

GRAND JUNCTION CODE

Chapter 18 FIRE PREVENTION AND PROTECTION*

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ARTICLE I. IN GENERAL

Sec. 18-32. Fire department transportation charges.

The fire department shall follow established federal and/or state guidelines or profiles for emergency transportation fees, rates and charges. Fees, rates and charges for any emergency transportation performed by the fire department may be adjusted from time to time by the fire chief or his designee, in accordance with established federal and/or state guidelines.

(Code 1965, § 12-11; Ord. No. 2654, 3-17-93)

ARTICLE IV. EMERGENCY MEDICAL SERVICES*

***Cross reference(s)**--Drivers of city-owned vehicles or emergency vehicles liability, § 2-72; businesses, ch. 10.

State law reference(s)--Emergency medical services, C.R.S. § 25-3.5-101 et seq.

Sec. 18-86. Purpose.

The purposes of this article are to:

- (1) Enact formal policies and regulations for licensing and regulating the operation of ambulances;
- (2) Protect the public by assuring that ambulances operate safely;
- (3) Protect the public from unsafe and insanitary operation of ambulances;
- (4) Allow for adequate emergency ambulance service and nonemergency ambulance services in all areas of the city; and
- (5) Allow for the orderly and lawful operation of a local emergency medical services sstem.

(Ord. No. 2575, § 12-12(1), 5-20-92)

Sec. 18-87. Definitions.

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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:

Advanced life support (ALS) means pre-hospital medical intervention delivered by paramedics utilizing invasive medical procedures, under protocol and physician direction, for field stabilization of ill or injured patients.

Ambulance means a vehicle specially constructed, modified or equipped and used for the purpose of transporting sick, injured, convalescent, infirm or otherwise incapacitated persons. Such term does not include the nonemergency transportation of persons confined to wheelchairs.

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Ambulance service means the furnishing, operation, conduct as, maintaining, advertising or otherwise engaging in or professing to be engaged in the transportation of patients by ambulance; also including, but not limited to, the person so engaged or professing to be so engaged.

Ambulance service permit means written authorization by the city to an ambulance service to provide ambulance service within the city.

Ambulance station means the premises (including living quarters) located within the city from which the ambulance service provides service.

Base hospital means the source of direct medical communications with and responsible for the supervision of the field emergency care performance by emergency medical technicians, emergency medical technician intermediates, and/or paramedics.

Basic life support (BLS) means pre-hospital medical intervention delivered by emergency medical technicians, and field patient care providing basic treatment and stabilization of ill or injured patients.

Designated dispatch center means the regional communication center of the city, which is responsible for 911 emergency services telecommunications, and which dispatches emergency personnel and equipment.

Emergency call (also referred to as an emergent call) means a request for an ambulance to transport or assist persons in apparent sudden need of medical attention or in medical emergency, or to transport blood or any therapeutic device, accessory to such device, tissue or organ.

Emergency medical services (EMS) means any actual or self-perceived event which threatens life, limb or well-being of an individual in such a manner that a need for immediate medical care is created. ``Medical services provider" means any agency that provides a medical service or medical treatment, at either BLS level or ALS level, and/or provides transportation of patients. ``Emergency medical services" also includes the transportation of a patient, regardless of the presumption of death, or transportation of a body for the purpose of making an anatomical gift.

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Emergency medical technician intermediate means a certified technician between the level of paramedic and EMT-B. This classification is not to be equated to that of paramedic, nor is it comparable to an EMT-B.

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Emergency response list means the official list maintained by the designated dispatch center of permittees who possess an emergency ambulance service permit.

License means an authorization issued by the board of county commissioners to operate an ambulance service, publicly or privately, within the county.

Nonemergency call (also referred to as nonemergent call) means calls which require routine medical services in conjunction with transportation, e.g., patient transfer from hospital to nursing home.

Physician advisor means a physician (M.D. or D.O.), currently licensed by the state, who establishes protocols for medical acts performed by emergency medical services personnel and who is specifically designated and responsible to assure the competency of the performance of those acts by EMS personnel, in accordance with applicable rules of the state board of medical examiners.

Private call means any call received by the ambulance service directly from a private party requesting services.

(Ord. No. 2575, § 12-13, 5-20-92)

Cross reference(s)--Definitions generally, § 1-2.

Sec. 18-88. Exemptions.

(a) This article shall not apply to vehicles operated as ambulances and to persons engaged in ambulance service where ambulance services are rendered at the request of any law enforcement or fire protection agency during any state of war emergency, state emergency or disaster, local emergency or disaster or during any period when the city determines that adequate emergency ambulance service is not available from existing permittees.

(b) This article shall not prevent any peace officer, firefighter or physician licensed to practice medicine in this state from arranging for the transportation of an individual in need of emergency medical care when no ambulance with an appropriate ambulance service permit is available and such transportation is required immediately for the preservation of life or to avoid substantial impairment of the patient's physical or mental condition.

(Ord. No. 2575, § 12-12(2), 5-20-92)

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Sec. 18-89. Standard operating procedures manual.

The city council shall adopt, by resolution, a standard operating procedures manual. The fire chief may amend or add to these procedures as may be necessary from time to time to carry out the intent of such standard operating procedures. One certified copy of such manual, with the most recent amendments, shall be filed with the city clerk. Additional copies shall be kept in the office of the fire chief for review by the general public. Ambulance permittees shall receive one copy of the standard operating procedures manual. The standard operating procedures manual shall have the force and effect of law with respect to all ambulance operators, drivers and attendants.

(Ord. No. 2575, § 12-12(3), 5-20-92)

Sec. 18-90. Regulations.

(1) The fire chief or his designee shall make necessary and reasonable rules and regulations covering ambulance service, ambulance equipment, ambulance personnel and dispatch standards for the effective and reasonable administration of this article. Prior to adoption, such regulations shall be submitted to the physician advisor for his comments and concurrence.

(2) The fire chief may enter into an agreement with a private ambulance service provider, to provide both emergent and non-emergent services for the City of Grand Junction for a term of five (5) years. This agreement may be renewed upon approval by the City Council.

(Ord. No. 2575, § 12-20(1), 5-20-92; Ord. No. 2792, 1-4-95)

Sec. 18-91. Location of ambulance station; inspection of facilities.

(a) Each ambulance service provider shall establish an ambulance station which is so located as to provide the minimum response time, considering traffic, street patterns and other ambulance station locations. All locations shall be approved by the fire chief or his designee prior to commencing operations and shall comply with all applicable zoning and building regulations and shall be maintained in a safe and sanitary condition.

(b) Each ambulance station shall be equipped with all communication equipment as required by the standard operating procedures manual, adopted pursuant to section 18-89.

(c) The fire chief or his designee shall inspect the facilities, equipment and methods of operation of each ambulance service permittee.

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(Ord. No. 2575, §§ 12-12(4), 12-18(5), 5-20-92)

Sec. 18-92. Permits.

(a) *Required.* No person (either as owner, agent or otherwise) shall furnish, operate, conduct, maintain or otherwise engage in or advertise, offer or profess to engage in ambulance service unless the person holds (and is entitled to hold) a currently valid ambulance service permit. No permit is required for ambulance services that are transporting patients to or through the city which do not have their principal service area in the county.

(b) *Application form.* An application for an ambulance service permit shall be made on the form required by the fire chief or his designee.

(c) *Application information.*

- (1) Each applicant who desires an ambulance service permit shall submit the following information:
 - a. The name(s) and address(es) of the applicant(s), registered owner(s), partner(s), officer(s), director(s) and controlling shareholder(s), if a corporation, sole proprietorship or partnership.
 - b. The name under which the applicant does or proposes to do business.
 - c. A description of each ambulance including the make, model, year of manufacture, vehicle identification number and color scheme, insignia and other distinguishing characteristics of the vehicle.
 - d. A statement that the applicant owns or has under his control, in good operating condition, required equipment to consistently provide ambulance service and that the applicant owns or has access to suitable facilities for maintaining his equipment in a clean and sanitary condition.
 - e. A description of the company's program for maintenance of its vehicles.
 - f. A description of the number and type, frequency and line codes of the vehicles' radios.
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- g. A description of the location(s) from which ambulance services will be provided.

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- h. A list, amended as required during the year for any personnel changes, giving the name and a description of the training for each ambulance attendant and driver, and a copy of each certificate or license held establishing the qualifications of the ambulance personnel.
- i. A description of the company's training and orientation programs for all attendants, dispatchers, drivers and the provisions for continuing education of the advanced life support personnel.
- j. All service charges and rate structures of the company.
- k. The number of advanced life support units deployed on each shift.
- l. Evidence of insurance coverage as required by the state and this article.

(2) The applicant may be required to submit such other information as the fire chief or his designee deems necessary for compliance with this section.

(d) *Application investigation.* Upon receipt of a completed application and the required fee, the fire chief or his designee shall make or cause to be made an investigation to determine if:

- (1) The applicant meets the requirements of this article and other applicable laws and regulations; and
- (2) That the radio equipment listed by the applicant is in good working order and is integrated with the existing communications system.

(e) *Issuance.* Within 90 days of receipt of an application for an ambulance service permit, the fire chief or his designee shall make a determination as to whether the applicant meets all requirements of this article and whether the public health, safety and welfare require the granting of the permit. In making such determination, the fire chief or his designee shall consider, among other things, the demand and necessity for ambulance service, whether the applicant is able to provide service, whether the applicant has knowingly made false statements of fact in his application, and whether under this article the applicant was previously a holder of a permit issued under this article which has been revoked or not renewed based on violations of the law, this article or otherwise.

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(f) *Denial.* If it is determined that the applicant for an ambulance service permit does not meet all requirements of this article, then the fire chief or his designee shall deny the application and notify the applicant in writing within 90 days of receipt of the application.

(g) *Appeal from denial of issuance.* Whenever the fire chief or his designee denies an application for an ambulance service permit, the applicant may request a hearing before the city

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council at which the applicant will have the opportunity to appeal the decision of denial. The appeal hearing shall be scheduled within 30 days of the applicant's written request for such hearing.

(h) *Finality of decision.* The decision of the fire chief or his designee rendered pursuant to the application process under this article shall be final unless appealed to the city council within 30 days after a decision is rendered in writing and notice is given to an applicant by certified mail.

(i) *Term.* Permits under this article shall be continued upon payment of the annual renewal fee unless earlier suspended, revoked or terminated.

(j) *Existing ambulance service application.* Within 60 days of the effective date of this article, the ambulance companies that have been continuously operating for a minimum of 180 days prior to the effective date of this article may apply for and obtain an ambulance service permit. The fire chief or his designee shall issue or deny a permit to each existing company within 60 days of receipt of an application for such permit based upon their ability to meet the requirements as set forth in this article. The fee for the initial permit for existing companies shall be the fee set for new applicants.

(k) *Change of information.* The applicant and/or permittee under this article shall report to the fire chief or his designee any change in the information required in subsection (c) of this section within ten days of the effective date of the change.

(l) *Transfer of permit.* No ambulance service permit shall be transferred to another person except upon prior approval of the fire chief or his designee. Application for transfer of any such permit shall be subject to the same terms, conditions and requirements as if the application were for a new permit.

(m) *Renewal of permit.* Permittees under this article shall annually file an application for permit renewal on a form furnished by the fire chief or his designee, which form shall include the information required by subsection (c) of this section. The renewal application shall be accompanied by a renewal fee.

(Ord. No. 2575, § 12-13, 5-20-92)

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Sec. 18-93. Fees.

The city council shall set all ambulance service fees by resolution. The fees shall not exceed the reasonable cost of administrating this article and providing for the orderly provision of emergency medical services.

(Ord. No. 2575, § 12-14, 5-20-92)

Sec. 18-94. Personnel and equipment standards.

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(a) Any ambulance driver utilized by a permittee shall be at least 18 years of age, shall be trained and competent in the proper use of all emergency ambulance equipment, shall hold current certification as an emergency medical technician B, and shall demonstrate compliance with all applicable laws and regulations.

(b) The permittee shall provide a minimum of one (1) paramedic, trained and competent in current ALS paramedic techniques for each ALS equipped and staffed ambulance. Each permittee shall provide a minimum of two (2) ALS staffed and equipped ambulances twenty four hours per day, one (1) ALS equipped and staffed ambulance, and one (1) BLS equipped and staffed ambulance, twelve (12) hours per day. Each permittee shall provide and operate a minimum of one (1) backup ambulance. The backup ambulance shall be ALS equipped and shall respond in the event of mechanical failure of a primary ALS unit. The City may provide services as specified in 18-90 of this ordinance.

(c) Every ambulance driver, attendant, EMT or paramedic utilized by a permittee shall hold a certificate from the state or an otherwise accredited training program indicating successful completion of their respective training.

(d) Each person providing ambulance service subject to permit under this article shall staff each ambulance with required minimum personnel who shall wear clean uniforms, be neat and comply with the standard operating procedure requirements of this article.

(e) Each permittee providing ambulance service under this article shall provide and maintain, at its own expense, a communication system meeting the requirements of the fire chief or his designee, and the standard operating procedures manual promulgated under this article.

(f) Each permittee providing ambulance service under this article shall assign at least one person to be responsible for receiving calls and dispatching ambulances for nonemergency calls. Permittees shall provide such services on a 24-hour basis.

(Ord. No. 2575, § 12-15, 5-20-92; Ord. No. 2792, 1-4-95)

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Sec. 18-95. Vehicle inspections.

(a) Every ambulance shall be authorized and inspected by the fire chief or his designee and shall meet the requirements of this article and all other applicable city, county and state laws, rules and regulations.

(b) The ambulance service permittee shall allow the fire chief or his designee to inspect, on a preannounced or unannounced basis, all ambulances used to provide ambulance service. The inspections should be held, whenever possible, during normal business hours. The purpose of such inspections may include, but shall not be limited to, determining if:

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- (1) The ambulances are properly maintained and equipped for the provision of ambulance service pursuant to standard operating procedures;
- (2) The description of the ambulances required by section 18-92 is accurate;
- (3) The ambulances contain radios that are in good working order, and that the radios are of correct and compatible frequencies with the emergency medical communications system in accordance with the standard operating procedures manual.

(Ord. No. 2575, § 12-16, 5-20-92)

Sec. 18-96. Response to calls.

(a) No ambulance service permittee under this article shall cause or allow its ambulances to respond to a location without first receiving a specific request for such service at that location. Ambulance service permittees shall cooperate with the fire chief or his designee in any investigations of possible violations of this section, and shall make all logs and records available for inspection and copying at reasonable times at the permittee's place of business.

(b) When responding to a dispatched emergency call, the ambulance service provider shall comply with the request of the patient for a desired hospital, or the request of the on-scene paramedic if trauma protocols apply, regarding transportation of the injured or ill party.

(c) The ambulance service provider's response to private calls must be consistent with the medical condition or injury of the patient.

(d) The ambulance service providers should be aware that not all EMS scenes are without danger of some type. The provider shall use prudent judgment in determining the safety of the scene if it is the first responding unit. The provider is under no obligation, and no obligation is created by the terms of this article or the operating procedures promulgated under 18-96

this article, to enter a scene that is determined to be unreasonably dangerous. The provider agrees to stand by, at a safe distance, until such scene has been secured by another agency.

(Ord. No. 2575, § 12-19, 5-20-92)

Sec. 18-97. Permit suspension or revocation.

(a) The fire chief or his designee may suspend or revoke an ambulance service permit for failure to comply and maintain compliance with, or for violation of, any applicable provisions, standards or requirements of state law or this article or of any regulations promulgated under this article. The fire chief or his designee may suspend or revoke a permit if the permittee fails to make and retain records showing its nonemergent/private call dispatches, or if the permittee accepts an emergency call when it is either unable or unwilling to provide the requested service or fails to

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inform the person requesting service of any delay and fails to obtain the consent of such person before causing an ambulance to respond from a location more distant than the one to which the request for service was directed. Suspension is not a condition precedent to revocation.

(b) Before suspension or revocation of an ambulance service permit, the fire chief or his designee shall give written notice by United States mail, postage prepaid, return receipt requested, to the permittee specifying why such action is contemplated and giving the permittee a reasonable time, not less than seven days or more than 30 days, to comply with the provisions in question or to show cause against suspension or revocation and setting a hearing thereon.

(c) At the hearing conducted pursuant to this article, the fire chief or his designee has the burden of proof and may present evidence as to why action should be taken and to answer the evidence presented by the permittee.

(d) The fire chief may reduce the period of time for compliance under a suspension or revocation notice to no less than 24 hours and set the matter for hearing immediately upon expiration of such 24 hours when the fire chief or his designee makes written preliminary findings that such action is necessary to protect the public health, safety and welfare. When as a result of such an emergency proceeding a permit is suspended or revoked, the permittee will have the burden of establishing renewed compliance justifying reinstatement of the permit. Such additional hearing will be commenced within five days of the permittee's request. The request for, or the scheduling of, an additional hearing shall not stay the operation of the suspension or revocation order.

(e) In hearings conducted pursuant to this article, evidence must be relevant, noncumulative and of such nature as to be reliable. As far as practicable, the hearing shall be controlled by the Colorado Rules of Evidence and the Colorado Rules of Civil Procedure.

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(f) Hearings conducted pursuant to this article shall be conducted before a hearing officer designated by the city manager. The hearing officer may issue subpoenas for the production of documents or the attendance of witnesses. The hearing officer shall keep a record of the proceedings either by electronic or stenographic means. At the conclusion of the hearing, the hearing officer shall promptly prepare a written summary of the evidence and findings and conclusions for consideration by the fire chief or his designee. The parties shall equally bear the expenses of the hearing officer and the cost of the hearing. Each party shall bear its own expenses and costs.

(g) The hearing officer shall issue a written decision within 30 days of the conclusion of the hearing conducted under this article.

(Ord. No. 2575, § 12-17, 5-20-92)

Sec. 18-98. Permit renewal requirements.

Renewal of an ambulance service permit shall require conformance with all requirements of this article as upon issuance of an initial permit. Nothing in this section or otherwise contained in

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this article shall be construed as requiring the granting of a permit upon expiration of a previous permit, and the burden of proof respecting compliance with all the requirements of entitlement to a permit shall remain at all times with the applicant for renewal.

(Ord. No. 2575, § 12-18(1), 5-20-92)

Sec. 18-99. Advertisements or offers of service restricted.

No ambulance service permittee under this article shall announce, advertise, offer or in any way claim that it provides emergency ambulance service unless it possesses a current and valid ambulance service permit and is staffed and provides paramedic service level care for emergency response calls.

(Ord. No. 2575, § 12-18(2), 5-20-92)

Sec. 18-100. Liability insurance required.

The ambulance service permittee shall obtain, and keep in force during the term of such ambulance service permit, comprehensive automobile liability insurance and professional liability insurance issued by a company licensed to do business in the state, insuring the owner against loss by reason of injury or damage that may result to persons or property from negligent operation or defective construction of such ambulance, or damage that may result to persons or property from violation of this article or any other law of the state or of the United States. The comprehensive liability policy shall be in the sum of not less than \$1,000,000.00

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for combined single limit bodily injury and property damage. Worker's compensation insurance shall be carried covering all employees of the permit holder. Before a permit is issued, copies of policies or certificates evidencing such policies shall be filed with the fire chief or his designee. All policies shall contain a provision requiring 30-day notice to be given to the fire chief or his designee prior to cancellation, modification or reduction in the limits of coverage. Required policies of insurance shall contain an endorsement naming the city as an additional insured. The required policy of insurance shall provide that the city is indemnified, defended and held harmless from and against all costs, expenses and liability arising out of, or based upon, any and all property damage or damages for personal injury, including death, which results or is claimed to have resulted from any act or omission on the part of the ambulance service provider or the ambulance service provider's agents or employees.

(Ord. No. 2575, § 12-18(3), 5-20-92)

Sec. 18-101. Notice of pending legal action, unpaid judgment or liens against service provider.

An ambulance service provider shall provide the fire chief or his designee with any information in reference to any pending legal action or judgment, unpaid judgment or liens against the ambulance service provider and notice of the transactions or acts giving rise to such legal action, judgment or liens. The ambulance service provider shall notify the fire chief or his designee, in

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writing, of such legal action, judgment or liens within one week of the date served or notified. The information will be reviewed by the fire chief or his designee, who will make a determination regarding the effect, if any, on the ambulance service provider's ability to provide service in accordance with the requirements of this article.

(Ord. No. 2575, § 12-18(4), 5-20-92)