

FILE NO. 100715

ORDINANCE NO.

[Fire Department cost recovery for vehicle incidents.]

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2
3 **Ordinance amending the San Francisco Fire Code by adding Section 112.22 to**
4 **Appendix Chapter 1, to authorize the Fire Department to recover costs incurred**
5 **removing vehicle contents from City streets and highways after vehicle incidents.**

6 NOTE: Additions are single-underline italics Times New Roman;
7 deletions are ~~strike-through italics Times New Roman~~.
8 Board amendment additions are double-underlined;
9 Board amendment deletions are ~~strikethrough-normal~~.

8 Be it ordained by the People of the City and County of San Francisco:

9 Section 1. The Planning Department has determined that the actions contemplated in
10 this Ordinance are in compliance with the California Environmental Quality Act (California
11 Public Resources Code sections 21000 et seq.). Said determination is on file with the Clerk of
12 the Board of Supervisors in File No. 100715 and is incorporated herein by reference.
13

14 Section 2. Findings. California Vehicle Code Section 17300(c) provides that a person
15 who willfully or negligently causes or permits the contents of a vehicle to be deposited on a
16 street or highway, or its appurtenances, is liable for the reasonable costs of removing those
17 contents from the street or highway. This ordinance authorizes the Fire Department to submit
18 a claim for reimbursement of recoverable costs for removing vehicle contents from City streets
19 and highways under Section 17300. In adopting this legislation, it is the intention of the Board
20 of Supervisors that only persons found at fault for vehicle incidents be subject to this fee.
21

22 Section 3. The San Francisco Fire Code is hereby amended by adding Section 112.22
23 to Appendix Chapter 1, to read as follows:

24 SEC. 112.22. COST RECOVERY RELATED TO VEHICLE INCIDENTS.
25

1 (a) The Fire Department may submit a claim to recover its reasonable costs incurred
 2 responding to a motor vehicle incident in the City and County of San Francisco where a person has
 3 willfully or negligently caused or permitted the contents of a motor vehicle to be deposited on a street
 4 or highway, or its appurtenances, and the Fire Department removes those vehicle contents from the
 5 street or highway, or its appurtenances. Vehicle contents may include gas, oil and vehicle debris. The
 6 Fire Department shall submit the claim to the insurance company of the person responsible for willfully
 7 or negligently causing or permitting the vehicle contents to be deposited on the street or highway, or its
 8 appurtenances.

9 (b) The Fire Department shall submit claims in the following amounts:

<u>Description of Incident</u>	<u>Charge</u>
<u>One suppression unit provided vehicle content removal (one hour or less)</u>	<u>\$249</u>
<u>Two or more suppression unites provided vehicle content removal (one hour or less)</u>	<u>\$498</u>
<u>Any incident where the vehicle content removal exceeds one hour</u>	<u>An amount based on the reasonable time and materials costs incurred</u>

17 (c) After a noticed hearing, the Chief of the Fire Department may promulgate rules to
 18 effectuate the purposes of this Section or to facilitate the claim process.

20 Section 4. This ordinance shall become operative on its effective date or on July 1,
 21 2010, whichever is later.

22 APPROVED AS TO FORM:
 23 DENNIS J. HERRERA, City Attorney

24 By: 
 25 Katharine Hobin Porter
 Deputy City Attorney