

MITCHELL COUNTY
AMBULANCE ORDINANCE

An ordinance governing the granting of franchises for ambulance services and other pre-hospital emergency medical services. The County of Mitchell Board of Commissioners does ordain the following:

Section I.

Definitions

Unless the context otherwise requires, the following definitions shall apply in the interpretation and enforcement of this ordinance:

- 1.1 Ambulance – The term “ambulance” shall mean any publicly or privately owned vehicle that is specially designed, constructed, or modified and equipped, and is intended to be used for and is maintained or operated for the transportation upon the streets and highways in this State of persons who are sick, injured, wounded, or otherwise incapacitated or helpless.
- 1.2 Ambulance Attendant – The term “Ambulance Attendant” shall mean the individual who is responsible for the operation of an ambulance and rendering assistance to the Emergency Medical Technician during the transportation of a patient. The ambulance attendant shall at least be certified as an “ambulance attendant” by the State of North Carolina.
- 1.3 Ambulance Service – The term “ambulance service” shall mean a public or privately owned enterprise that is engaged in the transportation of patients to emergency and/or non-emergency medical facilities.
- 1.4 Approved – The term “approval” shall mean approved by the North Carolina medical Care Commission pursuant to the latter’s rules and regulations promulgated under N.C. General Statues 143-165.
- 1.5 Back-up Ambulance Service – The term “back-up ambulance service” shall mean the system of personnel and equipment meeting the same criteria as ambulance service but not normally dispatched as first call response.
- 1.6 Basic Rescue – The term “basic rescue” shall mean the easiest and generally can be handled with a minimum of equipment.
- 1.7 County – The term “County” shall mean the County of Mitchell Board of Commissioners or a designated representative.

- 1.8 Dispatcher – The term “dispatcher” shall mean a person who is available at all times to receive requests for emergency services, to dispatch emergency services, and to advise the city police, County Sheriff, and emergency medical facilities of any existing or threatened emergencies. The dispatcher shall constitute the communication Center designated by the Board of Commissioners by resolution.
- 1.9 Emergency - The terms “emergency” and “emergency transportation service” shall mean the operation of an ambulance in order to provide medical care and transportation of a patient who is in need of immediate medical treatment in order to prevent loss of life or further aggravation of physiological or psychological illness or injury.
- 1.10 Emergency Medical Facility – The term “emergency medical facility” shall mean a designated area within a hospital where there is available on a twenty-four (24) hour basis staffing by qualified medical and hospital support personnel, all types of specialists, blood banks, general and special purpose operating rooms, diagnostic facilities, and equipment capable of rendering complex and comprehensive emergency care.
- 1.11 Emergency Medical Technician (EMT) – The term “emergency medical technician” shall mean an individual who has completed the minimum program for emergency medical technician certification, and is so certified by the State of North Carolina. This individual is responsible for medical care during the transportation of patients prior to arrival at the hospital, assuming no other person of higher medical certification or license is available.
- 1.12 First Responder – The term “first responder” shall mean the first dispatched medical or rescue aid to arrive at the scene and provide emergency medical assistance to stabilize the patient while waiting for further medical aid and/or transport.
- 1.13 Franchise – The term “franchise” shall mean a permit issued by the County to a person for the operation of an ambulance service.
- 1.14 Franchisee – The term “franchisee” shall mean any person having been issued a franchise by the County for the operation of an ambulance service.
- 1.15 Heavy Rescue – The term “heavy rescue” shall mean basic, light and medium rescue with the implementation of complicated rigging, casualty handling under very difficult conditions, breaching of walls, and all the types of rescue normally involved where building have been damaged and dramatic situations have occurred.

- 1.16 Highway or Street – The term “highway or street” shall mean the Entire width between property or right of way lines of every way or place of whatever nature, when any part thereof is open to the use of the public as a matter of right for the purpose of vehicular traffic. The terms “highway” or “street” or a combination of the two terms shall be used synonymously.
- 1.17 License – The term license” shall mean any driver’s license or permit to operate a motor vehicle issued under or granted by the laws of the State of North Carolina.
- 1.18 Light Rescue – The term ‘light rescue” shall mean basic rescue with the implementation of handling injured basic rescue with the implementation of handling injured casualties form upper floors by ladder slide and rope lowers or from lower floors of buildings by slide drags and passes.
- 1.19 Medium Rescue – The term “medium rescue” shall mean basic and light rescue with implementation of specialized forcible entry tools such as saws, bars, jacks, and equipment the rescue truck of a fire department. Medium rescue implies the use of rigging, A-frames, and tripods for casualty handling as well as sliding people form the second and third floors of buildings.
- 1.20 Motor Vehicle – The term “motor vehicle” shall mean any device in, upon or by which a person or property is or may be transported upon a highway, excepting devices moved by human power or used exclusively upon fixed rails or tracks.
- 1.21 Non-emergency transportation services – The term “non-emergency transportation service” shall mean the operation of an ambulance for any purpose other than an emergency.
- 1.22 Operator – The term “operator” shall mean a person in actual physical control of an ambulance which is in motion or which has the engine running.
- 1.23 Owner – the term “owner” shall mean any person or entity who owns and operates an ambulance service.
- 1.24 Patient – the term “patient” shall mean an individual who is sick, injured, wounded, or otherwise incapacitated or helpless.
- 1.25 Person – The term “person” shall mean any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind, including any governmental agency other than the United States.
- 1.26 Rescue – The term “rescue” shall mean situations where the victim cannot escape an area through the normal exit or under his own power.

- 1.27 Rescue Service – The term “rescue service” shall mean the system of personnel and equipment to perform rescues.

SECTION II.
Franchise Required

- 2.1 No person either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the business or service of emergency and/or non-emergency transportation of patients within the County of Mitchell unless the person holds a valid permit for each ambulance used in such business or service issued by the office of Emergency Medical Services of the North Carolina Department of Human Resources and has been granted a franchise for the operation of such business or service by the County pursuant to this Ordinance. The Mitchell County Board of Commissioners reserves the right to set additional requirements for the franchisee.
- 2.2 No individual shall drive, attend, or permit a vehicle to be operated for ambulance purposes within the County of Mitchell unless this individual holds a currently valid certificate as an ambulance attendant or emergency medical technician issued by the State of North Carolina.
- 2.3 No franchise shall be required for:
- (a) Any entity rendering assistance to a franchised ambulance service in the case of a major catastrophe or emergency with which the service franchised by the County of Mitchell are insufficient or unable to cope; or,
 - (b) Any entity operated from a location or headquarters outside of the County of Mitchell in order to transport patients who are picked up beyond the limits of the County of Mitchell, but no such entity shall be used to pick up patients within the County of Mitchell for transporting to location within the County of

Mitchell or other Locations unless it is rendering assistance as referred to in 2.3. (1) above, or

- (c) Law enforcement personnel; or
- (d) Volunteer rescue squads.

Section III. Application for Ambulance Franchise

- 3.1 Application for a franchise to operate ambulances in the County of Mitchell hereunder shall be made upon such forms as may be prepared or prescribed by the County and shall contain:
- (a) The name and address of the applicant and of the owner of the ambulance.
 - (b) The trade or other fictitious name, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such name or articles of incorporation stating such name.
 - (c) A resume of the training and experience of the applicant in the transportation and care of patients.
 - (d) A description and copy of State certification for each ambulance owned or proposed to be owned and operated by the applicant.
 - (e) A description of the applicant's capability to provide twenty-four (24) hour coverage, seven days per week in Mitchell County and an accurate estimate of the minimum and maximum times for a response to calls within the County.
 - (f) Any information the County shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance service in the County of Mitchell in accordance with the requirements of State laws and the provisions of this regulation.

Section IV.

Granting of Franchise

- 4.1 A non-exclusive franchise shall be granted for operating ambulance services within the boundaries of Mitchell County, which constitute the service district. The Board of County Commissioners shall have the authority to redistrict the County at any time at their discretion with the consenting agreement of any then franchisee.
- 4.2 An applicant must apply for a franchise to operate both emergency transportation services and non-emergency transportation service.
- 4.3. Upon receipt of an application for a franchise, the County shall schedule a time and place for hearing the applicant. Within shall schedule a time and place for hearing the applicant, within thirty (30) days after hearing, the County shall cause such investigation as it may deem necessary to be made of the applicant and his proposed operations.
- 4.4 A franchise must be granted if the County finds that:
 - (a) The public convenience and necessity required the proposed ambulance service.
 - (b) Each such ambulance of the applicant is required equipment and the premises designated in the application, have been certified by the County and State of North Carolina.
 - (C) Only duly licensed ambulance attendants and Emergency Medical Technicians are employed in such capacities.
- 4.5 Upon receipt of a request to provide emergency transportation services, a franchise holder shall immediately advise the communications center designated by the Board of Commissioners of such request. A franchise holder shall respond only if so directed by the communication center.

Section V. Term of

Franchise

- 5.1 The County may issue a franchise hereunder to an owner of an ambulance service, to be valid for a term to be determined by the county, provided that either party at its option, may, terminate with or

without cause the franchise upon one hundred twenty (120) calendar days Prior written notice to the other party. After a notice of service termination is given, the ambulance service shall reapply for a franchise if continued service is desired.

- 5.2 if any franchise shall fail to comply with or violate any provision of this Ordinance, or a franchise issued hereunder, said franchise shall be cited by the County for said violation or failure to comply. The County, after a hearing, pursuant to his citation may impose a civil penalty of \$100.00 for each separate breach of the franchise as provided in Section 13.2 hereinafter or may suspend or revoke the franchise. If upon such hearing, the County shall find that the franchisee has corrected any deficiencies and has brought his operation into compliance with the provisions of this Ordinance, the franchise shall not be suspended or revoked but a civil penalty as provided in 13.2 hereinafter may be imposed.
- 5.3 Upon suspension, revocation or termination of a franchise granted hereunder, such franchised ambulance service immediately shall cease operations. Upon suspension, revocation, or termination of a driver's license or attendant's certificate of Emergency Medical Technician certificate such person shall cease to drive an ambulance or provide medical care in conjunction with an ambulance service, or attend an ambulance and no person shall employ or permit such individual to drive an ambulance or provide medical care in conjunction with an ambulance service.

Section VI. Standard for
Ambulance Franchise

- 6.1 Each franchised ambulance service shall at all times comply with the requirements of this Ordinance, the franchise granted hereunder and all applicable State and local laws relating to health, sanitation, safety, equipment, and ambulance design and all other laws and ordinances.
- 6.2 Any change of ownership or shareholders, or percentage thereof, of a franchised ambulance service without the approval of the County shall at the County's option terminate the franchise immediately and shall require new application and a new franchise and conformance with all the requirements of this ordinance as upon original franchising.
- 6.3 No franchise may be sold, assigned, mortgaged or otherwise transferred without the approval of the County and a finding of

conformance with all requirements of this Ordinance as upon original franchising.

- 6.4 No official entry made upon a franchise may be defaced, removed, or obliterated.

Section VII. Standard for

Drivers and Attendants

- 7.1 Physical Examination – Every ambulance attendant and emergency medical technician shall have a physical examination performed by a physician licensed to practice medicine. A written statement shall be signed by the physician stating that he or she is physically fit and free from physical defects or diseases which might impair his or her ability to drive, attend an ambulance patient or operate communications equipment. Copies of the statement shall be filed with his or her employer and the County of Mitchell. A new physical examination is required for each renewal of certification.
- 7.2 Character of Temperament – Each ambulance attendant and emergency medical technician shall be prepared to show that he or she is of suitable character
- 7.3 Appearance - Each ambulance attendant and emergency medical technician shall be clean in person and dress, well groomed, and in clean outer garment or uniform and shall be proficient in the technique of administering emergency care to the sick, ill and injured.
- 7.4 Age – Each ambulance attendant and emergency medical technician shall be at least 18 years of age.
- 7.5 Licenses – Each ambulance attendant shall possess appropriate credentials to operate an ambulance or emergency vehicle in North Carolina.
- 7.6 Training – Each ambulance attendant shall show evidence of successful completion of a course, or courses, with successful completion of an oral or written examination at the option of the candidate and be certified as an ambulance attendant by the State of North Carolina, and shall successfully complete an ambulance attendant refresher course, approved by the County prior to each recertification. Each emergency medical technician shall show evidence of successful completion of a basic Emergency Medical Technician course, which shall be approved by the County. The applicant shall successfully

complete an examination for certification as an emergency medical technician and certified by the State of North Carolina. The applicant shall successfully complete an emergency medical technical refresher or continued education course approved by the county prior to each recertification by the State of North Carolina. The applicant must also be willing to complete training for Advanced Life Support.

- 7.7 At least twelve (12) certified emergency medical technicians or advanced life support attendants shall be employed by prospective franchise at all times with the provision that at least one (1) emergency medical technician shall accompany each ambulance response. The franchisee shall notify the County immediately if the total number of employees falls below the minimum requirement and shall fill such vacancy within one (1) week.

Section VIII.

Standards for Vehicles and Equipment

- 8.1 The standards to be applied to both vehicles and equipment are those developed by the North Carolina Medical Care Commission pursuant to Article 26, Chapter 130 and Article 56, Chapter 143, of the General Statutes of North Carolina. Said standards are contained in "Rules and Regulations Governing Ambulance Service." In addition to equipment required by law for each ambulance, the following additional equipment shall also be provided: Modern Hare half-ring splints (one per ambulance for adult and one per ambulance for child), set of six modern air splints, one trauma kit, one build-a-board back split, and one chair-stair stretcher. At least three (3) fully equipped ambulances and one (1) four-wheel drive vehicle with equipment required by law for an approved ambulance, suitable for hauling injured persons shall be furnished by any franchisee. Each ambulance must be equipped as required by the Advanced Life Support Program.

Section IX.

Standards for Communications

- 9.1 Each ambulance must be equipped with a two-way VHF radio licensed by the federal Communications commission and it must be in inoperative condition at all times. The radio must have four (4) channel capability with four (4) crystals. The frequency of the four crystals to be ____ and ____ or as maybe designated by the County.

9.2 The base of operation must have at least one open telephone line. Telephone numbers must be registered with each law enforcement agency and the communications center designated by the Board of Commissioners by resolution in the County of Mitchell.

Section X.

Insurance

10.1 No ambulance franchise shall be issued under this Ordinance nor shall such franchise be valid after issuance, nor shall any ambulance be operated in the County of Mitchell unless there is at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the State of North Carolina, for each and every ambulance owned and/or operated by or for the Franchisee, for the payment of

damages as follows:

- (a) In the sum of \$300,000 plus \$2,000,000.00 umbrella coverage for injury to or death of individuals in accidents resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agent; and,
- (b) In the sum of \$150,000 for the loss of or damage to the property of another, including personal property, under like circumstances, in sums as may be required by the State or as approved by the County of Mitchell; and,
- (c) In the sum of \$2,000,000 for malpractice.

Section XI. Records

11.1 Each franchisee shall maintain the following records:

- (a) Record of Dispatch – Shall show time call received, time ambulance dispatched, time arrived on scene, time arrived at destination, time in service and time returned to base. Shall also include the caller's name, address, driver's name, attendant's name, address of point of pick-up, address of destination, dispatcher's name, and whether or not call was an emergency.

- (b) Trip Record – Shall state all information required in section (a) in addition to patient’s address, telephone number, condition of patient, type of medical assistance administered before reaching hospital, odometer readings at beginning and end of trip, total trip miles, schedule of charges, and signature of attendant and driver. The trip record shall so be designated as to provide the patient with a copy thereof containing all required information. A copy of trip record may serve as a receipt of any charges paid.
- (c) Daily Report Log – Shall be maintained for the purpose of indentifying persons transported in any one day.
- (d) Daily Driver and Attendant Check List and Inspection Report – Shall list contents and description of operation for each vehicle, signed by both the off-going and on-coming driver, and the off-going and on-coming attendant.
- (e) Data Sheet – To be submitted monthly to County stating the following:
 - a. Number total calls
 - b. Number of emergency calls
 - c. Average response time of total emergency calls
 - d. Number DOA
 - e. Number of dry runs
 - f. Number Transporting non-emergency
 - h. Number of total staff (name, job title) and number of training hours and courses each has completed.
 - i. List of vehicles, equipment inventory and operating condition of each vehicle
 - j. Copies of State inspection reports
 - k. Breakdown of number of emergency calls by time of day.
 - l. Number, location, and time of all emergency calls originating more than five (5) miles from headquarters
 - m. Number emergency transporting out-of-country
 - n. Number non-emergency transporting out-of-country

12.1 Each franchisee shall submit a schedule of rates to the County for approval and shall not charge more or less than the approved rates without specific approval by the County. All subsequent rate changes must have prior County approval.

- 12.2 No ambulance service shall attempt to collect rates on emergency calls until the patient has reached the point of destination, has received medical attention and is in a condition deemed by the physician fit to consult with the ambulance service but such service may attempt to collect rates with family or guardian of the patient once the patient is in the process of receiving medical attention.

Section XIII.

Violations

- 13.1 To be rewritten by County Attorney.
- 13.2 Violation of this Ordinance, or the terms of any franchise granted hereunder, shall be a misdemeanor as provided by N.C. General Statutes 14-4. Each such Violation also shall subject the offender (Franchisee) to a civil penalty in the amount of \$100 each separate breach of the franchise or violation of this Ordinance. This civil penalty must be paid within ten (10) days after the hearing on said citation has been held as provided in Section 5.2 above. If not so paid such penalty may be recovered by the County as provided by N.C. General Statutes be recovered by the County as provided by N.C. General Statutes 153A-123(c). If the civil penalty is not paid within the ten (10) days as provided for above the County may suspend or revoke the franchise.

Section XIV.

Enforcement

- 14.1 The Mitchell County manager's Office shall be the enforcing agency for the regulations contained in this Ordinance. Such office will:
- (a) Receive all franchise proposals from potential providers.
 - (b) Study each proposal for conformance to this Ordinance.
 - (c) Quarterly inspect the premises, vehicles, equipment, and personnel of franchisees to assure compliance to this Ordinance and perform any other inspections that may be required.
 - (d) Recommend the temporary or permanent suspension of a franchise, in the event of non-compliance with the franchise terms of this Ordinance. Recommend the

imposition of misdemeanor or civil penalties as provided therein.

- (e) Insure by cooperative agreement with other ambulance services the continued service in a district where an ambulance service franchise has been suspended.
- (f) Receive monthly reports from ambulance service and consolidate the same into a quarterly summary for review by the County.
- (g) Receive complaints from the public, other enforcing agencies, and ambulance services the complaint with the County, and obtain corrective action with the approval of the County.
- (h) Recommend improvements to the County which will insure better medical transportation.
- (i) Maintain all records required by this Ordinance and other applicable County regulations.
- (j) Perform such of the above functions as may be requested by any municipality within the County of Mitchell.

Section XV.

Territorial Jurisdiction

- 15.1 The provisions of this Ordinance shall apply to all unincorporated areas within the geographic confines of the County of Mitchell, and to such incorporated areas as may by resolutions permit this ordinance to be applicable within such incorporated areas.

Section XVI.

Miscellaneous

- 16.1 The County may inspect a franchisee's records, premises and equipment at any time in order to insure compliance with this Ordinance and any franchise granted hereunder.

Section XVII.

Addendums to Ordinance

- 18.1 The Board of Commissioners of the County of Mitchell may through appropriated actions amend or expand this Ordinance to include other emergency departments or agencies as deemed necessary.

Section XVIII.

Effective Date

This Ordinance shall take effect on the 4th day of January, 1988.

