

ORDINANCE NO. 2022-

AN ORDINANCE amending the City of Yakima Municipal Code Chapter 5.96 Ambulance Service

WHEREAS,

BE IT ORDAINED BY THE CITY OF YAKIMA:

Section 1. Chapter 5.96 of the City of Yakima Municipal Code is hereby amended to read as follows:

**Chapter 5.96
AMBULANCE SERVICES**

Sections:

- 5.96.010 Purpose.
- 5.96.020 Definitions.
- 5.96.030 Ambulance service license required.
- 5.96.040 Application for ambulance service license.
- 5.96.050 Annual license fee.
- 5.96.060 Term of license.
- 5.96.070 Transfer of license prohibited.
- 5.96.080 Conditions of ambulance service.
- 5.96.090 Denial, revocation or suspension of ambulance service license.
- 5.96.100 Notice of denial, suspension or revocation of ambulance license and appeal thereof.
- 5.96.110 Insurance requirements.
- 5.96.120 Existing ambulance services.
- 5.96.130 Investigations and inspections.
- 5.96.140 Ambulance rates to be filed.
- 5.96.150 Severability.

5.96.010 Purpose.

The city council declares it to be in the public interest, and for the protection of the health, safety and welfare of the residents of the city and its environs to provide the highest level of emergency medical services reasonably practicable. The city council deems it to be in the public interest to provide for the inspection, regulation and control of ambulance services to promote the health and safety of the people. (Ord. 97-71 § 1 (part), 1997).

5.96.020 Definitions.

For the purposes of this chapter, the following terms and words shall have the meanings set forth in this section unless the context requires otherwise:

- (a) “Advanced life support (ALS)” means invasive emergency medical services requiring advanced medical treatment skills as defined in RCW Chapter 18.71, and as provided by individuals certified at the level of EMT-paramedic.

- (b) “Ambulance” means a privately-owned ground vehicle that is designed, constructed, equipped, maintained and used for the transportation and treatment of patients, but does not include vehicles used for paratransit services pursuant to the Americans with Disabilities Act of 1990 (42 U.S.C. Section 12101 et seq.) and RCW 49.60.
- (c) “Ambulance attendant” means any trained or otherwise qualified individual responsible for the operation of an ambulance and the care of the patients, whether or not the medical attendant also serves as a driver, who is the holder of a valid certificate issued under this chapter.
- (d) “Ambulance service” means any person who operates an ambulance for hire within the corporate limits of the city, but does not include the following:
- (1) Any person who provides emergency service outside the corporate limits of the city, and who transports such patients from outside the corporate limits of the city into or through the city; or
 - (2) Any person who provides emergency medical services within the corporate limits of the city at the request of the city pursuant to a written mutual aid agreement between the city and the person.
- (e) “Automatic vehicle locator (AVL)” means a vehicle transmitter tracking device that enables the monitoring of ambulance location from a central monitoring point.
- (f) “Basic life support (BLS)” means noninvasive emergency medical services requiring basic medical treatment skills as defined in chapter 18.73 RCW.
- (g) “City” means the City of Yakima, Washington.
- (h) “Department” means the City of Yakima fire department.
- (i) “DOH” means the Washington State Department of Health, Office of EMS and Prevention.
- (j) “Emergency Medical Dispatch (EMD)” means the dispatch prioritization and pre-arrival EMS instructions as approved by the MPD for Yakima County.
- (k) “Emergency medical service (EMS)” means medical treatment and care which may be rendered at the scene of any medical emergency, or while transporting any patient in an ambulance to an appropriate medical facility including ambulance transportation between medical facilities.
- (l) “Fire chief” means the fire chief of the city fire department or such other city employee as the fire chief may designate to perform the duties provided for in this chapter.
- (m) “Medical program director (MPD)” means emergency medical services medical program director as defined in RCW 18.71.205(4).

(n) "Patient" means an individual who is sick, injured, wounded, or otherwise incapacitated.

(o) "Person" means an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or any other organization of any kind.

(n) "Response time" means the period from when the call is received by the ambulance dispatcher until such ambulance arrives at the incident scene. (Ord. 97-71 § 1 (part), 1997).

5.96.030 Ambulance service license required.

A person may not conduct or operate an ambulance service within the corporate limits of the city without first obtaining from the city both a business license under Chapter 5.52 and an ambulance service license pursuant to this chapter. Applications for an ambulance service license must be made in writing to the fire chief on forms specified by the department. The fire chief shall not issue an ambulance service license unless the applicant has fulfilled all requirements of this chapter and any applicable provisions of state law relating to ambulance service personnel, equipment and operations, including but not limited to the provisions of RCW Chapter 18.73 and WAC Chapter 246-976 as now or hereafter amended. (Ord. 97-71 § 1 (part), 1997).

5.96.040 Application for ambulance service license.

An initial application and any subsequent renewal application for an ambulance service license shall be filed with the fire chief and shall be made on forms provided by the department and shall contain the following information and documents:

- (a) Name, address and telephone number of the applicant.
- (b) Business name under which the ambulance service shall operate within the city.
- (c) The number of ambulances to be initially placed in service within the city.
- (d) The number of licensed ambulance attendants initially to be employed.
- (e) A roster of all ambulances to be used in the city with proof that each ambulance is currently licensed as an ambulance by the state of Washington.
- (f) A roster of all certified EMT ambulance attendants with proof that each attendant is currently certified as an EMT by the state of Washington, including certification expiration date.
- (g) A roster of all certified EMT-paramedic ambulance attendants with proof that each attendant is currently certified as an EMT-paramedic by the state of Washington, including certification expiration date.
- (h) Proof that ambulances and personnel are verified trauma providers as provided in WAC Chapter 246-976 as now or hereafter amended.

- (i) A schedule of rates as required by Section 5.96.140 of this chapter.
- (j) Proof of insurance as required by Section 5.96.110 of this chapter.

Prior to the issuance of the ambulance service license, the application and all necessary records and documents shall be reviewed and all equipment proposed for use shall be inspected by the fire chief, who shall determine whether said records, documents, and equipment conform to the requirements of this chapter, and any rules or regulations referenced herein or issued hereunder. Upon approval of the application, the fire chief shall issue an ambulance service license to the applicant. (Ord. 97-71 § 1 (part), 1997).

5.96.050 Annual license fee.

At the time the ambulance service license application and any subsequent license renewal application is filed with the fire chief, the applicant shall pay a fee to the city to cover the cost of processing the application. The license fee shall be twenty-five dollars. (Ord. 97-71 § 1 (part), 1997).

5.96.060 Term of license.

Any ambulance service license issued hereunder shall expire one year from the date of issuance unless suspended or revoked pursuant to this chapter. Such ambulance service license may be renewed annually upon filing and approval of license application in accordance with Section 5.96.040 of this chapter and payment of the annual license fee required by Section 5.96.050.

5.96.070 Transfer of license prohibited.

The ambulance service licensee is prohibited from transferring or assigning any ambulance service license issued hereunder. (Ord. 97-71 § 1 (part), 1997).

5.96.080 Conditions of ambulance service.

Each ambulance service operating within the city must comply with the following minimum conditions:

- (a) Provide ALS and BLS ambulance services throughout the city on a twenty-four hours per day, seven days per week basis.
- (b) Each ambulance of the ambulance service that is operating in the city must be licensed by the state of Washington and must meet all standards and requirements set forth in WAC Chapter 246-976 as now or hereafter amended. Proof of a current state license must be maintained and available in the ambulance at all times.
- (c) Each ambulance of the ambulance service that is on duty and operating in the city shall be staffed with a minimum of two ambulance attendants, and staffed in accordance with the applicable ALS and BLS personnel requirements in WAC Chapter 246-976-390 as now or hereafter amended.

(d) Emergency incidents shall require that the closest appropriate level of ambulance, BLS or ALS, be dispatched as determined by the EMD criteria outlined and approved by the Yakima County MPD.

(e) The city may provide first response EMS. An ambulance service receiving a direct request for EMS shall notify the city's 9-1-1 communication center immediately so that the department's first response can be initiated. The only exception to this requirement shall be for the transport of nonemergent interfacility transfer of patients, routine medical transports, and BLS standbys.

(f) For emergency responses, ambulances shall maintain a response time of eight minutes or less on ninety percent of those calls occurring within the corporate city limits.

(g) Within ten calendar days following the end of each month, the ambulance service shall provide the fire chief with a written report from the previous month that demonstrates whether the ambulance service has complied with the city's response criteria. The report will include date of each incident, location, the time the call was received, the time of arrival of the ambulance at the incident scene, and the calculated response time. The report shall include a separate section that identifies all ambulance service responses that did not comply with the city's response criteria and description of the reasons for the delay of each such response.

(h) Each ambulance service shall comply with all applicable state and local laws, rules, regulations, procedures, and protocols, including but not limited to those that are specific to ambulances, ambulance service, ambulance equipment, ambulance personnel, EMS, ALS, and EMT and paramedic personnel.

(i) Each ambulance service shall, equip each of its in-service ambulances with a fully functioning AVL unit of a type and model that is acceptable to the city. City personnel shall monitor the location of each AVL unit and respective ambulance on a twenty-four-hour basis in order to ensure that the closest available appropriate ambulance is dispatched to any incident requiring an ambulance. The ambulance service shall be responsible for all costs associated with the purchase and maintenance of the AVL unit for each ambulance and are required to pay the city a \$100.00 dollar monthly monitoring fee within ten calendar days following the end of each month of monitoring service. Any ambulance service contracting for dispatch services with the city shall be excluded from monthly AVL monitoring fees. (Ord. 97-71 § 1 (part), 1997).

5.96.090 Denial, revocation or suspension of ambulance service license.

The issuance of an ambulance service license may be denied, revoked, or suspended by the fire chief or his/her designee upon the following grounds:

(a) The making of a false statement of material fact in the ambulance service license application for the ambulance service license or in any data, information or documents required as part of the application; or

(b) Failure to comply with any of the provisions of this chapter or any rules or regulations referenced herein or issued pursuant to this chapter; or

- (c) Failure to maintain ambulances and equipment in accordance with the standards set forth in WAC Chapter 246-976 as now or hereafter amended; or
- (d) Failure to obtain a business license as required by Chapter 5.52; or
- (e) Charging customers rates higher than those set forth in the schedule of rates for the ambulance service as filed with the city pursuant to Section 5.96.150. (Ord. 97-71 § 1 (part), 1997).

5.96.100 Notice of denial, suspension or revocation of ambulance license and appeal thereof.

The fire chief shall provide a licensee or potential licensee with a written notice of any proposed ambulance service license denial, suspension or revocation. The notice shall specify the grounds for the proposed denial, suspension or revocation. The notice shall be sent to the licensee or potential licensee by first-class mail and certified mail, return receipt requested, at the address shown on the license application or at the last known address of the potential licensee or licensee.

The proposed denial, suspension or revocation shall be effective ten business days after the date the notice is mailed unless the licensee or potential licensee makes written application to the city manager within said time period demonstrating good cause why the license should not be denied, suspended or revoked. In the event that the licensee or potential licensee fails to provide said written application within the required ten-day time period, the denial, suspension or revocation shall be final and binding and shall not be subject to any appeal.

The city manager shall review any such written application and determine whether good cause has been demonstrated why the license should not be denied, suspended or revoked. The city manager shall then provide the licensee or potential licensee with his/her written determination. If the city manager determines that the license should be denied, suspended or revoked, the written determination shall specify the grounds for the denial, suspension or revocation. A copy of the written determination shall be sent to the licensee or potential licensee by first-class mail and certified mail, return receipt requested, to the address shown on the license application or at the last known address of the licensee or potential licensee.

The city manager's determination shall be effective ten business days after a copy of said determination is mailed to the licensee or potential licensee unless the licensee or potential licensee makes a written appeal to the city council requesting a hearing before the city council to show good cause why the license should not be denied, suspended or revoked. The appeal of the city manager's determination shall be filed with the city clerk within ten business days after a copy of said determination is mailed to the licensee or potential licensee. The written appeal must specify the grounds for the appeal. In the event that the licensee or potential licensee fails to provide said written appeal within the required ten-day time period, the city manager's determination shall be final and binding and shall not be subject to further appeal.

The city council shall set the time and place of the appeal hearing and determine at the hearing whether appellant has demonstrated good cause why the license should not be

denied, suspended or revoked. The decision of the city council shall be final and binding and not subject to further appeal. (Ord. 97-71 § 1 (part), 1997).

5.96.110 Insurance requirements.

Each ambulance service operating within the city must maintain an insurance policy(ies) against claims for injuries to persons or damages to property which may arise from or in connection with the performance or nonperformance of activities associated with the operation of the ambulance service. The insurance policy(ies) shall name the city, its elected officials, officers, agents, and employees as additional insureds, and the insurance policy shall contain a clause that the insurer shall not cancel or change the insurance without first giving the city thirty days prior written notice. The insurance policy(ies) shall be with a responsible insurance company or companies approved by the city. If any of the coverages are on a "claims made" basis, and the ambulance service changes insurance companies, the ambulance service shall provide the city written notification that the carrier provides full prior acts coverage or that the ambulance service has purchased a three-year minimum extended reporting provision from the previous carrier. The minimum scope and limits of coverage of the insurance policy(ies) shall be as follows:

Automobile liability one million dollars per occurrence.

Commercial liability one million dollars per occurrence/two million dollars annual aggregate.

Professional liability one million dollars per occurrence/two million dollars annual aggregate.

Evidence of such insurance shall accompany the application for the ambulance service license and shall be maintained on a continuous basis during the term of the license and any subsequent renewals. (Ord. 97-71 § 1 (part), 1997).

5.96.120 Existing ambulance services.

Any ambulance service operating within the city as of the effective date of the ordinance codified in this chapter shall have a period of sixty calendar days to meet the requirements of this chapter and to apply and obtain the necessary ambulance service license required by this chapter. (Ord. 97-71 § 1 (part), 1997).

5.96.130 Investigations and inspections.

The department shall make all necessary investigations and inspections for enforcement of this chapter. As a condition of issuance of an ambulance service license, the ambulance service consents to the fire chief or his/her authorized representative performing regular inspections of the ambulance service facilities, equipment and ambulances. Such inspections shall be performed at all reasonable hours, with or without advance notice, upon presentation of appropriate credentials to an employee, officer, agent, or authorized representative of the ambulance service. (Ord. 97-71 § 1 (part), 1997).

5.96.140 Ambulance rates to be filed.

Each ambulance service applying for an ambulance service license or renewal of license pursuant to this chapter shall, at the time of filing its application therefor, file with the city clerk and the fire chief its schedule of rates to be charged for ambulance services during the license period for which the application is made. The ambulance service shall adhere to such schedule of rates throughout the period for which the license is issued. Such schedule of rates shall be a matter of public record. (Ord. 97-71 § 1 (part), 1997).

5.96.150 Severability.

If any provision of this chapter is held invalid and/or unconstitutional, the remainder of this chapter shall not be affected and/or invalidated and shall remain in full force and effect. (Ord. 97-71 § 1 (part), 1997).

Section 2. This ordinance shall be in full force and effect 30 days after its passage, approval, and publication as provided by law and by the City Charter.

PASSED BY THE CITY COUNCIL, signed and approved this ____ day of _____, 2022.

Janice Deccio, Mayor

ATTEST:

Sonya Claar Tee, City Clerk

Publication Date: _____

Effective Date: _____