

## Chapter 5.66

### AMBULANCES

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#### Section 5.66.010 Definitions.

Unless otherwise stated, certain words and terms used in this Chapter are defined as follows:

"911 Originated Call Franchise" means a franchise granted by the Council affording a franchisee the right to provide ambulance service in the City in response to medical requests from the public services answering point.

"Administrator" means the ambulance franchise administrator of the City of Riverside, who shall be the Fire Chief or his or her designee.

"Advanced emergency medical technician" (AEMT) means a person trained and certified to provide limited advanced life support according to standards provided by Division 2.5 of the Health and Safety Code and the Local EMS Agency.

"Advanced life support" (ALS) means special services designed to provide definitive prehospital emergency medical care, including, but not limited to, cardiopulmonary resuscitation, cardiac monitoring, cardiac defibrillation, advanced airway management, intravenous therapy, administration of specified drugs and other medicinal preparations, and

other specified techniques and procedures administered by authorized personnel under the direct supervision of a base hospital as part of a local EMS system at the scene of an emergency, during transport to an acute care hospital, during inter-facility transfer, and while in the emergency department of an acute care hospital until responsibility is assumed by the emergency or other medical staff of that hospital.

"Ambulance" means any motor vehicle that is specifically constructed, modified, equipped, designed, used, licensed, or operated for transporting sick, injured, convalescing, infirm, or otherwise medically incapacitated person(s) in need of ambulance or medical care. The meaning includes, but is not limited to, privately and publicly owned ambulances. "Ambulance" does not include a gurney van or a non-medical vehicle for hire designed for the transportation of persons who are wheelchair users.

"Ambulance provider" means any private or public person that owns, controls or operates one or more ambulances, whether for profit or not.

"Ambulance service" means the activity, business, or service for hire, profit, or otherwise of transporting one (1) or more persons by ambulance upon any of the streets, roads, highways, alleys, or any public way or place whether ALS, BLS, or CCT.

"Attendant" means a person who is qualified and certified or licensed under State and County laws and regulations to act as an attendant on an ambulance that is transporting a patient and who occupies the patient compartment.

"Basic Life Support" (BLS) means emergency first aid and cardiopulmonary resuscitation medical care procedures which, at a minimum, include recognizing respiratory and cardiac arrest and starting proper application of cardiopulmonary resuscitation to maintain life without invasive techniques, unless authorized by state law or regulation, until the victim may be transported or until ALS medical care is available.

"City" means the City of Riverside.

"Committee" means the City Council's Public Safety Committee.

"Consumer Price Index" means the Price Index as set by the United States Bureau of Labor Statistics.

"Council" means the City Council of the City.

"County" means the County of Riverside.

"Critical Care Transport" (CCT) means the medical transport of a patient between medical facilities where it has been determined by the patient's treating physician that such transport requires medical staff supervision consisting of a licensed registered nurse (R.N.) or physician.

"Driver" means a person who is qualified and certified under State and County laws and regulations to operate and drive an ambulance.

"Emergency" means a condition or situation in which a person has a need for immediate medical attention, or where the potential for such need is perceived by emergency medical personnel or a public safety agency.

"Emergency medical call" means any request for the immediate and prompt dispatch of an ambulance for the purpose of providing immediate medical assistance or transportation of a patient.

"Emergency medical services" (EMS) means the services needed to provide emergency medical care in a condition or situation in which a person has a need for immediate medical attention or where the potential for such need is perceived by emergency medical personnel, a public safety agency, or with respect to critical care transfers, qualified medical personnel of the facility from which the person is to be transferred. Any transportation services provided in response to a request for an ambulance operating under a permit issued by the Commissioner of the California Highway Patrol or the attendance of certified emergency medical personnel or licensed medical personnel shall be deemed the providing of emergency medical services.

"Emergency medical technician" (EMT) means a person trained and certified to provide

basic life support according to standards prescribed by Division 2.5 of the Health and Safety Code and the Local EMS Agency.

"Franchisee" means any ambulance provider possessing a current franchise granted by the Council to provide [911 Originated Calls for ambulance service](#) within the City.

"Health officer" means the Director of Health for Riverside County who is also the City Health Officer.

"Level of service" means the type or scope of ambulance services that may be provided by a franchisee, and for EMS will be specified as basic life support, critical care transport, limited advanced life support and advanced life support provided by personnel certified as specified in Division 2.5 of the Health and Safety Code and Title 22, Division 9 of the California Code of Regulations.

"Limited advanced life support" (LALS) means special service designed to provide prehospital emergency medical care limited to techniques and procedures that exceed Basic Life Support but are less than paramedic and are those procedures specified in Division 2.5 of the Health and Safety Code.

"Local EMS Agency" means the Local Emergency Medical Services Agency of the County.

"Medical requests" means any request for the dispatch of an ambulance for the purpose of providing medical assistance or transportation of a patient.

"Medical Transport Franchise" means a franchise granted by the Council affording a franchisee the right to provide ambulance service in the City that does not originate from requests from the public services answering point.

"Paramedic" (PM) or "mobile intensive care paramedic" (MICP) means a person specially trained and licensed to provide advanced life support according to standards prescribed by Division 2.5 of the Health and Safety Code.

"Patient" means an individual who is sick, injured, wounded, convalescing, infirm, or otherwise medically incapacitated such that the need for some medical assistance might be anticipated while being transported to or from a medical facility.

["Permit" means any ambulance provider possessing a current permit granted by the Administrator to provide non-emergency ambulance service within the City.](#)

"Person" means any individual, firm, corporation, partnership, association, agency, or group or combination acting as a unit.

"Public services answering point" means the City's call center for answering calls to an emergency telephone number for police, firefighting, and ambulance services where trained dispatchers dispatch these services. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

#### **Section 5.66.020      Franchises/Permits.**

A. Required. It shall be unlawful for any person, either as owner, agent or otherwise, to operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the operation of ambulance services originating in the City, except in conformance with a valid franchise to do so granted by the Council [for 911 Originated Calls for service or a valid permit to do so granted by the Administrator](#).

B. Accreditation. It shall be unlawful to engage in the operation of ambulance services originating in the City without current accreditation with the Commission on Accreditation of Ambulance Services ("CAAS"). ~~This requirement may be waived if in the process of obtaining such accreditation prior to October 9, 2014 upon sufficient demonstration of submission of CAAS application, payment of CAAS application fee, and completion of 25% of the comprehensive self-assessment required by CAAS provided that such accreditation is received within two years.~~

C. Request for transports. It shall be unlawful to refuse or decline to transport a patient in response to a medical request, including due to an actual or perceived inability of the patient to pay for ambulance services.

D. Exceptions. The equipment and personnel standards specified in this Chapter apply to all ambulance services; however, the franchise requirements shall not apply to:

1. Ambulance transportation services provided by the City;
  2. Ambulances operating at the request of local authorities during any "state of war emergency," duly proclaimed "state of emergency" or "local emergency," as defined in the California Emergency Services Act (Chapter 7 of Division I of Title 2 of the Government Code), as amended;
  3. Ambulances providing continuation of call services described in Section 5.66.190; or
  4. Ambulances operating upon approval of the Administrator in the event of a temporary, sudden or unexpected increase in patient volume that has the potential to severely challenge or exceed the capacity of the present ambulance delivery system.
- E. Enforcement. In addition to criminal prosecution and penalty under Section 1.01.110 of this code, any person who violates any of the provisions of this Chapter may be made a defendant in a civil action to enjoin any further violations hereof. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

#### **Section 5.66.030 Franchise/Permit fees.**

A franchise or permit fee will be imposed for the granting or extension of a franchise or permit hereunder as set by resolution of the Council. All franchisees and permit holders shall also obtain business tax certificates pursuant to Chapter 5.04 of this Code. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

#### **Section 5.66.040 Application for a franchise/permit or extension of a franchise/permit.**

A. Procedure and Information Required. Prerequisites to the granting of a franchise or a permit or an extended term of an existing franchise or permit to an applicant shall include payment of a nonrefundable fee as set by resolution of the Council and the filing with the Administrator of an application in writing on a form to be furnished by the City, which shall provide, at a minimum, the following information:

1. Name and description of applicant;
2. Business address and residence address of record of the applicant;
3. Trade or firm name, or DBA as recorded;
4. If a corporation, a joint venture or a partnership or limited partnership, the names of all corporate officers, joint venturers or partners, including limited partners, and their permanent addresses and their percentage of participation in the business;
5. A statement of facts by new applicants explaining the past experience of the applicant in the operation of an ambulance service, including the levels of service provided, and showing that the applicant is qualified to render efficient twenty-four-hour ambulance service;
6. A photocopy of the license(s), if any, issued by the Commissioner of the California Highway Patrol to the applicant in accordance with § 2501, California Vehicle Code and Title 13, California Code of Regulations;
7. The geographical operating area within the City for which the franchise is requested;
8. The level or levels of service which the applicant proposes to provide;
9. For new franchises, designation as to whether the applicant is seeking a 911 Originated Call ~~fFranchise or Medical Transport Franchise~~Non-emergency permit;
10. A statement in initial and extension applications that the applicant owns or will have under his or her control all equipment required to conduct an ambulance service competently in the operating area for which the applicant is or proposes to be franchised/permitted, which meet the requirements established by the California Vehicle Code if applicable, and that the applicant owns or has access to suitable and safe facilities for maintaining his or her ambulance service in a clean, sanitary and mechanically sound condition;
11. A list for initial and extension applications giving a complete description of each ambulance vehicle operated by the applicant, including the patient capacity thereof, which list shall be promptly amended as required from time to time for any changed, substituted, loaned or leased vehicles, and a copy of the most recent Ambulance Inspection Report, if any, issued

by the California Highway Patrol for each vehicle;

12. An affirmation for initial and extension applications that each licensed ambulance and its appurtenances conform to all applicable provisions of this Chapter, the California Vehicle Code, the California Code of Regulations, Federal Aviation Administration regulations, and any other applicable State or local directives;

13. A statement for extension applications that the applicant employs sufficient personnel adequately trained and available to continue delivering ambulance services of good quality at all times in the applicant's operating area, and a statement for initial applications that the applicant will employ sufficient personnel adequately trained and available to deliver ambulance services of good quality at all times in the operating area for which applied;

14. A list identifying each ambulance employee and describing the level of training received by each ambulance employee, which list shall be amended as required from time to time for any personnel changes, and a copy of each certificate or license issued by the State, County, or local EMS Agency establishing qualifications of such personnel in ambulance operations shall be made available for review;

15. A proposed schedule of any special rates to be charged by the applicant for ambulance services;

~~16. A statement of facts and supporting evidence in initial applications that shows to the satisfaction of the Council that the granting of a franchise is in the public interest and that there is a public need and necessity for a franchise to be granted in that there is a public need and necessity for the type of ambulance service which can be legally provided by the applicant and the service is not being provided and cannot or will not be provided by the existing franchisee(s);~~

~~17.~~ 16. A statement signed by the applicant that as a condition of the Council's/Administrator's granting a franchise or permit, the applicant agrees to appear in and defend all actions against the City and Council arising out of the exercise of the franchise/permit, and shall indemnify, defend, and save the City and its officers, employees and agents harmless of and from all claims, demands, actions, or causes of action of every kind and description resulting directly or indirectly from, arising out of, or in any way connected with, the granting or exercise of the franchise/permit, unless this would create a conflict of interest;

~~18.~~ 17. A statement signed by the applicant demonstrating that the applicant possesses the ability and commitment to transport all patients in response to medical requests;

~~19.~~ 18. Verification of applicant's current accreditation with the Commission on Accreditation of Ambulance Services ("CAAS") ~~or, if in the process of obtaining such accreditation prior to October 9, 2014, upon sufficient demonstration of submission of CAAS application, payment of CAAS application fee, and completion of 25% of the comprehensive self-assessment required by CAAS provided that such accreditation is received within two years; and~~

~~20.~~ 19. Such other facts or information as the Administrator may require. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

#### **Section 5.66.050 Processing of application.**

A. Upon receipt of an franchise-application and a nonrefundable fee as set by resolution, the Administrator shall conduct an evaluation to ~~determine if the public health, safety, welfare, convenience, and necessity require the granting of a franchise for the operating area and level of service for which the application has been made and shall further~~ determine if the applicant meets all requirements of this Chapter. The Administrator shall consult with and, if possible, obtain the assessment of the application by the Health Officer or the Local EMS Agency as part of his or her investigation. Within forty-five days after the completion of his or her evaluation, the Administrator shall for a franchise, determine if the applicant has met all the requirements of this chapter, and if so, issue a franchise license according to the city established codes and procedures, prepare and issue a report to the Committee, present a copy to the applicant, and request that a meeting of the Committee be called within fourteen days to consider the report and other testimony. After due deliberation, the Committee shall make its recommendation to the Council on whether to approve or deny the franchise application. For a permit, the Administrator shall determine if

the applicant has met all the requirements of this Chapter, and if so, issue a permit according to the City established codes and procedures set forth in this Chapter.

(Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

**Section 5.66.060 Grant or denial of franchise/permit; appeal of a permit.**

A. For a franchise, ~~t~~The Council may initiate proceedings under the City Charter and this Municipal Code to grant an ambulance service franchise for a period of up to five years. ~~upon finding at the conclusion of a public hearing on the application that the applicant has demonstrated that the public health, safety, welfare, convenience, and necessity require the granting of the franchise for the operating area and level of service for which the application has been made and that the applicant meets all requirements of this Chapter.~~ The Council shall consider: ~~whether the public is already being adequately served;~~ the financial responsibility of the applicant; the number, kind and type of equipment proposed for use; the schedule of rates proposed to be charged; and such other factors as the Council considers relevant. At the hearing the applicant shall have the burden of proof to present facts necessary to support the Council's findings. No franchise shall be granted by the Council unless and until the Council has determined ~~that the public health, safety, welfare, convenience, and necessity require the granting of the franchise and that the~~ applicant has followed the franchise procedures set forth in this Chapter and the City Charter.

B. For a permit, the Administrator may ~~grant~~ issue a permit under this Municipal Code ~~to grant a non-emergency ambulance service permit~~ for a period of up to five years. The Administrator shall consider: the financial responsibility of the applicant; the number, kind and type of equipment proposed for use; the schedule of rates proposed to be charged; and such other factors as the Administrator considers relevant. The applicant shall have the burden of proof to present facts necessary to support the Administrator's findings. No permit shall be granted by the Administrator unless and until the Administrator has determined applicant has followed the franchise/permit procedures set forth in this Municipal Code.

~~A.—~~

~~B. Whenever an application is filed under the provisions of this Chapter for a franchise to provide ambulance services where such services are already being provided under an existing franchise or franchises, the Council, after due investigation, may find and determine, as a matter of fact, that the applicant has failed to demonstrate that there exists sufficient potential need and necessity for additional ambulance service to justify the granting of another franchise. Predicated on such findings, the Council must deny the application on the grounds and findings that the granting of another franchise would not be in the public interest and welfare.~~

~~C. Public convenience and necessity requiring the granting of a franchise exists where there is a demonstrated community need in light of the surrounding circumstances, including needfulness in the present and what is expected in the future. Evidence to support a finding that public convenience and necessity require the granting of a franchise includes, but is not limited, to the following:~~

- ~~1. the ability of the applicant to adequately perform the service;~~
- ~~2. the adequacy of the services being provided by existing franchisee(s) compared to the needs of the residents and the services to be offered by the applicant;~~
- ~~3. the potential growth and development of the area to be served;~~
- ~~4. the scope of service to be afforded by the applicant;~~
- ~~5. the capability to transport patients regardless of ability to pay;~~
- ~~6. the capability of the existing franchisee(s) to handle potential growth of the area;~~
- ~~7. the potential to negatively impact the overall system of providing the efficient delivery of ambulance services in the City;~~
- ~~8. any other factor deemed relevant by the Administrator or Council; and~~
- ~~9. the recommendation of the Administrator as to whether there is a need for an additional franchise in the City;~~

D-C. The Council or Administrator, as per their respective duties above, may deny a franchise or permit application or revoke or suspend an existing franchise or permit if the applicant or franchisee or permit holder or any partner, officer, or director thereof:

1. Was previously the holder of a franchise or permit granted by the Council or

[Administrator](#) which was revoked or not extended and the circumstances upon which the revocation or non-extension was based have not been corrected;

2. Is committing or has committed any act, which, if committed by any franchisee [or permit holder](#), would be grounds for the suspension or revocation of that franchisee's franchise [or permit holder's permit](#);

3. Has committed any act involving dishonesty, fraud, or deceit whereby another person was injured or the applicant has unjustly benefited;



4. Has provided or is providing ambulance service within the City without having a franchise or permit therefor as required by this Chapter; or

5. Has entered a plea of guilty to, been found guilty of, or been convicted of a felony, or a crime involving moral turpitude, and the time for appeal has elapsed or the judgment of conviction has been affirmed on appeal, irrespective of any order granting probation following such conviction or suspending the imposition of sentence, or of a subsequent order under the provisions of § 1203.4 of the Penal Code allowing such person to withdraw his or her plea of guilty and to enter a plea of not guilty, or setting aside the plea or verdict of guilty, or dismissing the accusation or information.

D. Appeal. Any applicant under this chapter who has been denied a permit or who has had his, her or its permit revoked or suspended, may, within fifteen (15) days of notification of the denial or revocation or suspension of such permit, pay a nonrefundable fee as set by resolution and file an appeal in writing with the City Clerk. The applicant shall set forth in writing the grounds for the appeal. The City Clerk shall set a time not less than thirty (30) but no more than sixty (60) days thereafter for the hearing of the appeal before the Public Safety Committee of the City Council, and shall give notice to the applicant or permit holder of the time set for hearing at least ten (10) days before the date of such hearing, by mail, at the address set out in such application or permit. At the time set for hearing of such appeal, the Public Safety Committee ~~City Council~~ shall receive from the Administrator and the applicant or permit holder information regarding the denial or revocation or suspension of the permit ~~and appeal~~. The ~~City Council~~ Public Safety Committee shall make a determination whether to uphold or reverse the denial or revocation or suspension. The determination of the ~~City Council~~ Public Safety Committee shall be a final determination of the matter.

E. Liability Insurance.

1. Every franchisee/permit holder shall obtain and keep in force during the term of the franchise/permit comprehensive general liability insurance issued by a company authorized to conduct insurance business in the State of California which insures the franchisee and names the City as an additional insured against loss by reason of injury or damage that may result to persons, patients or property from negligent operation or defective maintenance of the franchisee's ambulances, negligent acts or omissions of the franchisee's employees in the performance of their duties, and negligent violation of this Chapter, local EMS Agency protocols or any other law of the State of California or the United States pertaining to ambulance operations. The liability insurance policy shall be in the amount determined by City's Risk Manager for personal injury to or death of any one person or destruction of property in any one accident. The franchisee/permit holder shall also obtain and keep in force Workers' Compensation insurance covering all employees of the franchisee. Before the Council/Administrator grants a franchise/permit, copies of the policies, or certificates and endorsements confirming the existence of such policies, shall be filed with the City's Risk Manager-Attorney. All policies shall contain a provision requiring that a thirty-day written notice be given to the Administrator prior to cancellation, modification, or reduction in limits.

2. Public ambulance providers shall show evidence of liability protection in the form of copies of insurance policies, official action of their governing body or other legal documents.

3. The failure to obtain, maintain or keep in force at all times the insurance required in this subsection shall be cause for Council/Administrator suspension or revocation of a franchise/permit. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

**Section 5.66.070 Content of franchise ordinance.**

A franchise ordinance may specify the terms and conditions by which the franchisee may provide ambulance service. The franchise shall require compliance with the terms and conditions of operational agreement to be prepared by the Administrator and to be approved by the franchisee and the Council. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

**Section 5.66.080 Amendment of franchise ordinances.**

The Council may amend the terms and conditions specified in a franchise ordinance consistent with the provisions of the City Charter if the Council finds such changes are in



substantial compliance with the provisions of this Chapter and deemed necessary for the purpose of insuring competent service to the public. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

**Section 5.66.090      Extension of franchises/permits.**

Subject to the maximum term limitation of the City Charter, franchises/permits may be extended by the Council for a period of up to three years upon application of the franchisee/permit holder if the franchisee/permit holder proposes no substantial change in the content of the franchise ordinance or the permit, and if the Council/Administrator determines that the franchisee/permit holder has during the period of the franchise/permit operated in conformity with the provisions of this Chapter, the franchise ordinance or the permit, the operative operational agreement and the rules and regulations of the City, and that the franchisee/permit holder is capable of continuing operation in conformity with the rules and regulations of the City. (Ord. 7232 § 1,

2013; Ord. 5761 § 1, 1989)

**Section 5.66.100 Suspension and revocation of franchises.**

A. The Council, after conducting a hearing pursuant to Section 5.66.250, shall be empowered to suspend or revoke a franchise granted under the provisions of this Chapter and the City Charter to operate ambulance service when it finds and determines after investigation that the franchisee or any partner, officer, director or managing employee thereof:

1. Violated any section of this Chapter, his or her franchise, the County EMS Plans, or any rules or regulations that are promulgated by the City or the Local EMS Agency which relate to his or her franchise activities;

2. Has been convicted of any felony committed during or in connection with the provision of ambulance operations;

3. Has been convicted of any misdemeanor involving moral turpitude committed during or in connection with the provision of ambulance operations;

4. Has been convicted of any offense relating to the use, sale, possession, or transportation of narcotics or habit-forming drugs;

5. Committed any act involving dishonesty, fraud, or deceit whereby another person was injured or the franchisee has unjustly benefited;

6. Has misrepresented a material fact in obtaining a franchise, or is no longer adhering to the conditions specified in his or her franchise;

7. Aided or abetted an unlicensed, uncertified or non-franchised person to evade the provisions of this Chapter;

8. Accepted a call within the franchised area when either unable or unwilling to provide the requested service and failed to inform the person requesting such service of any delay;

9. Failed to pay any required fees, taxes or civil or criminal penalties imposed for operations as an ambulance service; or

10. Refused or declined to transport a patient, including due to an actual or perceived inability of the patient to pay for ambulance services.

B. If any of the managing employees of an ambulance service are found after hearing to have acted in the manner set forth in subsections (A)(2), (3), (4), or (5) hereof, the ambulance service shall not have its franchise suspended or revoked unless it shall have failed, for more than fifteen days after the completion of said hearing, to have removed the employee found to have so acted from providing ambulance services in the City of Riverside. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

**Section 5.66.110 Suspension, conditional operation, and temporary variance.**

A. In the event of any interruption of service, or any substantial change in the ambulance service, which causes, or threatens to cause, the ambulance service to be operated differently from the terms and conditions specified in its franchise, the franchisee shall notify the Administrator immediately in writing, stating the facts of such change and steps undertaken to cure it.

B. Upon written request by a franchisee, the Council may at the conclusion of a public hearing on the request grant a temporary variance in writing from the conditions specified in the franchisee's franchise if it finds that such change is in substantial compliance with the provisions of this Chapter. If the Council finds that such change is not in substantial compliance with this Chapter, it may suspend, revoke or amend the franchise.

C. No franchise shall be transferred to another person except upon prior approval of the Council after timely review and report thereon by the administrator. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

D. Suspension- In the event that a permit holder is suspended, the company will not be able to provide services until all aspects of the municipal code and their contract are met. There will be no financial fees associated with a suspension. The fees already paid will be prorated when the company resumes services.

E. Revocation- A permit holder whose contract is revoked will be granted ten business days to conclude any outstanding contracts with patients or facilities in the City of Riverside. All fees paid to the City will not be refunded. The company may not apply for a new permit for a minimum of one year.

F. Amendment- A permit holder whose contract has been amended must meet all terms and conditions of the amendment. If the permit holder does not meet the amended terms and conditions, the permit will be revoked

#### **Section 5.66.120 Service requirements.**

A. Each franchisee/[permit holder](#) shall provide ambulance services (of the level or levels specified in the franchise/[permit holder](#)) on a continuous twenty-four hours per day basis, excluding acts of God or labor disputes. If for any reason a franchisee/[permit holder](#) stops providing the prescribed level or levels of service on a continuous twenty-four hours per day basis, the franchisee/[permit holder](#) shall immediately stop any and all advertisement as a provider of the services which have been discontinued and immediately notify the Administrator.

B. The continuous service requirement does not apply to holders of "special events" [franchisespermits](#). (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

#### **Section 5.66.130 Conformance with operating areas.**

A. No franchisee shall, but for the exceptions below, provide EMS for ambulance calls originating within the City but outside the territorial limits fixed in his or her franchise.

B. Exceptions. A franchisee may provide EMS for ambulance calls originating within the City but outside the territorial limits fixed in his or her franchise under the following circumstances:

1. Upon request by any law enforcement or governmental agency having jurisdiction pursuant to written mutual aid agreements approved by the Council and the Health Officer;

2. Upon request of a franchisee in an adjoining service area/zone, when such franchisee does not have an ambulance or level of service immediately available in the operating area from which a request originates, and when ambulance response is immediately required; or

3. Upon request to provide medically required specialized transportation services not immediately available for a patient in another operating area if such specialized services have heretofore been approved [by the Administrator](#). ~~in accordance with Section 5.66.260.~~ (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

#### **Section 5.66.140 Communications requirements.**

Each ambulance service operating within the City shall establish and maintain radio contact as prescribed by the Local EMS Agency and Administrator and where applicable the Federal Aviation Administration, and in compliance with F.C.C. Regulations. No ambulance provider shall allow an ambulance to be operated in service unless it is equipped with 2 way communication equipment, as specified by the EMS agency, capable of direct 2-way voice communications with ALS provider, and the EMS agency. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

#### **Section 5.66.150 Standards for operation of an ambulance service.**

A. Each ambulance service shall operate in accordance with Titles 13 and 22 of the California Code of Regulations and those standards and guidelines established by the Local EMS Agency and the State of California Emergency Medical Services Authority.

B. Each ambulance service shall maintain staff and ambulances in sufficient readiness such that an ambulance containing a driver and attendant trained in cardiopulmonary resuscitation shall respond to emergency and non-emergency calls according to a response time standard approved by the Administrator. The personnel must be trained in and to the standards commensurate with those of the State of California and the Local EMS Agency. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

**Section 5.66.160      Ambulance safety and emergency equipment requirements.**

A. Minimum Equipment. All ambulances shall be equipped with all safety and emergency equipment required for ambulances by California Statutes, the California Code of Regulations, and the administrative rules of the Health Officer and the Local EMS Agency as

the same are now written, or hereafter amended.

B. ALS and ALS Ambulance Equipment. In addition to regular ambulance equipment and supplies, ALS and ALS ambulances shall also be equipped as required by administrative rules of the Health Officer and the Local EMS Agency.

C. Maintenance of Emergency Equipment and Supplies. Dressings, bandaging, instruments, and other medical supplies used for care and treatment of patients shall be kept and protected in a manner which assures that they will be suitable for use from a medical standpoint and as medically indicated. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

#### **Section 5.66.170 Ambulance personnel.**

A. Ambulance Driver. Every person who drives an ambulance within the City, while responding to emergency medical calls, shall comply with the requirements of the California Code of Regulations for ambulance drivers. The driver shall also hold a certificate as an EMT, AEMT, or PM.

B. Ambulance Attendant. An ambulance attendant shall be trained and competent in the proper use of all emergency equipment required by this Chapter, and shall hold the required certification or license to satisfy the level of service specified in the franchise.

C. Attendant Required. Each ambulance being operated within the City, in response to an emergency medical call, shall be staffed by both a driver and an attendant, unless the ambulance service operator has been exempted by the Local EMS Agency. The attendant of an ambulance transporting any patient shall occupy the patient compartment while transporting any person in apparent need of medical attention.

This section shall not apply during any "state of war emergency", "state of emergency," or "local emergency" as defined in the Government Code of the State of California. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

#### **Section 5.66.180 Ambulance rates.**

A. No ambulance service shall charge more for its services than the rates and charges approved by the City. Rates and charges are initially set by Council resolution.

B. Proposed special rates or proposed changes in existing approved rates and charges shall be submitted to the Administrator for review. The Administrator shall review all data and evidence submitted in justification of the proposal. For increases of greater than 5.0%, the Administrator shall recommend approval or denial thereof to the Committee, which in turn shall make its own recommendation to the Council. The Administrator may approve increases up to 5.0% annually to compensate for increased ambulance operation costs as measured by the Consumer Price Index. In addition to, and not in lieu of, a Consumer Price Index increase, the Administrator may also grant rate increases up to and including 5.0% annually when extraordinary cost increases are supported by adequate documentation.

C. The Administrator at the time of any rate adjustment proposal may request an audit of books and records of a franchisee/[permit holder](#) for the purpose of verifying revenue and cost data. Such an audit shall be carried out by a person selected by the franchisee/[permit holder](#) and approved by the Administrator. If the Administrator and franchisee/[permit holder](#) cannot agree on a person to perform the audit, then the audit shall be carried out by a Certified Public Accountant selected by the [Council Administrator](#). If there is any charge, cost or fee for such an audit, such shall be paid by the franchisee/[permit holder](#). The [Council Administrator](#) may deny any adjustment if an audit is requested and not produced or if a produced audit does not support any need for a rate change. Every audit shall be done promptly, and within thirty days of the time it is requested so that there should be no undue delay.

D. Under no circumstances shall ambulance personnel dispatched on a Code 3 call attempt to collect for the service prior to the delivery of the patient at an appropriate medical facility. (Ord. 7232 § 1, 2013; (Ord. 7229 § 8, 2013; Ord. 5761 § 1, 1989)

**Section 5.66.190 Continuation of call.**

An ambulance based and properly licensed outside the City shall be authorized to transport a patient to or through the City but shall not be authorized to transport patients originating in the City, except helicopter transports and except under the conditions of Section 5.66.210. In order to maintain proper medical support, communications shall be maintained with the ambulance dispatch center for the area. ALS ambulances shall establish and maintain communications with and medical control from a base station in conformance with the rules of the Local EMS Agency.

**Section 5.66.195 Permit for ambulances.**

A. Each [franchisee/permit holder](#) shall annually submit for inspection to the Administrator 50% of its fleet of ambulances operating in the City such that all ambulances of a franchisee operating in the City are inspected on a biannual basis.

B. The Administrator may conduct a physical inspection of an ambulance to determine its roadworthiness and compliance with standard motor vehicle requirements.

C. The Administrator may conduct a physical inspection of the medical equipment, communication system, and interior of an ambulance to determine the operational condition and safety of the equipment and the ambulance's interior and to determine whether the ambulance is in compliance with the federal requirements for ambulance construction that were in effect at the time the ambulance was manufactured, as specified by the general services administration in the various versions of its publication titled "federal specification for the star-of-life ambulance, KKK-A-1822."

D. The Administrator may assess a fee for each inspection, as established by resolution of the Council.

E. The Administrator shall adopt rules regarding the implementation and coordination of inspections. The rules may permit the Administrator to contract with a third party to conduct the inspections required of the Administrator under this section.

F. The Administrator shall preclude an ambulance from operating in the City if it determines that the ambulance does not meet the requirements of this section. The Administrator shall send notice of such decision by certified mail to the franchisee. The franchisee may request a hearing within ten days after receipt of the notice. If the Administrator receives a timely request, a hearing shall be held before the Administrator.

G. If the Administrator approves the operation of an ambulance, he or she shall issue a decal, in a form prescribed by rule, to be displayed on the rear window of the ambulance. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

**Section 5.66.200 Emergency Evacuation.**

A franchisee shall provide patient transport at no cost to the patient when requested by the Administrator because an emergency evacuation of persons from an area is required. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

**Section 5.66.210 Emergency and disaster operations.**

During any "state of war emergency," "state of emergency," or "local emergency," as defined in the California Emergency Services Act (Chapter 7 of Division 1 of Title 2 of the Government Code), as amended, each ambulance service franchised within the City shall within reason provide equipment, facilities, and personnel as requested by the Health Officer or Administrator. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

**Section 5.66.220 Mutual aid requirements.**

~~A.~~ Whenever the Health Officer determines that ambulance resources within the City are inadequate to respond to a City emergency/disaster, a request for emergency ambulance\_



mutual aid may be made by him or her to any other County Health Officer within any County of the State or adjoining states. Whenever the Health Officer receives a request involving emergency ambulance mutual aid from any other County Health Officer, such resources may be provided as are available.

~~B.A.~~ Where a franchisee needs additional equipment or personnel beyond that which it is usually able to supply, the franchisee shall contact the Health Officer and request his or her assistance to obtain such additional resources from adjacent area providers within the County.

~~C.B.~~ Whenever the Health Officer or his designee determines that ambulance resources within the City are inadequate or nonexistent because a franchisee has either been suspended, revoked or not extended, then the Health Officer or Administrator may order another ambulance service to provide service in the City until a permanent provider can be selected by the Council. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

#### **Section 5.66.230 User complaint procedures.**

Any person or patient who has received services from an ambulance service and who contends that he or she has been required to pay an excessive charge for service or that he or she has received unsatisfactory service may file a written complaint with the Administrator setting forth such allegations and the facts upon which they are based. The Administrator shall notify the franchisee of the details of such complaint, and shall investigate the matter in cooperation with the Local EMS Agency to determine the validity of the complaint. If the complaint is determined to be valid, the Administrator shall take reasonable and proper actions to secure compliance with the conditions of this Chapter and the franchisee's franchise and/or permit holder's permit. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

#### **Section 5.66.240 Enforcement responsibilities.**

A. The Administrator shall propose for Council consideration and adoption rules and regulations deemed necessary and reasonable for regulating ambulance service operation, ambulance equipment, ambulance vehicles, ambulance personnel and rates and for the effective and reasonable administration of this Chapter.

B. The Administrator shall inspect the records, facilities, vehicles, equipment, and methods of operations of ambulance franchisees whenever such inspections are deemed necessary by him. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

#### **Section 5.66.250 Public hearing procedure for suspensions and revocations.**

A. Applicability of this Hearing Procedure. The following administrative hearing procedure shall be applied in any hearing pertaining to the suspension, revocation, or denial of extension of a franchise/permit to engage in an ambulance service ~~as referenced in Sections 5.66.090 and 5.66.100~~. The hearing procedure set forth in the City Charter shall apply to the granting of a franchise.

B. Hearing. The hearing shall be conducted by the Council pursuant to this Chapter.

C. Notice. At least ten days written notice of the hearing shall be given to the franchisee/permit holder prior to the hearing date. The hearing date may be postponed or continued by the Council for cause. If the franchisee/permit holder does not respond or appear, no further hearing procedure shall be required.

D. Hearing Procedures. Witnesses shall swear or affirm to tell the truth.

Following introduction by the Administrator of the subject matter and issues to be resolved, the franchisee/permit holder shall present his ~~or~~ her or its case first, then the Administrator and City staff, with oral testimony and documentary evidence or other exhibits. Each party shall have the right to be represented by counsel.

After all sides have completed presenting evidence, each party may comment on the evidence and argue the issues.

E. Council Determination. No Council determination or order shall be based solely on the basis of hearsay evidence.

The Council shall make its determination at the end of the hearing, which it may continue on its own motion for additional evidence, unless the parties stipulate to a greater period of time. The determination shall be in writing, and shall State the findings upon which the determination is made. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)

**Section 5.66.260 Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Chapter is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Chapter.

The City Council of this City hereby declares that it would have adopted this Chapter and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases or portions be declared invalid or unconstitutional. (Ord. 7232 § 1, 2013; Ord. 5761 § 1, 1989)