

Ordinance No. 6167

AN ORDINANCE NARROWING THE MUNICIPAL LICENSING REQUIREMENTS FOR AMBULANCES BY AMENDING SECTIONS 5.16.010 and 5.16.020 OF THE RAPID CITY MUNICIPAL CODE.

WHEREAS, the City of Rapid City (the “City”) is authorized to license and regulate ambulance services within the City pursuant to SDCL 34-11-1; and

WHEREAS, SDCL 34-11-1 also authorizes municipalities to operate a municipal ambulance to serve the needs of the community; and

WHEREAS, pursuant to the authority granted under state law, the City has established a municipal ambulance service to provide for the needs of the community and has also adopted ordinances regulating ambulances and ambulance services operated within the City; and

WHEREAS, under the ordinances as currently adopted, the definition of patient and ambulance are overly broad and arguably regulate vehicles that are not traditionally considered ambulances; and

WHEREAS, the City ordinance as written could be interpreted to require that patients being transported to or from medical or long term care facilities be transported via an ambulance even though the patient does not have any medical need to be transported in a vehicle capable of providing such a high level of care; and

WHEREAS, requiring the transportation of patients who do not have a medical need to be transported in a traditional ambulance can unnecessarily increase the cost to the patient and is not an efficient use of the municipal ambulance service’s limited resources; and

WHEREAS, the City does not want to inhibit, or regulate, the transportation of patients who do not have any medical need to be transported via an ambulance; and

WHEREAS, the narrowing of the current regulations related to the transport of patients could be easily accomplished by amending the definition of ambulance in the city code to more closely follow the definition of ambulance contained in state law; and

WHEREAS, the Common Council has determined that it is in the City’s best interests to narrow the regulations related to the transport of patients by focusing the licensing requirements in the city code on traditional ambulances by amending Sections 5.16.010 and 5.16.020 of the Rapid City Municipal Code (RCMC).

NOW THEREFORE, BE IT ORDAINED, by the City of Rapid City that Sections 5.16.010 and 5.16.020 of the RCMC be amended to read as follows:

5.16.010 Definitions.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. **AMBULANCE.** ~~Any privately or publicly owned motor vehicle that is specifically designed or constructed, and equipped, and is intended to be used for and is maintained or operated for the transportation of patients, including dual purpose police patrol cars and funeral coaches or hearses which otherwise comply with the provisions of this chapter~~ A vehicle used for emergency care with a driver compartment and a patient compartment, carrying all equipment and supplies needed to provide emergency medical technician-basic level emergency care at the scene and enroute to an appropriate medical facility. ~~except any such motor vehicle owned by, or operated under, the direct control of the United States.~~

B. **ATTENDANT.** A trained and/or qualified individual responsible for the operation of an ambulance and the care of the patients whether or not the attendant also serves as driver.

C. **ATTENDANT-DRIVER** means a person who is qualified as an attendant and a driver.

D. **CITY.** City of Rapid City, South Dakota.

E. **DRIVER.** An individual who drives an ambulance.

F. ~~**DUAL-PURPOSE POLICE PATROL CAR.** A vehicle, operated by a police department, which is equipped as an ambulance, even though it is also used for patrol or other police purposes.~~

G. **HEALTH OFFICER.** The City of Rapid City Health Officer or other designated official.

H. **LICENSE OFFICER.** The City Auditor.

I. **PATIENT.** An individual who is sick, injured, wounded or otherwise incapacitated or helpless.

J. **PERSON.** ~~means a~~ Any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose or organization of any kind, including any governmental agency other than the United States.

5.16.020 License requirements generally– Exceptions.

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 the transportation of patients via an ambulance upon the streets, alleys or any public way or place of the city, unless he or she holds a currently valid license for an ambulance, issued

pursuant to this chapter. An ambulance operated by an agency of the United States shall not be required to be licensed hereunder.

B. Provided, however, that no such licenses shall be required for an ambulance which:

1. Is rendering assistance to licensed ambulances in the case of a major catastrophe or emergency with which the licensed ambulances of the city are insufficient or unable to cope; or

2. Is operated from a location or headquarters outside of the city in order to transport patients who are picked up beyond the limits of the city to locations within the city.

C. No license shall be issued under this chapter to any new applicant unless the Common Council shall find that further ambulance service is required by public convenience and necessity. In the absence of the findings, any new applicant shall be denied.

D. The city is exempt from licensing requirements under this chapter for the operation of its municipal ambulance service.

E. The municipal ambulance service may, on a case by case basis, authorize a medical facility, or other long term care facility, to make alternative arrangements for transport of patients if such facility has requested the municipal ambulance service perform a transport and the municipal ambulance is unable to accommodate the facility's request for transport in a reasonable time frame.

F. The municipal ambulance service is authorized to enter into agreements with medical facilities, or other long term care facilities, within the City to provide for the terms and conditions under which patients are transported by the municipal ambulance service. Such agreements may also provide for the terms and conditions by which such facilities are authorized to make alternative arrangements for the transportation of patients when the municipal ambulance service is unable to provide such transportation services.

CITY OF RAPID CITY

Mayor

ATTEST:

Finance Officer
(SEAL)

First Reading:
Second Reading:
Published:
Effective: