

AMBULANCE SERVICES

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- 1.1. Definitions.

For the purposes of this chapter:

“Ambulance” means any vehicle specially designed, constructed or modified and equipped or used for and is maintained or operated for the transporting those who are wounded, injured or sick on the streets and highways of the county, and shall include but is not restricted to emergency vehicles used for such purposes.

"Patient" means any person who is sick, injured, wounded or otherwise incapacitated or helpless such that the need for some medical assistance might be anticipated while being transported to or from a medical facility.

"Person" means any individual, partnership, association, corporation or other organization owning or operating or proposing to operate an ambulance or ambulances within the county.

Whenever and wherever the word "grantee" is used in this chapter, it shall be held applicable to any servant, operator, employee or agent of the grantee who may be engaged in the performance of any duties required either from or by the grantee under this chapter.

1.2. Issuance authority.

The board of commissioners may grant to such person as shall apply therefor, a franchise to operate and maintain an ambulance service within the county. (IC-16-31-5)

1.3. Terms and conditions generally.

The terms and conditions on which the franchise may be granted and upon which it is maintained and operated if granted, are as set forth in this chapter.

1.4. Application for franchise.

The county shall have the right to and shall regulate the operations of any grantee of a franchise pursuant to this chapter.

All persons applying to the board of commissioners for a franchise for the operation of one or more ambulances shall file with the board a written application in duplicate setting forth in substance the following:

- (1) Name and address of the owner and whether individual, partnership, association, corporation or other organization.
- (2) The address of the local office from which the proposed service will operate.
- (3) The number of vehicles actually owned or leased and the number of vehicles actually operated by such owner on the date of the application, if any.
- (4) Certificates of insurance indicating the operator's ability to obtain insurance covering vehicle liability, professional liability and workers compensation that are at limits acceptable to the Indiana Department of Homeland Security.
- (5) The net worth of the owner or applicant over and above all debts, judgments, claims and demands whatsoever.
- (6) Whether there are any unsatisfied judgments of record against such owner, and if so, the title of all actions and the amount of judgments unsatisfied.
- (7) Court record, if any, of applicant; provided, if the applicant is a corporation, partnership, association or other organization, the court record, if any, of the officers, directors and supervising employees thereof, including general manager or director.
- (8) Whether there are any liens, mortgages or other encumbrances on such ambulances, and if so, the amount and character.

- (9) The geographical area of the county proposed to be covered by the applicant.
- (10) The local address for handling of calls for services and how those calls will be handled and dispatched.
- (11) Evidence of application to the Federal Communications Commission (FCC) or permission from the FCC for radio frequencies for utilization of UHF or VHF radio transmission or in the alternative, proof of inclusion in a radio system utilizing 800 Mhz, 900 Mhz, or UHF trunking alone or in any combination.
- (12) Evidence of employment of sufficient personnel that meet the standards for an Emergency Medical Dispatch Center as established and regulated by the Indiana Department of Homeland Security (16-31-3.5).
- (13) Such other information as the board may, in its discretion, require.

1.5. Granting of additional franchises.

(1) Upon receipt of an application for a franchise, the board of commissioners shall fix a time and place for hearing the applicant. All current franchise holders shall be informed of the receipt of the above application and of the time, date and place of said meeting. No franchise shall be granted unless the board shall find, after hearing, that the public convenience and necessity require the proposed ambulance service. In determining whether the public convenience and necessity require the operation of an ambulance service for which application for a franchise is made, the board shall consider and investigate the statements made in the application; the adequacy of existing ambulance service; the financial responsibility, experience and character of the applicant; the public need for additional service; the ability of existing holders of franchises to provide any necessary additional service; and any other factors pertinent to such determination.

(2) Upon finding that the public convenience and necessity require the proposed ambulance service, the board shall grant to the applicant a franchise upon the terms and conditions prescribed by this article.

1.6. Waiver of damages.

The grantee, by acceptance of the franchise, shall waive any and all damages which he or she may sustain for or on account of any installation, maintenance or improvement work in and to the public streets, alleys, ways or highways within any city within the county, and which may be performed by any city or county, or any public utility, or any private person authorized by any city or the county to do so.

1.7. Rates.

The grantee, by accepting the franchise shall agree:

- (1) To abide by rate guidelines and opinions of the Office of Inspector General as they apply to the provision of ambulance services under contract to medical facilities.
- (2) To maintain and have available each day of each calendar year during the term of the franchise or any extension thereof, adequate and proper ambulance service for the public.

1.8. Acceptance.

The grantee shall file with the county recorder a written acceptance of the franchise within ten days immediately after the granting thereof by the board of commissioners and the grantee shall make, execute and deliver duplicate agreements in pursuance thereof not later than ten days after the date of delivery of such acceptance. Such acceptance shall indicate the

grantee's acceptance of the Franchise and all terms and conditions placed upon the grantee by the board whether enumerated herein or as a result of the hearing.

1.9. Franchise Term.

The term of any franchise granted shall be unspecified and shall continue as long as the ambulance service holding the franchise does not:

(1) Modify its operations in such a way as to come into non-compliance with the provisions of this ordinance; or

(2) Sell, liquidate or otherwise transfer the ambulance service to another corporation, entity or individual; or

(3) Violate any provisions of service required to obtain a franchise that results in the cancellation or forfeiture of the franchise.

1.10. Transferability.

Any franchise granted pursuant to this chapter shall be strictly personal to the grantee and shall not be assigned, transferred or conveyed by him or her, either voluntarily or involuntarily except as a right of succession in the instance of a sale of the business or service as a whole from one party to another.

In case of sale or transfer to another successor organization or individual, the successor organization or individual shall complete a franchise application demonstrating all continuing conditions or any changes of conditions brought about by the sale and transfer.

Such sale and transfer should be viewed by the board of commissioners as a transfer of an existing franchise and not as an application for an additional franchise unless the application makes significant changes to means, method and conditions of the prior franchisee's service operation.

1.11. Forfeiture for violation.

Any neglect, failure or refusal by the grantee to comply with or perform any of the terms and provisions of the franchise and this chapter shall immediately be grounds for a forfeiture of the franchise, and the county may declare the franchise cancelled and terminated and may exclude the grantee from further use of the streets, alleys, ways and highways within the city for the further carrying on of any of the grantee's operations under the franchise. The franchise shall become forfeited and terminated and of no further effect upon resolution adopted by the board of commissioners at a regular or special meeting called therefore, and held not less than thirty nor more than 45 days from the date when notice thereof has been deposited in the United States mail at Terre Haute, Indiana, duly registered, and addressed to the grantee at his principal place of business.

1.12. Operation without franchise prohibited.

At any time that a franchise is outstanding and in full force and effect pursuant to this chapter, it shall be unlawful for any person, entity or corporation, other than a grantee of a franchise, to operate an ambulance service within the county. Delivery within the county of person (patient) from outside the county and/or return of a person (patient) upon request to a destination outside the county shall not be considered as operating such ambulance service.

1.13 Exceptions

The provisions of this subchapter shall not apply to helicopter units, ambulances and their personnel which are:

- (A) Owned and operated by an agency of the United States Government
- (B) Rendering assistance at the request of the County Commissioners in cases of disaster or major emergency too great for existing ambulance resources, or in response to the provisions of a written mutual aid agreement signed by the County Commissioners.
- (C) Engaged in the process of an intercounty transfer originating or terminating outside of the area governed by this ordinance as prohibited by Indiana Code § 16-31-5-2.
- (D) Private businesses using a company owned and operated ambulances solely for the transportation of their employees for injury or illness sustained while performing their work.
- (E) Privately owned and operated for the transportation of the chronically infirm or physically handicapped, and used solely for the benefit of its owner and family, and is not for hire.
- (F) An owner or operator of an ambulance not exempted by the provisions of divisions (A) through (E) may request from the County Commissioners a special permit for use at a particular event.

1.14. Surety bond.

The county shall have the right, at its option, at any time to require grantee to furnish a good and sufficient surety bond in favor of the county, subject to approval by the county attorney, in the penal sum of not more than two thousand dollars (\$2,000.00), conditioned upon the faithful performance by grantee of all of the terms and provisions hereof; and conditioned that in case of any breach by grantee of any such terms and conditions, the whole amount of such bond shall be forfeited to the city as liquidated damages for such failure and breach.

1.15. Amendment of provisions.

The county reserves the right to modify, amend, alter, change or eliminate any provision of this chapter at the expiration of each yearly period during the term of any franchise granted under this chapter, or any extension thereof, for any of the following purposes:

- (1) To eliminate or delete such provisions hereof as may prove obsolete or impractical;
- (2) To impose such additional conditions upon the grantee as may be reasonable for the purpose of ensuring adequate service to persons within the county.

1.16. Cancellation.

(1) The franchise may be cancelled and terminated by the county commissioners if at any time after the date upon which it becomes effective by delivering to the grantee a notice of breach of responsibilities, in writing, not less than one hundred eighty (180) days prior to the date set for the cancellation and termination.

(2) The delivery of notice shall be deemed to have been made upon the date when the notice is deposited in the United States mail at Terre Haute, Indiana, duly registered and addressed to the grantee at grantee's principal place of business.

(3) Franchisee shall have 60 days in which to satisfy the board of commissioners that it has remedied such breach at which time the board of commissioners may rescind the cancellation.

1.17. Vehicles and equipment.

A. Any vehicle operated and maintained under the franchise shall be used for no purpose other than for the transportation and/or treatment of wounded, injured or sick persons.

B. Any and all vehicles and equipment used, maintained and operated by the grantee pursuant to this chapter shall comply with all state statutes, laws, rules and regulations specifically IC 16-31-3 related thereto, as well as any and all of the provisions of this code or other ordinances, rules and regulations of the county.

1.18. Existing Services.

Ambulance services whose corporate or governmental entity was legally residing in Vigo County on the date of introduction of this ordinance shall, by submitting an application meeting all criteria above, be granted a franchise to continue operations without hearing

1.19. Penalty for Violation.

Any Person found to be in violation of this ordinance shall be assessed a penalty of five hundred dollars (\$500.00) per day of violation. Each day a Person is found to be in violation of this ordinance shall be considered a separate violation for purposes of this fine.

1.20 Repealer.

All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

1.21 Effective Date.

Passed and adopted by the Vigo County Board of Commissioners this _____ day of _____, 2007 and shall become effective upon passage and publication as required by law.

**VIGO COUNTY BOARD
OF COMMISSIONERS**

Judith A. Anderson

David Decker

Paul E. Mason

ATTEST:

James Bramble, Auditor