ORDINANCE NO. 3341

AN ORDINANCE of the City Council of the City of Kent, Washington, adding a new chapter to the Kent City Code, Chapter 5.11 entitled "Ambulances" regulating the operation of ambulance services and requiring a business license for ambulance companies to operate within the City of Kent.

WHEREAS, the City Council finds that it is in the public's best interest to provide for the highest level of emergency medical services practicable; and

WHEREAS; the City Council also finds that it is in the public's interest to provide for the inspection and regulation of emergency medical service providers to provide this level of service; NOW THEREFORE,

THE CITY COUNCIL OF THE CITY OF KENT, WASHINGTON, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. There is hereby added a new chapter, Chapter 5.11, to the Kent City Code to read as follows:

CHAPTER 5.11 AMBULANCES

Sec. 5.11.010 - 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 for the highest level of emergency medical services reasonably practicable. The City Council finds it to be in the public interest to provide for the
inspection, regulation and control of emergency medical services to achieve high standards and thereby to eliminate inadequate, improper and harmful practices that may endanger the health and safety of the people. The City Council also designates the Chief of the Fire Department as the City's representative with respect to matters of emergency medical services and the coordination of health care issues to collate with the Fire Department provision of emergency medical services, health care services and transport. Such issues include but are not limited to the Fire Department responsibilities to be the City's prime provider of emergency medical services, along with related health care and transportation issues which must be coordinated to deliver our overall quality of emergency medical services (Advanced Life Support, Basic Life Support and relationships with related health care providers).

Sec. 5.11.020 - Definitions. As used in this chapter, the following words and phrases shall have the following meaning unless the context clearly requires otherwise:

1. "Ambulance" means any privately or publicly owned vehicle that is especially designed, constructed, equipped, maintained and licensed by Washington State for the transportation of patients who are sick, injured or otherwise incapacitated.

2. "Aid unit" means any publicly owned vehicle that is especially designed, constructed, equipped, maintained, used and licensed by the State of Washington to primarily deliver emergency medical personnel and equipment to an emergency scene. An aid unit has limited means to transport patients who are sick, injured or otherwise incapacitated. This specifically relates to Kent Fire Department Engine/Aid Apparatus.

3. "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.
4. "Ambulance company" means any person, corporation or other legal entity who operates an ambulance for hire.

5. "Business License" or "License" means a license to operate an ambulance company within the City of Kent.

6. "Business License Clerk" means such city employees or agents as the Mayor shall designate to issue and administer business licenses under this chapter, or any designee thereof.

7. "City" means City of Kent.

8. "City Clerk" means the City Clerk of the City of Kent designated as the official keeper of records.

9. "Fire Department" or "Department" means the fire department of the City.

10. "Fire Official" means the Fire Chief or the Fire Chief's designee to perform the duties provided for in this chapter.

11. "Patient" means an individual who is sick, injured, wounded or otherwise incapacitated or helpless.

12. "Licensee" means a person in whose name a license to operate an ambulance company within the City of Kent has been issued as well as the individual listed as an applicant on the application for a license.

13. "Person" means any individual, firm, joint venture, co-partnership, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, or any other group or combination acting as a unit.

**Sec. 5.11.030 - Administration of Licensing.** The Business License Clerk, subject to a review and recommendation from the Fire Official, is responsible for issuing, denying, revoking, renewing, suspending, and cancelling business licenses to operate an ambulance company within the City of Kent. The Fire Official is responsible for ascertaining whether a proposed application complies with all the requirements enumerated
herein and all other applicable codes and regulations now in effect or as amended or
enacted subsequent to the effective date of this chapter. The Fire Official shall make all
necessary investigations and inspections for enforcement of this chapter.

Sec. 5.11.040 - Conditions of a Business License. The Fire Official is responsible
for ascertaining whether a proposed application complies with all the requirements
enumerated herein and all other applicable codes and regulations now in effect or as
amended or enacted subsequent to the effective date of this chapter. The Fire Official shall
make all necessary investigations and inspections for enforcement of this chapter. As a
condition of issuance of a business license, the operator of each ambulance company
consents to the following:

1. The Fire Official shall be permitted to make regular inspections of
any ambulance company operating under a business license issued,
at all reasonable hours, with or without advance notice, upon the
presentation of appropriate credentials to an authorized
representative of the company, and shall make such reports relative
to conditions existing at such times and in such manner as the Fire
Official may direct.

2. The Fire Official is given authority to determine whether and to
what extent an ambulance rotation list, Fire Department units, sole
contract/franchise approach or a mix of the above will be utilized to
transport patients from an emergency medical scene. The Fire
Official is authorized to establish procedures, guidelines and
contracts for implementing the above mentioned approaches for
emergency medical service transport.

3. The Fire Official shall be the final authority to determine if an
ambulance company should be added to or removed from the Fire
Department rotation list.

4. It is recognized that the Fire Department currently transports
patients where it serves the interest of the public. The Fire Official
shall determine the distribution of transportation responsibilities as it relates to calls within the scope of the Fire Department's responsibilities.

5. Further, the Fire Department is authorized to provide transport, preventative and cooperative medical services to serve the interests and needs of our citizens. It is recognized that this may be done in conjunction with other health care providers in order to manage the risk to our citizens and to control the rate of growth in the demand for EMS services.

6. It is understood that a significant expansion of services shall be reviewed by City Administration and any significant additional program costs are subject to Council approval.

7. In the future, if it is determined that it would best serve the interests of the City of Kent to provide ALS services in lieu of the County, the Fire Department shall be designated as the provider and/or coordinator of ALS services. Such a program change would be subject to review and approval of the Mayor and City Council.

Sec. 5.11.050 - Response Criteria.

A. The City shall be the first response provider of Emergency Medical Services (EMS). Ambulance companies receiving a direct request for EMS services shall notify the Fire Department's 9-1-1 communications center immediately so that a Fire Department first response can be initiated. The only exception to this requirement shall be for the transport of stable patients from one medical facility to another and routine medical transports and exams.

B. The 9-1-1 system must be activated for all pre-hospital EMS primary examinations and unstable patient care.

C. The Department shall establish ambulance response criteria and make such criteria known to each ambulance company at the time of application and renewal of business license. Application for a business license does not automatically qualify an
ambulance company to be on the rotation list for the Fire Department for ambulance services.

D. Each ambulance company shall submit a response report quarterly or on demand of the Fire Official outlining compliance with the response criteria.

Sec. 5.11.060 - Business License Required for Each Ambulance Company.

Every person who operates an ambulance company within the City of Kent shall be required to obtain a business license from the Business License Clerk. An ambulance company operates within the City if it is:

(a) Stationed within the corporate limits of the City; or
(b) Dispatched from within or without the corporate limits of the City and repeatedly or customarily makes trips for hire within the City to pick up injured or sick fares; or
(c) Making any trips into the City for hire to pick up injured or sick fares after occasional or repeated advertising, within the City, for such service.

The business license shall be renewed on an annual basis. The Business License Clerk shall not issue such business license unless the applicant has fulfilled all requirements of this chapter and any applicable provisions of the state law relating to personnel, equipment and operations including but not limited to Chapter 18.73 RCW and Chapter 246-976 WAC as now or hereafter amended. Provided, that the provisions of this chapter shall not apply to any ambulance which shall pass through the City in the delivery of fares picked up at points beyond the corporate limits of the City.

Sec. 5.11.070 - Application for Business License - Issuance.

A. Application for a business license to operate an ambulance company shall be made upon forms provided by the City and shall contain:

1. Name, home address and telephone number of the applicant;
2. Business name under which the ambulance company will be operated within the City, and business address and telephone number;
3. The number of ambulances to be initially placed in service within the City;
4. The number of licensed ambulance attendants initially to be employed;
5. A roster of ambulances to be used in the City with proof that each ambulance is currently licensed as an ambulance by the State of Washington;
6. A roster of certified ambulance attendants with proof that each attendant is currently certified as an Emergency Medical Technician (EMT) by the State of Washington (including certification expiration date);
7. Proof that ambulances and personnel are verified trauma providers as provided in Chapter 246-976 WAC;
8. Certificate of insurance as required by the City of Kent and;
9. The schedule of rates.

B. Prior to the issuance of a business license, the application and all pertinent records shall be reviewed by the Fire Official to ensure compliance with the license requirements under this chapter, as well as, any rules or regulations referenced herein or issued hereunder. Upon written approval of the application by the Fire Chief or the Chief's designee and the payment of fees, the Business License Clerk shall issue an ambulance operator's business license. All equipment proposed for use shall be subjected to random inspection by the designated Fire Official, who shall determine whether said records and equipment conform to all the requirements of this chapter.

C. Business License Fee. The business license fee schedule for issuance and renewal of business licenses under this chapter shall be that currently charged for general business licenses under Chapter 5.01 until such time as the City Council may, by resolution, modify the fee schedule.

Sec. 5.11.080 - License Renewal. The Business License Clerk shall mail the forms for application of business license renewals to business enterprises in the city to the last
address provided to the director by the licensee. Failure of the business enterprise to
receive any such form shall not excuse the business enterprise from making application for
and securing the required license or renewal, or for payment of the license fee when and
as due hereunder.

Sec. 5.11.090 - Licenses Not Transferrable. No business license issued under the
provisions of this chapter shall be transferrable or assignable unless otherwise specifically
provided for; except that a license may be transferred when a business changes its structure
of ownership, provided, however, that a new license shall be required upon a substantial
change of ownership whereby those primarily accountable for the business have changed
or upon a substantial change in the type of business operated, whereby the primary business
being conducted has significantly changed.

Sec. 5.11.100 - Denial, Revocation or Suspension of Business License.
A. Grounds. The issuance of a business license to operate an ambulance
company may be denied, or such license may be suspended or revoked by the
Business License Clerk, upon the recommendation of the designated Fire Official,
when the public interest will be served thereby, upon any of the following grounds:
1. The license was procured by fraud, false representation, or material
omission of fact, or for the violation of or failure to comply with
any of the provisions of this chapter by the person holding such
license, or any of his servants, agents, or employees, while acting
within the scope of their employment; or
2. The licensee violates any applicable City, State, or Federal law, or
the purpose for which the license was issued is being abused to the
detriment of the public, or such license is being used for a purpose
different from that for which it was issued; or
3. Overcharging of customer rates set forth in the company's schedule
of rates filed with the City Clerk or fraudulent billing.
4. Failure to maintain ambulances and equipment to the standards set
forth in Chapter 246-976 WAC.
5. Repeated complaints by citizens of poor customer service such as rudeness, misrepresentation, unprofessional behavior, etc.

B. **Suspension and Revocation.** A business license procured by fraud or misrepresentation shall be revoked. Where other violations of this chapter or other applicable ordinances, statutes, or regulations are found, the license shall be suspended for a period of thirty (30) days upon the first such violation, ninety (90) days upon the second violation within a twenty-four-month period, and revoked for a third and subsequent violation within a twenty-four-month period, not including periods of suspension, except that where the Fire Official finds that any situation exists in licensees operations which constitutes a threat of immediate serious injury or damage to persons or property, the Business License Clerk may immediately suspend any license issued under this chapter, pending a hearing in accordance with this section. The Business License Clerk shall issue a notice setting forth the basis for the action and the facts that constitute a threat of immediate serious injury or damage to persons or property.

C. **Notice.** Except when a business license is immediately suspended as set forth in subparagraph B. above, the Business License Clerk shall provide at least ten (10) days prior written notice to the licensee of the decision to suspend or revoke the license. Such notice shall inform the licensee of the right to appeal the decision to the hearing examiner and shall state the effective date of such revocation or suspension under grounds for revocation or suspension. An appeal at the denial, suspension or revocation of a business license shall be made within thirty (30) days of notice of such denial, suspension or revocation. Such appeal shall be processed pursuant to the hearing procedures set forth in Chapter 2.32 of the Kent City Code. The Hearing Examiner shall set a date for hearing such appeal, to take place within forty-five (45) days of the date of the receipt of the Notice of Appeal unless such time is extended by mutual consent. At such hearing, the appellant and any other interested persons may appear and be heard, subject to the rules and regulations of the Hearing Examiner. The decision of the Business
License Clerk shall be stayed during the pendency of any appeal to the Hearing Examiner and during any appeal unless the license was immediately suspended pursuant to Subparagraph B. above.

D. **Final Administrative Review.** Appeal to the Hearing Examiner shall constitute final administrative review.

E. **Appeal to Superior Court.** An appeal of the decision of the Hearing Examiner must be filed with the Superior Court within thirty (30) calendar days from the date the Hearing Examiner's decision was personally served upon or was mailed to the person to whom the Notice of Denial, Suspension or Revocation was directed or is thereafter barred.

**Sec. 5.11.110 - Insurance and Identification.** No ambulance operator's business license shall be issued, nor shall such license be valid after issuance, nor shall any ambulance be operated in the City, unless the operator maintains a policy or policies of insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of activities associated with the operation of the ambulance company. Such insurance shall name the City as an additional insured. The ambulance company shall also indemnify and hold the City harmless from any causes of action arising from the operation of the ambulance company. The minimum scope and limits of coverage shall be set by the City's Risk Manager or other person designated by the Mayor. Evidence of such insurance shall accompany the application for license and shall be maintained on a continuous basis through subsequent license renewal periods.

**Sec. 5.11.120 - State License and Standards and Requirements.** All ambulances operating in the City must be licensed by the State of Washington and must meet the standards and requirements set forth in Chapter 246-976 WAC, as now or hereafter amended. Proof of a state license as a transport ambulance must be provided with any application for a City business license for each transport vehicle.

**Sec. 5.11.130 - Ambulance Attendants.** Each ambulance company shall have, for each ambulance in service, on duty and available for immediate response, two (2) ambulance attendants who are currently certified as Emergency Medical Technicians.
(EMT), as provided in Chapter 246-976 WAC. A certificate of license shall be carried on the person of each ambulance attendant while on duty.

**Sec. 5.11.140 - Verification.** Any ambulance company operating in the City of Kent must be a verified trauma provider and must meet the requirements for personnel and equipment as required in Chapter 246-976 WAC for trauma providers. The ambulance company must specifically be authorized to act as a trauma provider by the Seattle/King County Trauma Council or successor.

**Sec. 5.11.150 - Rates to be Filed.** Each ambulance company applying for a business license or renewal of license pursuant to this chapter shall, at the time of filing its application therefore, file with the City Clerk its schedule of rates to be charged for services during the license period for which application is made. Such schedule or rates shall be a matter of public record open to public inspection in the City Clerk's Office during normal City business hours and such schedule must be adhered to by the licensee throughout the period for which the license is issued.

**Sec. 5.11.160 - Community Events.** When an ambulance company is contracted to provide Emergency Medical standby (i.e. 10K Fun Runs, etc.) by community event promoters, the following conditions shall apply:

1. The ambulance company shall notify the Fire Official in writing 14 days prior to the date of the event, or as soon to the event as reasonably possible, stating the date, time and scope of standby responsibilities.

2. Ambulance companies engaging in standby activities shall notify the Fire Department's 9-1-1 communications center immediately on all advanced life support/life threatening or significant Basic Life Support calls as required pursuant to Section 3. Calls will be considered significant based upon extent of injury/illness or when there are multiple patients (more than three).
3. Ambulance company standby for handling basic life support calls must obtain prior approval and parameters for care set by the Fire Official.

4. All EMS activity provided by the ambulance company at such events shall be documented and a report forwarded to the Fire Official within one (1) week subsequent to the completion of the event.

Sec. 5.11.170 - Violations; Penalties; Misdemeanor. In addition to other remedies provided for in this chapter, any person who operates an ambulance company within the City of Kent without a business license as required in Section 5.11.050 above, shall, upon conviction, be punished by a fine of not more than $1,000, or by imprisonment for not more than ninety (90) days, or by both such fine and imprisonment at each and every day during which any violation is committed, continued or permitted, shall be deemed a separate offense.

Sec. 5.11.180 - Additional Enforcement. The remedies found in this chapter are not exclusive. The City may seek any other legal or equitable relief, including but not limited to enjoining any acts or practices which constitute or will constitute a violation of any business license, ordinance, or other regulations herein adopted.

SECTION 2. Severability. If any one or more sections, subsections, or sentences of this Ordinance are held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portion of this Ordinance and the same shall remain in full force and effect.

SECTION 3. Effective Dates. This Ordinance shall take effect and be in force thirty (30) days from the time of its final approval and passage as provided by law.

JIM WHITE, MAYOR
ATTEST:

Brenda Jacober
BRENDA JACOBER, CITY CLERK

APPROVED AS TO FORM:

ROGER A. LUBOVICH, CITY ATTORNEY

PASSED: 1st day of April, 1997.

APPROVED: 2nd day of April, 1997.

PUBLISHED: 4th day of April, 1997.

I hereby certify that this is a true copy of Ordinance No. 3341, passed by the City Council of the City of Kent, Washington, and approved by the Mayor of the City of Kent as hereon indicated.

Brenda Jacober (SEAL)
BRENDA JACOBER, CITY CLERK

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