

See 16 by Ord 3462

ORDINANCE NO. 3393

TITLE: An Ordinance providing for the regulation of ambulance services and granting of franchises, providing insurance requirements for ambulance wheelchair coaches, providing a penalty for the violation hereof,

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: DEFINITIONS

The following words and phrases as used in this chapter shall, for the purpose of this chapter, have the following meanings:

- a) AMBULANCE means any privately owned motor vehicle that is constructed or equipped for and intended to be used for transportation of a person because of his or her illness, injury or disability.
- b) AMBULANCE BUSINESS means the owning, operating, managing or maintaining as principal or agent of any ambulance for hire as herein defined.
- c) OPERATION means the receiving, picking up or embarking within the City of Albany of a sick or injured person for transportation or conveyance for hire to any point within or without the City of Albany.
- d) AMBULANCE SERVICE CHARGES means any charge, fare or other consideration for ambulance service.
- e) PERSON means individuals either male or female, partnerships, firms, corporations and associations of every kind, and their agents, servants or employees.
- f) AMBULANCE OPERATOR shall mean any person who, as owner, agent, or otherwise, furnishes or operates, advertises or otherwise professes to be engaged in the business of furnishing or operating ambulances.
- g) ATTENDANT means any person who is qualified to render first aid and who possess or shall secure an advanced Red Cross card within thirty (30) days from the date of employment.
- h) DRIVER shall mean the person who drives an ambulance or invalid or wheelchair coach when the same is operated by or for an ambulance operator while engaged in the ambulance business, and thirty (30) days from the date of employment.
- i) DRIVER -ATTENDANT is a person qualified and licensed as both a driver and attendant independently.
- j) FRANCHISE HOLDER is any person to whom an ambulance franchise has been granted under the provisions of this ordinance and which franchise has not been revoked.

k) INVALID OR WHEELCHAIR COACH: shall mean any motor vehicle especially designed, equipped and used for the transportation of invalid persons on a rental basis with driver furnished and which has no first aid equipment, flashing red lights or sirens.

Section 2: FRANCHISE

No person shall engage in the ambulance business or operate an invalid or wheelchair coach business within the City of Albany, Oregon, without first obtaining a franchise therefor from the City Council as hereinafter provided. A franchise to operate an ambulance or a license to operate an invalid or wheelchair coach shall be granted by ordinance. The City Council shall establish the number of ambulance operators' franchises to be granted on the basis of demonstrated need and shall grant franchises only if existing ambulance service fails to meet the needs and requirements of the City of Albany.

Section 3: APPLICATION FOR FRANCHISE.

Any person desiring to obtain an ambulance operator's franchise or franchise to operate an invalid or wheelchair coach shall make application therefor upon forms available from the office of the City Manager. Each application shall be accompanied by a policy of insurance in the amount provided for by this ordinance. The application shall include the following information:

- a) The name of the applicant and trade name, if any, under which he intends to conduct his business, or if a corporation, its name, date and place of incorporation, address of its principal place of business, and the names of its principal officers, together with their respective residence addresses; or if a partnership, association or unincorporated company, the names of the partners or of the persons comprising such association or company, and the business and residence of each partner or person.
- b) A description of each ambulance or other vehicle used or proposed to be used by the applicant, with the name of the manufacturer, engine and serial numbers, state motor vehicle license number, together with a certification that each ambulance is adequate and safe for the purposes for which it is to be used, and that it is equipped as required by this chapter and the laws of the state of Oregon.
- c) The address and a description of the premises at and from which it is proposed to maintain and operate such ambulances.
- d) The applicant shall furnish any and all additional information as the City Manager may in his discretion require.

Section 4: INVESTIGATION

- A) It shall be the duty of the Chief of Police to cause an investigation to be made of the moral character of the applicant and his financial responsibility. The Chief of Police shall also determine if the motor vehicles described in the application are fit and suitable for use as ambulance, or as invalid or wheelchair coaches.
- b) It shall be the duty of the City Manager to determine whether the applicant has complied with the laws of the state of Oregon and the ordinances of the city of Albany relating to health, safety and sanitation.

Section 5: SUSPENSION AND REVOCATION OF FRANCHISE.

A franchise may be revoked by the City Council upon the following grounds:

- a) The franchisee knowingly and after written notice from the City Manager fails to operate his business in accordance with the provisions of this ordinance and any and all state and federal laws applicable to the ambulance business.
- b) The franchisee has committed acts or carried on a course of conduct which the City Council finds, after hearing, establishes a lack of good moral character.
- c) The franchisee shall abandon its operation of the ambulance business for a period of one (1) or more days. Acts of God, labor disputes, and other acts beyond the control of the franchisee which cause abandonment of service or limitation thereof shall not be considered an abandonment within the meaning of this section.
- d) The franchisee has failed to render satisfactory service. No suspension or revocation shall be made permanent until a hearing has been held by the City Council.

The City Manager may suspend temporarily a franchise without notice, if it appears that the continued operation of the franchisee business is not in the public interest. The City Council shall hold a hearing after ten (10) days notice to the franchisee and not more than fifteen (15) days from the date of the temporary suspension to consider permanent suspension or reinstatement of the franchise.

Section 6: APPLICATIONS FOR DRIVERS, ATTENDANTS AND ATTENDANT-DRIVERS LICENSE.

Applications for drivers, attendants and attendant-drivers licenses hereunder shall be made upon such forms as may be prepared or prescribed by the City Recorder and shall contain:

- a) The applicant's full name, current residence, places of residence for two (2) years previous to moving to his present address, and length of time he has resided in Linn County.
- b) The applicant's age, marital status, height, color of eyes and hair.
- c) Whether he has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause.
- d) The applicant's Training and experience in the transportation and care of patients, and whether he has previously been licensed as a driver, chauffeur, attendant or attendant-driver, and if so, when and where, and whether his license has ever been revoked or suspended in any jurisdiction and for what cause.
- e) Affidavits of good character from two reputable citizens of the United States and residents of Oregon who have personally known such applicant and observed his conduct during one (1) year preceding the date of his application.
- f) Two (2) recent photographs of the applicant, of a size designated by the City Recorder one of which shall be attached by the City Recorder to the license.

- g) Such other information as the City Recorder shall deem reasonably necessary to a fair determination of compliance with this ordinance.

Section 7: STANDARDS FOR DRIVERS, ATTENDANTS AND ATTENDANT-DRIVERS' LICENSE

- a) The City Recorder shall, within a reasonable time after receipt of an application as provided for herein, cause such investigation as he deems necessary to be made of the applicant for a driver's, attendant's or attendant-driver's license.
- b) The City Recorder shall issue a license to a driver, attendant or attendant-driver hereunder, valid for one (1) year, unless earlier suspended, revoked or terminated, when he finds that the applicant:
- (aa) Is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;
 - (bb) Is able to speak, read and write the English language;
 - (cc) Has been found by a duly licensed physician, upon examination attested to on a form provided by the City Manager, to be of sound physique, possessing eyesight corrected to at least 20/40 in the better eye, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance; and
 - (dd) Has a currently valid certificate evidencing successful completion of a course of training equivalent to the advanced course in first aid given by the American Red Cross or the United States Bureau of Mines.

provided, however, that no one shall be licensed as a driver or attendant-driver unless he holds a currently valid chauffeur's permit from the state of Oregon.

- c) A license as driver, attendant or attendant-driver issued hereunder shall not be assignable or transferable.
- d) No official entry made upon a license may be defaced, removed or obliterated.

Section 8: NUMBER OF ATTENDANTS WHILE AMBULANCE IS IN OPERATION.

At least one licensed attendant, in addition to the licensed driver, shall accompany the driver when an ambulance is in operation.

Section 9: OPERATOR'S BOND.

Every ambulance operator shall furnish the city with a good and sufficient cash bond or surety bond in the sum of ONE THOUSAND DOLLARS (\$1,000.00) which shall be continued in effect during the period that such ambulance operator shall do business in the city. The bond shall be given as a guarantee that the ambulance operator will furnish and maintain ambulance service from the date of obtaining a city franchise and during the period covered by the franchise, without interruption of service, except that by giving sixty (60) days notice to the city such ambulance operator shall be authorized to discontinue his service without penalty. If for any reason the franchisee shall cease operations or discontinue business voluntarily or involuntarily without giving the notice herein required, such cash bond or surety bond shall be forfeited to the city. The bond must be approved as to form by the City Attorney and shall be filed with the City Recorder.

Section 10: REQUIREMENT -- EQUIPMENT.

- a) No franchise shall be granted unless the Chief of Police or his designated officer or agent has determined upon personal inspection that the construction, capacity and first aid supplies and equipment of each ambulance proposed to be operated is in full compliance with all the laws of the state of Oregon and ordinances of the city of Albany.
- b) Upon making application for ambulance franchise or an invalid or wheelchair coach franchise, the applicant shall submit a list of equipment to be carried in each vehicle. This list shall be subject to approval of the City Council at the time that the applicant's franchise is before the council for consideration. The list shall be subject to review and approval annually and shall be filed with the City Recorder.

Section 11: RATES AND CHARGES TO BE POSTED.

- a) Each ambulance and invalid or wheelchair coach operated within the city shall plainly display in the passenger compartment thereof a schedule of maximum tariff rates and charges.
- b) Upon making application for an ambulance franchise or an invalid or wheelchair coach franchise, the applicant shall submit a list of tariff rates and charges which shall be subject to approval by the City Council. The tariff rates shall be subject to review and approval annually and shall be filed with the City Recorder.

Section 12: FUMIGATION AND DISINFECTION.

Any ambulance carrying a patient afflicted with contagious or infectious disease shall thereafter be carefully and thoroughly fumigated or disinfected in its passenger compartment and equipment under rules laid therefor by the county or city health officer, before being used for another patient.

Section 13: RESPONSIBILITY OF OPERATION.

It is hereby made the duty of the ambulance operator to supervise his employees, the drivers of the ambulances, the attendants thereon, and the ambulance, to assure that at all times such vehicles are in condition to meet the requirements of this ordinance, to assure that a competent licensed driver is operating the same when making calls, and that a licensed attendant be present and accompany such vehicle. Such operator shall not permit and person who is under the influence of intoxicating liquor or drug to drive any ambulance or to accompany the same as an attendant. In the case the driver attendant violates any provision of this ordinance, the franchisee may be held responsible and his franchise terminated.

Section 14: LIABILITY INSURANCE.

No franchise shall be issued unless there is on file with the city an insurance policy approved by the City Manager, whereby the owner and the driver of each of the vehicles described in said franchise are insured against liability for damage to property and for injury to or death of any person resulting from the ownership, operation or other use thereof. Said policy shall be in the sum of not less than ONE HUNDRED THOUSAND DOLLARS (\$100,000.00) for personal injury to or death of any one person in any single accident and THREE HUNDRED THOUSAND DOLLARS (\$300,000.00), an account of personal injuries to or death of two or more persons in any one accident, and the limits on each such vehicle shall not be less than FIFTY THOUSAND DOLLARS (\$50,000.00) for damage to or destruction of property in any one accident.

The insurance policy shall contain an endorsement providing that said policy of insurance will not be canceled until notice in writing shall have been given to the city of Albany, addressed to the City Manager, City Hall, Albany, Oregon, at least thirty (30) days prior to the time such cancellation shall become effective.

The insurance policy must be issued by a company authorized to do

business in the state of Oregon. Said policy shall further provide that there shall be a continuing liability thereon, notwithstanding any recovery on said policy. If, at any time, said insurance policy shall be canceled by the company issuing the same, or the authority of said company to do business in the state of Oregon shall be revoked, the certificate holder shall replace said policy with another policy approved by the City Manager.

Section 15: REPLACEMENT OR ADDITION OF VEHICLES.

Whenever a franchisee replaces a vehicle, he shall file with the City Manager a description of the vehicle to be abandoned, and a description of the vehicle to be placed in use with the name of the manufacturer, engine and serial number and state motor vehicle license number. Such information shall also be furnished for any vehicle or vehicles being added to the operation. Each new vehicle shall be presented for inspection according to the provisions of this ordinance.

Section 16: PENALTY CLAUSE.

Any person, firm or corporation violating the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction shall be fined in an amount not exceeding FIVE HUNDRED DOLLARS (\$500.00) or be imprisoned in the city jail for a period not exceeding six (6) months or by both fine and imprisonment.

Section 17: EFFECTIVE DATE

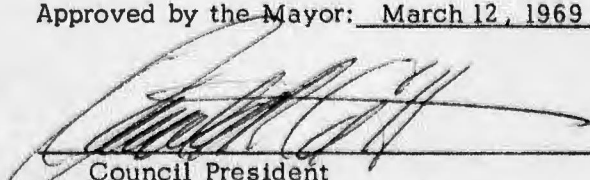
WHEREAS,

The effective date of this ordinance shall be 12th day of May, 1969.

Passed by the council: March 12, 1969

Acting

Approved by the Mayor: March 12, 1969



Council President

Effective date: May 12, 1969

ATTEST:



City Recorder