

## Chapter 7.08

### EMERGENCY AMBULANCE SERVICE

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#### **7.08.010 Emergency Medical Ambulance Service; Fees for Service.**

The Fire and Rescue Department shall manage and administer a city ambulance program that will, from and after January 1, 2001, serve the area of city service by providing emergency ambulance service. The City Council shall determine and set reasonable fees for ambulance service. Except as provided for below, no such fee shall be set without first receiving from EMSOA a written recommendation as to what a reasonable fee schedule is. EMSOA, within thirty days of a request for such information by the City Council shall respond in writing with their recommendation. Failure of EMSOA to so respond shall not prevent the City Council from determining and setting a fee schedule found by the City Council to be reasonable. The fees shall be based on the reasonable costs of providing ambulance service for the area of city service. Nothing in this section shall be construed so as to prevent or limit the authority of the city to provide routine ambulance service.

Upon written recommendation of the Fire Chief, the Mayor may contract with one or more private ambulance providers (who must hold a routine ambulance service license) to supplement or otherwise provide emergency ambulance service, or any portion thereof, within the area of city service, provided, however, that such contractor may provide such service only in response to a dispatch by the 911 Center for emergency ambulance service. The term of any such contract shall not exceed one year and shall in no event extend beyond the date of expiration of such contractor's current routine ambulance service license.

The Fire Chief shall annually present to the City Council, as part of the normal budget process, a proposed fee schedule based on the city ambulance program budget. The fee schedule shall encompass all costs and expenditures related to the city ambulance program including but not limited to personnel, equipment, vehicle, material, oversight, and maintenance costs in such a form as to insure proper charges for services rendered. (Ord. 18170 §22; April 28, 2003; prior Ord. 17738 §35; October 2, 2000).

#### **7.08.020 EMS Enterprise Fund.**

There having been previously created a fund designated as the EMS Enterprise Fund, all monies received by the City as payment for ambulance service shall be credited to the EMS Enterprise Fund. Such fees collected and other revenue shall be used exclusively for the operation, maintenance, and administration of the city ambulance program, including but not limited to personnel, equipment, maintenance, oversight, and expenditures related to billing and collections. (Ord. 17738 §36; October 2, 2000).

#### **7.08.030 Collection of Fees; Enforcement.**

The City Attorney may bring suit in the name of the city against any person, corporation, firm, or association in any court of competent jurisdiction upon failure of such person, corporation, firm, or association to pay for the provision of ambulance service when such service is provided by the city. Any such civil action shall be in addition to any other remedies available at law or in equity. Nothing in this chapter shall authorize any city department, official or personnel to refuse or delay any service to any person, firm, or corporation for the reason that such person, firm, or corporation has not paid for ambulance service or owes for previous ambulance service.

The Mayor may contract with third party billing and collection services to facilitate the collection of monies owing the city for the provision of ambulance service. (Ord. 17738 §37; October 2, 2000).

#### **7.08.040 Operation of Emergency Ambulance Service Unlawful; Penalty.**

(a) From and after January 1, 2001, it shall be unlawful for any person not employed by Lincoln Fire and Rescue to operate, drive, or cause to be operated or driven any ambulance on the streets of the city for the purpose of furnishing emergency ambulance service, or to furnish or attempt to furnish emergency ambulance service within the City. Any person convicted hereunder shall be guilty of a misdemeanor and shall be punishable by a maximum \$500.00 fine for each such conviction, recoverable with costs; provided, however, that for the first such offense the minimum fine shall be not less than \$200.00, for the second such offense the fine shall be not less than \$300.00, and for the third or subsequent such offense the fine shall be not less than \$400.00. Each transport or incident in which emergency ambulance service is provided or attempted to be provided shall constitute a separate and distinct offense and shall be punishable as such. In addition to the criminal penalties provided herein, any conviction hereunder may be sufficient grounds for the City Council to deny a subsequent application for a routine ambulance service license, or to revoke or suspend a current license therefor. Such denial, revocation, or suspension shall be deemed remedial and civil in nature.

(b) It is an affirmative defense to prosecution that the site of the patient to whom the ambulance is responding is outside the corporate limits of the City, and the ambulance is operating within the City only for the purpose of responding to or from the emergency site or patient so located for transporting the patient to a medical facility.

No person shall be prosecuted pursuant to this section when such person was dispatched by the 911 Center to the site of a patient for the purpose of providing emergency ambulance service, or when such person was providing stand-by ambulance service pursuant to a contract with the City. (Ord. 19817 §10; December 17, 2012; prior Ord. 17738 §38; October 2, 2000).

#### **7.08.050 Emergency Ambulance Service Response Time; Objective.**

In the provision of emergency ambulance service within the corporate limits of the City, the City or its contractor, when dispatched by the 911 Center pursuant to an emergency call and where the condition of the patient is life-threatening (meets the classification Delta or Echo), shall respond to the site to which dispatched within eight minutes and no seconds from the time of dispatch, for at least 90% of the responses, and, to the extent possible, shall make reasonable attempts to arrive at the site to which dispatched within six minutes and no seconds of the time of dispatch. This section does not require that on each particular emergency call a particular response time be achieved. Rather, this section is intended to provide objective goals and standards for purposes of evaluating, on a system-wide basis, the proficiency of the service being provided. This section is

not intended to and does not waive any immunities or defenses otherwise available to the City or its contractor (for 911 service, emergency medical service, emergency ambulance service, or any other service or cause of action) through city, state or federal law, including but not limited to defenses and immunities set forth in the Nebraska Political Subdivisions Tort Claims Act. (Ord. 19817 §11; December 17, 2012: prior Ord. 17738 §39; October 2, 2000).