

BEFORE THE BOARD OF COUNTY COMMISSIONERS

MULTNOMAH COUNTY, OREGON

Ordinance No. 134

An ordinance relating to the licensing and regulation of ambulances and non-emergency vehicles; prescribing enforcement and penalties; and providing for other matters pertaining thereto.

Multnomah County ordains as follows:

Section 1. Section Title and Pleading.

This ordinance shall be known as the Multnomah County Ambulance and Non-emergency Vehicle Regulation Ordinance, may be so pleaded, and shall be referred to herein as "this ordinance," and shall apply only to the unincorporated areas of Multnomah County.

Section 2. Interpretation and Definitions.

- A. For the purpose of this ordinance, words in the present tense include the future, the singular number includes the plural, and the plural number includes the singular; the word "shall" is mandatory and not directory, the masculine gender includes the feminine, and the term "this ordinance" shall be deemed to include the text of this ordinance, all amendments hereafter made and all regulations adopted pursuant hereto.
- B. As used in this section, unless the context requires otherwise, the following terms are defined as follows:
1. Ambulance: Any motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from

illness, injury or disability. Funeral home or other vehicles which serve a dual purpose, one of which meets the definition of ambulance, are ambulances within the meaning of this ordinance.

2. Board: Board of County Commissioners of Multnomah County, Oregon.
3. City: City of Portland.
4. Council: The Emergency Medical Services Advisory Council of the city of Portland and Multnomah County, which shall, in addition to all other functions, advise the Board, the Chairman of the Board and the Director on matters relating to this ordinance as expressly required herein and as may time to time be requested.
5. Director: The Director of the Department of Human Services of Multnomah County, or his authorized representative.
6. Do Business in Multnomah County: Provide or offer to provide ambulance or non-emergency vehicle service in Multnomah County; provided that transporting from within the County to outside the County only, or transporting from outside the County to within the County only, shall not be deemed to be doing business within the County.
7. Emergency Medical Technician ("EMT"): A person who attends any ill, injured or disabled person in connection with his transportation by ambulance. Funeral home employes and other personnel serving in a dual capacity, one of which meets the definition

- of emergency medical technician are emergency medical technicians within the meaning of this ordinance.
8. Emergency Medical Technician Trainee ("EMT Trainee"):
A person performing the services described in subparagraph 7 of this subsection who possesses a provisional certification under ORS 485.560(2).
 9. Employee: An employee, agent or driver of an ambulance or non-emergency vehicle, employed by a licensee.
 10. License: A nontransferable, nonassignable permit, personal to the person to whom it is issued, issued by the Director authorizing the person whose name appears as licensee thereon to do business in Multnomah County.
 11. Licensee: Person possessing a valid license pursuant to this ordinance.
 12. Motor Vehicle Related Convictions:
 - a. Conviction on a charge of manslaughter or criminally negligent homicide resulting from operation of a motor vehicle;
 - b. Conviction or forfeiture of bail on a charge of reckless driving within the preceding 12 months;
 - c. Conviction on a charge of failing to stop and disclose identity at the scene of an accident, where the driver was involved in that accident; or

- d. Conviction on a charge of driving while under the influence of intoxicating liquor, dangerous or narcotic drugs.
13. Multnomah County: The unincorporated areas of Multnomah County.
14. Non-Emergency Vehicle ("NEV"): Any vehicle that is regularly provided or offered to be provided for the non-emergency transportation of persons who do not require medical attention during the course of that transportation. A bus or a taxicab shall not be deemed a NEV.
15. Patient: An ill, injured or disabled person.
16. Person: An individual, partnership, company, association, corporation or any other legal entity, including any receiver, trustee, assignee or similar representative.
17. State Health Division: Health Division, Department of Human Resources, State of Oregon, or its successor.
18. Vehicle: An ambulance or non-emergency vehicle.

Section 3. Policy and Rule of Construction.

The Board has determined that it is necessary to regulate the operation of ambulances and non-emergency vehicles in Multnomah County to assure that drivers and technicians are properly trained, that vehicles are properly equipped and that operators are responsible to protect the health, safety and welfare of the people of Multnomah County, and this ordinance shall be liberally construed to

effectuate this purpose.

Section 4. License Required.

- A. It shall be unlawful for any person to do business in Multnomah County without a license issued pursuant to this ordinance.
- B. It shall be unlawful for any licensee to operate or allow to be operated any ambulance that is not attended by two EMTs or by one EMT and one EMT trainee.
- C. It shall be unlawful for any licensee to operate or allow to be operated any NEV that is not attended by at least one person who possesses evidence of having completed training in a program authorized by the rules and regulations adopted under this ordinance.

Section 5. Exempt Persons and Activities.

- A. This ordinance shall not apply to:
 1. Vehicles owned by or operated under the control of any federal, state, county or municipal government or agency thereof.
 2. Vehicles being used to render temporary assistance in the case of a public catastrophe or emergency with which ambulance services of the surrounding locality are unable to cope, or when directed to be used to render temporary assistance by a public official at the scene of an accident.
 3. Vehicles operated solely on private property or within the confines of institutional grounds, whether or not the incidental crossing of any public street, road or highway serving the property or grounds is involved.

4. Vehicles operated solely for the transportation of lumber industry employes.
5. Any person who drives or who attends an ill, injured or disabled person transported in a vehicle mentioned in subsections 1 to 4 of this Section.
6. Any person who by state or federal licenses is authorized to attend patients, except EMTs and EMT trainees as herein provided.

Section 6. Administration.

- A. The Director shall be responsible for the enforcement of this ordinance.
- B. In order to carry out the duties imposed by this ordinance, the Director, or persons designated by him in writing, shall have the authority to do the following acts, which enumeration shall not be deemed to be exclusive, namely: administer oaths, audit records, certify official acts, subpoena and require attendance of witnesses at meetings or hearings to determine compliance with this ordinance, require the production of relevant documents, swear witnesses, and take testimony of any person by deposition.

Section 7. Notices.

All notices shall be in writing and, if mailed, postpaid by certified mail, return receipt requested, to the addressee's last known address and shall be deemed to have been given at date of

mailing.

Section 8. Rules and Regulations.

The Board shall promulgate rules and regulations necessary for the administration and enforcement of this ordinance; provided, however, proposed rules shall first be reviewed by the Emergency Medical Services Council, which shall present its comments, in writing, to the Board.

Section 9. Application for License.

- A. Applications for licenses issued hereunder shall be made upon forms provided by the Director and shall contain:
1. The name, home address and proposed business address of the applicant, and assumed business or corporate name, if any.
 2. A statement of the applicant's qualifications to do business, including but not limited to:
 - a. Prior experience of owners in doing business;
 - b. The name of any bonding, surety or insurance company that has provided a bond or insurance, any claims made against such bond or insurance and the disposition thereof resulting from doing business within five years prior to the date of application; and
 - c. The title, court and file number of any lawsuits, and the results thereof, against the applicant resulting from doing business within five years prior to the date of application.
 3. The existing or proposed rate schedule charged by the applicant for all vehicles.

4. The name, home address and age of all of applicant's employees, disclosure of any motor vehicle related convictions of the applicant or employees which are known to the applicant, and the chauffeur license numbers of applicant's employee-drivers.
 5. Copies of certificates or provisional certificates of EMTs and EMT trainees.
 6. A copy of the application for certificate of compliance submitted to the State Health Division, in accordance with ORS 485.515, including proof of financial responsibility pursuant to ORS 485.535.
 7. A copy of the certificate of compliance issued in accordance with ORS 485.520.
 8. Such other information as the Director shall find reasonably necessary to effectuate the purpose of this ordinance.
- B. Applicants who propose to operate NEVs only must provide all relevant information required of ambulance operators under ORS 485.500 to 485.555 and meet the insurance requirements of ORS 485.535.
- C. An application shall contain a form of consent for the Director to conduct or procure such search as may be necessary to confirm motor vehicle related convictions, disclosed or undisclosed by the application, which consent shall be signed by all employees and individuals having an ownership interest in the applicant.

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- D. The initial application to the Director must be accompanied by a fee of \$250.00, plus \$25.00 for each vehicle owned or operated by the applicant.
 - E. Payment of the application fee shall cover the license fee only for the balance of the first license period and shall not be prorated except as may be provided in any agreement between the county and a city in the county having similar licensing requirements.

Section 10. Investigation and Inspection by Director.

- A. Within thirty (30) days after receipt of an application, the Director shall cause an investigation to be made of the applicant and his employees, including records of charges defined in Section 2.B.12, inspection and tests of all vehicles and equipment, and inspection of proposed vehicle location sites.
- B. Inspection and tests of all vehicles and equipment procured by the licensee after issuance of a license may be made from time to time as may reasonably be determined by the Director for the purpose of determining continued compliance with this ordinance.

Section 11. Issuance of License and Renewals.

- A. The Director shall issue a license hereunder when he finds as a result of the investigation and inspection that:
 - 1. An accurate and complete application has been filed and all fees paid;
 - 2. Insurance policies as required by state law have been procured;

3. Vehicles and equipment meet the requirements of state law, this ordinance and regulations adopted pursuant thereto;
4. All drivers of the applicant's vehicles have valid chauffeur's licenses;
5. NEVs:
 - a. Accomodate wheelchairs;
 - b. Contain safe lifting devices to elevate wheelchairs from the ground into the vehicle;
 - c. Contain devices which secure wheelchairs in the vehicle; and
 - d. Contain an adequate emergency exit;
6. All EMTs and EMT trainees possess appropriate certificates issued by the State Health Division'
7. a. Any proposed vehicle location can, without duplication of service by the applicant or other licensees, efficiently and safely provide service under the following standards:
 - i. Coverage from the location on a Code 3 or a Code Red call under normal traffic conditions within ten (10) minutes in business districts and heavily populated areas, within twenty (20) minutes in a moderately populated area and within forty (40) minutes in a rural area;
 - ii. There will be 24-hour emergency dispatch and radio communication between any vehicle and the applicant's dispatch operator; and

- iii. The applicant will provide 24-hour service from the location or, if such service is not to be available, the applicant has provided for notice to the City County Emergency Communications Operation Center so that another vehicle may be called for service.
 - b. The foregoing standards shall be further defined, as deemed to be required by the Director, by rules and regulations promulgated under Section 8 of this ordinance not later than thirty (30) days before the effective date of this ordinance.
8. The applicant will provide housing for vehicle crews in quarters constituting a part of any 24-hour service location. Exceptions to this requirement may be granted by the Director in writing for a period not to exceed one (1) year on application and a showing of exceptional circumstances.
9. The location shall have off-street parking as required by applicable zoning or other land use ordinances, rules and regulations.
10. All requirements of this ordinance and other governing laws and regulations have been met.
- B. 1. In the event that the Director rejects an application on the basis that the finding required by subsection A of this Section cannot be made, he shall give the applicant written notice of the rejection, stating clearly and succinctly the facts and the conclusions upon which his rejection is based.

2. The applicant may thereafter proceed to an appeal under Section 16; or the applicant may submit an amended application without additional fee, Section 15.B. notwithstanding.
 3. During a license year an application upon which a license has been issued may be amended without payment of additional fee, except as provided in Section 14; and an amended license may be issued for the balance of the original or renewed license period if subsection A of this Section is satisfied.
- C. A license shall cover all vehicle location sites of the licensee.
 - D. The first license shall be for a period to terminate simultaneously with the expiration date of the certificate of compliance issued by the State Health Division when appropriate. Renewed licenses shall be for periods equal to subsequent certificates of compliance issued by the State Health Division when appropriate.
 - E. Inspection and tests of all vehicles and equipment shall be made as provided by Section 10 of this ordinance prior to annual renewal of a license; and a fee of \$100.00 plus \$25.00 per vehicle owned or operated by the applicant shall be charged and shall be submitted at the time application is made for license renewal.
 - F. A motor vehicle related conviction of the applicant or an employee arising out of doing business may be grounds for denial or revocation of a license, if the Director determines that such action is necessary to protect the

health, safety and welfare of the people of Multnomah County, including but not limited to users of the licensee's or applicant's services.

Section 12. Licensee Requirements.

A. Each licensee shall:

1. Maintain ambulances and equipment which conform with the standards, requirements and maintenance provisions stated in the regulations adopted by the State Health Division or under this ordinance;
2. Maintain NEVs and equipment which conform with the standards, requirements and maintenance provisions stated in this ordinance, regulations adopted under this ordinance or by the State Health Division;
3. Maintain a log of all requests for service, including the name and address of the caller, the date and time of the call, the licensee's response, including specification of vehicle, and such other information as may be required by regulations adopted under this ordinance;
4. Post prominently the license required by this ordinance in the main office of the licensee and prominently display a facsimile thereof in each vehicle and each vehicle location site;
5. Prohibit the performance of EMT or EMT trainee activities by any EMT or EMT trainee who suffers a suspension, revocation or termination of certificate by the State Health Division;
6. File a copy of any state accident report with the

Director for any vehicle of the licensee involved in an accident within seventy-two (72) hours of the accident;

7. Identify each vehicle by separate number and the name of the licensee by prominent display on each vehicle owned or operated by the licensee;
8. File any rate change with the Director not less than ten (10) days prior to its implementation; and
9. Identify NEVs as such by the prominent display of the words "non-emergency" on the rear and on each side of the vehicle.
10. No licensee shall change and approve location or establish a location without first obtaining an amended license pursuant to Section 11 of this ordinance.

Section 13. Effective Date for Those Providing Services.

Persons who are doing business on the effective date of this ordinance must make application for the required license within thirty (30) days of the effective date and may continue to do business until a decision is made upon the application by the Director.

Section 14. Notification of Change of Circumstances.

If the status of any licensee under this ordinance changes in regard to the number of vehicles owned or operated, new or discontinued drivers, EMTs or EMT trainees, the personal qualifications of employees set forth herein, the sale or discontinuance of the business being conducted, or anything substantially changing

the information contained in the initial application, the licensee must immediately file with the Director a statement setting forth such changes. An inspection fee of \$25.00 shall be paid for inspection of vehicles acquired after the initial license inspection.

Section 15. Denial or Revocation of License.

- A. The Director may deny or revoke a license when he finds that a licensee fails to meet the requirements of this ordinance or is doing business in violation of this ordinance or in violation of applicable federal, state, municipal or county laws, ordinances, rules or regulations.
- B. Any person whose license has been denied or revoked may, after thirty (30) days from the date of revocation, apply for a license upon the paying of a \$25.00 application fee, which shall not be credited to the applicant's annual license fee.
- C. Any person who has had his license denied or revoked two (2) times within one (1) year, or who has had a total of four (4) denials or revocations in any period shall be disqualified from applying for a license for a period of two (2) years from the date of the last denial or revocation.
- D. The Director shall, upon his finding that a violation of this ordinance or applicable federal, state, municipal or county laws, ordinances, rules or regulations has occurred, provide written notice to the licensee of the violation, and shall demand that said violation be corrected within not more than thirty (30) days from the date of the notice. The notice shall describe with reasonable certainty the violation

and the action necessary to correct the violation.

- E. In the event of a notice pursuant to subsection D of this section:
 - 1. The licensee shall notify the Director when corrective action has been taken, and the Director shall then make an inspection, if necessary;
 - 2. If a licensee fails to take correction action in the time required, the Director shall notify the licensee that his license is revoked effective upon receipt of the notice.

Section 16. Appeals and Hearings.

- A. A person receiving a notice from the Director of a denial, revocation or violation as provided in this ordinance may request a hearing by filing a written request with the Director within ten (10) days of receipt of the notice, setting forth reasons for the hearing and the issues to be heard.
- B. Filing of a hearing request shall abate any further proceeding by the Director; provided that if there is an immediate hazard to the public safety, the Director may seek the aid of the Circuit Court by an appropriate proceeding to limit or prohibit the licensee's activities pending the determination of the proceeding under the ordinance.
- C. The Director shall, upon receipt of request for hearing, promptly notify the Board; and the Board shall within five (5) business days set a time and place for hearing, which shall be not more than thirty (30) days from the date of

receipt of request for hearing, and give notice of the person requesting the hearing as to the time and place for such hearing.

- D. The hearing shall be held pursuant to rules adopted by the Board and shall be recorded in a manner which will allow a written transcription to be made.
- E. All matters submitted at the hearing shall be preserved by the Board for a period of two (2) years.
- F. The Board shall issue its order determining the question within thirty (30) days from the termination of the hearing and shall mail a copy of the order to the person requesting the hearing.
- G. Review of the action of the Board shall be taken solely and exclusively by writ of review in the manner set forth in ORS 34.010 through 34.100.

Section 17. Prohibitions.

- A. No applicant or licensee, his employee or any other person shall:
 - 1. Make a false statement of a material fact, or omit disclosure of a material fact, in an application for license;
 - 2. Monitor or intercept police or dispatch transmission for profit or gain;
 - 3. Solicit information as to accident locations by payment of any form of gratuity;
 - 4. Solicit patronage at the scene of an accident without first determining whether assistance has already been requested, but any licensee may render life saving

- assistance at the scene of an occurrence;
5. Charge for services not performed, make duplicate charges for the same service, or charge rates exceeding those on file with the Director;
 6. Perform services of an EMT or EMT trainee unless authorized by state law or this ordinance;
 7. Transport persons from a location within Multnomah County to a location within Multnomah County without a license;
 8. Falsify, deface or obliterate any license or certificate required under this ordinance, or
 9. Transport a person requiring medical attention in a NEV except,
 - a. As authorized, in writing, by a person practicing any of the healing arts and licensed by the State of Oregon; or
 - b. As requested by the person to be transported; or
 - c. As directed by a sworn law enforcement officer or a fire department representative.

Section 18. Intergovernmental Agreements.

The Board may enter into agreements with municipal corporations in the County permitting enforcement of this ordinance within those municipal corporations.

Section 19. Penalty.

Violation of this ordinance shall be a county offense under ORS 203.810 and shall be punished by a fine of not more than \$1,000.00.

Section 20. Conformance to Other Laws.

This ordinance shall not be deemed to eliminate the necessity of conforming to any and all federal, state, county and municipal laws, ordinances, rules and regulations, which now or in the future relate to the activities regulated by this ordinance.

Section 21. Regulation.

The Director shall, as he deems necessary, prepare all rules and regulations necessary and proper to achieve the purposes of this ordinance, which upon approval by the Board under Section 8 shall be effective.

Section 22. Separability.

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and any such holding shall not affect the validity of the remaining portions of this ordinance.

Section 23. Adoption.

This ordinance shall take effect on the sixtieth (60th) day after its adoption, pursuant to Section 5.50 of the Charter of Multnomah County.

ADOPTED this 21st day of October, 1976 being the date of its Second reading before the Board of County Commissioners of Multnomah County, Oregon.

BOARD OF COUNTY COMMISSIONERS
MULTNOMAH COUNTY, OREGON

By Wm. S. Clark
Chairman

APPROVED AS TO FORM:

George M. Joseph
George M. Joseph
County Counsel for
Multnomah County, Oregon