

ORDINANCE 2015 - 07



ORIGINAL

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON, REPEALING CHAPTER 13.32 OF THE SUNNYSIDE MUNICIPAL CODE, PERTAINING TO THE AMBULANCE UTILITY AND CREATING NEW TITLE 7 – AMBULANCE UTILITY**

**WHEREAS**, the City of Sunnyside has adopted and operated an ambulance service as a utility since October 2, 1989 pursuant to the adoption of Ordinance No.1683; and

**WHEREAS**, city staff has been requested to review all applicable municipal codes and make recommend changes where necessary; and

**WHEREAS**, Chapter 13.32 of the SMC pertaining to the ambulance utility has not been updated since 2013 and has some language that is currently not up to date; and

**WHEREAS**, Chapter 13.32 of the SMC is difficult to find because it is located within Title 13 of the SMC titled *Water and Sewer Systems*; and

**WHEREAS**, the City Council finds and determines that Chapter 13.32 of the SMC should be repealed in its entirety and replaced with a new Title 7 created solely for the ambulance utility code as set forth in Exhibit “A” attached hereto and incorporated herein by this reference; and

**WHEREAS**, the City Council finds and determines that such enactment is in the best interests of residents of the City of Sunnyside and will promote the general health, safety and welfare.

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF SUNNYSIDE, WASHINGTON**, as follows:

First Reading: March 9, 2015

Second Reading: March 23, 2015

**Section 1.** Chapter 13.32 SMC is hereby repealed and replaced with a new Title 7 of the SMC as hereby created and set forth in Exhibit "A" attached hereto and incorporated herein by this reference.

**Section 2.** Except as amended herein, Title 13 SMC shall remain unchanged.

**Section 3.** This Ordinance shall be effective five (5) days after passage, approval and publication as required by law.

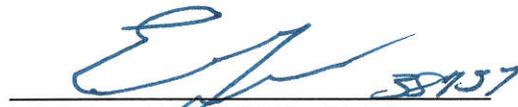
**PASSED** this 23rd day of March, 2015.

  
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JAMES A. RESTUCCI, MAYOR

**ATTEST:**

  
\_\_\_\_\_  
DELILAH SAENZ, GMC, CITY CLERK

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
KERR LAW GROUP, PLLC  
Attorneys for the City of Sunnyside

## **Chapter 7 AMBULANCE UTILITY**

**Sections:**

- 7.02 Purpose and legislative findings.
- 7.04 Ambulance utility established.
- 7.06 Definitions.
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- 7.10 Utility zones.
- 7.12 Ambulance service – City utility zone.
- 7.14 Ambulance service – Outside utility zone.
- 7.16 Base utility charges.
- 7.18 Emergency medical service rates.
- 7.20 Transport agreements.
- 7.22 Emergency Medical Services and Ambulance Utility Fund.
- 7.24 Severability.

### **7.02 Purpose and legislative findings.**

The purpose of this chapter is to confirm and establish a system of ambulance service operated by the City of Sunnyside as a public utility of the City of Sunnyside. The City Council finds and determines that the City established a public utility ambulance service system pursuant to Ordinance No. 1683 adopted October 2, 1989, as authorized by State statute codified at RCW 35.21.766 and 35.21.768. At that time the City Council found and determined that the City of Sunnyside was not adequately served by existing private ambulance service, which finding is now renewed, reiterated and republished. Furthermore, the City Council finds and determines that the City of Sunnyside is not now and has not been since the original establishment of the ambulance utility operated by the City adequately served by any existing private ambulance service. The City Council declares its intent and purpose to confirm and ratify the existing City-operated ambulance utility as the ambulance utility of the City of Sunnyside with exclusive right to provide necessary and appropriate ambulance services to residents of the City in accordance with law and the provisions below. The ambulance utility charges set forth below are based on benefits of the ambulance utility accruing to all residents, schools, churches, nonprofit agencies, businesses and industries within the City of Sunnyside, to wit:

A. Availability of ambulance personnel qualified to administer emergency medical service, which personnel are employees of the City of Sunnyside, thereby subject to personnel policies, supervision, direction, funding and control by the City, subject to budgetary direction and control of a legislative body elected by citizens of the City of Sunnyside;

B. Availability of City-owned, operated and maintained equipment and emergency medical supplies, located within public facilities in the City facilitating timely response to calls for emergency medical services and 24-hour-per-day accessibility;

C. Reduced emergency medical service fees for residents, schools, churches, nonprofit agencies, businesses and industries within the City of Sunnyside;

D. Ambulance utility charges set and established by elected officials of the City of Sunnyside, differentiating between types of services offered and specific needs of different components of the community: residential, educational, charitable, commercial and industrial;

E. Uniform regulation of ambulance utility services provided to residents, businesses and industries within the City of Sunnyside, established pursuant to ordinances adopted by the elected officials of the City and regulations and laws of the County, State and federal government;

F. Availability of enhanced emergency medical service levy revenues associated with operation of the City-owned and operated ambulance utilities for residents, schools, churches, nonprofit agencies, businesses and industries within the City of Sunnyside and surrounding service area; and

G. Enhancement of the general health, safety and welfare of residents of the City of Sunnyside. [Ord. 2086 § 1, 2004.]

#### **7.04 Ambulance utility established.**

As and from October 2, 1989, which prior term is hereby ratified, and from the effective date of this chapter, the ambulance service operated and maintained by the City of Sunnyside is hereby confirmed and established as the ambulance utility of the City of Sunnyside. Such utility is the exclusive provider of ambulance services to and for residents of the City of Sunnyside except as specifically provided otherwise in the sections below. This chapter sets forth the uniform requirements for residents within the City regarding use, operations and funding of the ambulance utility. [Ord. 2086 § 1, 2004.]

#### **7.06 Definitions.**

The following definitions apply to this chapter:

A. "Ambulance" means any vehicle designed and used to transport the ill and injured and to provide personnel, facilities and equipment to treat patients before and during transportation.

B. "Ambulance service" means those emergency medical services provided by the City ambulance utility, including but not limited to emergency medical services provided by paramedic and emergency medical technician personnel of the City of Sunnyside, emergency medical transport, nonemergency medical transport, administration of such services, and other emergency or nonemergency services customarily provided by the ambulance service.

C. "City" means the City of Sunnyside.

D. "Emergency equipment" means such facilities and equipment, including ambulance vehicles and medical supplies, to be used in the treatment of persons injured, ill, incapacitated, or transported by the ambulance or ambulance service.

E. "Emergency medical service" means medical treatment and care which may be rendered at the scene of any medical emergency or while transporting any patient in an ambulance to an appropriate medical facility, including ambulance transportation between medical facilities.

F. "Basic life support" means noninvasive emergency medical services requiring basic medical treatment skills as defined in Chapter 18.73 RCW.

G. "Advanced life support" means invasive emergency medical services requiring advanced medical treatment skills as defined by Chapter 18.71 RCW.

H. "Household" means any residential unit in the City, including all single-family residences, each apartment or individual unit in multiple dwelling units, each manufactured home and any other residential dwelling unit within the City; except, the term "household" shall not include units or rooms intended, designed and used for itinerant or temporary housing, such as hotels, motels, or bed-and-breakfast businesses where occupancy does not exceed 30 days.

I. "Business" means any person, corporation, partnership or other entity engaged in commerce or nonprofit or charitable activities in the City, including those commercial uses described in Chapters 17.32, 17.36, 17.40, 17.44, and 17.48 SMC, and including public and private schools, and churches, where such person, corporation, partnership or other entity operates from an established building or other location within the City, including but not limited to stores, shops, vending businesses (including mobile vending businesses licensed under Chapter 5.21 SMC), offices, schools, churches, hotels, motels, bed-and-breakfast businesses, or other permanent or temporary structure, except where a person operates a licensed business in a residence pursuant to approved license for home occupation. For purposes of this chapter, "school" means each separate school facility operated as a separate educational entity with its own administrative staff, such as a principal, vice principal and other assigned staff.

J. "Industry" means any business, firm, person, corporation or other entity engaged in manufacturing or other industrial use described in Chapters 17.56 or 17.60 SMC, where such business, firm, person, corporation or other entity operates from an established building or other location within the City and is subject to the business license requirements of SMC Title 5. [Ord. 2086 § 1, 2004.]

#### **7.08 Administration.**

The City shall administer, implement and enforce the provisions of the ambulance service and this chapter. [Ord. 2086 § 1, 2004.]

#### **7.10 Utility zones.**

The service areas of the ambulance service shall be designated by utility zones described below.

A. City Utility Zone. All properties, structures, facilities and areas within the City limits of the City of Sunnyside, as such now exist and are expanded or modified, are hereby designated and established as the City Utility Zone.

B. Outside Utility Zone. All properties, structures, facilities and areas lying outside the City limits of the City of Sunnyside, as such are established, approved and delineated by appropriate agencies of the State of Washington and the Emergency Medical Services Medical Program Director with jurisdiction over the ambulance service.

C. Criteria for Designation and Creation of Utility Zones. The City utility zone is created and designated as a separate service zone for reasons and purposes as follows, including but not limited to:

1. Areas within the City are accessed using City streets and rights-of-way, allowing the City to provide efficient emergency response over streets and rights-of-way

maintained and established by the City, together with the availability of other utility services (water, sewer, streets) and franchise utility services (power, gas, telecommunications);

2. Addresses and street maps for residences, schools, businesses and other structures are established and maintained by the City within such zone, facilitating efficiency of emergency response;

3. Access to individual lots, including residential, school, commercial and industrial, is subject to development standards and zoning requirements of the City, thus facilitating rapid emergency response and access to such properties, lots and structures;

4. Properties, facilities and structures within the City are identified, categorized and listed within the City's emergency response plan, as required by law, which includes designation of, and procedures for, response to hazardous sites and continuing City inspection and regulation of such sites;

5. Immediate assistance from the Sunnyside Police Department is available as needed or requested for emergency medical services to locations within the City;

6. The City maintains a system of regular, scheduled fire safety inspections for commercial and industrial facilities and structures within the City, as well as inspections for all new construction, thus facilitating fire prevention and safety and reducing risk of the need for emergency medical responses.

D. The outside utility zone is created and designated as a separate service zone for reasons and purposes as follows, including but not limited to:

1. Streets and rights-of-way necessary to access properties and facilities outside the City are not within the jurisdiction or control of the City, and are not subject to City maintenance and care, thus increasing the need for precaution and reducing efficiency of response;

2. For mutual aid fire services, which are likely to include emergency medical or ambulance response by the City, there is no availability of City water utility access for assured minimum fire flows, thus increasing the possibility of more destructive fires and consequent need for emergency medical treatment of affected persons;

3. Access to lots within the Outside Utility zone is subject to locating unmarked, unpaved driveways developed to rural standards, thus increasing response times and decreasing efficiency of response;

4. Designation of addresses is not subject to control or maintenance by the City, thereby causing less efficient response;

5. Designation of hazardous sites within the outside utility zone is not subject to control by the City;

6. Such hazardous sites are not subject to inspection or regulatory control by the City, thus increasing the need for precaution and reducing efficiency of emergency response;

7. Lack of immediate assistance from law enforcement agencies with jurisdiction in the outside utility zone.

E. Creation of Additional Utility Zone(s). The City reserves the right to create additional or modified utility zones based upon criteria deemed appropriate and necessary in order to provide for the efficient provision of ambulance utility services. [Ord. 2086 § 1, 2004.]

**7.12 Ambulance service – City utility zone.**

All persons receiving emergency medical service within the City, including residents, employees of businesses and industries, and customers or business invitees thereof while within the City, shall be deemed to be within the City utility zone for purposes of administration of this chapter. Calls for ambulance service generated within the City of Sunnyside shall be made or referred to the City of Sunnyside ambulance service. [Ord. 2086 § 1, 2004.]

**7.14 Ambulance service – Outside utility zone.**

All persons residing outside the City limits, who receive initial emergency medical service outside the City limits, shall be deemed to be within the outside utility zone for purposes of administration of this chapter, regardless of whether or not, in the course of such emergency medical service, such persons are transported or provided any portion of such service within the City limits. Calls for ambulance service generated outside the City limits of the City of Sunnyside may be referred to the City of Sunnyside ambulance service unless otherwise mandated to be made to the City of Sunnyside ambulance service by any State or emergency medical service agency with jurisdiction. [Ord. 2086 § 1, 2004.]

**7.16 Base utility charges.**

A. City Utility Zone Fee Formula. A monthly service fee for the operations of the utility shall be established from time to time by ordinance of the City Council in conformity with RCW 35.21.776. The amount of the fee shall be based upon cost of regulating ambulance services and the cost of providing the EMS program as determined by a cost-of-service study done pursuant to RCW 35.21.766(3). Those costs, after deducting transport charges and other fund contributions, shall be divided among Sunnyside residents and other occupants based on a calculation of demand costs and availability costs, consistent with accepted principles of utility rate setting.

1. The rate attributable to availability costs of the utility shall be uniformly applied across all user classifications within the City utility zone.

2. The rate attributable to the demand costs shall be established and billed to each user classification based on each user classification's burden on the utility.

3. The base utility charge shall be collected and enforced in the same manner and with the procedures established for City utilities including, but not limited to, water, sewer and garbage utilities.

B. Base Utility Charge – Rates. The following monthly utility charges shall be assessed and collected:

1. Residential Units. Each residential unit shall be assessed a monthly base utility charge in the amount indicated in the fee schedule in Chapter 2.02, Schedule of Fees and Charges, Section 2.02.020 C. .

2. Commercial Businesses and Industries. Each commercial business shall be assessed a monthly base utility charge in the amount indicated in the schedule of fees and charges for each "equivalent residential unit (ERU)" computed as follows. The ERU shall be calculated by dividing the total number of employees employed by such business or industry, up to a maximum of 200 employees, by the number representing the average "household size" of residential and housing units within the City (as

published from time to time by the Office of Financial Management of the State of Washington). (Note: For purposes of initial calculation, the household size is 3.6 persons per household according to current OFM calculations. The total number of employees would thus be divided by 3.6, and the resulting number multiplied by the monthly base fee as indicated in the schedule of fees and charges; provided, however, that a church shall not be assessed a base utility charge greater than the minimum monthly base ambulance utility fee..)

3. Hotels/Motels. Each hotel/motel shall be assessed a monthly base utility charge based on the total number of rooms assuming a 1.5 occupancy per room average. The total number of rooms per hotel/motel will be multiplied by 1.5, the average occupancy factor, and then divided by the ERU (3.6). This product will then be multiplied by the annual average of occupied rooms of 48 percent.

4. Assisted Living and Nursing Homes. Any nursing home or rest home which is licensed by the State of Washington or adult family home or assisted living facility shall be billed based upon the number of rooms per facility. Those rooms occupied by residents who are Medicaid eligible shall be exempt from this calculation. The number of residential units shall be based upon the number of residential units authorized for the facility by the governmental agency having jurisdiction over such matters.

5. Adjustment of Base Utility Rate. The base utility rate may be adjusted annually by the City Manager to reflect adjustments or changes in maintenance and operations costs of the ambulance utility; provided, however, that no annual increase shall exceed six percent without prior approval of the City Council. In the event such rate is modified, the City Manager shall post the new rate at the offices of City Hall and the offices of the Sunnyside Fire Department and may distribute or publish such new rate as deemed appropriate to advise the public.

6. Medicaid Adjustment. As provided by this section, the base rate established above shall be adjusted for persons who are Medicaid eligible and who reside in a nursing home, boarding home, adult family home, or receive in-home services. Any customer seeking an exemption from the utility fee must file a written Medicaid exemption application to the Finance Director. Medicaid eligibility will be verified before an exemption is granted.

C. Emergency Medical Services and Ambulance Fund. All base utility charge revenues collected pursuant to this chapter shall be deposited by the City into the Emergency Medical Services and Ambulance Fund. Such revenues shall be used solely for the operation, maintenance and capital needs of the ambulance service utility and emergency medical services provided thereby. [Ord. 2013-1 § 1, 2013; Ord. 2183 § 1, 2007; Ord. 2099 § 1, 2005; Ord. 2086 § 1, 2004.]

### **7.18 Ambulance Utility Rates and Transport Fee Schedule**

A. Ambulance Utility Rates and Transport Fee Schedule: All ambulance utility base rates and transport fees are approved as indicated on the schedule of fees and charges in Title 2, section 2.02.020.C, Ambulance Utility., until adjusted pursuant to subsection (C) of this section

B. Charges for Services shall be posted at the Sunnyside Fire Department and made available to the public for review. C. Adjustment of Transportation Fees illustrated in the Schedule of Fees and Charges, may be adjusted from time to time by the City Manager in order to provide consistency with approved rate structures mandated by federal or state agencies with jurisdiction, or to maximize reimbursement from federal medical service reimbursement sources, including but not limited to Medicare and/or Medicaid. In the event such rates, or any of them, are modified, the City Manager shall post the new rate or rates at the offices of City Hall and the offices of the Sunnyside Fire Department and may distribute or publish such new rates as deemed appropriate to advise the public. Additionally, the City shall provide a copy of the new rate or rates to each medical service provider or facility with which it has a transport agreement. A copy of the new rate or rates shall also be appended to the ordinance creating this chapter, maintained on file with the City. [Ord. 2086 § 1, 2004.]

#### **7.20 Transport agreements.**

The City shall have the authority to enter into ambulance service transport agreements with medical care facilities and providers in order to promote the purposes and uses of the ambulance service and to render ambulance services to such facilities

and the patients served by such facilities and providers. The parties may set forth in such agreement agreed rates for nonemergency transports and other services or supplies. [Ord. 2086 § 1, 2004.]

#### **7.22 Emergency Medical Services and Ambulance Utility Fund.**

There is established within the budget of the City a separate fund to be known as the "Emergency Medical Services and Ambulance Utility Fund." Monies deposited in this fund shall be used for the purposes of operation, maintenance and capital needs of the City's ambulance and emergency medical services utility. [Ord. 2086 § 1, 2004.]

#### **7.24 Severability.**

In the event any provision, sentence, clause or portion of this chapter is found to be unconstitutional or unenforceable by a court of competent jurisdiction, such finding or determination of unconstitutionality or unenforceability shall not be deemed or construed to render ineffective or unenforceable any remaining portion of this chapter. [Ord. 2086 § 1, 2004.]