, 1982
MT. VERNON DRIVE, between Carver Road and Prescott Road	30 miles per hour	June 14, 1983
MT. VERNON DRIVE, between College Avenue and Carver Road	30 miles per hour	June 23, 1983
NEECE DRIVE, between Tuolumne Boulevard and Rouse Avenue	35 miles per hour	June 14, 1983
NEEDHAM STREET, between L and and 9th Streets	35 miles per hour	June 22, 1983
NORWEGIAN AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	June 14, 1983
OAKDALE ROAD, between Scenic Drive and Briggsmore Avenue	40 miles per hour	July 18, 1979
OAKDALE ROAD, between Briggsmore Avenue and Floyd Avenue	45 miles per hour	April 13, 1979
ORANGEBURG AVENUE, between McHenry Avenue and Coffee Road	35 miles per hour	July 21, 1980
ORANGEBURG AVENUE, between Oakdale Road and Lakewood Avenue	35 miles per hour	March 17, 1980
ORANGEBURG AVENUE, between Lakewood Avenue and Claus Road	35 miles per hour	March 17, 1980
ORANGEBURG AVENUE, between Coffee Road and Rose Avenue	35 miles per hour	December 9, 1981
ORANGEBURG AVENUE, between Rose Avenue and Oakdale Road	35 miles per hour	August 30, 1979

ORANGEBURG AVENUE, between Briggsmore Avenue and Martin Avenue	30 miles per hour	July 11, 1980
ORANGEBURG AVENUE, between Martin Avenue and McHenry Avenue	35 miles per hour	July 11, 1980
PARADISE ROAD, between Vernon Avenue and Franklin Street	35 miles per hour	April 13, 1979
PRESCOTT ROAD, between Briggsmore Avenue and Rumble Road	40 miles per hour	July 18, 1979
PRINCETON AVENUE, between College Avenue and Tully Road	25 miles per hour	July 15, 1980
RIVERSIDE DRIVE, between Edge- brook Drive and Yosemite Boulevard	35 miles per hour	January 19, 1981
ROSE AVENUE, between Scenic Drive and Briggsmore Avenue	35 miles per hour	November 3, 1982
ROSE AVENUE, between Briggsmore Avenue and Floyd Avenue	35 miles per hour	November 16, 1982
ROSEBURG AVENUE, between Sunrise Avenue and McHenry Avenue	35 miles per hour	June 14, 1983
ROSEBURG AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	June 14, 1983
ROSEBURG AVENUE, between Tully Road and Carver Road	30 miles per hour	June 14, 1983
ROSELAWN AVENUE, between Colorado Avenue and Rouse Avenue	30 miles per hour	March 19, 1982
ROUSE AVENUE, between Neece Drive and Colorado Avenue within the City limits	35 miles per hour	September 16, 1982
RUMBLE ROAD, between Coffee Road and McHenry Avenue within the City limits	35 miles per hour	June 14, 1983

RUMBLE ROAD, between Conant Avenue and Tully Road	30 miles per hour	June 14, 1983
RUMBLE ROAD, between Sisk Road and Conant Avenue	40 miles per hour	December 9, 1981
RUMBLE ROAD, between Tully Road and McHenry Avenue	35 miles per hour	January 19, 1981
SCENIC DRIVE, between Burney Street and Coffee Road within the City limits	30 miles per hour	June 22, 1983
SCENIC DRIVE, between Coffee Road and Oakdale Road	40 miles per hour	December 9, 1981
SCENIC DRIVE, Lillian Drive to Claus Road, within the City limits	40 miles per hour	November 3, 1982
SCENIC DRIVE, between Oakdale Road and Lakewood Avenue	45 miles per hour	December 9, 1981
SHARON WAY, between Budd Street and Prescott Road	30 miles per hour	June 7, 1983
SIERRA DRIVE, between G and South 7th Streets	30 miles per hour	June 14, 1983
SISK ROAD, between Briggsmore Avenue and Brenner Way	40 miles per hour	June 8, 1983
SISK ROAD, between Brenner Way and Standiford Avenue	40 miles per hour	December 9, 1981
SISK ROAD, between Standiford Avenue and 600' north of Vintage Drive	40 miles per hour	March 6, 1981
STANDIFORD AVENUE, between Dale Road and Prescott Road within the City limits	40 miles per hour	December 10, 1981
STANDIFORD AVENUE, between Prescott Road and Carver Road	40 miles per hour	December 10, 1981
STANDIFORD AVENUE, between Carver Road and Tully Road	40 miles per hour	July 19, 1979

STANDIFORD AVENUE, between Tully Road and McHenry Avenue	30 miles per hour	October 20, 1980
SUNRISE AVENUE, between Floyd Avenue and Briggsmore Avenue	35 miles per hour	June 14, 1983
SUNRISE AVENUE, between Briggsmore Avenue and Lucern Avenue	30 miles per hour	June 22, 1983
SURREY AVENUE, between Oakdale Road and Eastridge Drive	25 miles per hour	May 30, 1980
SUTTER AVENUE, between Paradise Road and Robertson Road	30 miles per hour	November 1, 1982
SYCAMORE AVENUE, between Griswold Avenue and Orangeburg Avenue	35 miles per hour	June 15, 1983
SYLVAN AVENUE, between McHenry Avenue and Coffee Road	40 miles per hour	June 14, 1983
SYLVAN AVENUE, between Coffee Road and Oakdale Road within the City limits	40 miles per hour	June 14, 1983
TOKAY AVENUE, between McHenry Avenue and Bodega Lane	35 miles per hour	January 27, 1982
TULLY ROAD, between Coldwell Avenue and Standiford Avenue	35 miles per hour	November 20, 1982
TULLY ROAD, between Standiford Avenue and M.I.D. Lateral No. 6	40 miles per hour	June 14, 1983
TUOLUMNE BOULEVARD, between 7th Street and Paradise Road	35 miles per hour	November 1, 1982
VENEMAN AVENUE, between Dale Road and M.I.D. Lateral No. 7	35 miles per hour	November 13, 1982

VIRGINIA AVENUE, between Needham Street and Roseburg Avenue	30 miles per hour	June 14, 1983
WHITMORE AVENUE, between Morgan Road and Crows Landing Road within the City limits	45 miles per hour	December 10, 1981
WOODLAND AVENUE, between Morse Avenue and Shasta Avenue, within the City limits	45 miles per hour	April 13, 1979
WOODLAND AVENUE, between Shasta Avenue and Carpenter Road, within the City limits	45 miles per hour	February 5, 1980
WOODLAND AVENUE, between 9th Street and Carpenter Road, within the City limits	35 miles per hour	December 10, 1981
WOODROW AVENUE, between McHenry Avenue and Tully Road	30 miles per hour	June 14, 1983
WYLIE DRIVE, between Rose Avenue and Oakdale Road	35 miles per hour	August 31, 1979
9TH STREET, between L Street and P Street	35 miles per hour	December 9, 1981

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 23rd day of August, 1983, by Councilmember Lang who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and order printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED:   
PEGGY MENSINGER, Mayor

ATTEST:

By   
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

By   
ELWYN L. JOHNSON, City Attorney

Ord. No. 2209-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 September, 1983, Councilmember Whiteside moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** October 6, 1983

AN ORDINANCE AMENDING SECTIONS 10-2.3502, 10-2.3509 AND 10-2.3510 OF CHAPTER 2 OF TITLE X OF THE MODESTO MUNICIPAL CODE RELATING TO SIGN REGULATIONS.

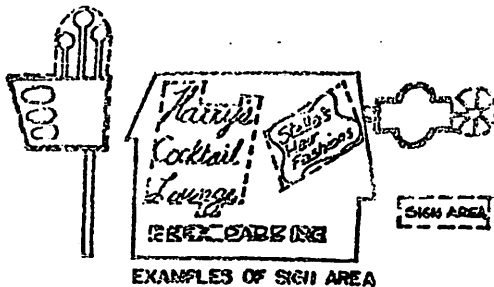
The Council of the City of Modesto does ordain as follows:

SECTION 1. AMENDMENT OF CODE. Sections 10-2.3502, 10-2.3509 and 10-2.3510 of Chapter 2 of Title X of the Modesto Municipal Code are hereby amended to read as follows:

SEC. 10-2.3502. DEFINITIONS.

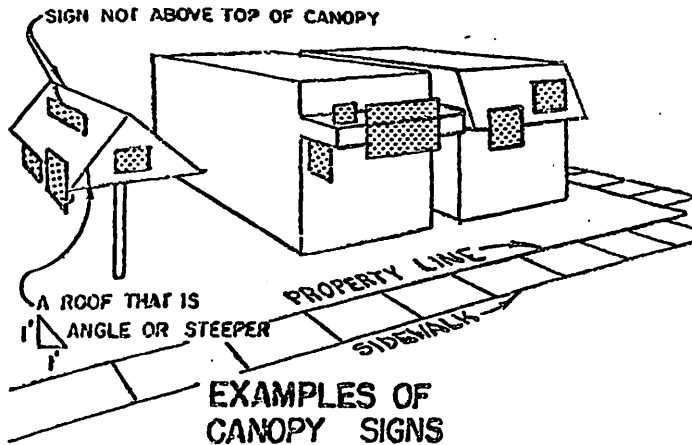
For the purpose of these sign regulations the following words and phrases shall have the meanings respectively ascribed to them by this section.

- (a) "Area of a Sign" shall mean the entire area within a single continuous perimeter enclosing the extreme limits of all elements such as boards or frames, perforated or solid backgrounds, ornamental embellishments, writings, representations, emblems or any figures or similar characters, including any spires, masts, shafts or similar projections, but excluding the necessary supports or uprights on which such sign is placed.

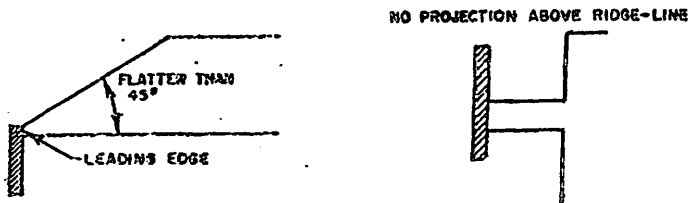
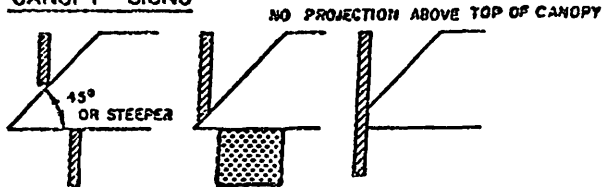


Where a sign has two (2) or more faces, the area of all faces shall be included in determining the area of the sign, except where two (2) such faces are placed back to back and are at no point more than two (2') feet from one another, the area of the sign shall be taken as the area of one face if the two (2) faces are of equal area, or as the area of the larger face if the two (2) faces are of unequal area.

- (b) "Bench Sign" shall mean a City franchised bus bench located outdoors with advertising matter thereon.
- (c) "Bulletin Board" shall mean a sign used to announce a coming event or attraction or used to convey a specific message related to the building or use of the property on which the bulletin board is located. In all zones, bulletin boards, which are displayed so as to be viewed from a public street, highway, parking lot, walkway or mall shall be subject to the sign regulations of the zone in which the building or property is located.
- (d) "Canopy" shall mean a roof of a building or a fixed overhead shelter used as a roof, which may or may not be attached to a building and which does not encroach into nor overhang a public street or alley right-of-way.
- (e) "Canopy Sign" shall mean a sign attached to or hung from a canopy and which:
  - (1) is mounted in a vertical plane.
  - (2) is mounted parallel to the leading edge of a canopy except for an under canopy sign which may be mounted at an angle to the leading edge of a canopy.
  - (3) does not project above the top of the canopy when mounted on a canopy with a slope of forty-five (45°) degrees (one [1] horizontal to one [1] vertical) or steeper, and which may be mounted anywhere on the slope.
  - (4) does not project above the leading edge of the canopy when mounted on a canopy with a slope flatter than forty-five (45°) degrees.
  - (5) on a flat canopy (no slope), projects above the top of the canopy but does not project higher than the wall of the building to which the canopy is attached.



CANOPY SIGNS

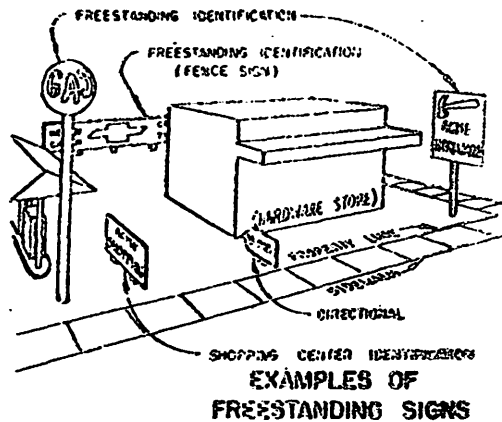


MARQUEE SIGNS

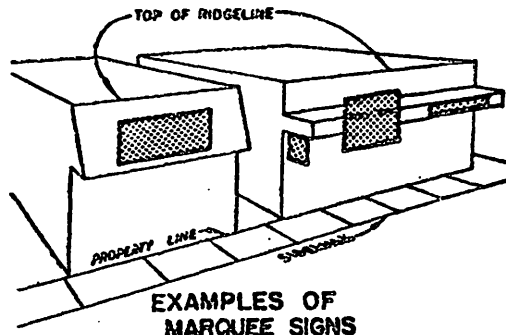
ANY OF THE ABOVE SIGNS THAT OVERMANG A PUBLIC STREET OR ALLEY IN PART OR IN TOTAL.

**SIGNS ON CANOPIES, ROOFS, MARQUEES**

- (f) "Construction Sign" shall mean a sign with the names of the architects, engineers, contractors, subcontractors and financing agencies of buildings and structures being constructed upon the premises on which the sign is located. .
- (g) "Corporate Flag" shall mean a flag identifying a business or firm.
- (h) "Directional Sign" shall mean one of two (2) types of signs. An exterior directional sign shall mean a sign oriented to a street and used to direct and control pedestrian or vehicular traffic and located on the same lot or premises as the use which it is intended to serve. An interior directional sign shall mean a directional, warning, or informational sign not bearing any advertising message readable from any street right-of-way. It shall be located on the same lot or premises as the use which it is intended to serve.
- (i) "For Sale or Rent Sign" shall mean a sign advertising that the subject building or real property or portion thereof is for sale, rent or lease.
- (j) "Freestanding Sign" shall mean a sign detached from any building or structure, and the supports of which are permanently affixed in the ground.

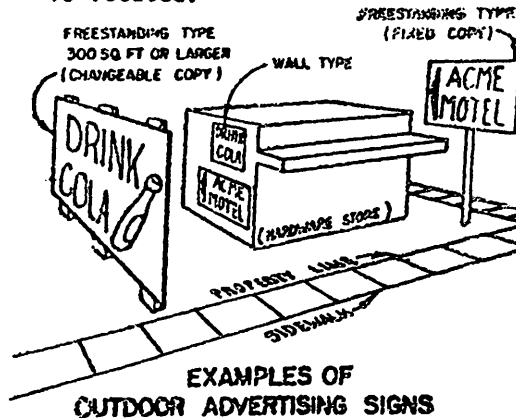


- (k) "Garage Sale Sign" shall mean a sign which is used to advertise the sale of used or second-hand goods or merchandise at dwellings and on residentially zoned property; such sales are also commonly known as patio sales, yard sales, etc.
- (l) "Height" shall mean the vertical distance from the highest point used in measuring the area of a sign to the top of curb of the street at a point which is closest to the highest point of the sign.
- (m) "Identification Sign" shall mean any sign which is used to identify or advertise the occupant of a building, lot or premises or the merchandise or activity available at the building, lot or premises where the sign is located.
- (n) "Lighted Sign" shall mean any sign which is illuminated either directly or indirectly by artificial light.
- (o) "Marquee" shall mean a fixed overhead shelter used as a roof, which may or may not be attached to a building, and which projects into or overhangs a public street or alley right-of-way.
- (p) "Marquee Sign" shall mean a sign attached to or hung from a marquee and which:
- (1) is mounted in a vertical plane.
  - (2) is mounted parallel to the leading edge of a marquee, except for an under marquee sign which may be mounted at an angle to the leading edge of a marquee.
  - (3) does not project higher than the wall of the building to which the marquee is attached.



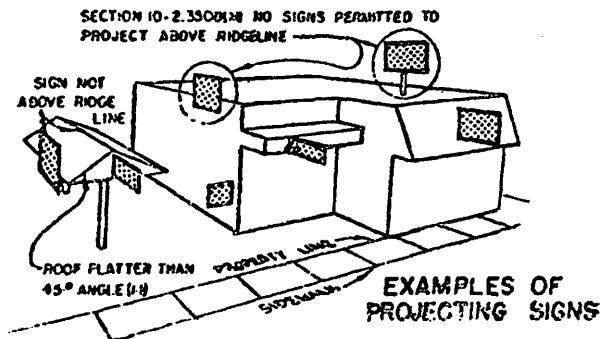
- q) "Open House Directional Sign" shall mean a sign with the words "Open House" and may include an arrow or other directional symbol and real estate office name.
- (r) "Outdoor Advertising Sign" shall mean any of the following:

- (1) Commercial: Any sign, excepting a bench sign, that directs attention to a business, profession, product, commodity, or mercantile-oriented service that is not the primary business, profession, product, commodity or mercantile-oriented service sold, manufactured, conducted, or offered on the site on which the sign is located.



- (2) Noncommercial: Any sign, excepting a bench sign, which does not direct attention to a business, profession, product, commodity or mercantile-oriented service. This includes but is not limited to any sign expressing a personal, political, religious or social message, idea or point of view.
- (s) "Political Sign" shall mean any impermanent sign or advertising device or display, with or without letters, words, numbers or figures thereon, which is designed to advertise a candidate for political office, a political party, or a measure scheduled for an election.
- (t) "Principal Frontage" shall mean that wall of a building or structure which has frontage on a public street, highway, parking lot, walkway or mall and which is designated by the owner or occupant thereof as the principal frontage of said building or structure for the purposes of Section 10-2.3510(a)(4) of these regulations.
- (u) "Projecting Sign" shall mean any of the following:
- (1) Any sign attached to and projecting from the face of a wall, canopy, or marquee.

- (2) Any sign mounted on a canopy roof or building roof that has a slope flatter than a forty-five (45°) degree angle (one (1) horizontal to one (1) vertical).

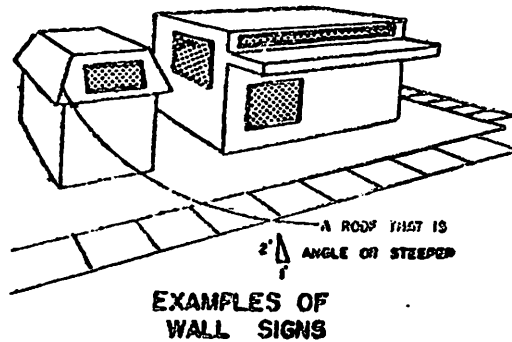


- (v) "Ridgeline" shall mean the peak of the roof, the top of a parapet, or the top of the wall of a building.
- (w) "Sign" shall mean any structure, device, letter, figure, character, poster, picture, trademark or reading matter which is used or designed to announce, declare, demonstrate, display or otherwise identify or advertise, or attract the attention of the public. However, a sign shall not include the following:
- (1) Official notices authorized by a court, public body or public officer.
  - (2) Directional, warning or informational signs authorized by federal, state or municipal authority or public utility.
  - (3) A properly displayed official flag of a government, school, religious group, or non-profit organization.

- (4) A memorial plaque, tablet or cornerstone indicating the name of a building and date of construction, when cut or carved into any masonry surface or when made of bronze or other incombustible material and made an integral part of the building or structure, not to exceed four (4) square feet in area.
- (5) Signs within a building except window or wall signs as hereinafter defined.
- (6) Christmas decorations and Christmas lights, from November 15 to January 15.
- (x) "Subdivision Sign" shall mean a sign indicating the name of a recorded subdivision, the name of the contractor or subdivider, the name of the owner or agent, and/or giving information regarding directions, price and/or terms.
- (y) "Subdivision Directional Sign" shall mean a sign indicating the name of a recorded subdivision and information regarding location. The name of the contractor or subdivider, the name of the owner or agent and/or information regarding price and/or terms may also be noted.
- (z) "Temporary Sign" shall mean any banner, pennant, valance, balloon, streamer, placard, "A" frame, sandwich board or similar impermanent sign or advertising device or display with or without letters, words, numbers or figures thereon which directs, promotes service or price, or which is otherwise designed to attract attention, except for the following:
  - (1) For Sale or Rent Sign.
  - (2) Garage Sale Sign.
  - (3) Open House Directional Sign.
  - (4) Political Sign.
  - (5) Signs for fireworks stands, pumpkin sales, Christmas tree sales lots, and temporary certified farmers' markets.
  - (6) Window Sign.
  - (7) Corporate Flag.

Paper signs tacked or otherwise fastened to a side of a building or bulletin board or outside a window are temporary signs unless enclosed in a frame with a glass, plexiglass, or equivalent cover. The sign area will be subject to the wall and canopy sign standards.

- (aa) "Wall" shall mean any wall or element of a wall or any member or group of members, which defines the exterior boundaries or courts of a building or structure and which has a slope steeper than one (1) horizontal to (2) vertical, with the horizontal plane.
- (ab) "Wall Sign" shall mean any sign painted on, attached to or erected against the wall of a building with the exposed face of the sign in a place approximately parallel to the plane of the wall and which does not project beyond the top or ends of the wall. "Wall Sign" shall also mean any sign permanently displayed on the inside or outside of a window.



- (ac) "Window Sign" shall mean any sign temporarily displayed on the inside of a window or temporarily painted on a window and facing a street, highway, parking lot, walkway or mall.
- (ad) "Zone" shall mean one of the various classes of areas into which the City has been divided by this chapter.

SEC. 10-2.3509. SPECIFIC REQUIREMENTS FOR TYPE, AREA, AND HEIGHT OF SIGNS IN THE R-A, R-1, R-2, R-3 AND P-O ZONES.

It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type or having an area and/or height in violation of the following specific requirements:

- (a) In the R-A Zone, R-1, R-2 and R-3 Zones, the following signs are permitted, except as otherwise stated:
  - (1) One (1) unlighted for sale or rent sign per street frontage, not exceeding eight (8) square feet in area and six (6') feet in height.
  - (2) Three (3) unlighted open house directional signs, each not exceeding three (3) square feet in area and forty-two (42") inches in height, which shall be permitted during daylight hours only, for each house or group of houses offered for sale by the same realtor at the same general location, provided they do not bear any advertising message other than the real estate office name, and that such signs are located wholly on private property with permission of the property owner on whose property they are located.
  - (3) One (1) wall mounted name plate not exceeding one (1) square foot in area.
  - (4) For uses permitted by conditional use permits additional signing as follows:
    - (aa) One (1) bulletin board or identification sign not exceeding twenty-five (25) square feet in area and six (6') feet in height.
    - (ab) Canopy and wall identification signs limited to one-half (0.5) square foot in combined sign area for each lineal foot of any wall, and not exceeding thirty-five (35') feet in height. Canopy and wall identification signs may have external illumination only; no internal illumination shall be permitted.
  - (5) One (1) construction sign not exceeding twenty (20) square feet in area and six (6') feet in height, provided that such sign shall be removed not later than thirty (30) days after construction is completed.
  - (6) One (1) subdivision sign not exceeding sixty-four (64) square feet in area and ten (10') feet in height for each recorded subdivision provided that such sign shall be removed not later than three (3) years from the recording date of the subdivision, except as follows:

- (aa) Where building permits have been taken out for more than one-half ( $1/2$ ), but less than sixty-five (65%) per cent, of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional one year period.
  - (ab) Where building permits have been taken out for one-half ( $1/2$ ) or less of the lots in such subdivision at the end of said three (3) year period, such sign may remain for an additional two (2) year period.
- (7) Unlighted subdivision directional signs not exceeding sixteen (16) square feet in area and six (6') feet in height for each recorded subdivision as follows:
- (aa) When the boundaries of any recorded subdivision, or any part thereof abut a major street or expressway, one (1) subdivision directional sign shall be permitted, which sign may be located on any vacant lot or parcel which is owned by the subdivision owner.
  - (ab) When the boundaries of any recorded subdivision or any part thereof do not abut a major street or expressway but include or abut a collector street which directly connects to a major street or expressway, two (2) subdivision directional signs are permitted, which signs may be located as follows:
    - (i) One (1) such sign may be located on property not owned by the subdivision owner.
    - (ii) One (1) or both signs may be located only on property owned by the subdivision owner.
  - (ac) When the boundaries of any recorded subdivision or any part thereof, do not abut a major street or expressway and do not include or abut a collector street which directly connects to a major street or expressway, three (3) subdivision directional signs are permitted, which signs may be located as follows:
    - (i) One (1) such sign may be located on property not owned by the subdivision owner.
    - (ii) Any other or all signs may be located only on property owned by the subdivision owner.

- (ad) Such signs shall be removed not later than three (3) years from the recording date of the subdivision, except as follows:
  - (i) Where building permits have been taken out for more than one-half (1/2), but less than sixty-five (65%) percent, of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional one (1) year period.
  - (ii) Where building permits have been taken out for one-half (1/2) or less of the lots in such subdivision at the end of said three (3) year period, such signs may remain for an additional two (2) year period.
- (8) Political signs which may be erected, maintained and displayed as follows:
  - (aa) On lots or parcels upon which there is located a residential structure, except that:
    - (i) The area of each such sign shall not exceed six (6) square feet.
    - (ii) The overall height shall not exceed six (6') feet.
    - (iii) The combined area of all such signs shall not exceed sixty (60) square feet.
  - (ab) On lots or parcels upon which there is not located a residential structure, except that:
    - (i) The area of each such sign shall not exceed thirty-two (32) square feet.
    - (ii) The overall height of each such sign shall not exceed ten (10') feet.
    - (iii) The combined area of all such signs shall not exceed one hundred (100) square feet.
  - (ac) Political signs shall not be lighted either directly or indirectly.
  - (ad) Political signs shall be erected no more than sixty (60) days prior to the date of election.
  - (ae) Political signs shall be removed within ten (10) days after the date of the election.
- (9) Temporary signs are not permitted.

- (10) Window signs are not permitted.
- (11) Outdoor advertising signs are not permitted.
- (12) Two (2) unlighted garage sale signs not exceeding three (3) square feet each in area may be displayed as follows:
- (aa) Said signs may be displayed only during such times as the garage sale being advertised is actually being held or conducted.
  - (ab) Said signs may only be erected and displayed on private property with the consent of the owner thereof. They may not be erected or displayed on street trees, utility poles, or elsewhere in public rights-of-way.
- (13) Interior directional, warning, and informational signs not exceeding six (6) square feet in area and six (6') feet in height.
- (14) One (1) exterior directional sign per driveway or pedestrian walkway serving five (5) or more dwelling units as follows:
- (aa) Sign copy limited to any or all of the following: street name and address, housing project name and logo, for sale, for rent, for lease.
  - (ab) Twelve (12) square feet maximum area, external illumination only.
  - (ac) For a freestanding sign, six (6') feet maximum height; for a wall sign, first story maximum height not to exceed twelve (12') feet.
- (15) For the purpose of replacing one nonconforming use with another nonconforming use, additional signs as follows:
- (aa) Canopy and wall identification signs limited to one-half (0.5) square foot in combined sign area for each lineal foot of any wall facing a public street. Signs shall face only public streets, shall not exceed thirty-five (35) feet in height, and shall have external illumination only, except for neon signs on the inside of windows.
  - (ab) Window signs are permitted, shall face only public streets, and shall have external illumination only.

- (b) In the P-0 Zone, the following signs are permitted:
- (1) For any uses permitted in the R-3 Zone, except those permitted by conditional use permit, any signs permitted in the R-3 Zone excepting Section 10-2.3509(a)(4).
  - (2) For any uses permitted by conditional use permit in the R-3 Zone, any signs permitted in the R-3 Zone, including Section 10-2.3509(a)(4).
  - (3) For uses other than those permitted in the R-3 Zone, the following signs are permitted:
    - (aa) Any signs permitted in the R-3 Zone except Section 10-2.3509(a)(4).
    - (ab) For each site one (1) freestanding sign per street frontage, each sign not exceeding sixteen (16) square feet and eight (8') feet in height.
    - (ac) Canopy and wall identification signs limited to one-half (0.5) square foot in combined sign area for each lineal foot of any wall, and not exceeding thirty-five (35') feet in height. Canopy and wall identification signs may have external illumination only; no internal illumination shall be permitted.
    - (ad) One (1) corporate flag per use or occupancy, not exceeding twenty-four (24) square feet in area, dimensions relative to each other shall not exceed a ratio of 2:1. Such flags shall be flown only from a flagstaff or flagpole.
  - (4) For the purpose of replacing one nonconforming use with another nonconforming use, additional signs as follows:
    - (aa) Canopy and wall identification signs limited to one-half (0.5) square foot in combined sign area for each lineal foot of any wall facing a public street. Signs shall face only public streets, shall not exceed thirty-five (35) feet in height, and shall have external illumination only, except for neon signs on the inside of windows.
    - (ab) Window signs are permitted, shall face only public streets, and shall have external illumination only.

SEC. 10-2.3510. SPECIFIC REQUIREMENTS FOR TYPE, AREA AND HEIGHT OF SIGNS IN THE C-1, C-2, C-M, M-1, M-2, M-P, H-1, A-R, F, AND P-D ZONES.

It shall be unlawful for any person to erect, construct or maintain on any lot or parcel any sign of a type or having an area and/or height in violation of the following specific requirements:

- (a) In the C-1 zone, C-2 zone, C-M zone, M-1 zone, M-2 zone, and M-P zone, the following signs are permitted except as otherwise stated:
  - (1) Only one (1) of the following signs for each use or occupancy:
    - (aa) Freestanding identification sign not exceeding seventy-two (72) square feet in area and twenty (20) feet in height; or
    - (ab) Projecting identification sign not exceeding seventy-two (72) square feet in area and thirty-five (35) feet in height; if any portion projects into or overhangs a public street or alley right-of-way, said sign shall not exceed forty-eight (48) square feet in area; or
    - (ac) Marquee identification sign at right angles to a street, not exceeding forty-eight (48) square feet in area and thirty-five (35) feet in height. A second such marquee identification sign is permitted if the two (2) signs are single-faced, are parallel, and are on opposite ends of a marquee.
    - (ad) Exception: Any sign existing on March 1, 1977, in the C or M zones on a pylon which extends above a ridgeline shall be allowed to remain in addition to one (1) of the above signs as a non-conforming sign subject to abatement according to the schedule set forth in Section 10-2.3507.
  - (2) One (1) freestanding identification sign for a shopping center, as herein defined, for each street upon which the shopping center fronts, subject to the following provisions:
    - (aa) Each shopping center sign shall not exceed seventy-two (72) square feet in area and twenty (20) feet in height.

- (ab) The identification on each shopping center sign shall be limited to the shopping center name with either a reader board or a listing of uses within the center optional. The lettering for the reader board or the listing of such uses shall be of a size not greater than one-half the size of the lettering of the shopping center name on such sign.
- (ac) Any freestanding or projecting identification sign or signs erected at said shopping center on or after July 1, 1972, whether identifying said shopping center or any use or occupancy therein, shall be removed prior to obtaining a building permit for the erection of a shopping center sign.
- (ad) After erection of a shopping center sign at a shopping center, even in those cases where the shopping center sign installation preceded this Code provision, no additional freestanding or projecting identification sign shall be erected at such shopping center for any use or occupancy therein.
- (ae) A shopping center, eligible for a freestanding identification sign, is usually characterized by a cluster of retail uses:
  - (i) At one (1) location held out to the public as a distinct shopping area and having a minimum of five (5) retail uses on the same or adjacent sites.
  - (ii) On one (1) or more parcels not normally traversed by any public streets.
  - (iii) With membership in a merchants association comprising the cluster.
  - (iv) That employ a common advertising program for such a center.
- (3) For a freestanding tourist-oriented hotel, motel, restaurant or service station located on property within two hundred (200) feet of the Freeway 99 right-of-way, one (1) freestanding identification sign, not exceeding one hundred fifty (150) square feet in area and thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code.

- (aa) Said use permit shall be dependent upon the following two (2) findings being shown:
  - (i) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.
  - (ii) That the use or occupancy cannot be adequately identified by other signs permitted in the C-1 zone.
- (ab) The Board of Zoning Adjustment may grant permission for said sign to be higher than thirty-five (35) feet if the applicant can show that a bridge over Freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of Freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.
- (4) Canopy, marquee, and wall identification signs, provided:
  - (aa) That said signs shall be limited to the portion of a building wherein the use or occupancy is conducted.
  - (ab) That the maximum total area for all said signs shall be limited as follows:
    - (i) For the principal frontage of the building as designated by the applicant:

<u>Building Frontage</u>	<u>Maximum Total Area for All Canopy, Marquee, and Wall Identification Signs</u>
First 50 feet	4 square feet per lineal foot of building frontage plus
Next 50 feet	2 square feet per lineal foot of building frontage plus
Over 100 feet	1 square foot per lineal foot of building frontage

(ii) For each other frontage of the building:

<u>Building Frontage</u>	<u>Maximum Total Area for All Canopy, Marquee, and Wall Identification Signs</u>
First 50 feet	4 square feet per lineal foot of building frontage plus
Next 50 feet	2 square feet per lineal foot of building frontage plus
Over 100 feet	0.5 square foot per lineal foot of building frontage

(ac) That said signs shall not exceed thirty-five (35) feet in height nor project above a ridgeline.

(ad) That signs hung from a canopy shall be not less than eight (8) feet above a private sidewalk or fifteen (15) feet above ground level in areas open to vehicular traffic.

(ae) That marquee signs shall be parallel with the building upon which they are mounted and parallel with the public street or alley into which they project or overhang.

(5) . Directional signs located wholly on private property on the premises to which they pertain as follows:

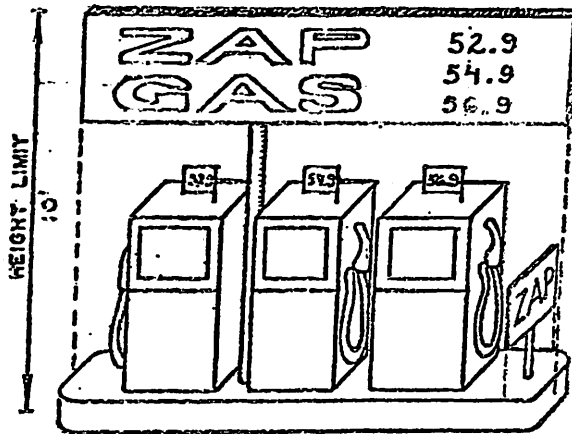
(aa) One (1) exterior directional sign per use per street frontage of the site, not exceeding twelve (12) square feet in area and six (6) feet in height, and provided business identification shall not exceed one-half of the area on a given sign face.

(ab) Any number of interior directional signs, each not exceeding six (6) square feet in area and six (6) feet in height.

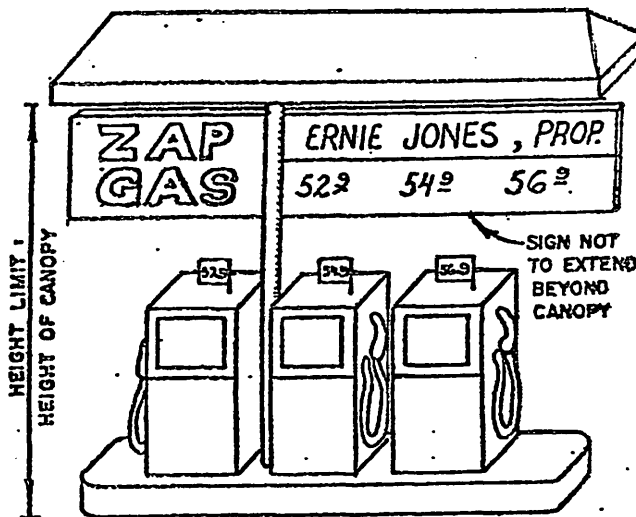
- (ac) Two (2) maximum interior directional signs for a drive-in restaurant or other eating place with drive-through facilities, each sign not to exceed thirty (30) square feet in area and eight (8) feet in height.
- (6) One (1) for sale or rent sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height.
- (7) One (1) construction sign, not exceeding sixty-four (64) square feet in area and ten (10) feet in height, provided such sign is removed not later than thirty (30) days after construction is completed.
- (8) One (1) sign hung from a marquee per street frontage for a given use, not exceeding six (6) square feet in area on any one side or twelve (12) square feet maximum total area. Said sign shall be not less than eight (8) feet above a public sidewalk and may be mounted at an angle to the leading edge of a marquee.
- (9) Political signs may be erected, maintained, and displayed as follows:
- (aa) Each such sign shall not exceed sixty-four (64) square feet in area.
- (ab) The overall height of each such sign shall not exceed ten (10) feet.
- (ac) The combined area of all such signs shall not exceed one hundred fifty (150) square feet.
- (ad) Such signs shall be erected no more than sixty (60) days prior to the date of the election, and shall be removed within ten (10) days after the election.
- (10) Temporary signs are not permitted.
- (11) Outdoor advertising signs are not permitted except as otherwise provided in this article.
- (12) Window signs are permitted.
- (13) One (1) freestanding identification sign, not exceeding seventy-two (72) square feet in area and twenty (20) feet in height, which shall be permitted to identify a use without any structures, such as a parking lot. For pumpkin and Christmas tree sale lots, one (1) freestanding identification sign shall be permitted, not exceeding thirty-two (32) square feet in area and twelve (12) feet in height.

- (14) Signs on service station pump islands, canopy uprights, and nonmovable structures on the pump islands, which shall be permitted if the combined area of said signs and all other wall and canopy signs do not exceed the total sign area permitted in subsection (4) above for the building on the site and do not project beyond the canopy roof or raised pump island. Said signs shall not exceed ten (10) feet in height if there is no canopy. For self-service service stations with small attendant booths less than ten (10) feet on any side, a maximum total wall and canopy sign area of one hundred sixty (160) square feet is permitted.

SIGN NOT TO EXTEND  
BEYOND PUMP ISLAND



SERVICE STATION WITHOUT A CANOPY



SERVICE STATION WITH A CANOPY

- (15) From March 1, 1981, to March 1, 1985, only, freestanding motor fuel price signs are permitted, as hereinafter specified, for business dispensing motor fuel to the public. The message on said signs shall be limited to specifying the prices and grades of motor fuel, self-service or full-service, and brand name of the motor fuel, as required by Section 13530 et seq. of the California Business and Professions Code, effective January 1, 1981, and as hereafter amended. Motor fuel price signs shall be permitted as follows:
- (aa) One (1) motor fuel price sign per street frontage of the site.
  - (ab) Maximum area shall be twenty-five (25) square feet for the self-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; twenty-five (25) square feet for the full-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; all can be combined as one (1) sign.
  - (ac) Maximum height of sign shall be fourteen (14) feet.
- (16) One (1) corporate flag per use or occupancy, not exceeding twenty-four (24) square feet in area; dimensions relative to each other shall not exceed a ratio of 2:1. Such flags shall be flown only from a flagstaff or flagpole.
- (b) In the H-1 zone, the following signs are permitted:
- (1) Any signs allowed in the C-1 zone are permitted in the H-1 zone for uses permitted in Section 10-2.2903 and Section 10-2.2903.1 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.3510(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.3510(a)(2) are not permitted in the H-1 Zone.
  - (2) Any signs allowed in the R-3 zone are permitted in the H-1 zone for uses permitted in Section 10-2.2903.2.
  - (3) For a freestanding tourist-oriented hotel, motel, restaurant, or service station located on property within two hundred (200) feet of the Freeway 99 right-of-way, one (1) freestanding identification sign not exceeding one hundred fifty (150) square feet in area and thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code.

- (aa) Said use permit shall be dependent upon the following two (2) findings being shown.
- (i) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.
  - (ii) That the use or occupancy cannot be adequately identified by other signs permitted in the H-1 zone.
- (ab) The Board of Zoning Adjustment may grant permission for said sign to be higher than thirty-five (35) feet if the applicant can show that an overcrossing of Freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of Freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.
- (4) For any other freestanding use or occupancy, one (1) freestanding identification sign not to exceed seventy-two (72) square feet in area and twenty (20) feet in height may be approved subject to the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code. Said use permit will be dependent upon the following two (2) findings being shown:
- (aa) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.
  - (ab) That the use or occupancy cannot be adequately identified by other signs permitted in the H-1 Zone.

- (aa) Said use permit shall be dependent upon the following two (2) findings being shown.
- (i) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.
  - (ii) That the use or occupancy cannot be adequately identified by other signs permitted in the H-1 zone.
- (ab) The Board of Zoning Adjustment may grant permission for said sign to be higher than thirty-five (35) feet if the applicant can show that an overcrossing of Freeway 99 or ramps thereto obstruct visibility of said sign to the northbound or southbound lanes of Freeway 99. Applicant shall also present plans illustrating the means by which the minimum height necessary to clear said visual obstruction was determined.
- (4) For any other freestanding use or occupancy, one (1) freestanding identification sign not to exceed seventy-two (72) square feet in area and twenty (20) feet in height may be approved subject to the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code. Said use permit will be dependent upon the following two (2) findings being shown:
- (aa) That the use or occupancy is a freestanding use. For the purposes of this section, a freestanding use is defined as a use or occupancy that does not attract customers by its proximity to another business or businesses and is not part of a shopping center or any group of businesses that jointly attract customers through their proximity to each other or through common advertising.
  - (ab) That the use or occupancy cannot be adequately identified by other signs permitted in the H-1 Zone.

(15) From March 1, 1981, to March 1, 1985, only, freestanding motor fuel price signs are permitted, as hereinafter specified, for business dispensing motor fuel to the public. The message on said signs shall be limited to specifying the prices and grades of motor fuel, self-service or full-service, and brand name of the motor fuel, as required by Section 13530 et seq. of the California Business and Professions Code, effective January 1, 1981, and as hereafter amended. Motor fuel price signs shall be permitted as follows:

(aa) One (1) motor fuel price sign per street frontage of the site.

(ab) Maximum area shall be twenty-five (25) square feet for the self-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; twenty-five (25) square feet for the full-service portion of the sign and six (6) square feet for a discount for cash portion of the sign; all can be combined as one (1) sign.

(ac) Maximum height of sign shall be fourteen (14) feet.

(16) One (1) corporate flag per use or occupancy, not exceeding twenty-four (24) square feet in area; dimensions relative to each other shall not exceed a ratio of 2:1. Such flags shall be flown only from a flagstaff or flagpole.

(b) In the H-1 zone, the following signs are permitted:

(1) Any signs allowed in the C-1 zone are permitted in the H-1 zone for uses permitted in Section 10-2.2903 and Section 10-2.2903.1 excepting that freestanding, marquee, and projecting identification signs as allowed in Section 10-2.3510(a)(1) and freestanding shopping center identification signs as allowed in Section 10-2.3510(a)(2) are not permitted in the H-1 Zone.

(2) Any signs allowed in the R-3 zone are permitted in the H-1 zone for uses permitted in Section 10-2.2903.2.

(3) For a freestanding tourist-oriented hotel, motel, restaurant, or service station located on property within two hundred (200) feet of the Freeway 99 right-of-way, one (1) freestanding identification sign not exceeding one hundred fifty (150) square feet in area and thirty-five (35) feet in height may be approved subject to the securing of a conditional use permit from the Board of Zoning Adjustment in accordance with Article 20 of Chapter 2 of Title X of this Code.

~~22~~ should be a 1

(c) In the A-R zone, the following signs are permitted:

- (1) For any uses in the A-R zone that are also permitted in the R-A zone, the R-A sign regulations shall apply.
- (2) For any uses in the A-R zone that are not permitted in the R-A zone, the H-1 sign regulations shall apply.

(d) In the F zone, the following signs are permitted:

Any sign allowed in the underlying zone. The floodplain zone is an overlay zone that does not regulate signs.

(e) For P-D zones and unclassified use permits, the following signs are permitted:

Sign limitations shall be made a condition of each P-D zone and unclassified use permit and approval shall be based on the provisions of the zoning classification most closely approximating the uses proposed in the P-D zone or unclassified use permit.

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

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 6th day of September, 1983, by Councilmember Muratore, who moved its introduction and passage to

print, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

Ord. No. 2210-C.S.

**FINAL ADOPTION CLAUSE**

The foregoing ordinance, having been published as required by the Charter of the City of Modesto, and coming on for final consideration at the regular meeting of the Council of the City of Modesto held on the 13th day of September, 1983, Councilmember Sutton moved its final adoption, which motion being duly seconded by Councilmember Patterson, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
**NOES:** Councilmembers: None  
**ABSENT:** Councilmembers: None

APPROVED

Peggy Mensinger  
MAYOR PEGGY MENSINGER

ATTEST:

Norrine Coyle  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 13, 1983

AN ORDINANCE AMENDING SECTION MAP 6-4-9 OF  
THE ZONING MAP OF THE CITY OF MODESTO, RECLASSIFYING  
CERTAIN PROPERTY LOCATED THEREON. (GREATER TRUE  
LIGHT BAPTIST CHURCH)

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

SECTION 1. ZONING CHANGE. Section 6-4-9 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 (341) :

All that certain real property situate in a portion of the Southeast quarter of the Northwest quarter of Section 6, Township 4 South, Range 9 East, Mount Diablo Base and Meridian, in the City of Modesto, County of Stanislaus, State of California, described as follows:

All that portion of Parcel B as shown on that certain parcel map filed in the office of the Recorder of Stanislaus County, California, on December 21, 1978, in Volume 28 of parcel maps, Page 41 and more particularly described as follows:

Commencing at the Westerly corner of said Parcel B, said corner being on the Southeastern right-of-way line of Paradise Road and the beginning of a curve concave to the northwest having a radius of 2040.00 feet; thence Northeasterly along said curve through a central angle of 6°25'08" a distance of 228.54 feet; thence continuing along the said southeastern right-of-way of Paradise Road and the Northerly line of said Parcel B, North 50° 06'17" East a distance of 671.35 feet to the true point of beginning of this description; thence continuing North 50°06'17" East along the Southeastern right-of-way line of said Paradise Road and the Northerly Line of said Parcel B, a distance of 406.61 feet to the beginning of a curve concave to the South having a radius of 15.00 feet; thence easterly along said curve through a central angle 90°00'00" a distance of 23.56 feet to a point on the North-easterly line of said Parcel B; thence South 39°53'43" East along the said Northeasterly line of Parcel B, a distance of 88.91 feet to the beginning of a curve concave to the Southwest having a radius of 372.98 feet; thence Southeasterly along said curve through a central angle of 23°03'36" a distance of 150.11; thence South 50° 06'17" West along a line non-tangent to said curve, said line being the easterly line of said Parcel B, a distance of 76.93 feet; thence continuing along the East line of said Parcel B, South 0° 00'29" East, a distance of 211.15 feet; thence South 89°40'20" West along the Southerly line of said Parcel B a distance of 232.90'

Thence leaving the southern line of said Parcel B, North 39°53'43" West a distance of 263.67 feet to the Southeastern right-of-way line of said Paradise Road, the Northern line of said Parcel B and the true point of beginning.

Including also all of the southeastern one-half of the Paradise Road right-of-way located between the original centerline and said Parcel B and immediately adjacent to the above described property.

**SECTION 2. USES.** The following uses shall be permitted in said P-D(341)

Zone subject to securing approval of the Secretary of the Planning Commission if the plan for construction conforms in principle to the approved plan, as required by Section 10-2.2704 of the Modesto Municipal Code, 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 three-story residential structure, parking and related facilities.

**SECTION 3. ZONING MAP.** Section Map 6-4-9 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

**SECTION 5. PUBLICATION.** At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 13th day of September, 1983, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Whiteside, was upon roll call carried and ordered printed

and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST: Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William J. Richards  
Department of Planning and  
Community Development

**Ordinance 2211 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 20th day of September, 1983, Councilmember Bright moved its final adoption, which motion being duly seconded by Councilmember Lang, was upon roll call carried and the ordinance adopted by the following vote:

- AYES:** Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger
- NOES:** Councilmembers: None
- ABSENT:** Councilmembers: None

APPROVED *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Norrine Coyle*  
NORRINE COYLE, City Clerk

EFFECTIVE DATE: October 20, 1983

AN ORDINANCE ADDING ARTICLE 11 TO CHAPTER 1 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO FIREARM RANGES AND FIREARMS.

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

SECTION 1. AMENDMENT OF CODE. Article 11 of Chapter 1 of Title IV of the Modesto Municipal Code is hereby added to read as follows:

ARTICLE 11. FIREARM RANGES AND FIREARMS

SEC. 4-1.1101. PISTOL AND/OR RIFLE RANGES PERMITTED.

No person, firm, corporation, organization, or association shall engage in, carry on, maintain, operate, or cause to be engaged in, carried on, maintained, or operated, a pistol and/or rifle range in the City of Modesto without first having secured a permit from the Chief of Police of the City of Modesto in accordance with the requirements of this article and without complying with the rules and regulations contained and authorized herein pertaining to the operation of pistol and/or rifle ranges.

SEC. 4-1.1102. PERMIT REQUIRED.

Applications for a permit for a pistol and/or rifle range shall be submitted to the Chief of Police. The City Council may by resolution adopted from time to time fix an annual permit fee which shall accompany the application. The permit issued shall be for a term of one (1) year from the date of issuance subject to renewal and payment of the annual permit fees. Applications shall be filed on forms supplied by the Modesto Police Department, which applications shall contain the following information:

- (a) The name, residence address, and telephone number of the applicant. If the applicant is a partnership, name, residence address, and telephone number of each partner. If the applicant is a corporation, the name, residence address, and telephone number of each director, each officer, and the general manager.
- (b) The applicant's date of birth, automobile driver's license number, weight, height, color of eyes and hair. If the applicant is a partnership, the date of birth, automobile driver's license number, weight, height, color of eyes and hair of each partner. If the applicant is a corporation, the date of birth, automobile driver's license number, weight, height, color of eyes and hair of each director, officer and the general manager.

- (c) The name under which the pistol and/or rifle range is proposed to operate and the business address and telephone number of the proposed pistol and/or rifle range.
- (d) The character and caliber of firing devices and cartridges to be utilized, the engineered building and site construction plans, the type of firing range equipment to be utilized, and such other information which describes or illustrates the conditions within which the pistol and/or rifle range is to be operated.
- (e) The name and address of each firearms regulatory agency which has issued a firearms license or permit to the applicant, and the number of each license and/or permit held by the applicant and the expiration date thereof.
- (f) The name of each city, county, and state, including the specific addresses therein, in which the applicant has been engaged in, or has operated, a pistol and/or rifle range within the last five (5) years. If the applicant is a partnership, such information shall be provided for each partner. If the applicant is a corporation, such information shall be provided for each director, each officer, and the general manager.
- (g) A statement of all felonies and misdemeanors for which the applicant has been convicted within the last five years, immediately preceding the date of application. If the applicant is a partnership, such information shall be provided for each partner. If the applicant is a corporation, such information shall be provided for each director, each officer, and the general manager.
- (h) Such other information as the Chief of Police may deem necessary to investigate and evaluate the qualifications of each applicant. All applications shall be signed by the applicant under penalty of perjury. If the applicant is a partnership, the application shall be signed by at least one of the partners. If the applicant is a corporation, the application shall be signed by at least two of the directors.

SEC. 4-1.1103. INVESTIGATION OF APPLICANT AND BUSINESS.

- (a) The Chief of Police shall conduct an investigation of each applicant and business establishment to be operated as a pistol and/or rifle range.

- (b) If the Chief of Police finds from an investigation of the application and of the business premises that the applicant is of good moral character and that a pistol and/or rifle range may be operated without danger to the public peace, health, or safety, the Chief of Police shall issue a permit, specifying the character and caliber of the firing devices and cartridges permitted; but if he finds that the applicant is not a person of good moral character, or that a pistol and/or rifle range cannot be operated as applied for without endangering the public peace, health or safety, he may deny the application, in whole or in part.

SEC. 4-1.1104. APPEAL TO CITY COUNCIL.

Any applicant whose application is denied in whole or in part shall have the right to receive a notice in writing which specifies the reasons for the denial, and shall have the right to file a written appeal to the City Council pursuant to the provisions of Chapter 4 of Title I of this Code.

SEC. 4-1.1105. POSTING OF PERMIT.

A permittee shall not operate or permit to be operated a pistol and/or rifle range unless said permit is posted in a conspicuous place during the operation of the pistol and/or rifle range. A permittee shall produce and exhibit the same when applying for renewal thereof and whenever requested to do so by any Peace Officer.

SEC. 4-1.1106. SUMMARY SUSPENSION AND/OR REVOCATION OF PERMIT.

- (a) If it appears to the Chief of Police that any permittee is operating a pistol and/or rifle range in violation of any of the provisions of this Article, or that a permit was obtained by misrepresentation, the permit may be revoked.
- (b) Whenever it appears to the Chief of Police or his authorized representative that a permittee is operating a pistol and/or rifle range in violation of any of the provisions of this Article in a manner that poses an immediate threat to the public's safety, he shall have the authority to summarily suspend the permit and any further operation of the pistol and/or rifle range. The suspension order issued under this subsection shall also constitute a notice of proposed revocation. A summary suspension of a permit shall continue in effect until it is either cancelled by the Chief of Police or until final determination of the proposed revocation of the permit is made, whichever is sooner.
- (c) Any permittee who operates a pistol and/or rifle range after summary suspension of a permit, or after revocation of a permit, is guilty of a misdemeanor.

- (d) Any permittee whose permit is revoked may not apply for a permit to operate a pistol and/or rifle range in the City of Modesto for a period of one (1) year from the date of such revocation.

SEC. 4-1.1107. NOTICE AND HEARING.

- (a) Whenever the Chief of Police orders the revocation of a permit to operate a pistol and/or rifle range, written notice of such action shall be given either by personally serving it on the permittee or by depositing it in the United States mail. Notice shall be directed to the permittee at the address given on the application and shall set forth the reasons for the proposed revocation. The notice shall further state that the permittee shall have ten (10) days from the date of the notice to request, in writing, a hearing before the Chief of Police to determine whether the permit should be revoked.
- (b) Whenever the Chief of Police also orders the summary suspension of a permit to operate a pistol and/or rifle range, written notice of such action shall be given by personally serving a copy on the person in charge of the pistol and/or rifle range and either by personally serving a copy on the permittee or by depositing a copy in the United States mail.
- (c) The Chief of Police shall provide a hearing within twenty (20) days after receipt of a written request from the permittee, at which hearing the permittee may present oral or written evidence of why the permit should not be revoked. Notice of the time and place of such hearing shall be given to the permittee by depositing it in the United States mail at least ten (10) days before the hearing to the address given in the application.
- (d) If after the hearing, the permit is revoked, written notice shall be given the permittee within twenty-five (25) days' of the close of the hearing. Notice of revocation shall be given by deposit in the United States mail.

SEC. 4-1.1108. APPEAL OF REVOCATION TO CITY COUNCIL.

Any permittee whose license is revoked under this Article shall have the right to receive a notice in writing of the revocation and to file a written appeal to the City Council pursuant to the provisions of Chapter 4 of Title 1 of this Code.

SEC. 4-1.1109. HOURS OF OPERATION.

No permittee shall operate a pistol and/or rifle range before 9:00 a.m. or after 12:00 midnight of any day.

SEC. 4-1.1110. INSPECTIONS.

All pistol and/or rifle ranges, equipment, facilities and property shall be open to inspection by members of the Police Department, Fire Department, Health Department, and/or Building Inspection Division of the City.

SEC. 4-1.1111. ATTENDANCE LIMITED TO OCCUPANCY CAPACITY.

Attendance at any pistol and/or rifle range shall be limited to the occupancy of the room in which such range is operated, as determined by the Fire Department and Building Inspection Division of the City in accordance with applicable codes, laws and regulations.

SEC. 4-1.1112. METHOD OF OPERATION.

No pistol and/or rifle range shall be operated in violation of any law or in any manner that shall constitute a public nuisance.

SEC. 4-1.1113. INTOXICATING BEVERAGES.

Sale, possession, consumption, or use of any intoxicating beverages in or upon the premises of the pistol and/or rifle range is prohibited.

SEC. 4-1.1114. FIREARMS.

- (a) It shall be unlawful for any person to fire or discharge any pistol, gun, rifle, firearm, cannon, anvil loaded with powder, bow, air gun or any other device whereby shot, bullets or other dangerous missiles are discharged or projected, within the City of Modesto. Provided, however, that any person may, in or upon his own premises, shoot dangerous animals where necessary for the protection of life or property. And further provided, that cannon or anvils may be discharged pursuant to the written permission of the Chief of Police.
- (b) Provided, however, that nothing herein contained shall prohibit or prevent maintaining, operating and/or carrying on a pistol and/or rifle range where firing devices and cartridges are of a character and caliber approved by the Chief of Police and for which a permit has been issued pursuant to the provisions of this Article.

SEC. 4-1.1115. VIOLATION.

Except as otherwise provided herein, every violation of this article shall be an infraction.

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. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1983, by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, 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 September, 1983, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

**APPROVED** *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

**ATTEST:** *Norrine Coyle*  
NORRINE COYLE, City Clerk

**EFFECTIVE DATE:** October 26, 1983

AN ORDINANCE AMENDING SECTION 4-2.07 OF CHAPTER 2 OF TITLE IV OF THE MODESTO MUNICIPAL CODE RELATING TO FIREWORKS.

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

SECTION 1. AMENDMENT OF CODE. Section 4-2.07 of Chapter 2 of Title IV of the Modesto Municipal Code is hereby amended to read as follows:

SEC. 4-2.07. FIREWORKS.

- (a) It shall be unlawful to possess, fire, discharge or set off, within the City of Modesto, unless by virtue of a written permit of the Fire Chief, any fireworks or pyrotechnic device, other than those fireworks and pyrotechnic devices which have been examined by the State Fire Marshal, classified as "safe and sane," and which bear the State Fire Marshal's Seal of Registration.
- (b) Provided further that nothing herein contained shall prohibit or prevent any person from using "model rockets" and "model rocket engines" in accordance with the regulations of the State Fire Marshal as set forth in Title 19 of the California Administrative Code.

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

SECTION 3. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in The Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1983,

by Councilmember Bright, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Lang, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger

NOES: Councilmembers: None

ABSENT: Councilmembers: None

APPROVED: *Peggy Mensinger*  
PEGGY MENSINGER, Mayor

ATTEST:

By *Norrine Coyle*  
NORRINE COYLE, 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 September, 1983, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

**APPROVED** *Peggy Mensinger*  
MAYOR PEGGY MENSINGER

**ATTEST:** *Morrine Coyle*  
MORRINE COYLE, City Clerk

**EFFECTIVE DATE:** October 26, 1983

ORDINANCE NO. 2214 -C.S.

AN ORDINANCE AMENDING SECTION 12-3-8 OF THE ZONING MAP TO REZONE FROM P-D(293) TO R-2, PROPERTY LOCATED AT THE SOUTHWEST CORNER OF PRESCOTT ROAD AND SNYDER AVENUE.

WHEREAS, the City Council, by Ordinance No. 2011-C.S., which was introduced on January 20, 1981, finally adopted January 27, 1981, and which became effective on February 26, 1981, amended Section Map 12-3-8 of the Zoning Map to reclassify from Medium Density Residential Zone, R-2, to Planned Development Zone, P-D(293), for a 30-unit, two-story condominium project, property located at the southwest corner of Prescott Road and Snyder Avenue, and

WHEREAS, the City Council, by Resolution No. 81-40, approved the development plan for Planned-Development Zone, P-D(293), with a development schedule which specified that the construction be in one phase, to begin construction on or before July 1, 1982, and completion to be not later than July 1, 1983, and

WHEREAS, the Planning Commission by Resolution No. 82-116, adopted July 16, 1982, granted a one year time extension to the development schedule with construction to be accomplished in one phase, beginning on or before July 1, 1983, and completion to be not later than July 1, 1984, and

WHEREAS, the applicant failed to meet the revised development schedule, and

WHEREAS, the Planning Commission by Resolution No. 83-111, adopted August 1, 1983, set a public hearing to consider the repeal of Planned Development Zone, P-D(293) and to rezone the property to Medium Density Residential Zone, R-2, and

WHEREAS, said public hearing was held by the Planning Commission on August 15, 1983, in the City Council Chambers, City Hall, 801 11th Street, Modesto, California, at which hearing evidence both oral and documentary was received and considered, and

WHEREAS, the Planning Commission by Resolution No. 83-132, adopted on August 15, 1983, found and determined that an amendment to Section 12-3-8 of the Zoning Map to repeal Planned Development Zone, P-D(293), and rezone to Medium Density Residential Zone, R-2, property located at the southwest corner of Prescott Road and Snyder Avenue, in the City of Modesto, is required by public necessity, convenience and general welfare for the following reasons:

1. The existing P-D(293) was allowed to expire on July 1, 1983, at the applicant's discretion.
2. The previously subdivided site will allow multi-family development under the R-2 Zone.
3. The proposed rezoning substantially conforms to the General Plan.

and

WHEREAS, said recommended amendment was set for public hearing before the City Council at its regular meeting place in the Council Chambers in the City Hall, 801 11th Street, Modesto, California, on September 20, 1983, at 4:00 p.m., and

WHEREAS, after hearing evidence, both oral and documentary, the Council finds and determines that the proposed amendment to Section 12-3-8 of the Zoning Map to repeal Planned Development Zone, P-D(293) and to rezone to Medium Density Residential Zone, R-2, property located at the southwest corner of Prescott Road and Snyder Avenue, in the City of Modesto, should be approved,

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

SECTION 1. COUNCIL FINDINGS. the Council of the City of Modesto finds and determines that the repeal of Planned Development Zone, P-D(293) and rezoning of the property to Medium Density Residential Zone, R-2, is required by public necessity, convenience and general welfare for the reasons set forth in Planning Commission Resolution No. 83-132, and quoted above.

SECTION 2. ZONING CHANGE. Section 12-3-8 of the Zoning Map is hereby amended to repeal Planned Development Zone, P-D(293), and rezone to Medium Density Residential Zone, R-2, property located at the southwest corner of Prescott Road and Snyder Avenue, in the City of Modesto, and described as follows:

All that portion of the Northeast quarter of the Northeast quarter of Section 12, Township 3 South, Range 8 East, Mount Diablo Base and Meridian, described as follows:

Beginning at the Northeast corner of said Section 12; thence South 0°42'15" East along the East line of said Section, a distance of 680 feet; thence West, and parallel with the North line of said Section, a distance of 188 feet; thence North 2°25'22" West 680.19 feet to a point on the Northerly line of said Section 12; thence North 88°58'33" East 208.4 feet to the Northeast corner of said Section 12 and to the point of beginning.

SECTION 3. ZONING MAP. Section 12-3-8 of the Zoning Map of the City of Modesto is amended to appear as set forth on the map attached hereto, which is hereby made a part of this ordinance by reference.

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

SECTION 5. PUBLICATION. At least two (2) days prior to its final adoption, copies of this ordinance shall be posted in at least three (3) prominent and distinct locations in the City; and a notice shall be published once in the Modesto Bee, the official newspaper of the City of Modesto, setting forth the title of this ordinance, the date of its introduction, and the places where this ordinance is posted.

The foregoing ordinance was introduced at a regular meeting of the Council of the City of Modesto held on the 20th day of September, 1983, by Councilmember Lang, who moved its introduction and passage to print, which motion being duly seconded by Councilmember Muratore, was upon roll call carried and ordered printed and published by the following vote:

AYES: Councilmembers: Bright, Lang, Muratore, Patterson, Sutton, Whiteside, Mayor Mensinger  
NOES: Councilmembers: None  
ABSENT: Councilmembers: None

APPROVED: Peggy Mensinger  
PEGGY MENSINGER, Mayor

ATTEST:

By Norrine Coyle  
NORRINE COYLE, City Clerk

(SEAL)

APPROVED AS TO FORM:

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

APPROVED AS TO DESCRIPTION:

By William D. Nichols  
Department of Planning and  
Community Development

Ordinance 2214 C.S.  
Exhibit A – Map

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

Ord. No. 2214-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 September, 1983, Councilmember Muratore moved its final adoption, which motion being duly seconded by Councilmember Sutton, was upon roll call carried and the ordinance adopted by the following vote:

**AYES:** Councilmembers: Bright, Lang, Muratore, Sutton, Whiteside, Mayor Mensinger

**NOES:** Councilmembers: None

**ABSENT:** Councilmembers: Patterson

APPROVED

*Peggy Mensinger*  
MAYOR PEGGY MENSINGER

ATTEST: *Morrine Coyle*  
MORRINE COYLE, City Clerk

EFFECTIVE DATE: October 26, 1983