

FILE NO. 991827

ORDINANCE NO. 39-00

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

6 Note: This entire section is new.

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

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

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

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

SUPERVISOR TENG, YAKI, KAUFMAN, AMMIANO, BIERMAN, BECERRIL, KATZ,  
BOARD OF SUPERVISORS LENO, BROWN

1  
2 Section 2. Chapter VIII, Part 2 of The San Francisco Municipal Code (Police Code) is  
3 hereby amended by adding Article 42A thereto, to read as follows:  
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5 **ARTICLE 42A COLOR TIRES**

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

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

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

10 (c) "Person" shall mean the City, the San Francisco Redevelopment Agency, the San  
11 Francisco Housing Authority, the San Francisco Unified School District, the San Francisco  
12 Community College District, the San Francisco Transportation Association or any individual,  
13 firm, partnership, association, corporation, company, organization, society, group or legal entity  
14 of any kind.  
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16 **SEC. 4200A.2. STRICT LIABILITY.** Any manufacturer of a Color Tire shall be strictly  
17 liable in tort, without regard to fault or proof of defect, to any Person who seeks recovery for  
18 any direct or indirect costs incurred by that Person in removing Graffiti caused by the Color  
19 Tire from property under that Person's jurisdiction and control. If a Person prevails in an  
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1 action against a manufacturer of a Color Tire to recover costs related to the removal of Graffiti  
2 caused by the Color Tire, that Person shall also recover all administrative costs and attorney  
3 fees incurred in pursuit of the recovery.  
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5 APPROVED AS TO FORM:

6 LOUISE H. RENNE, City Attorney  
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8 By: Mario M. Kashou  
9 Mario M. Kashou  
10 Deputy City Attorney  
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# City and County of San Francisco

City Hall  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102-4689

## Tails

## Ordinance

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**File Number:** 991827

**Date Passed:**

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.

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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

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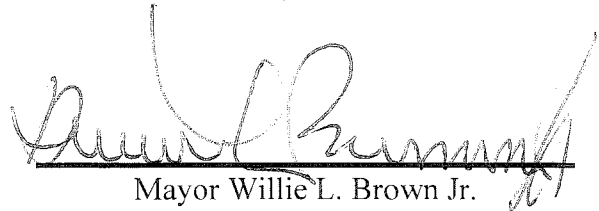
I hereby certify that the foregoing Ordinance  
was FINALLY PASSED on March 13, 2000  
by the Board of Supervisors of the City and  
County of San Francisco.



Gloria L. Young  
Clerk of the Board

MAR 24 2000

Date Approved



Mayor Willie L. Brown Jr.