

ORDINANCE NO. 2318

AN ORDINANCE OF THE CITY OF CHULA VISTA ADDING CHAPTER 9.05 TO THE CHULA VISTA MUNICIPAL CODE RELATING TO THE RECOVERY OF EMERGENCY RESPONSE COSTS FROM PERSONS UNDER THE INFLUENCE, OR RESPONSIBLE FOR INTENTIONALLY WRONGFUL CONDUCT

The City Council of the City of Chula Vista does ordain as follows:

SECTION I: That Chapter 9.05 is added to the Chula Vista Municipal Code to read as follows:

CHAPTER 9.05 EMERGENCY RESPONSE COST RECOVERY.

Sec. 9.05.010 Definitions.

A. "Expense of an emergency response" means those costs incurred by the City of Chula Vista in making an appropriate emergency response to the incident, and shall be comprised of all costs directly arising because of the particular incident, including, but not limited to the costs of providing police, firefighting, rescue and emergency medical services at the scene of the incident, as well as the salaries and fringe benefits of the personnel responding to the incident. Those recoverable costs will include damage or destruction to City of Chula Vista property.

B. "Intentionally wrongful conduct" means conduct intended to injure another person or property.

Sec. 9.05.020 Emergency Response Cost Recovery Program.

Pursuant to the authority vested in the City of Chula Vista by Article 8 (commencing with Section 53150) of Chapter 1 of Part 1 of Division 2 of Title 5 of the Government Code, each person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle, boat, vessel, or aircraft caused by that influence proximately causes any incident resulting in an appropriate emergency response, or whose intentionally wrongful conduct proximately causes any incident resulting in appropriate emergency response, shall pay to said City the expense of such an emergency response. In no event shall a person's liability under this Chapter exceed the maximum

allowable under state statute, and all costs assessed pursuant to this Chapter 9.05 shall reasonably relate to the actual cost of the expense incurred by the City.

Sec. 9.05.030 Collection of Costs.

The expense of an emergency response shall be determined by the Director of Finance and charged against the person liable for the expenses under the Chapter by the Director of Finance. The charge constitutes a debt of that person to the City of Chula Vista, and is collectible by said City in the same manner as in the case of an obligation under a contract, expressed or implied. If the charges are not paid within a reasonable time of demand, the Director of Finance and the Director of Personnel are authorized to reduce the claim to judgment in the appropriate small claims court or other jurisdiction.

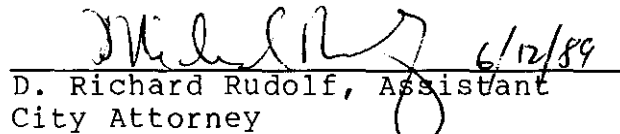
SECTION II: This ordinance shall take effect and be in full force on the thirtieth day from and after its adoption.

Presented by

Approved as to form by



William J. Winters, Director
of Public Works
5788a



D. Richard Rudolf, Assistant
City Attorney

FIRST READ AT A REGULAR MEETING OF THE CITY COUNCIL OF THE
CITY OF CHULA VISTA, CALIFORNIA, HELD July 25, 19 89, AND
FINALLY PASSED AND ADOPTED AT A REGULAR MEETING THEREOF HELD August 1,
19 89, BY THE FOLLOWING VOTE, TO-WIT:

AYES: Councilmen : Malcolm, Moore, McCandliss
NAYES: Councilmen : None
ABSTAIN: Councilmen : None
ABSENT: Councilmen : Cox, Nader

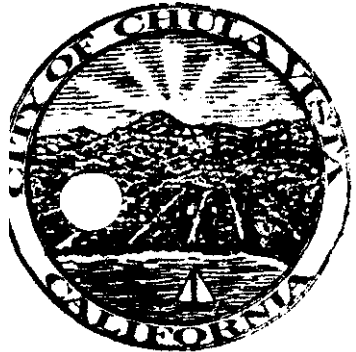
Ray M. Candliss
Acting Mayor of the City of Chula Vista

ATTEST Beverly C. Antheil
Acting City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN DIEGO) ss.
CITY OF CHULA VISTA)

I, JENNIE M. FULASZ, CMC, CITY CLERK of the City of Chula Vista, California,
DO HEREBY CERTIFY that the above and foregoing is a full, true and correct copy of
ORDINANCE NO. 2318, and that the same has not been amended or repealed.

DATED _____



Beverly C. Antheil, Acting
City Clerk