

**ORDINANCE NO. 3910**

**AN ORDINANCE AMENDING CHAPTER 5.16 OF THE RAPID CITY MUNICIPAL CODE RELATING TO AMBULANCE SERVICES BY AMENDING SECTIONS 5.16.020, 5.16.030, 5.16.040, 5.16.050, 5.16.060, 5.16.100, 5.16.190, AND DELETING SECTIONS 5.16.070, 5.16.080, 5.16.130, 5.16.140, 5.16.150, 5.16.160, 5.16.170, 5.16.200, 5.16.210, 5.16.220, 5.16.230, 5.16.240, AND 5.16.250 CONCERNING LICENSING REQUIREMENTS AND STANDARDS FOR AMBULANCES.**

BE IT ORDAINED by the City of Rapid City that Section 5.16.020 of Chapter 5.16 of the Rapid City Municipal Code be amended to read as follows:

**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 upon the streets, alleys, or any public way or place of the city, unless he 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. No ambulance shall be operated for ambulance purposes, and no individual shall drive, attend or permit it to be operated for such purposes on the streets, alleys, or any public way or place of the city, or any city property unless it shall be under the immediate supervision and direction of a person who is holding a currently valid license as an attendant driver or attendant.~~

C. Provided, however, that no such licenses shall be required for an ambulance, ~~or for the driver, attendant or attendant driver of 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, ~~but no such outside ambulance shall be used to pick up patients within the city for transportation to locations within the city unless the driver attendant and attendant driver and the person subject to the provisions of subsection A of this section in respect of such ambulance hold currently valid licenses issued pursuant to this chapter.~~

D. 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 such findings, any new applicant shall be denied.

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

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.030 of Chapter 5.16 of the Rapid City Municipal Code be amended to read as follows:

**5.16.030 Ambulance license--Application--Fee.**

Applications for ambulance licenses hereunder shall be made upon such forms as may be prepared or prescribed by ~~license~~ finance officer and shall contain:

- A. The name and address of the applicant and of the owner of the ambulance;
- B. The trade or other fictitious name, if any, under which the applicant does business and proposes to do business;
- C. The training and experience of the applicant in the transportation and care of patients;
- D. A description of each ambulance, including the make, model, year of manufacture; current state license number; the length of time the ambulance has been in use; the insignia, name, monogram or other distinguishing characteristics to be used to designate applicant's ambulance;
- E. The location and description of the place or places from which it is intended to operate;
- F. Such other information as the ~~license~~ finance officer shall deem reasonably necessary to a fair determination of compliance with this chapter;
- G. An accompanying license fee of fifty dollars for the first ambulance, forty dollars for the second ambulance, and ten dollars for each additional ambulance.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.040 of Chapter 5.16 of the Rapid City Municipal Code be amended to read as follows:

**5.16.040 Ambulance license--Application--Investigation--Review of findings.**

- A. The ~~license~~ finance officer shall within ten days after receipt of an application for an ambulance license as provided for herein, cause such investigation as he deems necessary to be made of the applicant and of his proposed operations.
- B. Upon investigation the ~~license~~ finance officer shall report his findings to ~~the city ambulance subcommittee which shall hear the matter and make recommendations thereon to the common council~~ the Common Council and make a recommendation regarding the issuance of an ambulance license.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.050 of Chapter 5.16 of the Rapid City Municipal Code be amended to read as follows:

**5.16.050 Ambulance license--Issuance--Required findings--Term.**

Upon the approval of the Common Council, the finance officer shall issue an ambulance license to any applicant so approved. Such license shall be valid for a period of two (2) years unless earlier suspended, revoked or otherwise terminated at the Common Council's sole discretion.

~~The license officer shall issue a license hereunder for a specified ambulance to be valid for a period of two years unless earlier suspended, revoked or otherwise terminated upon finding by the common council that:~~

- ~~A.——The public conveyance and necessity require proposed ambulance service;~~
- ~~B.——Each such ambulance, its required equipment and the premises designated in the application, have been certified by the health officer as provided for herein;~~
- ~~C.——The applicant is a responsible and proper person to conduct or work in the proposed business;~~
- ~~D.——Only duly licensed drivers, attendants and attendant drivers are employed in such capacities;~~
- ~~E.——All the requirements of this chapter and all other applicable laws and ordinances have been met.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.060 of Chapter 5.16 of the Rapid City Municipal Code be amended to read as follows:

**5.16.060 Ambulance standards --Generally.**

Each ambulance shall, at all times when in use as such, meet the minimum standards prescribed by the State of South Dakota.

~~Each ambulance shall, at all times when in use as such:~~

- ~~A.——Be suitable for the transportation of patients from the standpoint of health, sanitation and safety, and be maintained in suitable premises;~~
- ~~B.——Contain equipment conforming with the standard requirements and regulations provided for herein, which equipment shall be in proper and good condition for such use;~~
- ~~C.——Currently comply with all applicable laws and local ordinances relating to health, sanitation and safety;~~
- ~~D.——Be equipped with such lights, sirens and special markings to designate it as an ambulance as may be prescribed in reasonable regulations promulgated by the license officer; and~~
- ~~E.——Be equipped with approved safety belts for the driver, and for a passenger in the front seat if such seat is provided.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.070 of Chapter 5.16 of the Rapid City Municipal Code be deleted in its entirety.

**~~5.16.070 — Ambulance standards — Equipment.~~**

~~A. — Required equipment in each ambulance shall include, at all times when the ambulance is in the use as such, equipment adequate in the judgment of the health officer for dressing wounds, splinting fractures, controlling hemorrhage and providing oxygen.~~

~~B. — The health officer is authorized and directed to promulgate regulations, after public notice and opportunity for public hearing, to implement the standards provided herein as to required equipment in ambulances. In determining the adequacy of equipment the health officer shall take into consideration the current list of minimal equipment for ambulances, adopted by the American College of Surgeons or its duly authorized committee on trauma. Each licensee of an ambulance shall comply with such reasonable regulations hereunder as may be promulgated by the health officer and shall maintain in each such ambulance, at all times when it is in use as such, all such equipment as may be prescribed by the health officer hereunder.~~

~~C. — All ambulances will be equipped with two way FM radio equipment to hospitals.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.080 of Chapter 5.16 of the Rapid City Municipal Code be deleted in its entirety.

**~~5.16.080 — Health officer — Inspection duties.~~**

~~A. — Prior to the issuance of any ambulance license hereunder, the health officer shall cause to be inspected the vehicles, equipment and premises designated in each application hereunder, and shall certify his approval in a written report to the license officer when he finds compliance with the standards prescribed in Sections 5.16.060 and 5.16.070 and with the regulations promulgated under such sections; provided, however, that under the terms of this chapter the health officer shall have no responsibility, and shall exercise no authority, in connection with laws and ordinances of general applicability which deal with motor vehicle inspection.~~

~~B. — Subsequent to issuance of an ambulance license hereunder, the health officer shall cause to be inspected each such licensed vehicle, and its equipment and premises, whenever he deems such inspection to be necessary but in any event no less frequently than twice each year, and shall promptly report his findings in a written report to the license officer. The periodic inspection required hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulances or other motor vehicles, or other inspections required to be made, under general law or ordinances, and shall not excuse compliance with any requirement of law or ordinance to display any official certificate of motor vehicle inspection and approval nor excuse compliance with the requirements of any other applicable general law or ordinance.~~

~~C. — A copy of each initial, semiannual or other ambulance equipment and premises inspection report submitted by the health officer to the license officer under the provisions of this section shall be promptly transmitted to the applicant or licensee to whom it refers.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.100 of Chapter 5.16 of the Rapid City Municipal Code be amended to read as follows:

**5.16.100 Ambulance license--Transfer.**

Application for transfer of any ambulance license to another or substitute vehicle shall require conformance with all the requirements of this chapter as upon original licensing. No ambulance license may be sold, assigned, mortgaged or otherwise transferred without the approval of the ~~license officer~~ Common Council and a finding of conformance with all the requirements of this chapter as upon original licensing.

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.120 of Chapter 5.16 of the Rapid City Municipal Code be deleted in its entirety.

~~**5.16.120 Equipment, premises and records to be available for inspection.**~~

~~Each licensed ambulance, 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 health officer or his designated representatives during usual hours of operation.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.130 of Chapter 5.16 of the Rapid City Municipal Code be deleted in its entirety.

~~**5.16.130 Driver's and attendant's license--Application--Fee.**~~

~~Application for driver's, attendant's and attendant drivers licenses hereunder shall be made upon such forms as may be prepared or prescribed by the license officer and shall contain:~~

~~A. The applicant's full name, current residence, places of residence for five years previous to moving to his present address, and length of time he has resided in the city;~~

~~B. The applicant's age, marital status, height, color of eyes and hair;~~

~~C. Whether he has ever been convicted of a felony or misdemeanor, and if so, when and where and for what cause;~~

~~D. The applicant's training and experience in the transportation and care of patients, and whether he has previously been licensed as a driver, chauffeur, attendant or attendant driver, and if so, when and where, and whether his license has ever been revoked or suspended in any jurisdiction and for what cause;~~

~~E. Affidavits of good character from two reputable citizens of the United States and residents of the city who have personally known such applicant and observed his conduct during five years preceding the date of his application;~~

~~F. Two recent photographs of the applicant, of a size designated by the license officer, one of which shall be attached by the license officer to the license;~~

~~G. — Such other information as the license officer shall deem reasonably necessary to a fair determination of compliance with this chapter;~~

~~H. — An accompanying license fee of five dollars plus a five dollar initial application fee.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.140 of Chapter 5.16 of the Rapid City Municipal Code be deleted in its entirety.

**~~5.16.140 — Driver's and attendant's license--Application--Investigation.~~**

~~The license officer shall, within a reasonable time after receipt of an application as provided for herein, cause such investigation as he deems necessary to be made of the applicant for a driver's, attendant's or attendant driver's license.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.150 of Chapter 5.16 of the Rapid City Municipal Code be deleted in its entirety.

**~~5.16.150 — Driver's and attendant's license--Issuance--Required findings.~~**

~~The license officer shall issue a license hereunder for a driver, attendant or attendant driver to be valid for a period of two years unless earlier suspended, revoked or otherwise terminated upon finding by the common council that:~~

~~A. — The applicant is not addicted to the use of intoxicating liquors or narcotics, and is morally fit for the position;~~

~~B. — The applicant is able to speak, read and write the English language;~~

~~C. — The applicant has been found by a duly licensed physician, upon examination attested to on a form provided by the health officer, to be of sound physique, possessing eyesight corrected to at least 20/40 in the better eye, and free of physical defects or diseases which might impair the ability to drive or attend an ambulance; and~~

~~D. — For each applicant for attendant or attendant drivers license, that such applicant has a current valid certificate evidencing successful completion of a course of training equivalent to the advanced course in first aid given by the American Red Cross or the United States Bureau of Mines, or Emergency Medical Technician Course sponsored by the National Traffic Safety Administrator.~~

~~Provided, however, that no one shall be licensed as a driver or attendant driver unless he holds a currently valid chauffeur's permit from the state.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.160 of Chapter 5.16 of the Rapid City Municipal Code be deleted in its entirety.

**~~5.16.160 — Driver's and attendant's license--Defacing prohibited.~~**

~~No official entry made upon a license may be defaced, removed or obliterated.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.170 of Chapter 5.16 of the Rapid City Municipal Code be deleted in its entirety.

**~~5.16.170 — Driver's and attendant's license—Transfer.~~**

~~A license as driver, attendant or attendant driver issued hereunder shall not be assignable or transferable.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.190 of Chapter 5.16 of the Rapid City Municipal Code be amended to read as follows:

**5.16.190 Revocation of license.**

A. The ~~license officer~~ Common Council may and is authorized to suspend or revoke a license issued hereunder for failure of a license to comply and to maintain compliance with or for his violation of any applicable provisions, standards or requirements of this chapter or of regulations promulgated hereunder, or of any other applicable laws or ordinances or regulations promulgated thereunder, but only after warning and such reasonable time for compliance as may be set by the license officer. Within thirty days after a suspension, the license shall be afforded a hearing, after reasonable notice. The ~~license officer~~ Common Council shall, within thirty days after conclusion of such hearing, issue a written decision (which shall include written findings) as to the suspension of the license. Such written decision shall be promptly transmitted to the licensee to whom it refers.

B. The initial, semiannual or other ambulance, equipment and premise inspection reports of the health officer herein provided for shall be prima facie evidence of compliance or noncompliance with, or violation of, the provisions, standards and requirements provided herein, and for the regulations promulgated hereunder, for the licensing of ambulances.

C. Upon suspension, revocation or termination of an ambulance license hereunder, such ambulance shall cease operations as such and no person shall permit such ambulance to continue operations as such. ~~Upon suspension, revocation or termination of a driver's, attendant's, or attendant driver's license hereunder, such driver, attendant or attendant driver shall cease to drive or attend an ambulance and no person shall employ or permit such individual to drive or attend an ambulance.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.200 of Chapter 5.16 of the Rapid City Municipal Code be deleted in its entirety.

**~~5.16.200 — Rate schedules.~~**

~~The owner of an ambulance shall file with the city auditor and shall post in an obvious location within such ambulance, and within each place of business, a schedule of rates. It is unlawful for any owner, driver or attendant of any ambulance to charge in excess of such rates as may be set forth in such rate schedule where the ambulance is receiving a subsidy from the city. The rate schedule shall be subject to approval of the city council.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.210 of Chapter 5.16 of the Rapid City Municipal Code be deleted in its entirety.

**~~5.16.210 — Transporting patients—Attendant required.~~**

~~It is unlawful for any person to carry for hire any person in any ambulance upon the streets of the city unless there shall be an attendant in such ambulance in addition to the driver thereof.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.220 of Chapter 5.16 of the Rapid City Municipal Code be deleted in its entirety.

**~~5.16.220 — Obedience to traffic laws, ordinances and regulations.~~**

~~A. The driver of an ambulance, when responding to an emergency call or while transporting a patient, may exercise the privileges set forth in this section, but subject to the conditions herein stated, and only when such driver has reasonable grounds to believe that an emergency in fact exists requiring the exercise of such privileges.~~

~~B. Subject to the provisions of subsection A of this section, the driver of an ambulance may:~~

~~1. Park or stand, irrespective of the otherwise applicable provisions of the law, ordinance or regulation;~~

~~2. Proceed past a red or stop signal or stop sign, but only after slowing down as may be necessary for safe operation;~~

~~3. Exceed the maximum speed limits permitted by law, ordinance or regulation so long as he does not endanger life or property; and~~

~~4. Disregard laws, ordinances or regulations governing direction or movement or turning in specified directions.~~

~~C. The exemptions herein granted shall apply only when such ambulance is making use of audible and visual signals meeting the requirements of law, ordinance or regulation.~~

~~D. The foregoing provisions shall not relieve the driver of an ambulance from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.230 of Chapter 5.16 of the Rapid City Municipal Code be deleted in its entirety.

**~~5.16.230 — Refusal of service.~~**

~~After having responded to any call for ambulance service, it is unlawful for any person to refuse such service for any reason except where aid is declined or for other reasons beyond the control of the operator.~~



BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.240 of Chapter 5.16 of the Rapid City Municipal Code be deleted in its entirety.

**~~5.16.240 — Going to scene of accident without request.~~**

~~It is unlawful for any person licensed under this chapter to go to the scene of any accident unless a request for ambulance service has been directed to the operator or driver of the ambulance or to the place from which the ambulance operates.~~

BE IT FURTHER ORDAINED by the City of Rapid City that Section 5.16.250 of Chapter 5.16 of the Rapid City Municipal Code be deleted in its entirety.

**~~5.16.250 — False statements or misrepresentations of fact in carrying on business.~~**

~~It is unlawful for any licensee under this chapter to make any false statement or misrepresentation of fact in carrying on the business for which the license is issued.~~

CITY OF RAPID CITY

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
Finance Officer

(SEAL)

First Reading:  
Second Reading:  
Published:  
Effective:

Prepared By: CITY ATTORNEY'S OFFICE