

ORDINANCE NO. 100

AN ORDINANCE OF PERQUIMANS COUNTY, A POLITICAL SUBDIVISION OF THE STATE OF NORTH CAROLINA, AMENDING, ADDING AND REPEALING SECTIONS OF THE PERQUIMANS COUNTY PERQUIMANS COUNTY AMBULANCE SERVICE FRANCHISE ORDINANCE AS ADOPTED BY ORDINANCE NO. 27; THIS ORDINANCE REPLACES ORDINANCE NO. 27; PROVIDES FOR SEVERABILITY; AND PROVIDES FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA THAT:

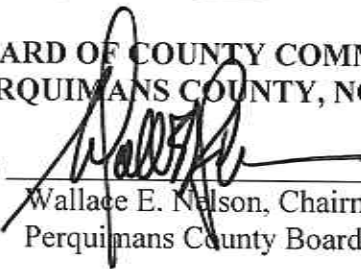
Section 1. Perquimans County Ordinance No. 27 (Perquimans County Ambulance Service Franchise Ordinance) is hereby replaced by Ordinance No. 100 and is attached hereto as Exhibits A & B, and incorporated herein by reference, in its stead;

Section 2. Severance Clause. It is the intent of the Board of County Commissioners of Perquimans County, North Carolina, and it is hereby provided, that if any section, subsection, sentence, clause, phrase or provision of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not be construed as to render invalid or unconstitutional the remaining provisions of this Ordinance; and

Section 3. Effective Date. This Ordinance shall take effect upon its passage and enactment. This Ordinance shall be recorded in a book kept and maintained by the Clerk of the Board of County Commissioners of Perquimans County, North Carolina.

PASSED AND ENACTED by the Board of County Commissioners of Perquimans County, North Carolina, this 1st day of July, 2019.

BOARD OF COUNTY COMMISSIONERS OF PERQUIMANS COUNTY, NORTH CAROLINA

By: 
Wallace E. Nelson, Chairman
Perquimans County Board of Commissioners

ATTEST:


Mary P. Hunnicutt, Clerk to the Board

Effective Date: 7/1/2019



EXHIBIT A

**PERQUIMANS COUNTY ORDINANCE REGULATING
AMBULANCE SERVICE AND THE GRANTING
OF AMBULANCE SERVICE FRANCHISES
ORDINANCE NO. 100**

Section 1. Purpose. In the public interest and for the promotion of the health, safety and welfare of the citizens of Perquimans County, North Carolina and pursuant to the authority contained in N.C.G.S. §53A-250 and other applicable laws, the following ordinance sets forth the conditions, limitations, restrictions and requirements under which a person, as defined herein, may provide ambulance services or operate ambulances in Perquimans County, North Carolina.

Section 2. Abbreviations and Definitions. For the purposes of this ordinance, the following words, phrases, terms and abbreviations shall have the meaning(s) given below.

“Ambulance”-Any privately or publicly owned motor vehicle, aircraft, or vessel that is specifically designed, constructed or modified and equipped and is intended to be used for and is maintained or operated for the transportation of patients on the streets or highways, waterways, or airways of this State in accordance with the provisions of N.C.G.S. §131E-155.

“Board of County Commissioners”-Perquimans County Board of Commissioners.

“County”-Perquimans County, North Carolina.

“County EMS”- Perquimans County, North Carolina EMS System.

“Franchisee”-Any owner, as defined herein, of a franchisee to operate a franchise in Perquimans County, North Carolina that is granted under the terms of this Ordinance.

“N.C.G.S.”-North Carolina General Statutes.

“NCOEMS”-North Carolina Office of Emergency Medical Services.

“Owner”-Any person or entity who owns an ambulance.

“Patient”-A person who is sick, injured, wounded, or otherwise incapacitated or helpless such that some medical assistance might be anticipated as defined in N.C.G.S. §131E-155.

“Person”- Any individual, firm, partnership, company, corporation, association, limited liability company or group of individuals acting for a common purpose, or organizations of any kind including but not limited to any local, state or federal governmental agency.

“Personnel”-Any person employed by an owner or franchisee in any duties associated with or in connection with the service of transporting patients in an ambulance.

“Provider”-Any individual, firm, partnership, company, corporation, association, limited liability company or group of individuals acting for a common purpose, or organizations of any kind who engage in the service of transporting patients in an ambulance.

“Shall”-always describes actions which are required and not merely suggestive or directive.

“State”-State of North Carolina.

Section 3. Franchise Required. It shall be unlawful for any person or owner to provide ambulance services or to operate ambulances of any type within the County without having been granted a franchise to do so by the County. Provided however, this section shall not apply to: (i) ambulances owned or operated by the County; (ii) ambulances owned by an agency of the United States; (iii) ambulances which transport patients who are picked up outside the County and transported to destinations outside the County; (iv) ambulances which transport patients who are picked up outside the County and transported to destinations inside the County; (v) ambulance

which transport patients which are picked up inside the county and transported to destinations outside the County; and (iv) any owner, person or entity rendering assistance to the County or a franchised ambulance service in the event of a major catastrophe or emergency pursuant to the North Carolina Mutual Aid Agreement.

Section 4. Personnel Credentials Required. Pursuant to N.C.G.S. §131E-158 and §131E-159, no personnel shall attend to a patient nor transport a patient within the County, unless he or she holds a valid credential issued by the North Carolina Department of Health Service Regulation, Office of Emergency Medical Services and has passed a Technical Scope of Practice with the Perquimans County Medical Director.

Section 5. Application for Ambulance Franchise Requirements. Each application for a franchise to operate an ambulance or ambulance service in the County shall contain the following information:

(a) The name and address of the owner of the ambulance service and owner of any vehicle, ambulance, apparatus, equipment, property or facilities designated for the operation of the ambulance.

(b) If the applicant is a corporation or limited liability company, a certificate of good standing from the North Carolina Secretary of State.

(c) The trade name or fictitious names, if any, under which the applicant does business, along with a certified copy of the assumed name certificate.

(d) A resume of the training and experience of all personnel associated with the applicant in the care of patients to include state credentials and other associated professional certifications or course completion documentation.

(e) A full description of the type and level of service to be provided including a description of the applicant's ability to provide service, how many hours a day and how many days a week the service will be provided, the area to be covered, an estimate of the minimum and maximum response time for calls within the area of service, the location of the place or places from which the service is intended to operate, the manner in which the public will be able to obtain assistance and how ambulances will be dispatched.

(f) A complete set of financial statements for the entity for the previous three year period, audited by a Certified Public Accountant with an unqualified opinion. Financial statements must contain an income statement, balance sheet and a cash flow statement.

(g) A statement of which services the applicant intends to provide: emergency, non-emergency, convalescent, hospital to hospital, specialty care transport or a combination thereof.

(h) Such further information which the County shall deem reasonable and necessary to determine the capability of the applicant to provide ambulance services within the County.

Section 6. Application Review Fee. At the time the applicant submits its application for franchise, the applicant shall submit an application review fee in such amount as shall be set by the Board of Commissioners in a fee schedule.

Section 7. Hearing on Application. Within sixty (60) days of the receipt of an application, the County will schedule a time and place for a hearing on the application before the County's EMS Peer Review Committee. After such hearing by the County's EMS Peer Review Committee, the Committee shall forward to the Board of Commissioners its recommendation on the application and thereafter within thirty (30) days of the Committee's hearing on the application, the Board of Commissioners will make a final decision on the application and the County will provide the applicant with notice of its decision on the application.

Section 8. Award of Franchise. A franchise may be granted if the County finds that:

(a) A need exists for the services proposed by the applicant in its application to improve the medical services available to the residents of the County and the proposed services to

be provided are reasonable and cost effective. In order for the County to determine the reasonableness and cost effectiveness of the applicant's proposed services, the applicant shall submit to the County a schedule of the applicant's proposed fee schedule at the time the applicant's application is submitted to the County.

(b) The proposed services will fit within the County's EMS System Plan so as to not adversely affect the level of service or operations of the County's EMS operations or of other agencies or existing franchisees.

(c) The applicant shows it has met federal, state and local standards outlined in this ordinance.

Section 9. Initial Franchise Fee. Upon approval and award of a franchise, the franchisee shall pay to the County an initial franchise fee as set forth in Section 5 herein or as otherwise set by the Board of Commissioners.

Section 10. Ongoing Service and Franchise Fees. Once the franchisee begins its operations and providing services under the franchise the franchisee shall pay to the County service fees and ongoing franchise fees as set by the Board of Commissioners, for the following:

(a) A paramedic intercept fee, as set by the County Commissioners, in which County EMS personnel attend to the patient being transported or serviced by the franchisee.

(b) The County shall charge the franchisee an annual ongoing franchise fee equal to a percentage of gross revenues derived from the franchisee's Perquimans County operations as may be set in a fee schedule adopted by the Board of Commissioners in the County's annual budget. In order for the County to determine the annual franchise fee due by the applicant, the applicant shall provide to the County on an annual basis an audited financial statement of the gross revenues derived from the franchisee's Perquimans County operations.

(c) An annual renewal fee in such amount as may be set by the Board of Commissioners in a fee schedule. The Board of Commissioners reserves the right, on an annual basis, to amend the amount of the annual renewal fee.

Section 11. Operational Standards and Expectations of Service. Each franchisee shall provide the following:

(a) Each ambulance shall be required to render assistance to any requesting individual or agency in a professional and timely manner.

(b) Each ambulance shall be required to render assistance to the County in the event of a major catastrophe, emergency, natural disaster or when all County EMS resources are in service or are temporarily unavailable to respond to emergency requests for service.

Section 12. Reporting and Documentation. Franchisee shall keep and maintain all records related to the maintenance and operations of franchisee's ambulance service and all such records and shall be open for inspection by the County's representatives during the franchisee's normal business hours. The types of documents which shall be kept, maintained and open to inspection by the County shall include, but not be limited to, dispatch records, trip records and logs, daily report logs, equipment and vehicle inspection reports, and daily driver and attendant checklist. In addition to the records listed above, the franchisee shall submit to the county on a semi-annual basis in electronic form the following information: number of responses by type and time frame, response time data, any responses associated with a death, staff activities including training hours and hours worked and any vehicle failures or other maintenance issue which limit response availability. The time period in which the franchisee's records shall be kept and maintained shall be as set forth by the rules and regulations of NCOEMS.

Section 13. HIPAA Requirements. The franchisee shall, upon request of the County, provide the County documentation of proper training and education associated with general operations, medical care, driving and with privacy and confidentiality rules regulations and practices in accordance with the Health Insurance Portability and Accountability Act (HIPAA) as

well as the Health Information Technology for Economic and Clinical Health Act (HITECH) and the franchisee's privacy policy.

Section 14. Equipment and Supplies. Franchisee's apparatus and equipment shall be in accordance with the standards developed by the North Carolina Medical Care Commission and the North Carolina College of Emergency Physicians and those standards are incorporated herein as if set forth fully.

Section 15. Vehicles and Vehicle Operators. All of franchisee's emergency vehicle operators shall be required to obtain emergency vehicle operator training and franchisee shall keep documentation on file detailing the performance of each operator based on written performance and actual driving evaluations. All franchisee personnel shall be subject to annual driving record checks. All of franchisee's vehicles shall be in compliance with state, federal and local rules and regulations governing construction, maintenance and layout of the vehicles. The graphics the franchisee uses for its vehicles shall not be similar in appearance, graphics and color schemes of existing County EMS vehicles.

Section 16. Communications. Each of franchisee's vehicles shall be in compliance with the minimum communications requirements as forth by NCOEMS. Communications shall be able to be monitored by County without encryption. Federal Communications Commission (FCC) licensing will be the responsibility of the franchisee. Copies of all FCC authorizations, certificates and licenses shall be available for inspection by the County per FCC rules and regulations.

Section 17. Fees for Services. Fees for franchisee's services shall not exceed the County's EMS fees schedule. Franchisee shall not attempt to collect fees for service on any emergency response until the patient has reached the point of destination, has received medical attention and is in a condition deemed by the patient's attending physician to be fit to consult with franchisee concerning fees and charges. In addition, franchisee shall not attempt to collect fees from family, guardians or the patient during the course of medical treatment. On scheduled, non-emergency services where a patient requires transportation for non-emergency events, the franchisee may attempt collection of fees before the ambulance trip begins or is completed.

Section 18. Termination, Suspension, Revocation or Reinstatement of Franchise. Either party at its option may terminate the franchise upon sixty (60) days prior written notice to the other party.

If a suspension, revocation or termination of a franchise is entered for franchisee's failure to comply with the terms of the franchise or this ordinance, franchisee shall immediately cease operations and there shall be no refund of any franchise fees or renewal fees paid to the franchisee under such circumstances.

For non-compliance with the provisions of the franchise or this ordinance, the County shall hold a hearing and upon thirty (30) days' notice, may suspend or revoke the franchise. If at such hearing, the County finds that the franchisee has corrected any deficiencies or issues of non-compliance and is in compliance with the franchise and this ordinance, the franchise may be reinstated.

Upon reinstatement of a suspended or revoked franchise, the franchisee shall be placed on probation and subject to reviews of its performance under and compliance with this ordinance and the franchise for a period of not less than six (6) months and if after a six (6) month period the franchisee is found to be in compliance with this ordinance and the franchise, the franchise will be renewed for a mutually agreed upon term.

If the franchisee fails to comply with the terms of this ordinance and the franchise which necessitates more than two (2) hearings per year, then the County may revoke the franchise with no option of renewal for a period on no less than ten (10) years.

Section 19. Changes in Ownership of Franchisee. Any changes of ownership in franchisee shall automatically terminate the franchise and shall require a new application.

Section 20. Sale of Franchise. The franchise shall not be sold, assigned or otherwise transferred to any other person or entity. Any such sale, assignment or transfer shall result in immediate termination of the franchise.

Section 21. Renewal of Franchise. The applicant may renew the franchise upon the same terms and conditions by submission of an application for renewal to the County at least sixty (60) days before the expiration of the current term.

Section 22. Operating Expenses. Any and all operating expenses arising out of or in connection with the franchise shall be the sole responsibility of franchisee. Under no circumstances shall any of the expenses arising out of or in connection with the franchise be the responsibility of the County.

Section 23. Damages and Indemnification. The franchisee shall be responsible for all damages or injuries to persons or property when such injury or damage is caused by the negligence of the franchisee and its agents, employees and independent contractors.

The franchisee shall indemnify and hold harmless the County for any and all claims, suits, judgments or costs incurred by the County which are caused by the negligence of the franchisee and its agents, employees and independent contractors.

Section 234. Insurance Requirements. Franchisee shall have at all times in force and effect insurance coverage which shall provide and include: appropriate statutory worker's compensation, three million dollars (\$3,000,000.00) of combined single limit motor vehicle insurance coverage, three million dollars (\$3,000,000.00) of combined single limit general liability coverage and three million dollars (\$3,000,000.00) combined single limited of professional liability coverage. Franchisee shall annually provide the County with a copy of the insurer's Certificate of Insurance for the above listed coverages.

Section 25. NCOEMS will be the enforcing agency as it relates to North Carolina General Statutes, North Carolina Administrative Code and the North Carolina College of Emergency Physicians requirements for EMS providers. The County will be the enforcing agency as it relates to the franchisee's compliance with the franchise or this ordinance.

Section 26. Scope of Franchisee Coverage Area. Unless otherwise limited in the franchise, the franchisee shall be permitted to cover the entire County. However, the County in its sole discretion has the statutory power to limit the hours and days the franchisee may operate and the areas of the County which may be served by the franchisee.

Section 27. Controlling Law and Venue. The terms of the franchise and this ordinance shall be construed under the law of the State of North Carolina. The venue of any legal dispute arising out of the terms of the franchise or this ordinance shall be in the court of appropriate jurisdiction in Perquimans County.

Section 28. Term of Franchise. The term of any franchise granted hereunder shall be valid for a term of one (1) year from the date of issuance of the franchise provided that the franchisee is in compliance with the terms of this ordinance. In addition, the County and the franchisee each reserve their right to terminate the franchise upon sixty (60) days prior notice to the other party as set forth in Section 16 herein.

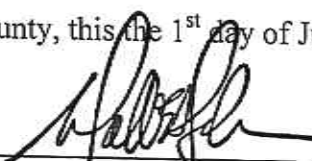
Section 29. Reservation of Rights. The County in its sole discretion reserves the right to amend or modify this ordinance. In the event the County exercises its discretion to amend or modify this ordinance, any amendments or modifications which are made to this ordinance shall not apply to any then existing franchises and shall only apply to applications for a franchise which are submitted after the date of such amendments and modifications. Provided however, as to any then existing franchises, those amendments or modifications so made shall apply to any renewal term of an existing franchise. The County also reserves the right to open or close acceptance of applications and to limit the number of franchises granted based on the needs of the County.

Section 30. In addition to any rights of punishment given to the County in this ordinance or the North Carolina General Statutes, a violation of any provision of this Chapter shall be a misdemeanor punishable by a fine not to exceed Five Hundred Dollars (\$500), or imprisonment

for not more than thirty (30) days, or both. Each day's violation of this article is a separate offense.

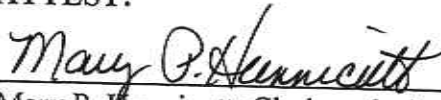
WITNESS my hand and the official seal of Perquimans County, this the 1st day of July, 2019.





Wallace E. Nelson, Chairman
Perquimans County Board of Commissioners

ATTEST:



Mary P. Hunnicutt, Clerk to the Board
Perquimans County Board of Commissioners

EXHIBIT B

**PERQUIMANS COUNTY ORDINANCE REGULATING
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2019-2020 FEE STRUCTURE

Application Review Fee (Section 6)	\$5,000
Paramedic Intercept Fee (Section 10a)	\$100 per occurrence
Annual Ongoing Franchise Fee Franchisee's	10% of Gross Revenues derived from the Perquimans County Operations
Annual Renewal Fee	\$2,500