

AN ORDINANCE DECLARING THE BUSINESS OF TRANSPORTING PERSONS WITHIN THE CITY OF CONWAY, ARKANSAS, BY MOTOR AMBULANCE TO BE A NECESSARY PUBLIC SERVICE UTILITY, SUBJECT TO REGULATION BY SAID CITY: PROVIDING FOR THE REGULATION, LICENSING AND OPERATION OF SAID PUBLIC SERVICE BUSINESS WITHIN SAID CITY: PROVIDING PENALTIES FOR VIOLATION OF SAME: DECLARING AN EMERGENCY: AND FOR OTHER RELATED PURPOSES.

Be it ordained by the City Council of the City of Conway, Arkansas, as follows:

SECTION 1. That from and after the effective date of this ordinance, the business of transporting persons within the City of Conway, Arkansas by motor ambulance be and the same is hereby declared to be a necessary public utility service subject to regulation by said city, and after said date any permit, license, or certificate heretofore granted to any person, firm or corporation to operate an ambulance service within said city shall be deemed revoked and the ownership and operation thereof shall be unlawful, unless all such persons, firms or corporations shall first comply with the provisions of this ordinance as hereinafter set forth.

SECTION 2. DEFINITIONS: The following words and phrases as used in this ordinance shall, for the purpose of this chapter, have the following meaning:

(a) AMBULANCE means any privately owned motor vehicle that is constructed or equipped for and intended to be used for the transportation of a person because of his or her illness, injury or disability.

(b) AMBULANCE BUSINESS means the owning, operating, managing or maintaining as principal or agent of any ambulance as herein defined.

(c) OPERATION means the receiving, picking up or embarking within the City of Conway, of a sick or injured person for transporting or conveyance to any point within or without the City of Conway.

(d) PERSON means individuals, either male or female, partnership, firms, corporations and associations of every kind, and their agents, servants and or employees.

(e) AMBULANCE OPERATOR shall mean any person who, as owner, agent or otherwise, furnishes or operates, advertises or otherwise

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professes to be engaged in the business of furnishing or operating ambulances.

(f) DRIVER shall mean the person who drives and operates an ambulance or invalid or wheelchair coach when the same is operated by or for an ambulance operator while engaged in the ambulance business.

SECTION 3. No person shall engage in the ambulance business within the City of Conway, Arkansas without first obtaining a franchise therefor from the City Council and as hereinafter provided. A franchise to operate an ambulance business shall be issued for a period not in excess of five (5) years. Renewal of any franchise granted hereunder, upon expiration for any reason or after revocation, shall require conformance with all the requirements of this ordinance as upon original licensing.

SECTION 4. The City Council of the City of Conway, Arkansas may grant an exclusive franchise for the privilege of using the streets, alleys, public ways and public grounds of said city for the purpose of operating an ambulance business for the inhabitants of said city and all other persons therein, which franchise shall require that said ambulance service, including emergency ambulance service, must be maintained continuously during all hours.

SECTION 5. Said franchise shall be granted only upon written application therefor filed with the city clerk of said city, and shall be granted only when the City Council of said city, in its discretion, shall determine that the public convenience and necessity requires the issuance of the same; and to determine such public convenience and necessity, the board or City Council may hold such hearings and in such manner as hereinafter provided.

SECTION 6. Said franchise may be granted upon such terms and at such rates as said City Council shall determine and such terms and rates shall be included as a part of any franchise granted under this ordinance.

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city that, before any license for the operation of an ambulance within said city shall be issued to any person, firm or corporation such applicant for said license shall procure public liability insurance issued by some reliable insurance company or companies licensed to do business in the State of Arkansas in such amounts as may adequately insure such person, firm or corporation against any loss or damage to property, or injury or death to persons growing out of the operation by said person, firm or corporation of any ambulance but in no instance shall any ambulance licensed hereunder be insured in any sum less than the following minimum limits: If the accident has resulted in bodily injury or death, to a limit, exclusive of interest and costs, of not less than \$10,000.00 because of bodily injury to or death of one (1) person in any one (1)

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the person, firm or corporation to whom such insurance is issued, the limits of coverage of said insurance, the issue and expiration date of insurance, the policy number, and the complete description of the particular vehicle which is insured under the policy. In the event of insurance of all vehicles belonging to one person, firm or corporation shall be insured with one insurance company under a single, or blanket policy, the complete description of all vehicles insured thereunder must be shown in the said proof of insurance. If, at any time and for any reason, during the licensing period, **said** insurance is canceled by the issuing company or allowed to lapse by the insured, the license to operate each ambulance insured under such canceled or lapsed insurance policy previously issued to such person, firm or corporation shall be revoked and shall become of no further force and effect unless such owner shall procure insurance as above required in **such** time that the ambulance or ambulances insured under such policy or policies of insurance which have lapsed or have been canceled shall at no time be without proper insurance as herein required. In the event any person, firm or corporation exchanges any licensed and insured vehicle for an unlicensed and uninsured vehicle during any licensing period, such person, firm or corporation shall furnish proof of transfer of insurance in the same manner as set forth for proving insurance coverage above.

SECTION 10. The licensing period for the operation of an ambulance is hereby declared to be the twelve month period beginning each July 1st and ending each June 30th next thereafter. No license to operate an ambulance shall, under any circumstances, be issued for longer than the above mentioned period. Any person, firm or corporation applying for a license to operate an ambulance during any licensing period shall be required to pay, in advance, the same license fee which is paid for the entire licensing period. Any person, firm or corporation who, for any reason whatsoever, has his license revoked during the licensing period, or for any other reason discontinues the operation of a licensed vehicle, shall not be

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entitled to recover any portion of the license fee theretofore paid upon such vehicle. The license fee for the operation of ambulances in said city in the amount of \$ 50⁰⁰ for each licensing period is hereby imposed upon each person, firm or corporation operating such ambulance within the City of Conway and such license fee is hereby imposed upon each separate vehicle being operated by such person, firm or corporation. Payment of said license fee shall be made at the time of application for said license and no application for such license shall be accepted by the City Clerk nor considered by the City Council until said license fee is paid in full. No license to operate an ambulance within the said city shall be granted to any person under twenty-one years of age.

SECTION 11. Any person, firm or corporation desiring to operate an ambulance in the City of Conway shall file with the Clerk-Treasurer of said city at least two weeks prior to the start of any licensing period, a written application therefor upon such form or forms as may now or hereafter be prescribed by said city. Each such application shall be accompanied by proper proof of insurance in the amounts provided for in this ordinance.

SECTION 12. A franchise issued pursuant to the provisions of this ordinance may be revoked by the City Council upon good cause being shown therefor including, but not limited to the following reasons, to-wit:

(a) The holder of such franchise shall have failed to operate such ambulance business in compliance with the provisions of this ordinance and all state and federal laws applicable thereto.

(b) The holder of such franchise or his agents, servants and employees shall have committed acts or carried on a course of conduct which the City Council finds, after hearing thereon, establishes a lack of good moral character.

(c) The franchise holder shall abandon its operation of the ambulance business for a period of one (1) or more days. Acts of God, labor, and other acts beyond control of the franchise holder which causes abandonment or limitation of service shall not be considered an abandonment within the meaning of this section.

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(d) The franchise holder shall have failed to render satisfactory service.

(e) Such other causes or reasons as shall, in the discretion of the City Council, be reasonably necessary for the protection of the citizens of the City of Conway.

No suspension or forfeiture of any such franchise shall become effective until the City Council shall have held a hearing thereon after having given thirty (30) days notice in writing to the holder of such franchise, except, however, no such hearing shall be required when the holder of such franchise shall have abandoned its operation of its ambulance business for a period in excess of one (1) day.

SECTION 13. All persons desiring to drive an ambulance in the City of Conway, whether such person is the owner of such ambulance or an employee of said owner, must, before being permitted to drive such ambulance, obtain a license authorizing him to drive the same. Application for such license to drive an ambulance must be filed with the Clerk-Treasurer of said city on the form as may now or hereafter be prescribed by said city. The licensing period is hereby declared to be the twelve-month period beginning each July 1st and ending on the following June 30th. Such application for a license to drive an ambulance shall contain at least the following information:

- (a) Full name and residence address of applicant
- (b) Current age and date of birth of applicant
- (c) Experience in driving an automobile

The Clerk-Treasurer will, at the next regular meeting of the City Council present such applications for license to drive an ambulance for approval by said Council. After approval of such application by the affirmative vote of a majority of the members of said Council, the Clerk-Treasurer will issue to the applicant a license authorizing applicant to drive said ambulance for the remainder of the licensing period. No person may drive an ambulance between the time his application is filed and the time such application is approved without first obtaining the written permission of the Chief of the Police Department, but in no instance shall such permission be granted for a period in **excess** of thirty (30) days. No person under the age of

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twenty one years shall be licensed to drive an ambulance in the City of Conway, Arkansas. Any license to drive an ambulance issued by said City may, for good and reasonable cause, be revoked at any time by the city and, in the event of such revocation, the licensee may not recover the license fee for the remaining portion of the licensing period. The license issued to the applicant must be carried on the person of the licensee at all times when engaged in driving such ambulance and the licensee is further required to present said license to any law enforcement officer or any elected city official of the City of Conway when so requested.

SECTION 14. Every ambulance business holding a franchise shall, before such franchise is issued, guarantee the city uninterrupted ambulance service for the term of such franchise, except that by giving sixty (60) days notice in writing to the city, such ambulance business may be discontinued.

SECTION 15. Each ambulance shall at all times be equipped with oxygen, two-way radios, fire extinguishers, stretcher, hacksaw, pry bars and other necessary emergency equipment which may be deemed necessary or proper for emergency and regular operation of an ambulance. Upon making application for a franchise the applicant shall certify that each ambulance operated by it, whether then owned or thereafter acquired, shall at all times be so equipped.

SECTION 16. Any ambulance carrying a patient afflicted with a contagious or infectious disease shall thereafter be carefully and thoroughly fumigated or disinfected in its passenger compartment and equipment under rules laid therefor by the County or City Health Officer, before the same may be used for another patient.

SECTION 17. It is hereby made the duty of the franchise holder to supervise his employees, the drivers of the ambulance, the attendants thereon, and the ambulance, to assure that at all times such vehicles are in condition to meet the requirements of this Ordinance, to assure that a competent licensed driver is operating the same when making calls, and that a licensed attendant be present and accompany such vehicle. Such franchise holder shall not permit any person who is under the influence of intoxicating liquor or drug to drive any ambulance or to accompany the same as an attendant. In case the

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driver or attendant violates any provision of this chapter, the franchise holder may be held responsible and his license may be revoked for such violations.

SECTION 18. Any person who shall fail to comply with any or all of, or who shall violate, the provisions of this Ordinance shall be deemed guilty of misdemeanor, and upon conviction shall be fined not less than Twenty Five and No/100 Dollars (\$25.00).

SECTION 19. The provisions of this Ordinance shall not apply to any persons, firm, or corporation engaged in rendering ambulance service, whose place of business is located in another municipal city, and whose ambulance infrequently comes through or out of the City of Conway, PROVIDING that such person or firm or corporation is not engaged in picking up or delivering a person or persons within the corporate limits of Conway, Arkansas.

SECTION 20. It having been found and determined that inadequate emergency ambulance service within the City of Conway, Arkansas, will result in a condition menacing to the public peace, health and safety and, therefore, an emergency exists and this Ordinance being necessary for the immediate preservation of said public peace, health and safety, same shall be in full force and effect from and after its passage and approval.

PASSED this 9th day of July, 1968.

APPROVED: *W. H. Conway*
Mayor

ATTEST: *Doris T. Gunn*
Clerk-Treasurer