

AN ORDINANCE REGULATING THE LICENSING, INSPECTION AND OPERATION OF AMBULANCES; DEFINING TERMS; PROHIBITING THE MAINTENANCE AND OPERATION OF AN AMBULANCE WITHOUT THE APPROPRIATE LICENSE; PROVIDING FOR THE APPLICATION, STANDARDS AND FEES FOR THE LICENSING OF AMBULANCES, AMBULANCE DRIVERS, ATTENDANTS, AND ATTENDANT DRIVERS; PROVIDING DUTIES FOR THE INSPECTION AND ISSUANCE OF LICENSES; REQUIRING COMPLIANCE WITH ALL LAWS, ORDINANCES AND REGULATIONS; PROVIDING FOR RENEWAL AND REVOCATION OF LICENSES; PROVIDING PENALTIES; PROVIDING SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Title 31, Chapter 39 of Idaho Code empowers the counties to provide ambulance service to their citizens; Section 31-714 Idaho Code empowers the Board of County Commissioners to pass ordinances necessary to carrying out their duties; and

WHEREAS, the Board of County Commissioners desires to establish a licensing system for ambulance service in this county to provide its citizens with proper ambulance service.

SECTION I: DEFINITIONS

The following words shall, for the purposes of this ordinance, unless otherwise specified, have the meaning respectively ascribed to them.

- (a) Advisory Board: The Emergency Medical Services Advisory Board appointed by the Board of County Commissioners as authorized in this Ordinance.
- (b) Ambulance: Any privately or publicly-owned motor vehicle that is specifically designed or constructed and equipped, and is intended to be used for and is maintained or operated for, the transportation of patients.
- (c) Board: The Board of County Commissioners of Elmore County, Idaho.
- (d) Director: Director of the EMS Department of Elmore County.
- (e) Emergency Medical Services (EMS): The services used in responding to an individual's need for immediate care in order to prevent loss of life or aggravation of physiolog-

ical or psychological illness or injury. Said term, when appropriately capitalized, may also refer to the Emergency Medical Services Department of Elmore County.

- (f) Emergency Medical Technician (EMT): An individual certified by the EMS Bureau of the Idaho Department of Health and Welfare as an EMT.
- (g) Patient: An individual who is sick, injured, wounded or otherwise incapacitated or helpless.
- (h) Person: 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.

SECTION II: REQUIREMENT FOR OPERATION; EXCEPTIONS:

- A. Except as hereinafter provided, it shall be unlawful for any person, either as owner, agent or otherwise:
 - 1. To furnish, operate, conduct, maintain, advertise or otherwise engage in or profess to be engaged in the business or service of the transportation of patients upon the streets, alleys or any public way or place of Elmore County unless he holds a currently valid license for an ambulance, issued pursuant to this Ordinance; or
 - 2. To operate any ambulance for ambulance purposes within Elmore County or to drive, attend or permit the same to be operated within Elmore County, unless it is under the immediate supervision and direction of a person licensed as an attendant-driver and unless it is staffed or equipped in accordance with the requirements set forth in this Ordinance.
- B. This Ordinance shall not apply to ambulances operated by an agency of the United States, the State of Idaho, or any political Subdivision of the State of Idaho, and the licensing, staffing and equipment requirements herein shall not apply to:
 - 1. An ambulance which is rendering assistance to the Emergency Medical Services Department of Elmore County in case of major catastrophe or emergency with which the Emergency Medical Services Department of Elmore County is unable to cope; or
 - 2. An ambulance operated from a location or headquarters outside of Elmore County in order to transport patients who are picked up beyond the limits of Elmore County to locations within Elmore County; or

3. An ambulance used solely for educational purposes, not including transportation of patients or the rendering of emergency medical care; or
4. Aircraft of any type, either fixed-wing or helicopter.

SECTION III: APPLICATION PROCEDURE

Applications for ambulance licenses or renewal licenses hereunder shall be made upon such forms as may be prepared or prescribed by the Director and shall contain:

- A. The name and address of the applicant and of the owner of any assets having a value in excess of \$500.00, that are intended for use in the proposed business;
- B. The name under which the applicant does business or proposes to do business;
- C. The training and experience of the applicant and proposed staff in the transportation and care of patients;
- D. A description of each ambulance, including the make, model, year of manufacture, motor and chassis number; the length of time the ambulance has been in use; and the color scheme, insignia, name, monogram or other distinguishing characteristics to be used to designate the applicant's vehicle, together with a certification by a mechanic doing business as such in Elmore County and who is not associated in any way with the applicant that each vehicle is in safe operating condition;
- E. The location and description of the place or places from which it is intended to operate;
- F. Proof of Insurance as required by Section IV of this Ordinance.
- G. An address to which all written notices, request, demands or other communications may be mailed for delivery to the applicant. It shall be the applicant/licensee's responsibility to provide the Director with a current mailing address for the duration of the license term.
- H. Completed application forms with checklists, attachments and license fee shall be filed with the Director. The Director shall review the application and forward it to the Board.

SECTION IV: REQUIREMENTS FOR AMBULANCE LIABILITY INSURANCE:

- A. Each ambulance shall, at all times when in use:
- (1) Conform with the standards, requirements and regulations provided for in this ordinance and the State of Idaho Department of Health and Welfare;
 - (2) Maintain equipment conforming with the minimal standards, requirements and regulation as may be provided for herein, which equipment shall be in proper and good condition;
 - (3) Comply with, and be subject to, all laws, ordinances and regulations now in force or that may hereinafter be enacted relative to health, sanitation and safety of patients and property, including motor vehicles, and:
 - (4) Be equipped with such lights, sirens and special marking to designate it as an ambulance.
- B. Each licensed ambulance, its equipment and the premises designated in the application and all records relating to maintenance and operation of such shall be open to inspection by the County, its agents and employees during the usual hours of operation.
- C. An ambulance operator shall at all times indemnify and hold harmless the County from and for any and all losses, claims, actions or judgments for damages or injury to persons or property and losses and expenses cause or are incurred by the ambulance operator and its personnel.
- D. No ambulance license shall be issued under this Ordinance, nor shall such license be valid after issuance, nor shall any ambulance be operated in Elmore 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 Idaho, naming Elmore County as an insured party, for each and every ambulance owned and/or operated by or for the applicant or licensee, providing minimum limits of liability insurance in the following amounts:
1. \$250,000.00 for property damage payable to any one person;
 2. \$1,000,000.00 for property damage in any one occurrence;
 3. \$1,000,000.00 for personal injury to any one person; and
 4. \$3,000,000.00 for personal injuries in any one occurrence.

The limits of insurance provided above shall not be deemed the limitation of the applicant's or licensee's covenant to indemnify and save and hold harmless the County, and if the county becomes liable for an amount in excess of the insurance limits herein provided, the applicant, licensee and/or any of its agents upon whom duties may be imposed by this Ordinance, covenants and agrees to indemnify and save and hold harmless the County from any and all such losses, claims, actions, judgments or expenses for damages or injury to persons or property.

SECTION V: STANDARDS FOR AMBULANCE EQUIPMENT

- A. Each ambulance operated in this County shall be maintained in good mechanical repair and sanitary condition at all times. Routine preventive maintenance shall be performed and logged on forms the Director may provide or prescribe. Such maintenance logs shall be kept on file at the operator's base of operations for a period of not less than five (5) years from first entry and shall be made available upon request during normal office hours to either the Director or Board. Request for maintenance logs shall be in writing directed to either the licensee or his agent. Said licensee or agent shall have five (5) working days from date of mailing of said written request to deliver the required maintenance logs to either the Director or Board. Failure to produce the required logs within said five (5) day period shall result in suspension, after notice and a hearing, of the ambulance license issued by the Elmore County Board of Commissioners pursuant to this Ordinance. The Director may require certification of ambulances by a mechanic as set forth in Section 4-4-6-2 of this Ordinance;
- B. The required equipment in each ambulance shall meet those requirements established by the State of Idaho Department of Health and Welfare and as may be provided for herein;
- C. Each ambulance shall be equipped and maintained at all times by the operator with a two way radio operating on assigned frequency authorized by the Federal Communications Commission (FCC) sufficient to enable ambulance personnel to communicate from the vehicle to Hospitals; County of Elmore - EMS dispatcher center; and Other ambulances owned by same operator.
- D. Prior to the issuance of an ambulance license, or the renewal thereof, the Board shall provide for inspection of each ambulance to determine the adequacy of equipment and verify compliance with the minimum standards provided by this Ordinance.

SECTION VI: DUTIES OF THE BOARD

- A. No license shall be issued to a new provider unless the county finds that the provider's service is required by the public convenience and necessity and that the applicant is fit, willing and able to provide service that conforms to the policies, procedures, and standards set by this article and such state of Idaho laws, rules, and regulations as may apply to the licensee.
- B. The Board shall, within sixty (60) days after receiving an application for an ambulance license as provided for herein, cause such investigation as it deems necessary to be made of the applicant and its proposed operations.
- C. The Board shall issue a license hereunder for a specified ambulance operator or ambulance business to be valid for a period of one (1) year, unless earlier suspended, revoked, or terminated, when they find that:
 - 1. The Board has caused the ambulance proposed for licensing to be inspected and found such ambulance to be in proper condition as prescribed by the applicable provisions of the ordinance;
 - 2. The applicant is a responsible and proper person to conduct and operate an ambulance business;
 - 3. All the requirements of this ordinance and all other applicable laws and ordinances have been complied with.
- D. Prior to issuance of any ambulance license hereunder, the Board shall cause to be inspected the vehicles, equipment and premises designated in each application to determine compliance with the standards prescribed by this Ordinance, and no license shall be issued by the County unless the Board has verified compliance with the requirements and standards prescribed herein.
- E. Subsequent to the issuance of any ambulance license hereunder, the Board shall cause any inspections of vehicles, equipment, or premises that they deem necessary. The inspection authorized by this subsection shall be in addition to any other safety or motor vehicle inspection required to be made for ambulance or other motor vehicles under the law or ordinances of the State of Idaho or Elmore County.

SECTION VII: REQUIREMENTS FOR MAINTENANCE OF LICENSE:

- A. Each ambulance operated by a licensee hereunder shall, at all times when in use as such:
1. Be suitable for the transportation of patients from the standpoint of health, sanitation and safety, and be maintained in suitable premises;
 2. Contain equipment conforming with the standards, requirements and regulations provided for herein, which equipment shall be in proper and good condition for such use;
 3. Comply with this Ordinance and with all other applicable laws and local ordinances.
- B. Any change of ownership of licensed ambulance shall terminate the license and shall require a new application and a new license in conformance with all the requirements of this Ordinance as upon original licensing.
- C. Application for transfer of any ambulance license to another vehicle shall require conformance with all the requirements of this Ordinance as upon original licensing. No ambulance license may be sold, assigned, mortgaged or otherwise transferred without the approval of the Director and finding of conformance with all the requirements of this Ordinance as upon original licensing.
- D. Each licensed ambulance, its equipment and the premises designated in the application and all records relating to its maintenance and operation as such, shall be open to inspection by the Director or designated representatives during usual hours of operation.
- E. The Board or Director may cause such investigations to be made of applications from time to time as it may deem necessary to insure continued compliance with this Ordinance.

SECTION VIII - EMERGENCY MEDICAL SERVICES DEPARTMENT AND ADVISORY BOARD:

- A. Establishment of Department: There is hereby established under the Board, a department known as the Emergency Medical Services Department, whose primary function shall be to provide and maintain an emergency medical services system for Elmore County through use and coordination of such services as may be available from other entities, public and private, within the County and by including the operation of

an ambulance service as authorized by title 31, chapter 30, Idaho Code. The Department may, in addition, coordinate or provide such related services within or outside the County as may be authorized and/or directed by the Board.

The Department shall be under the director who shall be appointed by and shall serve at the will and pleasure of the Board and who shall report directly to the Board, subject to such liaison and/or coordination with the Advisory Board as the Board may direct. The director shall have responsibility for direction of the work force and management of the facilities and equipment of the Department and shall have the authority ordinarily possessed by a County department manager, subject to such enlargement or limitations and to such requirements for coordination with the Advisory Board as the Board may direct. If the director is for any reason unavailable, direction of the Department will lie with the Board or with a person appointed by the Board to provide the Department with direction on a temporary basis.

B. Advisory Board: The Board shall establish an Advisory Board to be known as the Emergency Medical Services Advisory Board, whose primary functions shall be:

1. To advise the director and the Board on matters pertaining to development and operation of the EMSS within Elmore County, including, but not limited to, such matters as technical requirements of the system, budgeting, consumer complaints, and public relations.

2. To assist the director and the Board, as directed, in coordinating the activities of the County EMS, local fire districts and such other entities as may be participating in the system, and

3. To serve as an informational liaison between the director and the Board and the consumers and citizens of Elmore County.

The Advisory Board shall be made up of no fewer than seven (7) members, all of whom shall be residents of Elmore County and at least one of whom shall be a licensed physician regularly engaged in the practice involving regular contact with the EMSS. Members shall be appointed by the Board to serve such terms as the Board may direct.

The advisory Board shall have the authority to appoint and work through subcommittees charged with particular functions and shall, in addition, work with such other county officials and/or advisory committees, including a medical advisory committee, as may be designated by the Board.

SECTION IX: LICENSE, FEES, AND DURATION OF LICENSE

All licenses authorized to be issued hereunder shall bear the date of issue and shall expire on the 31st day of December next, following the date of issue, unless sooner suspended, terminated or revoked. Fees of \$150.00 shall be charged by the Elmore County Clerk and such fees shall accompany the appropriate application.

- (a) Any cost incurred in the licensing of an ambulance service in Elmore County shall be the responsibility of the applicant. These costs shall include but not be limited to inspection fee.
- (b) All related fees incurred shall be paid in full by the applicant prior to issuance of a license.

Any license issued pursuant to the provisions of the ordinance may be renewed at the expiration thereof by filing a proper application, paying the fee required for such license and provided that the applicant is then qualified to receive a license, each applicant being required to conform with all the requirements, as upon original licensing.

SECTION X - ACTION AGAINST LICENSEES

The Elmore County Board of Commissioners shall use those guidelines as set out in Idaho Code 67-5254 in taking action against any person, group, or business licensed to provide ambulance service in Elmore County.

SECTION XI - COMPLIANCE

In addition to the provisions of the ordinance, all licensees hereunder, shall comply with all applicable laws, ordinances and regulations now in force or hereinafter enacted governing the operation of motor vehicles upon highways, streets, alleys and other public ways.

SECTION XII - PUNISHMENT AND UNLAWFUL ACTS

Any person violating the provisions of this ordinance shall, upon conviction thereof, be punished by a fine not exceeding three hundred dollars (\$300.00) or imprisonment in the county jail not to exceed thirty (30) days, or by both such fine and imprisonment.

- (a) It shall be unlawful for any person or provider of emergency or non-emergency ambulance services to commit any act that would obstruct the orderly delivery of emergency or non-emergency ambulance services by a licensed provider.
- (b) It shall be unlawful for any person to provide emergency or

non-emergency ambulance services within the county without a current license issued by Elmore County.

- (c) It shall be unlawful for any person or provider to violate or fail to comply with any provision of the article or the policies, procedures and standards adopted pursuant hereto.
- (d) Any person or provider who violates any provision of this section shall be guilty of a criminal misdemeanor and subject to the penalties provided for herein. Each day the violation continues shall constitute a separate violation.
- (e) Each circumstance of violation shall constitute an individual violation subject to separate fine and/or imprisonment.

SECTION XIII - SEPARABILITY

If any provision of this ordinance, or application thereof, is held invalid, the invalidity shall not affect other provisions or applications of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are separable.

DATED This 25th day of January 1999.

ELMORE COUNTY BOARD OF COMMISSIONERS

BY: Larry E. Rose
LARRY ROSE, Chairman

BY: Don Reynolds
DON REYNOLDS, Commissioner

BY: Fred Prouty
FRED PROUTY, Commissioner

A T T E S T :

Gail Best
GAIL BEST, Clerk
ELMORE COUNTY BOARD OF COMMISSIONERS

AN ORDINANCE REGULATING THE LICENSING, INSPECTION AND OPERATION OF AMBULANCES; DEFINING TERMS; PROHIBITING THE MAINTENANCE AND OPERATION OF AN AMBULANCE WITHOUT THE APPROPRIATE LICENSE; PROVIDING FOR THE APPLICATION, STANDARDS AND FEES FOR THE LICENSING OF AMBULANCES, AMBULANCE DRIVERS, ATTENDANTS, AND ATTENDANT DRIVERS; PROVIDING DUTIES FOR THE INSPECTION AND ISSUANCE OF LICENSES; REQUIRING COMPLIANCE WITH ALL LAWS, ORDINANCES AND REGULATIONS; PROVIDING FOR RENEWAL AND REVOCATION OF LICENSES; PROVIDING PENALTIES; PROVIDING SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE.

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The following is a list of sections contained in the Ordinance. A copy of the Entire Ordinance is available on request at the Recorder's Office, Elmore County Courthouse, 150 South 4th East, Suite 3, Mountain Home, Idaho.

- SECTION I: DEFINITIONS
- SECTION II: REQUIREMENT FOR OPERATION; EXCEPTIONS
- SECTION III: APPLICATION PROCEDURE
- SECTION IV: REQUIREMENTS FOR AMBULANCE LIABILITY INSURANCE
- SECTION V: STANDARDS FOR AMBULANCE EQUIPMENT
- SECTION VI: DUTIES OF THE BOARD
- SECTION VII: REQUIREMENTS FOR MAINTENANCE OF LICENSE
- SECTION VIII: EMERGENCY MEDICAL SERVICES DEPARTMENT AND ADVISORY BOARD
- SECTION IX: LICENSE, FEES, AND DURATION OF LICENSE
- SECTION X: ACTION AGAINST LICENSEES
- SECTION XI: COMPLIANCE
- SECTION XII: PUNISHMENT AND UNLAWFUL ACTS
- SECTION XIII: SEPARABILITY

This Ordinance will take effect thirty days after the publication.
 One Publication February 3, 1999.

Affidavit of Publication

County of Elmore }
 STATE OF IDAHO } ss.

I, Coleen W. Swenson, do solemnly swear that I am the foreman, or publisher of the

Mountain Home News

a weekly newspaper of general circulation, published once a week at MOUNTAIN HOME, IDAHO that the notice attached hereto and which is a part of publication thereof: was published in said newspaper for

1 consecutive weeks, the first publication having been made on 3rd day of February, 1999, and the last publication having been made on the 3rd day of February, 1999; every Wednesday issue of the paper during the period and time of publication and that the notice was published in the newspaper proper and not in a supplement thereof.

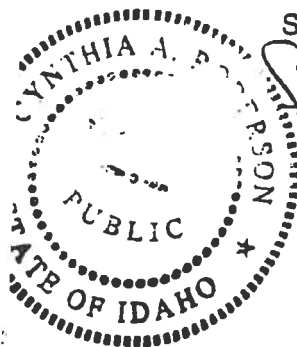
And I further swear that the said MOUNTAIN HOME NEWS has been continuously and uninterruptedly published in said Elmore County during a period of 78 consecutive weeks prior to the first publication of the attached notice.

(Signature of Coleen W. Swenson)

Subscribed and sworn to me this 3rd day of

February, 1999

(Signature of Cynthia A. Anderson)
 Notary Public



Residing in Mountain Home, Elmore County, Idaho. My commission expires 09-09-2002.