

CHAPTER 5 AMBULANCES

Sec. 5-1. Declaration of Necessity.

The business of transporting persons by ambulance within the City of Searcy, Arkansas, is hereby declared to be a necessary public service subject to regulation by the City. (*Ord. No. 524, § 1, 3-3-70*)

Sec. 5-2. Compliance with Chapter Required for Licensure.

Any existing permit, license or certificate heretofore granted to any person, firm or corporation to operate an ambulance service within the City of Searcy is hereby revoked. The operation thereof shall be unlawful unless all such persons, firms or corporations shall fully comply with the provisions of this chapter. (*Ord. No. 524, § 2, 3-3-70*)

Sec. 5-3. Definitions.

The following words and phrases as used in this chapter shall have the following meanings:

- a. *Ambulance* means any privately owned motor vehicle that is constructed, equipped and intended to be used for the transportation of persons because of illness, injury or disability.
- b. *Ambulance business* means the ownership, operation, management or maintenance, as principal or agent, of any ambulance.
- c. *Ambulance operator* shall mean any person who, as owner, agent or otherwise, furnishes, operates, advertises or otherwise professes to be engaged in the business of furnishing or operating an ambulance.
- d. *Driver* shall mean the person who drives and operates an ambulance, invalid or wheelchair coach when the same is operated by or for an ambulance operator while engaged in the ambulance business.
- e. *Operation* means the receiving, picking up or embarking within the City of Searcy, of a sick or injured person for transportation or conveyance to any point within or without the City of Searcy.
- f. *Person* means any individual, male or female, partnership, firm, corporation or association of any kind, and their agents, servants and/or employees (*Ord. No. 524, § 3, 3-3-70*)

Sec. 5-4. Franchise Required.

- A. No person shall engage in the ambulance business within the City of Searcy, State of Arkansas, without first obtaining a franchise therefor from the City Council as hereinafter provided.
- B. It shall be unlawful for any person to operate an ambulance service in the City of Searcy, Arkansas, unless such service shall be certified as "PARAMEDIC" or higher, according to rules and regulations promulgated by the Arkansas Department of Health, Section of EMS; provided, however, that in the event that any franchise holder is retained or contacted to provide non-emergency medical transportation, this transportation may be conducted by an "ADVANCED EMT" unit, or "BASIC LIFE SUPPORT" unit, as defined by the Arkansas Department of Health, Division of EMS.
- C. A tiered response system, allowing dispatch of the proper level of service for a particular call, may be used in accordance with Rules and Regulations promulgated by the Arkansas Department of Health, Section of EMS.
- D. A franchise to operate an ambulance business shall be issued for a period not to exceed five (5) years.
- E. Upon expiration or revocation of any franchise granted hereunder, a renewal thereof shall require conformance with all requirements of this chapter as upon original licensing. *(Ord. No. 524, § 4, 3-3-70; Ord. No. 91-26, 12-5-91, Ord. No. 2015-06, Ord. No. 2016-26 §1)*

Sec. 5-5. Exclusive Franchise Permitted; Requirements.

The City Council of Searcy, Arkansas, may grant an exclusive franchise for the privilege of using the streets, alleys public ways and public grounds of said City for the purpose of operating an ambulance business for the inhabitants of and all other persons within said City, which said franchise shall require that said ambulance service, including emergency ambulance service, must be maintained continuously during all hours. *(Ord. No. 524 § 5, 3-3-70)*

Sec. 5-6. Application; Hearing.

A franchise shall be granted only upon written application therefor filed with the City Clerk of said City, upon such forms and containing such documentation as shall be determined by the City, and shall be granted only when the City Council of said City shall, in its discretion, determine that public convenience and necessity requires the issuance of the franchise. To determine such public convenience and necessity, the City Council may hold a public hearing upon such public notice as the City Council shall determine. *(Ord. No. 524, § 6, 3-3-70; Ord. No. 96-16, § 6, 6-10-96)*

Sec. 5-7. Franchise Terms and Rates.

The franchise may be granted upon such terms and at such rates as said City Council shall determine. Such terms and rates shall be included as a part of any franchise granted under this chapter. *(Ord. No. 524, § 7, 3-3-70)*

Sec. 5-8. Holder of Franchise to be Owner and/or Operator.

No franchise shall be granted to any person who is not the actual bona fide owner or operator thereof, and who is not fully responsible for the operation of said business. *(Ord. No. 524, § 8, 3-3-70)*

Sec. 5-9. Council Approval Required for Permit Transfer, Etc.

No permit issued under the terms of this chapter shall be sold, transferred, assigned, leased or otherwise disposed of without prior written approval of the City Council. *(Ord. No. 524, § 9, 3-3-70)*

Sec. 5-10. Liability Insurance Requirements.

As a condition to the grant and continuation of any franchise hereunder, the owner or operator of said business shall at all times maintain a policy or policies of liability insurance issued by a responsible insurance company or companies, duly authorized and licensed to transact insurance business within the State of Arkansas. Such liability insurance shall insure the owner, operator and any and all persons driving any vehicles of said permittees and shall meet minimum state requirements as to limits, coverage and otherwise. *(Ord. No. 524, § 10, 3-3-70; Ord. No. 96-16, § 7, 6-10-96)*

Sec. 5-11. License Fee.

Each person, firm or corporation issued a franchise hereunder shall pay to the City of Searcy, Arkansas, an annual license fee of twenty-five dollars (\$25.00), which shall be paid at the time the franchise is granted and annually thereafter of each succeeding year during the term for which the franchise has been granted. The license fee payable hereunder shall be in addition to any Occupational Tax due pursuant to the provisions of Section 17-2 hereof. *(Ord. No. 524, § 11, 3-3-70; Ord. No. 96-16, § 8, 6-10-96)*

Sec. 5-12. Reserved. *(Ord. No. 524, § 12, 3-3-70; Ord. No 96-16, § 9, 6-10-96)*

Sec. 5-13. Grounds for Revocation or Suspension of Franchise.

Any franchise may be revoked or suspended by the City Council upon any one or more of the following grounds:

- a. The franchise holder, after written notice from the City, fails to operate his business in accordance with this chapter and all of the State and Federal laws and regulations applicable to the ambulance business.

- b. The franchise holder abandons its operation of the ambulance business for one or more calendar days, except when such abandonment is caused by acts beyond control of the franchise holder.
- c. The franchise holder fails to render satisfactory service.

Before any such revocation or suspension shall become effective, the City Council shall hold a hearing after giving fifteen (15) days notice thereof to the franchise holder. Any suspension imposed after such hearing shall be for a period not exceeding sixty (60) days, during which period, the holder of the franchise shall have any opportunity to cure the specific deficiencies which gave rise to such suspension. If at the end of any such suspension, the franchise holder shall have failed to correct such deficiencies, the franchise shall be subject to immediate revocation. Notwithstanding the foregoing, the City Council, in its sole discretion, shall have the right to revoke any franchise without first suspending the franchise. *(Ord. No. 524, § 13, 3-3-70; Ord. No. 96-16, § 10, 6-10-96)*

Sec. 5-14. Drivers' Application and Requirements.

All ambulance drivers, attendants and attendants-drivers shall submit application for a license upon such forms as may be prescribed by the City of Searcy, and shall include a requirement that all ambulance drivers shall meet minimum licensing requirements prescribed by all local, State and Federal laws and regulations. *(Ord. No. 524, § 14, 3-3-70)*

Sec. 5-15. Guarantee of Uninterrupted Service.

Every ambulance business obtaining a franchise shall, as a condition thereof, shall guarantee uninterrupted ambulance service within the City of Searcy; however, such ambulance business may be discontinued upon giving at least sixty (60) days advance written notice to the Mayor or Clerk of the City. *(Ord. No. 524, §15, 3-3-70)*

Sec. 5-16. Listing of Equipment Required in Application.

As a part of the application for a franchise each ambulance operator shall submit a list of equipment normally carried in each ambulance. Minimum equipment shall include oxygen, two-way radios, fire extinguishers, stretchers, hack saw, pry bars and other necessary equipment as may be deemed necessary by the City, or applicable State law or regulation, for emergency or regular operation of an ambulance service. *(Ord. No. 524, § 16, 3-3-70; Ord. No. 96-16, § 11, 6-10-96)*

Sec. 5-17. Disinfection of Vehicle After Service to Patient with Infectious Disease.

Every ambulance carrying a patient with a contagious or infectious disease shall thereafter be carefully and thoroughly fumigated and disinfected before being used for another patient, under rules, regulations and laws prescribed by the State, County or City Health Department. *(Ord. No. 524, § 17, 3-3-70)*

Sec. 5-18. Supervision of Employees by Franchiser.

It shall be the duty of the franchise holder to supervise his employees, ambulance drivers and attendants and to maintain the ambulances at all times, in such condition as to meet the requirements of this chapter, to insure that a competent licensed ambulance driver is operating the ambulance; and to insure that a licensed attendant accompanies the ambulance when making calls. The franchise holder shall not permit any person who is under the influence of intoxicating liquors or drugs to drive any ambulance or to accompany the same as an attendant. In the event this section is violated the franchise holder may be held directly responsible and the franchise revoked for such violation. *(Ord. No. 524, § 18, 3-3-70)*

Sec. 5-19. Violation.

Any person, firm or corporation who fails to comply with any or all of, or who shall violate any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction therefor shall be fined in any sum not less than twenty-five dollars (\$25.00). Each day that any such violation continues shall be deemed a separate offense. *(Ord. No. 524, § 19, 3-3-70; Ord. No. 96-16, § 12, 6-10-96)*

Sec. 5-20. Applicability of Provisions.

This chapter shall not apply to any person, firm or corporation rendering ambulance service whose place of business is located outside of Searcy and whose ambulance infrequently comes through or out of the City of Searcy, provided such person, firm or corporation is not engaged in picking up or delivering persons within the corporate limits of Searcy, Arkansas. *(Ord. No. 524, § 20, 3-3-70)*

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