

Chapter 11 EMERGENCY SERVICES*

*Cross references: Civil emergencies, Ch. 8; fire prevention, Ch. 17.

State law references: Public safety telephone service, G.S. 62Aet seq.; ambulance services, G.S. 153A-250.

ARTICLE I. IN GENERAL

Secs. 11-1--11-30. Reserved.

ARTICLE II. AMBULANCE SERVICE*

*State law references: Regulation of ambulance services, G.S. 131E-155 et seq.

Sec. 11-31. Definition.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Ambulance means any privately or publicly owned motor vehicle, aircraft, or vessel that is specially designed constructed, or modified and equipped and is intended to be used for and is maintained or operated for the transportation on the streets or highways, waterways, or airways of this state for persons who are sick, injured, wounded, or otherwise incapacitated or helpless.

Ambulance provider means an individual, firm, corporation or association who engages or professes to engage in the business or services of transporting patients in an ambulance.

Approved means approved by the state medical care commission pursuant to its rules and regulations promulgated under G.S. 143B-165.

Board means the County Emergency Medical Services Board which is made up of the chief of each Rescue Squad and the Coordinator of the County Emergency Medical Service.

Commission means the State Medical Care Commission.

Department means the Department of Health and Human Services.

Telecommunicator means a person who is available at all times to receive requests for emergency services, to dispatch emergency services, and to advise fire departments, law enforcement agencies and emergency medical facilities of any existing or threatened emergency.

Emergency and emergency transportation service mean the use of an ambulance, the equipment, and personnel to provide medical care transportation of a patient who is in need of

immediate medical treatment in order to prevent loss of life or further aggravation of physiological or psychology illness or injury.

Emergency medical technician means an individual who has completed an educational program in emergency medical care approved by the department and has been certified as an emergency medical technician by the department.

Franchisee means any person having been issued a franchise by the county for the operation of an ambulance service.

License means any valid driver's license or permit to operate a motor vehicle issued under or granted by the laws of the state.

Medical responder means an individual who has completed an educational program in emergency medical care and first aid approved by the department and has been certified as a medical responder by the department.

Nonemergency transportation services means the operation of an ambulance for any purpose other than transporting emergency patients.

Operator means a person in actual physical control of an ambulance which is in motion, or which has the engine running.

Owner means any person or entity who owns an ambulance.

Patient means an individual 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.

Rescue means a situation where the victim cannot escape any area through the normal exit or under his own ability.

Secondary ambulance provider means the system of personnel and equipment meeting the same criteria as a primary ambulance provider, but not normally dispatched on first call response.

(Ord. of 9-10-1990(1), § 1)

Cross references: Definitions generally, § 1-2.

Sec. 11-32. Franchise required.

- (a) No person either as owner, agent, or otherwise, shall furnish, operate, conduct, maintain, advertise, or otherwise be engaged in or profess to be engaged in the business or service of emergency and/or nonemergency transportation of patients within the county unless the person holds a valid permit for each ambulance used in such business or service issued by the State Department of Health and Human Services, Office of Emergency Medical Services, and has been granted a franchise for the operation of such business or service by the county.

- (b) Every ambulance, except those specifically excluded from the operation of this section, when operated in this state shall be occupied by at least one certified Emergency Medical Technician who shall be responsible for the medical aspects of the mission prior to arrival at the hospital and one Medical Responder assuming no other person of higher certification or license is available for the operation of the vehicle and rendering assistance to the Emergency Medical Technician during the emergency mission.
- (c) No franchise shall be required for:
 - (1) Any entity rendering assistance to a franchised ambulance service in the case of a major catastrophe, mutual aid, or emergency with which the service franchised by the county are insufficient or unable to cope;
 - (2) Any entity operated from a location or headquarters outside of the county in order to transport patients who are picked up beyond the limits of the county, to facilities located within the county, or to pick up patients within the county for transporting to locations outside the county; or
 - (3) Ambulance owned and operated by an agency of the United States government.
- (d) If a person, firm, or corporation is providing ambulance services in the county or any portion there of, on the effective date of the adoption of this article, the person, firm, or corporation is also entitled to a franchise to continue to service that part of the county in which the service is being provided. The board of commissioners shall determine whether the person, firm, or corporation so entitled for consideration for a franchise is in compliance with G.S. 131E-155 et seq., of the General Statutes of North Carolina, and if that is the case, the board shall grant the franchise, if the firm has provided evidence of insurance.

(Ord. of 9-10-1990(1), § II)

Sec. 11-33. Application for ambulance franchise.

Application for a franchise to operate an ambulance in the county shall be made by the ambulance provider upon such forms as may be prepared or prescribed by the county and shall contain:

- (1) The name and address of the ambulance provider and of the owner of ambulance.
- (2) The trade or other fictitious names, if any, under which the applicant does business, along with a certified copy of an assumed name certificate stating such names or articles of incorporation stating such names.
- (3) A resume of the training and experience of the applicant in the transportation and care of patients.
- (4) A full description of the type and level of service to be provided including the location of the place or places from which it intends to operate, the manner in which the public will be able to obtain assistance and how the vehicles will be dispatched. An audited financial statement of

the applicant as the statement pertains to the operations in the county, the financial statement to be in such forms and in such detail as the county may require.

- (5) A description of the applicant's capability to provide 24-hour coverage, seven days a week for the districts covered by the franchise applied for, and an accurate estimate of the minimum and maximum times for a response to calls within such districts.
- (6) Any such information the county shall deem reasonably necessary for a fair determination of the capability of the applicant to provide ambulance services in the county in accordance with requirements of state laws and the provisions of this article.

(Ord. of 9-10-1990(1), § III)

Sec. 11-34. Granting of franchise.

- (a) Prior to accepting applications for the operation of an ambulance service, the board of commissioners may designate specific service areas as franchise districts. The districts will be established using criteria that includes geographic size, road access, the location of existing medical transportation services, population, and response time. The county shall have the authority to redistrict or rearrange existing districts at any time at their discretion.
- (b) An applicant may apply for a franchise to operate either emergency transportation service or nonemergency transportation service or both. If both types of service are to be provided, separate applications must be filed.
- (c) Upon receipt of an application for a franchise, the county shall schedule a time and place for hearing the applicant prior to an investigation. Within 30 days after such hearing, the county shall cause such investigation as it may deem necessary to be made of the applicant and his proposed operation.
- (d) A franchise may be granted if the county finds that:
 - (1) The applicant meets state standards and standards outlined in this article.
 - (2) A need exists for the proposed service in order to improve the level of ambulance services available to residents of the county and that this is a reasonable and cost-effective manner of meeting the need. Where a franchise is to be issued to an existing service, there will be a need to maintain the existing level of service.
- (e) Each franchised ambulance service, its equipment and the premises designated in the application and all records relating to its maintenance and operation, as such, shall be open to inspection by the state.

(Ord. of 9-10-1990(1), § IV)

Sec. 11-35. Term of franchise.

- (a) The county may issue a franchise hereunder to an ambulance provider. Either party, at its option, may terminate the franchise upon 120 days prior written notice to the other party. After a notice of service termination is given, the ambulance provider may reapply for a franchise if continued service is desired.
- (b) Upon suspension, revocation, or termination of a franchise granted hereby, such franchised ambulance service immediately shall cease operations. Upon suspension, revocation, or termination of a driver's license or attendant's certificate or Emergency Medical Technician certificate, such persons shall cease to drive an ambulance or provide medical care in conjunction with an ambulance service or attend an ambulance or provide medical care in conjunction with the ambulance service. Upon acceptance of a franchise by an operator, that shall be in agreement to comply with required standards at all times.
- (c) Each franchised ambulance service shall comply at all times with the requirements of this article, the franchise granted pursuant to this article, and all applicable state and local law relating to health, sanitation, safety, equipment, and ambulance design and all other laws and ordinances.
- (d) Prior approval of the county shall be required where ownership or control of more than ten percent of the right of control of franchisee is acquired by a person or group or persons acting in concert, none of whom own or control ten percent of more of such right of control, singularly or collectively, at the date of the franchise. By its acceptance of the franchise, the franchisee specifically agrees that any such acquisition occurring without prior approval of the county shall constitute a violation of the franchise by the franchisee and shall be cause for termination at the option of the county.
- (e) Upon any changes of ownership of a franchised ambulance service without prior approval of the county, the county has the option to terminate the franchise. No franchise may be sold, assigned, mortgaged, or otherwise transferred without the prior approval of the county. The county shall have the option to terminate the franchise, in either case, requiring a new application to be submitted, and a finding of conformance with all requirements of this article as upon original franchising.

(Ord. of 9-10-1990(1), § V)

Sec. 11-36. Standards for drivers and attendants.

Standards for drivers and attendants shall be as developed by the state medical care commission as required for certification of medical responders and emergency medical technicians pursuant to G.S. 131E-158 and G.S. 143-507 et seq. and shall be applied.

(Ord. of 9-10-1990(1), § VI)

Sec. 11-37. Standard for vehicles and equipment.

Vehicle and equipment standards shall be as developed by the state medical care commission pursuant to G.S. 131E-157, and G.S. 143-507 et seq., and shall be applied and such provisions are incorporated herein by reference.

(Ord. of 9-10-1990(1), § VII)

Sec. 11-38. Standard for communications.

- (a) Each ambulance vehicle shall be equipped with an operational two-way radio capable of establishing good quality voice communications from within the geographic confines of the county to each hospital department in the county in which the ambulance is based and to the emergency communications center. Each ambulance vehicle shall be equipped with two-way radio communications capabilities compatible within all hospital emergency departments to which transportation of patients is made on regular or routine basis anywhere within the state.
- (b) Each ambulance provider shall maintain current authorizations of Federal Communications Commission licenses for all frequencies and radio transmitters operated by that provider. Copies of all authorizations and licenses shall be on display and available for inspections per Federal Communications Commission's Rule and Regulations.
- (c) Each ambulance provider at its base of operation, must have at least one operative telephone line. Telephone numbers must be registered with each law enforcement agency and communications center in the county.
- (d) Each ambulance may be dispatched from the county emergency communications center or other communications center within the county in which dispatch capabilities are provided. The ambulance operator shall notify the Emergency Communications Center of this dispatch and availability on call.

(Ord. of 9-10-1990(1), § VIII)

Sec. 11-39. Insurance.

No ambulance franchise shall be issued under this article, nor shall such franchise be valid after issuance, nor shall any ambulance be operated in the county unless the franchisee has at all times in force and effect insurance coverage issued by an insurance company licensed to do business in the state, for each and every ambulance owner and/or operated by or for the ambulance service providing for the payment of damages:

- (1) In the sum of \$500,000.00 for injury to or death of individuals in accidents resulting from any cause for which the owner of such vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner/operator of his agency; and provided that greater insurance sums may be required by the state or the county.
- (2) In the sum of \$1,000,000.00 for the loss of or damage to the property of another, including personal property, under the circumstances, or such greater sums as may be required by the state or county.

(3) In the sum of \$100,000.00 for uninsured motorist.

(4) In the sum of not less than \$1,000,000.00 for professional liability.

(Ord. of 9-10-1990(1), § IX)

Sec. 11-40. Records.

Each franchisee shall complete and maintain copies of the current State Office of Emergency Medical Service ambulance call report for each, and every emergency call dispatched.

(Ord. of 9-10-1990(1), § X)

Sec. 11-41. Rates and charges.

- (a) Each franchisee who charges for services shall submit a schedule of rates to the county for approval and shall not charge more nor less than the approved rates without specific approval by the board of commissioners.
- (b) An ambulance service which charges for services shall not attempt to collect on emergency calls until the patient has reached the point of destination, has received medical attentions, and is in a condition deemed by the physician fit to consult with the ambulance service, but such service may attempt to collect charges from family or guardian of the patient once the patient is in the process of receiving medical attention.
- (c) Request for collection may be made prior to transporting non-emergency patients to a non-emergency facility.

(Ord. of 9-10-1990(1), § XI)

Sec. 11-42. Enforcement.

- (a) The office of the County Manager or his designee shall be the enforcing agency for the regulations contained in this article. Such office will:
 - (1) Receive all franchise proposals from potential providers.
 - (2) Study each proposal for conformance to this article.
 - (3) Recommend to the board of commissioners the award of the franchise to the applicants submitting the most appropriate proposal.
 - (4) Recommend to the board of commissioners the temporary or permanent suspension of a franchise in the event of noncompliance with the franchise terms of this article. Recommend the imposition of misdemeanor or civil penalties for noncompliance.

- (5) Insure by cooperative agreement with other ambulance services the continued service in a district where an ambulance service franchise has been suspended.
 - (6) Develop monthly reports from ambulance service records and consolidate such reports and records into a quarterly summary for review for the County Emergency Medical Services Board.
 - (7) Receive complaints from the public, other enforcing agencies, and ambulance services regarding franchise infractions. Review the complaints with the Chief of the Rescue Squad or direction of the ambulance service. Follow-up to ensure that the appropriate action has been taken. If the infraction still persists, obtain corrective action.
 - (8) Recommend improvements to the county which will ensure better medical transportation.
 - (9) Maintain all records required by this article and other applicable county regulations.
 - (10) Perform the above functions as may be requested by any municipality within the county.
 - (11) Serve as staff to the County Emergency Medical Service Advisory Board on all matters that pertain to the committee.
- (b) The State Office of Emergency Medical Services will inspect the premises, vehicles, equipment, and personnel of franchises to assure compliance with state regulations.

(Ord. of 9-10-1990(1), § XII)

Sec. 11-43. Emergency medical services advisory council.

- (a) There is hereby created the County Emergency Medical Services Advisory Council whose membership shall be appointed by the board of commissioners.
- (b) The County Emergency Medical Services Advisory Council shall have the responsibility and duty of advising the Emergency Services Coordinator on matters relating to the enforcement of this article as specified in section 11-42 and shall develop and recommend for approval by the board of commissioners such standards of care, policies, procedures, and actions which will maintain and improve the quality of emergency medical services for the residents of the county.
- (c) Membership on the County Emergency Medical Services Advisory Council shall consist of:
 - (1) Physician nominated by the County Medical Society.
 - (2) Physician from Sandhills Regional Medical Center offering 24-hour emergency service.
 - (3) County Communications Center representative.

- (4) Representative from county government (county commissioner, county manager, or their designee).
 - (5) One representative from each franchise provider of rescue or ambulance service within the county.
 - (6) Emergency room nurse nominated by the administration of First Health-Richmond Memorial Hospital.
 - (7) Citizen-at-large from the county appointed by the board of commissioners.
 - (8) Educator nominated by the board of commissioners.
 - (9) Coordinator of Emergency Management of the county.
- (d) All members of the council shall have full and equal voting rights on matters to be considered by the council with the exception of:
- (1) The Coordinator of Emergency Management of the county who shall serve as staff and act as chair until a chair from the membership is appointed by the board of commissioners.
 - (2) Representatives from the franchised providers when the council considers matters relating to the granting of franchise and/or reviewing complaints from the public and investigations regarding franchised services. Representatives from franchised services shall have full and equal voting rights on all other matters not excluded by this provision.

(Ord. of 9-10-1990(1), § XIII)

Secs. 11-44--11-70. Reserved.

ARTICLE III. 911 SYSTEM

Sec. 11-71. Purpose.

To establish an enhanced 911 public safety telephone communications system, which shall be to process emergency calls from citizens and to notify appropriate agencies of emergencies in the least possible amount of time.

(Ord. of 12-3-1990, § I)

Sec. 11-72. Definitions.

The following words, terms and phrases when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

911 system and 911 service. An emergency communication system using any available technology that does all of the following:

- a. Enables the user of a communication service connection to reach a PSAP by dialing the digits 911.
- b. Provides enhanced 911 service.
- c.

Addressing means the assigning of a numerical address and street name to each location within the county necessary to provide public safety service as determined by the county.

Public safety agency means a functional division of a public agency which provides firefighting, law enforcement, medical, suicide prevention, civil defense, poison control, or other emergency services.

Service supplier means a person or entity who provides exchange telephone service to a telephone subscriber.

Telephone subscriber and subscriber A person who purchases voice communications services and is able to receive it or use periodically over time.

(Ord. of 12-3-1990, § II)

Cross references: Definitions generally, § 1-2. (Ord. of 9-12-2016)

Sec. 11-73. Charges.

Charges imposed on active voice communications services connection are imposed and collected by the NC 911 Board as authorized under G.S. 143B-1403(a)

(Ord. of 12-3-1990, § III)

Sec. 11-74. Emergency telephone system fund.

The County Finance Officer, as required under G.S. 143B-1406(e), shall deposit the charges in a separate, restricted fund. The Fund shall be known as the Emergency Telephone System Fund. The county finance officer may invest money in the Fund in the same manner that other money of the county may be invested. The County Finance Officer shall deposit any income earned from such an investment in the Emergency Telephone System Fund.

(Ord. of 12-3-1990, § IV)

Sec. 11-75. Payments from fund.

Money from the Emergency Telephone System Fund shall be used only to pay for items outlined in G.S. 143B-1406(d).

(Ord. of 12-3-1990, § V) (Ord. of 9-12-2016)

Sec. 11-76. Misuse of 911 system; penalty.

Any person who intentionally calls the 911 number for other than purposes of obtaining public safety assistance commits a Class 1 misdemeanor as outlined in G.S. 14-111.4.

(Ord. of 12-3-1990, § VI) (Ord. of 9-12-2016)