Amendment of the Whole in Board
3/6/00

FILE NO. 991827

ORDINANCE NO. 39-00

[COLOR TIRES]

AMENDING CHAPTER VIII, PART 2 OF THE SAN FRANCISCO MUNICIPAL CODE
(POLICE CODE) BY ADDING ARTICLE 42A MAKING MANUFACTURERS STRICTLY
LIABLE FOR COSTS RELATED TO THE CLEAN-UP OF GRAFFITI CAUSED BY TIRES
WITH COLORED TREADS.

Note: This entire section is new.

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

Section 1. Findings and Purpose. The Board hereby finds and declares:

On July 13, 1999, B. F. Goodrich Tires Inc., a subsidiary of Michelin North America
Inc., announced a new tire called "the Scorcher" made with permanent colored treads. The
tire allows drivers to leave colored skid marks on pavement after "burning out." In early
promotional materials, B. F. Goodrich advertised that the tire was capable of leaving colored
skid marks even after repeated burn outs. B. F. Goodrich released the Scorcher in yellow on
August 1, 1999 and plans to produce and market the tire in red and blue in early 2000.

Colored skid marks on public streets and sidewalks are a form of graffiti that deface
public property and impair the aesthetics and quality of life in San Francisco. When colored
skid marks are left on City property, the City is burdened with the costs of removing the
graffiti. Likewise, when colored skid marks are left on private property, the private property
owner is burdened with the costs of removing the graffiti. Since B. F. Goodrich has made the
decision to place color tires in the stream of commerce and has encouraged the use of the
tires for burning out, B. F. Goodrich must be responsible for the consequences including any
graffiti left on City or private property by the tires. In addition, B. F. Goodrich should be
discouraged from making products that are intended and manufactured to create a public
nuisance. Making manufacturers of color tires liable for graffiti caused by the tires helps to
achieve these goals.

SUPERVISOR TENG, YAKI, KAUFMAN, AMMIANO, BIERMAN, BECERRIL, KATZ,
LENIO, BROWN

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3/2/00
Section 2. Chapter VIII, Part 2 of The San Francisco Municipal Code (Police Code) is hereby amended by adding Article 42A thereto, to read as follows:

ARTICLE 42A COLOR TIRES

SEC. 4200A.1. DEFINITIONS. For purposes of this Article:

(a) "Color Tire" shall mean any tire with colored treads that may be used to leave Graffiti on any street, sidewalk or other paved ground.

(b) "Graffiti" shall mean any inscription, word, figure, design or marking.

(c) "Person" shall mean the City, the San Francisco Redevelopment Agency, the San Francisco Housing Authority, the San Francisco Unified School District, the San Francisco Community College District, the San Francisco Transportation Association or any individual, firm, partnership, association, corporation, company, organization, society, group or legal entity of any kind.

SEC. 4200A.2. STRICT LIABILITY. Any manufacturer of a Color Tire shall be strictly liable in tort, without regard to fault or proof of defect, to any Person who seeks recovery for any direct or indirect costs incurred by that Person in removing Graffiti caused by the Color Tire from property under that Person’s jurisdiction and control. If a Person prevails in an
action against a manufacturer of a Color Tire to recover costs related to the removal of Graffiti
caused by the Color Tire, that Person shall also recover all administrative costs and attorney
fees incurred in pursuit of the recovery.

APPROVED AS TO FORM:

LOUISE H. RENNE, City Attorney

By: Mario M. Kashou
Deputy City Attorney
Ordinance amending Police Code by adding Article 42A (Sections 4200A.1 and 4200A.2) making manufacturers strictly liable for costs related to the clean-up of graffiti caused by tires with colored treads.

March 6, 2000 Board of Supervisors — AMENDED, AN AMENDMENT OF THE WHOLE BEARING NEW TITLE
Ayes: 10 - Ammiano, Becerril, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
Absent: 1 - Bierman

March 6, 2000 Board of Supervisors — PASSED ON FIRST READING AS AMENDED
Ayes: 10 - Ammiano, Becerril, Brown, Katz, Kaufman, Leno, Newsom, Teng, Yaki, Yee
Absent: 1 - Bierman

March 13, 2000 Board of Supervisors — FINALLY PASSED
Ayes: 6 - Ammiano, Brown, Leno, Newsom, Teng, Yee
Absent: 5 - Becerril, Bierman, Katz, Kaufman, Yaki
I hereby certify that the foregoing Ordinance was FINALLY PASSED on March 13, 2000 by the Board of Supervisors of the City and County of San Francisco.

Gloria L. Young
Clerk of the Board

Mayor Willie L. Brown Jr.