

PERSON COUNTY AMBULANCE FRANCHISE ORDINANCE

WHEREAS, North Carolina General Statute Section 153A-250 provides that a county may by ordinance franchise ambulance services provided in the county to the public at large; and

WHEREAS, said General Statute requires the holding of a public hearing after publication of notice of the hearing; and

WHEREAS, the Person County Board of Commissioners has previously adopted an ambulance franchise ordinance on September 15, 2008, and

WHEREAS, the Board of County Commissioners finds that it is necessary and desirable to adopt a replacement ambulance franchise ordinance in order to generally update said ordinance; and

WHEREAS, this board has held the required public hearing after proper notice was published in the Courier Times, a newspaper of general circulation serving Person County, on June 29, 2016 and July 6, 2016. (Copy of notice Attached as Exhibit A); and

WHEREAS, this board finds it necessary to assure the provision of adequate and continuing ambulance service and to preserve, protect, and promote the public health, safety, and welfare of the citizens of Person County to enact this Ordinance which shall be known as "Person County Ambulance Franchise Ordinance".

NOW THEREFORE, be it ordained as follows:

SECTION I. Franchise Required

- 1.1 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 geographic boundaries of Person County unless the person holds a valid permit for each ambulance used in

such business or service issued by the North Carolina Department of Health and Human Services, Division of Health Service Regulation, Office of Emergency Medical Services and has been granted a franchise for the operation of such business or service by the County pursuant to this Ordinance.

- 1.2 No person shall drive, attend, or permit a vehicle to be operated for ambulance purposes within the County of Person unless he or she holds a currently valid credential as an emergency medical technician (Basic, Intermediate or paramedic) issued by NC OEMS.
- 1.3 No franchise shall be required for:
 - (A) Any entity rendering assistance to Person County Emergency Services or a franchised ambulance service in the case of a major catastrophe or emergency when existing ambulance services are insufficient to provide necessary services; or,
 - (B) Any entity operated from a location or headquarters outside of Person County in order to transport patients who are picked up beyond the limits of Person County, but no such entity shall be used to pick up patients within Person County for transportation to locations within Person County or other locations unless it is rendering assistance as referred to in 1.3 (A) above; or,
 - (C) Law Enforcement Personnel; or
 - (D) The operation of the Person County owned ambulance service.

SECTION II. Application for Franchise

- 2.1 Application for a franchise to operate ambulances in the County 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 ambulances. If the owner is a corporation, a certified copy of the articles of incorporation shall be included with the application.
- (B) The trade or other fictitious names, 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, its agents and employees in the transportation and care of patients.
- (D) A description (make, type, year of manufacture, and serial number) of each ambulance owned and operated by the applicant and an inventory of equipment to be carried on each ambulance that will guarantee certification as such per current NC OEMS rules and regulations. If an ambulance(s) to be used in the provision of the proposed franchised service is not owned by the applicant at the time of the submission of the application, a full description of such ambulance(s) shall be provided including all information required above except for a specific serial number. A franchise may not be granted until such ambulance is acquired by the applicant, but a certification may be issued that all conditions for the franchise have been met except for the ownership of the ambulance.
- (E) The location and description of the place or places of business from which the applicant intends to operate.
- (F) An audited financial statement of the applicant in such form and in such detail as may be required by the County.
- (G) A description of the applicant's capability to provide twenty-four (24) hour coverage, seven days per week for the district covered by the franchise applied for, and an accurate estimate of the minimum and maximum times for a response to calls within such district.

- (H) The criminal record, if any, of the applicant; provided that if applicant is a corporation, the criminal record, if any, of the officers, directors and supervising employees thereof, including General Manager or Director.
- (I) Any information that the County shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance service in the County in accordance with the requirements of State laws and the provisions of this ordinance.
- (J) The geographic portion of the County that the applicant desires to operate within.

2.2 An applicant may make application for a franchise to operate either advanced life support or basic life support transportation service. The applicant must specify which level of transportation service they are applying for.

SECTION III. Granting of Franchise

- 3.1 Upon receipt of an application for a franchise, the County shall schedule a time and place for hearing the applicant. Within thirty days after hearing, the County shall cause such an investigation as it may deem necessary to be made of the applicant and his proposed operations.
- 3.2 A franchise may be granted to one or more franchisees if the County finds that:
 - (A) The public convenience and necessity require the proposed ambulance service. In determining whether the public convenience and necessity require the proposed ambulance service, the Board will consider and investigate the statements made in the application, the adequacy of the existing ambulance service, the financial responsibility, experience, and character of the applicant, and the ability of the existing ambulance providers to provide any

necessary additional services, and other factors pertinent to such determination.

- (B) Each ambulance of the applicant, the required equipment and the premises designated in the application, have been either certified by the County and or the State of North Carolina or are eligible for such certification per current NC OEMS rules and regulations.
- (C) Only duly credentialed Emergency Medical Technicians are employed in such capacities.

SECTION IV. Term of Franchise

- 4.1 The County may issue a franchise to an owner of an ambulance service, to be valid for a term not to exceed five years. However, a franchise once granted may be extended for additional five year terms upon written application and documentation establishing that the franchisee is in full compliance with all Person County and NC OEMS rules and regulations and that valid permits have been issued by NC OEMS for each ambulance being operated and that a current provider license has been issued to the franchisee by NC OEMS.

- 4.2 No franchise granted may be sold, assigned or transferred to or in any way vest in any person other than the applicant to whom the franchise is granted. Provided however, a sale, assignment or transfer of an ambulance service to a relative or to a business entity where all of the ownership interests are owned by relatives of the applicant shall not be considered a sale, assignment or transfer under this ordinance and shall not result in a termination of the franchise.

SECTION V. Standards for Ambulance Franchise

- 5.1 Each franchised ambulance service shall comply at all times with the requirements of this Ordinance, the franchise granted hereunder, all applicable State and Local Laws relating to health, sanitation, safety, equipment, and ambulance design, the current Person County EMS System Plan and all other laws and ordinances.

- 5.2 Any change of ownership of a franchised ambulance service without the approval of the County shall terminate the franchise and shall require a new application and a new franchise and conformance with all the requirements of this Ordinance as upon original franchise issuance. Provided however a change in ownership resulting in the acquisition of an ownership interest by a relative of the applicant or a business entity where all of the ownership interests are owned by a relative of the applicant shall not be considered a change of ownership under this ordinance.

SECTION VI. Standards for Drivers, Attendants, Vehicles and Equipment

- 6.1 Standards for drivers, attendants, vehicles and equipment as developed and adopted by the North Carolina Medical Care Commission and enforced by NC OEMS in accordance with Chapter 131E, Article 7 and Chapter 143, Article 56 of the North Carolina General Statutes and Chapter 10A of the North Carolina Administrative Code, Subchapter 13P are incorporated herein as part of this Ordinance. All drivers, attendants, vehicles and equipment shall meet the specifications and qualifications of the above mentioned rules, regulations and standards.

- 6.2 It shall be the responsibility of the franchisee to ensure that the provisions of this section are observed as required.

- 6.3 Proof of compliance with this section shall be made available to the Director of Person County Emergency Services on an annual basis.

SECTION VII. Standards for Communications

- 7.1 Each ambulance must be equipped with a mobile two-way VHF radio mobile or portable 800 mhz radio which must be in operative condition at all times. The VHF and 800 mhz radios must have a minimum of 25 watts operating power and programed with the channels/groups required by the Director of Emergency Services and an internal operational frequency capable of dispatching their units. Other frequencies as needed are acceptable but not required by franchise.
- 7.2 Each ambulance service shall provide the County a copy of the Federal Communications Commission License authorizing the use of the communication equipment owned and operated by that service.
- 7.3 Each base of operations must have at least one open/toll free telephone line. Telephone numbers must be available to Person County Emergency Services, and Person County Communications, county businesses and citizens free of charge to the caller.

SECTION VIII. Insurance

- 8.1 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 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 ambulance service providing for the payment of damages:
- (A) In the sum of \$ 1,000,000 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 \$ 1,000,000 for the loss of or damage to the property of another, including personal property.

- 8.2 Proof of insurance coverage shall be made available to the Director of Person County Emergency Services on an annual basis.

SECTION IX. Rates and Charges

- 9.1 Person County shall, in accordance with North Carolina General Statute Section 153A-250(a)(6) establish and from time to time revise a schedule of rates, fees, and charges that may be charged by franchised operators. Such rates, fees and charges shall be applicable to and uniform for all providers public, private and non-profit.
- 9.2 Person County has the right to audit the financial records of each franchised operator for charges for patient services.

SECTION X. Violations

- 10.1 In the event of a violation of any section of this Ordinance or of any term or condition of a franchise issued hereunder, the violator may be assessed a civil penalty by the County Manager in the amount of five hundred dollars for each violation. Each day that a violation continues shall be deemed a separate violation. A violator shall be entitled to a hearing before the County Manager on the assessment of any penalty. Any civil penalty may be recovered in the nature of a debt if the violator does not pay the penalty within ten days after being notified of a hearing decision. If the civil penalty is not paid within the ten days as provided for above, the County may suspend or revoke the franchise.

- 10.2 As provided in North Carolina General Statute 153A-123, Person County may seek an injunction, abatement order or any other appropriate remedy to insure compliance with this Ordinance.
- 10.3 Nothing herein shall prevent Person County from proceeding in a criminal action against any person, firm or corporation for violating any provision of this Ordinance or any term or condition of a franchise granted hereunder as provided in North Carolina General Statute 14.4.
- 10.4 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 emergency medical technician credential such person shall cease to drive an ambulance or provide medical care in conjunction with an ambulance service, or attend and 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 XI. Enforcement

- 11.1 The Director of Emergency Services for Person County or his designee shall be the agent for the county for purposes of making inspections of drivers, attendants, vehicles and equipment; to aid the board of commissioners in determining compliance with this ordinance; and of investigations into alleged violations of the articles of this ordinance.
- 11.2 Person County Department of Emergency Services 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) Make recommendations to the Board of Commissioners concerning the award or non-award of the franchise.

- (D) Inspect the premises, vehicles, equipment, and personnel of franchisees to assure compliance to this Ordinance and to perform any other inspections that may be required.
- (E) Recommend temporary or permanent suspension of a franchise in the event of noncompliance with the franchise terms of this Ordinance to the County Manager. Appeal from final decisions of the County Manager shall be to the Board of Commissioners. Appeal to the Board of County Commissioners must be filed with the Clerk to the Board within seven days of the Manager's final decision.
- (F) Recommend to the County Manager the imposition of misdemeanor or civil penalties as provided herein or recommend such other courses of action as may be warranted by the violation or infraction, provided however the appeal processes to the Board of County Commissioners set out in section X shall apply.
- (G) Receive complaints from the public, other enforcing agencies, and ambulance services regarding franchise infractions.

SECTION XII. Territorial Jurisdiction

- 12.1 The provisions of this Ordinance shall apply to all areas within the geographic confines of Person County including areas within a city unless the city area has been excluded by the County or a city pursuant to GS153A-250(c).

SECTION XIII. Miscellaneous

- 13.1 The County may inspect a franchisee's records, premises and equipment at any time during normal daytime business hours after reasonable notice to the franchisee, in order to insure compliance with this Ordinance and any franchise granted hereunder. Nothing contained in this ordinance shall authorize violation of any valid Federal or State law or regulation.

- 13.2 The franchisee shall report the number of calls and runs during the month by the 10th day of the following month to the Director of Emergency Services. The report shall be in writing and shall contain the following at a minimum:
- (A) the number of emergency calls for the month
 - (B) the number of routine calls for the month
 - (C) the total number of calls for the month including calls that otherwise do not meet criteria above
 - (D) transports by destinations: (PMH, nursing home, residence or out of county facility)
 - (E) delays in calls for service: (number of delays, average delay time, reason for delay)

SECTION XIV. Definitions

- 14.1 "Advanced Life Support" means the assessment, intervention and or transport of a patient performed by an ALS crew as part of a response that was necessary because the patient's reported condition at the time of dispatch was such that only an ALS crew was qualified to perform the assessment and or perform an intervention or procedure that is in accordance with state and local laws, required to be done by an Intermediate or Paramedic.
- 14.2 "Ambulance" means any privately or publicly owned motor vehicle, aircraft or vessel that is especially designed, constructed or modified and equipped and is intended to be used for and is maintained or operated for the transportation on the streets or highways, waterways, or airways of this State of persons who are sick, injured, wounded, or otherwise incapacitated or helpless.

- 14.3 “Basic Life Support” means the provision of BLS service with medically necessary supplies and services, including ambulance transport by personnel qualified in accordance with State and local laws at the level of an EMT-Basic.
- 14.4 “Breach” means the violation of or failure to comply with a provision of this ordinance.
- 14.5 “Business Entity” means a corporation, a general partnership, a limited partnership, or a limited liability company.
- 14.6 “County” means the County of Person Board of Commissioners or a designated representative.
- 14.7 “Emergency Transportation” means 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. Emergency transportation may occur at the ALS or BLS level.
- 14.8 “Franchise” shall mean a permit issued by the County to a person for the operation of an ambulance service.
- 14.9 “Franchisee” shall mean any person having been issued a franchise by the County for the operation of an ambulance service.
- 14.10 “NC OEMS” shall mean the North Carolina Office of Emergency Medical Services. NC OEMS is a section of the Division of Health Service Regulation of the NC Department of Health and Human Services. NC OEMS has enforcement oversight in the rules and regulations governing

EMS operations in the state of NC as created and adopted by the NC Medical Care Commission.

14.11 "Non-Emergency / Routine Transportation" means the operation of an ambulance for any purpose other than an emergency transport as defined above. Non-Emergency transportation may occur at the ALS or BLS level.

14.12 "Owner" shall mean any person or entity that owns or operates an ambulance service.

14.13 "Patient" shall mean an individual, who is sick, injured, wounded, or otherwise is incapacitated or helpless.

14.14 "Person" shall mean any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organizations of any kind, including any governmental agency other than the United States.

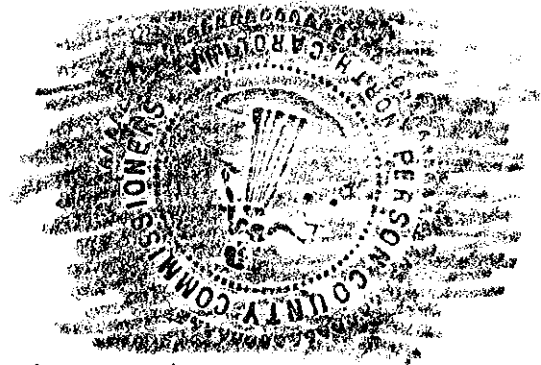
14.15 "Relative" shall mean any of the following:

- (A) A spouse or the spouse's lineal ancestor or descendant.
- (B) A lineal ancestor or a lineal descendant.
- (C) A brother or sister, or the lineal descendant of a brother or sister. For the purposes of this sub-subdivision, the term brother or sister includes stepbrother or stepsister.
- (D) An aunt or an uncle.
- (E) A spouse of a person listed in paragraphs a. through d. For the purpose of this subdivision, an adoptive or adopted relative is a relative and the term "spouse" includes a surviving spouse.

This Ordinance shall be effective upon adoption by the Board of Commissioners and will supersede any previous versions of the Ambulance Franchise Ordinance.

Adopted this the 18th day of July, 2016.

SEAL



Brenda B. Reaves
Brenda B. Reaves, CMC
Clerk to the Board

David Newell Sr.
David Newell, Sr., Chairman
Board of Commissioners



PUBLIC HEARING NOTICE

The Person County Board of Commissioners hereby gives notice of its intent to amend its current Ambulance Franchise Ordinance to update statutory and technical references and to provide for allowing two ambulance providers to operate in the County in order to insure adequate coverage for all citizens. The Board of Commissioners will hold a Public Hearing on July 18, 2016 at 9:00am to receive public comment on an amended Ambulance Franchise Ordinance.

The meeting will be held in the Commissioners' meeting room 215 in the County Office Building, 304 S. Morgan Street, Roxboro, NC 27573.

Brenda B. Reaves, NCCCC, CMC
Clerk to the Person County Board of Commissioners