

1 [Fire Department Cost Recovery for Vehicle Incidents]

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3 **Ordinance amending the San Francisco Fire Code, Appendix Chapter 1, by adding**  
4 **Section 112.22 to authorize the Fire Department to recover costs incurred removing**  
5 **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 ~~strike through normal~~.

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

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

14

15 Section 2. Findings. California Vehicle Code Section 17300(c) provides that a person  
16 who willfully or negligently causes or permits the contents of a vehicle to be deposited on a  
17 street or highway, or its appurtenances, is liable for the reasonable costs of removing those  
18 contents from the street or highway. This ordinance authorizes the Fire Department to submit  
19 a claim for reimbursement of recoverable costs for removing vehicle contents from City streets  
20 and highways under Section 17300.

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