

ORDINANCE NO. 57

AMENDING CHAPTER 19,
ARTICLE II.

AN ORDINANCE REGULATING THE OPERATION OF
AMBULANCES IN THE CITY OF CHARLOTTE, NORTH
CAROLINA.

WHEREAS, the private operation of ambulances for the transportation of persons injured, infirm and invalid, is a business vested with great public interest, and

WHEREAS, it is essential and necessary for the public good and welfare, and for the preservation of the health and safety of the citizens of the City of Charlotte, that prompt, adequate and efficient ambulance service, at reasonable rates should be available to the citizens of Charlotte, and

WHEREAS, the failure of private operators of mortuaries and undertaking establishments to provide prompt, adequate and efficient ambulance service has created an emergency vitally affecting the health, safety and welfare of the citizens of Charlotte, and

WHEREAS, the City Council hereby finds and declares a public necessity for the regulation of the private operation of ambulances in the City of Charlotte, NOW, THEREFORE,

BE IT ORDAINED by the City Council of the City of Charlotte, North Carolina:

Section 1. That Article II, Chapter 19, of the Code of the City of Charlotte is hereby amended by rewriting said Article to read as follows:

"ARTICLE II. AMBULANCES

"Sec. 19-82. DEFINITIONS. The following words and phrases, when used in this Article, shall have the following prescribed meanings, except where the context clearly indicates a different meaning:

- A. Ambulance: The term ambulance shall mean and include any motor vehicle equipped with facilities therein to transport injured or infirmed persons, on call or demand, accepting patients and transporting them from one point to another in the City of Charlotte.
- B. Attendant: Any person riding in attendance with a patient.
- C. Call; Run: The act of progressing with an ambulance to the scene of need and transporting a patient to his destination.
- D. Certificate: Certificate of public convenience and necessity issued by the City Council licensing the operation of an ambulance or ambulances.
- E. Council: The City Council of the City of Charlotte.
- F. Dispatcher: The person whose presence is available at all times to receive request for ambulance service and dispatch ambulances and advise necessary agencies of the city government and medical facilities of any impending emergency.

- G. Driver: Any person driving an ambulance.
- H. Emergency: The operation of an ambulance to the scene where a person is in dire need of medical attention and the transporting of the patient to a medical facility.
- I. First-Aid: This term shall mean the recognized prescribed first-aid courses (Standard and Advanced) conducted by the American Red Cross or its agency.
- J. Owner: Any person to whom a certificate of public convenience and necessity for the operation of an ambulance or ambulances has been issued.
- K. Patient: Any person being transported to medical attention or from medical attention in an ambulance.
- L. Person: Any individual, partnership, association, corporation or other organization owning or operating or proposing to operate an ambulance or ambulances within this city.
- M. Radio: Mobile radio units and base transmitting radio units.
- N. Rates; Fares: Charges for transporting and other services provided.
- O. Trip Record: A record of each person transported.

Sec. 19-83. CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY. No person shall operate or cause to be operated an ambulance within the City of Charlotte without first having applied for and obtained a certificate of public convenience and necessity from the City Council authorizing such operation.

Sec. 19-83.1. APPLICATION FOR CERTIFICATE. All persons applying to the Council for a certificate for the operation of one or more ambulances shall file with the Council a sworn application therefor, in triplicate, on forms provided by the Council stating as follows:

- A. The name and address of the owner, and in the event that the owner be a corporation, a certified copy of the articles of incorporation.
- B. The number of vehicles actually owned and the number of vehicles actually operated by such owner on the date of such application, if any.
- C. The net worth of the owner or applicant over and above all debts, judgments, claims and demands whatsoever.
- D. Whether there are any unsatisfied judgments of record against such owner, and if so, the title of all actions and the amount of all judgments unsatisfied.
- E. The make, type, year of manufacture, serial number and equipment therein for each ambulance owned or operated or proposed to be operated by the applicant for a certificate of public convenience and necessity.

-3-

- F. Court record, if any, of applicant; Provided, if applicant is a corporation, the court record, if any, of the officers, directors, and supervising employees thereof, including general manager or director.
- G. Whether there are any liens, mortgages or other encumbrances on such ambulances, and, if so, the amount and character thereof.
- H. And such other information as the Council may, in its discretion require.

Sec. 19-83.2. GRANTING OF CERTIFICATE. Upon receipt of an application for a Certificate, the City Council shall fix a time and place for hearing the applicant. No certificate shall be granted unless the Council shall find, after hearing, that the public convenience and necessity require the proposed ambulance service. In determining whether the public convenience and necessity require the operation of an ambulance or ambulances for which application for a certificate is made, the Council will consider and investigate the statements made in the application; the adequacy of existing ambulance service; the financial responsibility, experience and character of the applicant; the public need for additional service; the ability of existing holders of a certificate to provide any necessary additional service; and any other factors pertinent to such determination.

Upon finding that the public convenience and necessity require the proposed ambulance service, the Council shall grant to the applicant a certificate upon the terms and conditions prescribed by this Article; Provided, (A) The applicant shall have complied with all the provisions of this Article, (B) The ambulance or ambulances proposed to be operated under said certificate shall be found, after inspection by the Police Department, to meet the requirements of this Article, (C) There are no unsatisfied judgments of record against the applicant, and (D) The court record, if any, of the applicant is such as would conform to the public interest upon granting of a certificate.

Sec. 19.83.3. TERM OF CERTIFICATE. In order that any applicant granted a certificate may justify the capital investment essential to the adequate and efficient ambulance service required in the public interest, the term of any certificate granted shall be ten (10) years; Provided, that any certificate granted may be suspended or revoked by the Council, after a hearing held upon thirty (30) days notice to any certificate holder of failure to comply with any provision of this Article. If, upon such hearing, the Council shall find that the certificate holder has corrected any deficiencies and has brought himself into compliance with the provisions of this Article, the certificate shall not be suspended or revoked. No certificate granted may be sold, assigned, or transferred nor in any way vest in any person other than the applicant to whom the certificate is granted any rights or privileges under said certificate.

Sec. 19-83.4. EXISTING AMBULANCES. Every owner operating a licensed ambulance or ambulances in the City of Charlotte on the 20th day of November, 1961, shall be deemed, in the absence of evidence and finding by the Council to the contrary, to be operating under public convenience and necessity and, provided that all other requirements of this Article have been met, the Council shall grant a certificate to such owner or owners upon written request therefor.

Sec. 19-84. AMBULANCE SPECIFICATIONS. All vehicles used as ambulances shall conform to the following specifications and requirements:

A. General Construction

1. All bodies shall have five (5) doors, two (2) leading into the driver's compartment, two (2) leading into the front of the patient's compartment and one (1) leading into the rear of the ambulance, so constructed that all doors may be opened from the inside and outside. Each door shall be constructed with a safety lock.
2. All upholstery covering or interior lining in any ambulance shall be of leather or other non-absorbent and washable material.

B. Equipment

1. Four (4) wheel power brakes and be capable of stopping within twenty-two (22) feet at twenty (20) miles per hour.
2. Parking brake.
3. Front and rear bumper.
4. Heater and defroster sufficient to heat interior of ambulances in cold weather.
5. Right and left side rear view mirrors and one in driver compartment.
6. Speedometer exposed to view and no ambulance to be operated with broken or disconnected speedometers.
7. Power steering.
8. Windshield wiper and washers.
9. Tires must have a minimum of 4/32 inch tread. From November 1, to March 15, or any other time snow may be encountered, ambulances must be equipped with mud-grip tires.
10. Governors set to maximum of 60 M. P. H.
11. Alternator with minimum of 60 amperes output.
12. Automatic transmission.
13. Cot holder.

C. Lights

1. Each ambulance shall be equipped with a minimum of one (1) revolving red light on top of ambulance. See Sec. 19-84(D).
2. Standard headlights with low and high beam approved by Motor Vehicle Commission of this State.
3. Back-up lights.
4. Rear compartment light must be on when transporting patient.

-5-

5. White light to illumine license plate.
6. Hand light either attached or unattached to body.

D. Warning Devices

1. Each ambulance shall be equipped with a rotary siren. The propeller shall be a minimum of ten (10) inches in diameter.
2. Each ambulance shall be equipped with a minimum of one (1) rotating roof mounted fixture containing three (3) sealed beam lights and have a minimum height of eleven (11) inches and ten (10) inches in diameter.

E. Designation

Each ambulance operated within the City of Charlotte shall bear the name of the owner and a unit number. All ambulances of each owner shall be of the same color scheme. All owners shall adopt a separate color scheme for their ambulances distinct from that of any other owner.

F. Communications

1. Each ambulance shall be equipped with a two-way radio licensed by the Federal Communications Commission and in operative condition at all times.
2. Each owner shall maintain a dispatcher twenty-four (24) hours every day at his base of operation for the purpose of communication with the public and with the ambulances.
3. Each owner must provide direct communications with the City Police Dispatcher from his base of operation.

G. First Aid Equipment

Each ambulance shall be equipped with the following:

1. One ambulance cot with adjustable head rest.
2. One folding emergency stretcher.
3. One compartment for clean supplies.
4. One compartment for soiled supplies.
5. Ten (10) sheets, five (5) pillow cases freshly laundered and wrapped in pairs when not in use.
6. Minimum of five hundred (500) pounds pressure oxygen supply equipped with inhalator, resuscitator, adult and child face mask.
7. Splints, including Thomas Leg Splint, two (2) forearm splints, and two (2) full arm splints.
8. Bandages, 2 in. and 3 in. rolls.

-6-

9. Bandage Shears.
10. Tourniquet.
11. Aspirator - rubber bulb.
12. Elastic bandages - 3 in. rolls.
13. 5 bias cut stockinettes 3 in. x 3 ft. rolls for splinting.
14. Two (2) adult airway passages.
15. Two (2) child airway passages.
16. Two (2) infant airway passages.
17. Tongue depressors.
18. One (1) resusitube airway.
19. Adhesive tape 1 in., 2 in., and 3 in. rolls.
20. Six (6) umbilical cord clamps.
21. Four (4) tuft bath towels.
22. Four (4) hand towels.
23. One (1) cotton blanket.
24. Ten (10) trip records.
25. One (1) pillow.
26. Four (4) safety pins.
27. Eight (8) gauze pads dressings.
28. One (1) snake bite kit.
29. One (1) rubber sheet.

H. Sanitation

1. Each ambulance shall have closed compartments for first aid equipment free from dust, insects and rodents.
2. The interior of each ambulance shall be clean and wiped with an approved antiseptic daily even if ambulance has not been used, and after each patient transported unless an emergency prevents same.
3. Weather permitting, each ambulance must be cleaned on the exterior each day.
4. In the event of transportation of a patient with a contagious or infectious disease, ambulance shall be cleaned and wiped with approved antiseptic and not be used for twenty-four (24) hours.

-7-

5. There shall be at all times freshly laundered linen on cots used to transport patients, changing linen after each patient carried.

I. Inspection by Owner

Each owner must inspect each ambulance every morning to ascertain cleanliness, mechanical and operational worthiness for transporting patients.

J. Maintenance

Any ambulance found by the owner, upon inspection, to be unsafe for ambulance operations shall have such repairs and alterations made as may be required and shall not operate, or cause to be operated any such ambulances until all such repairs and alterations have been completed.

Sec. 19-85. DRIVERS AND ATTENDANTS; QUALIFICATIONS; PROHIBITED ACTS.

- A. No person shall be employed or act as an ambulance driver or attendant unless such person shall meet the following qualifications:

1. Be at least twenty-one (21) years of age.
2. Hold a current chauffeur's license issued by the State of North Carolina.
3. Be of sound physique, with good eyesight and not subject to epilepsy, vertigo, heart trouble, or any other infirmity of body or mind which might render him unfit for the safe operation of an ambulance and present evidence of no handicapping condition as shown by negative chest x-ray, blood test for syphilis and urinalysis.
4. Be able to read, write and speak the English language.
5. Be clean in dress and person and in uniform designating the ambulance service and his name.
6. Be not addicted to the use of drugs or intoxicating liquors.
7. Shall not have violated any laws or ordinances of this city or state concerning driving while under the influence of intoxicating liquors or beverages, speeding, larceny, trespassing, or sexual perversion of any type within the past five (5) years. Affidavit of same shall be on file with the owner and subject to police inspection.
8. Shall have completed the recognized Standard and Advanced American Red Cross First-Aid Course and maintain on his person a current valid card indicating same.
9. Shall have completed twenty-five (25) emergency trips as an observer before being allowed to operate an ambulance.

-8-

10. Shall have completed course on the handling of laryngectomies and tracheotomies.
11. Shall have completed course of administering oxygen. Such course given by an oxygen therapist or his agent.
12. Shall have completed instructions on handling pregnant women.
13. Shall have completed instruction on heart patients.

Provided, Attendants may be under twenty-one (21) years of age but must be at least eighteen (18) and need not hold a chauffeur's license if not required by the State of North Carolina.

B. Prohibited Acts

Any person employed or acting as a driver or attendant is hereby forbidden to commit or cause to be committed any of the following prohibited acts:

1. To fail to comply with all reasonable and lawful requests of the patient as to first aid treatment and to destination.
2. To smoke while inside an ambulance whether moving or standing.
3. To transport any deceased person except through explicit instruction of the deceased's family, the coroner or police, after permitted by police, to any place other than a local state recognized hospital.
4. To move any deceased person except by permission of the City Police.
5. To move any patient where there is suspicion of foul play without first notifying the City Police of such suspicion.
6. To recommend to anyone a particular funeral home to handle a deceased person.
7. To administer, prescribe, employ or sell any drug, herb, medicine, plaster or belt or attempt the treatment of a disease.
8. To make vaginal examinations for the purpose of determining pregnancy nor attempt to mechanically break the bag of waters or remove adherent placental tissue.
9. In the event of miscarriage, to transport any patient without first obtaining all placenta membranes and transporting same with patient if found.
10. To disregard any instruction from a licensed physician of this state as concerns the welfare of the patient.
11. To disregard the instruction of any police officer during the administering of first aid, transporting, standing or enroute to destination.

12. To permit anyone to sit in the attendant seat other than attendant, doctor or registered nurse.
13. To make an emergency run without having notified the City Police beforehand of such emergency and awaiting clearance.

Sec. 19-86. RULES GOVERNING GENERAL OPERATION. The following rules shall govern the general operation of ambulances under a certificate of public convenience and necessity:

A. Operating Rules

1. Registration. No person shall operate a motor vehicle as an ambulance unless such vehicle has been registered in accordance with the laws of the State, and all required licenses and permits have been obtained.
2. Compliance with Laws and Ordinances. Every ambulance shall be operated in accordance with the laws and ordinances of this State and City governing the operation of emergency vehicles.
3. Terminal Required. Every ambulance operated under a certificate on the streets of the City of Charlotte shall have a headquarters terminal wherefrom ambulances are dispatched and whereto such ambulances shall return by the most direct route.
4. Emergency Runs. Upon receipt of a request for an emergency run, the dispatcher shall clear with the Police Department dispatcher the nature of the emergency and the location thereof, and shall await Police clearance before dispatching an ambulance to the scene of the emergency.
5. Emergency Procedure. Upon arrival at the scene of an emergency, determination shall be made immediately of the condition of the patient, necessary first aid treatment shall be administered, and thereupon the patient shall immediately be transported to medical attention, under emergency run conditions only if the patient's condition is such as to warrant immediate medical attention of a physician in order to conserve human life or relieve undue suffering.

B. Records and Reports.

1. Record of Dispatcher or Owner. There shall be maintained for a period of three (3) years, a record of all calls which shall show the patient's name, age, race, sex, address, time call received, time ambulance dispatched, time ambulance arrived at scene or address, time ambulance reached destination of hospital or medical attention, to what hospital or place of medical attention patient was transported, dispatcher's name, and whether call was emergency or not.
2. Trip Record. There shall be maintained for a period of three (3) years a trip record showing all the information required in Sec. 19-86(B)(1), and, in addition: the condition of the patient and whether or not first aid treatment

-10-

was administered; whether or not an emergency run was made; the names of the driver and attendant. The trip record shall be so designed as to provide the patient with a copy thereof containing all required information. A copy of the trip record may serve as a receipt for any charges paid.

3. Daily Log. The dispatcher shall maintain a daily log for the purpose of identifying persons transported in any one day.
4. Inventory Record. In the event that the transport of a deceased person is made, there shall be prepared a written inventory of personal possessions transported, witnessed by the agency receiving the deceased, and such inventory shall be kept on file for a period of two (2) years. Such inventory may be inspected by deceased's next of kin and by any governmental agency having authority to make such inspection. A copy of such inventory shall be given to the witnessing agency.
5. Inspections. Monthly records of inspections of vehicles and equipment shall be kept current and made available to any governmental agency requesting same.

C. Insurance Required.

Every owner operating ambulances under a certificate shall submit to the City Council evidence of public liability and property damage insurance in force with an insurance company licensed to conduct business in this State in the following amounts:

Bodily Injury	-	\$100,000 per person
Bodily Injury	-	\$300,000 per accident
Property Damage	-	\$100,000 per accident

Such owner shall also show that the City of Charlotte is named as an insured on such policies.

Sec. 19-86.1. RATES AND CHARGES. No person owning, operating or controlling ambulances under a certificate of convenience and necessity shall charge other than the following rates for ambulance service:

A. Day - 6:00 a.m. to 6:00 p.m.

1. \$12.50 per person for the first ten (10) miles one-way.
2. \$.65 per mile per person in excess of ten (10) miles, one-way.

B. Night - 6:00 p.m. to 6:00 a.m.

1. \$13.50 per person for the first ten (10) miles, one-way.
2. \$.65 per mile per person in excess of ten (10) miles, one-way.

C. Extras -

1. \$5.00 for oxygen.
2. \$1.00 for charge accounts.

-11-

D. Waiting time -

1. \$3.00 for the first fifteen (15) minutes.
2. \$2.00 for each additional fifteen (15) minutes.

E. Non-emergency round trips - \$18.50, including not more than thirty (30) minutes waiting time. Waiting time in excess of thirty (30) minutes to be charged at regular rates specified above.

Any owner or operator charging in excess of the rates prescribed herein shall be in violation of this ordinance and shall be subject to a penalty of \$25.00 for each such violation.

Any person who engages ambulance service from an owner operating under a certificate of convenience or necessity and fails or refuses to pay such owner or operator the lawful charges for such service within ninety (90) days from date such charges are made shall be in violation of this ordinance and shall be subject to a penalty of \$25.00 for any such violation.

Sec. 19-86.2. VIOLATIONS. Any violation of the provisions of this ordinance shall be a misdemeanor subject to a fine not exceeding fifty dollars, or imprisonment not exceeding thirty days, as provided by Section 14-4 of the General Statutes of North Carolina."

Section 2. This ordinance shall become effective upon its adoption.

Approved as to form:

City Attorney

Read, approved and adopted by the City Council of the City of Charlotte, North Carolina, in meeting on the 27th day of November, 1961, the reference having been made in Minute Book 41, at Page 177, and recorded in full in Ordinance Book 13, beginning at Page 115.

Lillian R. Hoffman
City Clerk