

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FOSTER CITY ADDING CHAPTER 10.14 DRIVING UNDER THE INFLUENCE EMERGENCY COST RECOVERY, INCLUDING SECTIONS 10.14.010 PURPOSE, 10.14.020 DEFINITIONS, 10.14.030 EMERGENCY COST RECOVERY, 10.14.040 CALCULATION OF CHARGES, AND 10.14.050 COLLECTION OF CHARGES, TO THE FOSTER CITY MUNICIPAL CODE

CITY OF FOSTER CITY

IT IS SO ORDAINED by the City Council of the City of Foster City as follows:

Section 1. Title 10 of the Foster City Municipal Code is hereby amended adding thereto Chapter 10.14, Driving Under the Influence Emergency Cost Recovery, to read as follows:

Chapter 10.14

DRIVING UNDER THE INFLUENCE EMERGENCY COST RECOVERY

Sections:

- 10.14.010 Purpose**
- 10.14.020 Definitions**
- 10.14.030 Emergency cost recovery**
- 10.14.040 Calculation of emergency response costs**
- 10.14.050 Collection of charges**

10.14.010 Purpose.

The purpose of this chapter is to assist the City in defraying the cost of police and fire department personnel and equipment responding when a person, under the influence of an alcoholic beverage, drug, or the combined influence of an alcoholic beverage and any drug, proximately causes an incident by the negligent operation of a motor vehicle resulting in an appropriate emergency response.

10.14.020 Definitions.

A. For purpose of this chapter, a person is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, when as a result of drinking an alcoholic beverage or using a drug, or both, his or her physical or mental abilities are impaired to a degree that he or she no longer has the ability to operate a motor vehicle with the caution characteristic of a sober person of ordinary prudence under the same or similar circumstances. For purposes of this chapter, the provisions in Sections 23152 and 23155 of the Vehicle Code shall apply.

B. For the purpose of this chapter, an “emergency response” is one for which police and/or fire personnel and equipment respond to an “incident” beyond the police response required for an ordinary arrest.

C. For purposes of this chapter, an “incident” is an event involving any 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 due to that influence proximately causes an event requiring an emergency response as defined in section 10.14.020(B). An ordinary arrest, even for driving under the influence of alcohol or drugs, is insufficient by itself to constitute an “incident.”

10.14.030 Emergency cost recovery.

Emergency response costs, as outlined in section 10.14.040 shall be recoverable whenever police and/or fire personnel and equipment respond to an incident.

10.14.040 Calculation of emergency response costs.

Calculation of the amount due for an “emergency response” shall include all actual costs incurred by the City in responding to the incident, including salary, benefits and overhead, for each member of the police and fire department responding to the incident, the cost of equipment on scene and the cost of repairing or replacing equipment damaged at the scene. This also includes the cost of obtaining medical assistance, removing vehicles, investigating the cause of the incident, conducting field sobriety tests, arrest and detention of the suspect, time spent traveling to and from the scene, transporting the suspect, booking the suspect, performing chemical tests, writing customary reports and follow up investigation needed to complete reports.

10.14.050 Collection of charges.

A. Within ten days of the incident necessitating an emergency response as defined in this chapter, the Chief of Police or his designee shall calculate the charges payable under this section and shall cause a bill to be prepared and sent to the person responsible for the incident.

B. If the person deemed responsible for the incident is a minor, then the parents or guardian of such minor shall be liable for the cost of the emergency response as defined in this chapter.

C. In the event that such a bill is not paid in full within thirty days of its issuance, the bill shall be referred to the City Attorney for appropriate collection activity.

Section 2. Severability. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council does hereby

declare that it should have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

Section 3. Taking Effect. This Ordinance shall take effect and be in force thirty (30) days from and after its adoption.

Section 4. Posting. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall have it posted in three (3) public places designated by the City Council.

This Ordinance was introduced and read on the _____ day of _____, 2006, and passed and adopted on the _____ day of _____, 2006, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

LINDA KOELLING, MAYOR

ATTEST:

THERESE L. CALIC, CITY CLERK