

ORDINANCE NO. 4149

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF POMONA AMENDING CHAPTER 14 OF THE POMONA CITY CODE PERTAINING TO THE OPERATION OF PRIVATE AMBULANCES.

WHEREAS, pursuant to the “Emergency Medical Services System and Prehospital Emergency Medical Act” (Health & Safety Code Sections 2797, *et seq.*), the Los Angeles County Board of Supervisors has designated the County of Los Angeles Department of Health Services as the local Emergency Medical Services Agency;

WHEREAS, Los Angeles County Code Section 7.16 *et seq.*, as recently amended, sets forth the County of Los Angeles EMS Agency’s requirements for the licensing of private ambulances, ambulance operators, drivers and medical attendants providing emergency ambulance services throughout Los Angeles County;

WHEREAS, pursuant to Los Angeles County Code Section 7.16 *et seq.*, every ambulance operator, ambulance vehicle and ambulance attendant must be issued a Los Angeles County license or permit in order to operate anywhere within Los Angeles County;

WHEREAS, Los Angeles County Code Section 7.17 provides that any emergency ambulance with a valid County of Los Angeles EMS license may also provide non-emergency medical transport services within the County of Los Angeles;

WHEREAS, under the current City Code, private ambulances must submit an application for a certificate of public convenience and necessity, which must be considered at a public hearing and be approved by the City Council before a private ambulance operator is issued a business license to operate within the City;

WHEREAS, State law does not require approval of a certificate of public convenience and necessity by a local agency to provide ambulance services that are otherwise unregulated by State or other law;

WHEREAS, the current Code also requires private ambulance operators to have a business location with crew quarters in the City in order to qualify for a certificate of public convenience and necessity to obtain a business license;

WHEREAS, since the City has contracted with the Los Angeles County Fire Protection District for fire services, the County has assumed the responsibility of contracting for emergency ambulance services for the Pomona area;

WHEREAS, since the City no longer contracts for its own emergency ambulance service to respond to 9-1-1 emergency calls, the City Code requirement that an ambulance company must have business offices and crew quarters in the City of Pomona before it may be issued a business license, is no longer warranted;

WHEREAS, the Code requirement that ambulance companies must have a location and crew quarters within the City has resulted in a limited number of non-emergency ambulance service providers available to serve patients of medical facilities in the City;

WHEREAS, in order to meet the medical transportation needs of patients and the medical community in the City, it is necessary to provide a means of permitting the operation of ambulances in a non-emergency capacity; and

WHEREAS, the City desires to amend the current provisions of Chapter 14 of the Pomona City Code pertaining to the regulation of private ambulances consistent with the regulations of ambulances under the Los Angeles County Code.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Pomona as follows:

SECTION 1. That Article V (“Private Ambulances”) of Chapter 14 (“Emergency Management and Emergency Services”) of the Pomona City Code is hereby repealed.

SECTION 2. That Chapter 14 of the Pomona City Code is hereby amended to read as follows:

Chapter 14

EMERGENCY MANAGEMENT AND EMERGENCY SERVICES

ARTICLE V. PRIVATE AMBULANCES

Sec. 14-241. Intent and purpose.

It is the intent of this article to establish procedures for the permitting of ambulance operators that wish to provide emergency and non-emergency ambulance services within the City.

Sec. 14-242. Definitions.

For purposes of this article, the following terms are defined:

“Ambulance” means a motor vehicle specifically constructed, modified, equipped, or arranged for the purpose of transporting sick, injured, convalescent, infirm, or otherwise incapacitated persons, licensed by the California Highway Patrol as an emergency vehicle, and used, or having the potential for being used, in emergency service to the public.

“Ambulance Service” means the activity, business or service, for hire, profit, or otherwise, of transporting one or more persons by ambulance; provided, however, ambulance service shall not include the transportation by ambulance by an employer of his or her own employees in an ambulance owned and operated by the employer solely for this purpose.

“Ambulance Operator” means any person or entity that, for monetary or other consideration, operates or owns one or more ambulances for the transport of one or more persons needing medical attention or services and which is licensed pursuant to Los Angeles County Code Section 7.16.030.

“Ambulance Operator Permit” means an identification card issued by the Business License Division to each applicant for the purpose of providing ambulance services within the City.

“Business License” means a business license issued by the Business License Division pursuant to Chapter 50, Article VIII of the Pomona City Code.

“City” means the City of Pomona, California.

“City Manager” means the City Manager of the City of Pomona, or his or her designated representative.

“County” means the County of Los Angeles, State of California.

“Emergency” means a sudden, unforeseen event for which a person has a need for immediate medical attention or the potential for such need is perceived by emergency medical personnel or a public safety agency giving rise to the need for an ambulance equipped to provide basic or advanced life-support services.

“Licensee” means an ambulance operator which has been granted a license to operate an ambulance in the City.

“Medical Services” means services provided by health care professionals licensed pursuant to the California Business and Professions Code or as specified by regulations adopted pursuant to this article.

“Person” means any individual, firm, corporation, partnership, association, or other group or combination acting as a unit.

“Public Safety Agency” means any public law enforcement agency, fire protection agency, or forest ranger operating in the County.

Sec. 14-243. Business license required.

Each and every ambulance to be placed in service within the City shall require a business license. It shall be unlawful for any person to operate an ambulance within the City without first having obtained a business license. Any person in violation of this section shall be guilty of a misdemeanor.

Sec. 14-244. Exclusions.

A business license shall not be required for, and the provisions of this article shall not apply to, any of the following:

- (a) A public agency acting as an ambulance service operator;
- (b) Ambulances operated at the request of a public safety agency during any “state of war emergency,” “state of emergency,” or “local emergency,” as defined in the Government Code;
- (c) An ambulance transporting a patient from a location outside of the City, regardless of destination;
- (d) An ambulance service transporting a patient by helicopter or a fixed-wing airplane; or
- (e) An ambulance driving through the City to get to a destination outside the City.

Sec. 14-245. Prerequisites to business license.

- A. An Ambulance Operator Permit issued by the City of Pomona is required prior to obtaining a business license for the operation of any ambulance in the City of Pomona.
- B. Each and every ambulance to be licensed in the City shall first be licensed by the California Highway Patrol and the County of Los Angeles Emergency Medical Services Agency.

Sec. 14-246. Ambulance Operator Permit – Indemnification.

It shall be a condition of an Operator Permit issued pursuant to this Chapter that the Permittee agrees to indemnify, hold harmless, and defend the City, its City Council, and each member thereof, and every officer, agent and employee of the City, from any and all liability or financial loss resulting from any suits, claims, losses, or actions brought by any person, and from all costs and expenses of litigation, including attorney’s fees, by reason of injury to any person, including, but not limited to, officers and employees of the Permittee, performed under and pursuant to this permit, and any and all activities, operations, and conditions in any manner connected therewith or pertaining thereto. Such indemnity shall include, but not be limited to, any and all liabilities, demands, claims, damages, losses, costs and expenses caused or alleged to have been caused by any negligent or other act of Permittee or act of Permittee’s employees, agents or independent contractors.

Sec. 14-247. Ambulance Operator Permit application.

- A. An application for an Ambulance Operator Permit shall be submitted to the Business License Division. The following shall be submitted along with the completed permit application:
 - 1. A copy of current Ambulance Operator License issued by the County of Los Angeles Emergency Medical Services Agency;
 - 2. Any other information as may be required by the City; and
 - 3. Ambulance Operator Permit application fee, as set by City Council Resolution.
- B. An Ambulance Operator Permit shall expire on the same date as the Ambulance Operator License issued by the County of Los Angeles Emergency Medical Services Agency.

Sec. 14-248. Business license application.

- A. A separate application shall be submitted for each individual ambulance vehicle to be placed in service within the City.

- B. In addition to the information required to complete an application for a business license, each application shall require submittal of the following:
1. A copy of the applicant's current Ambulance Operator License issued by the County of Los Angeles EMS Agency;
A copy of the current Ambulance Vehicle License issued by the County of Los Angeles EMS Agency;
 3. If the applicant's business offices are located in the City or the applicant otherwise has a location in the City, a copy of a zoning clearance issued by the City.
 4. Such other information as the City Manager may require; and
 5. Payment of the processing fee, as set by City Council resolution and the business license tax set forth in section 14-249.

Sec. 14-249. Business license taxes.

The business license tax shall be paid in advance in the amount of \$42.75 per quarter or \$171.00 annually per ambulance (as adopted by Ordinance No. 2776 and adjusted by CPI pursuant to P.C.C. Section 50-415).

Sec. 14-250. Issuance or denial of business license.

- A. The Business License Division shall issue a business license if it has determined the following requirements have been met:
1. That the applicant possesses a current Ambulance Operator License issued by the County of Los Angeles Emergency Medical Services Agency;
That the vehicle to be licensed is currently licensed by the California Highway Patrol and the County of Los Angeles Emergency Medical Services Agency; and
 3. That the business license tax and processing fee has been paid.
- B. The failure of the applicant to meet the requirements of any provision of this Article, in addition to the grounds for denial stated in PCC Section 50-381 *et seq.* shall constitute a sufficient basis upon which an application for a business license to operate an ambulance may be denied.
- C. In the event of denial, the applicant shall be informed by the Business License Division in writing of the reasons therefor and refunded the full amount paid, less the processing fee.

Sec. 14-251. Term of license; renewals.

- A. The term of the business license shall not exceed the term of the license issued by the County of Los Angeles EMS Agency and shall expire concurrent with the license issued by the EMS.
- B. Renewal applications shall be submitted in the same form and require the same materials as original applications.
- C. Any ambulance for which the business license has expired shall not operate within the City until a new license has been approved.

Sec. 14-252. Transfer of license prohibited.

No business license for the operation of an ambulance can be transferred by operation of law or otherwise. The following shall be considered transfers for purposes of this section:

- (a) Any change in the business structure of a licensee, including, but not limited to, changes from or to:
 - 1. A sole proprietorship,
 - 2. A partnership, including any change in the partners, and
 - 3. A corporation, including any change in the shareholders, whether by operation of law or otherwise;
- (b) Bankruptcy, an assignment for the benefit of creditors, or the appointment of a receiver;
- (c) A sale or transfer of over ten percent (10%) of the assets of a licensee.
- (d) Any of the events set forth in this section shall require submittal of a new business license application.

Sec. 14-253. Business license suspension or revocation.

- A. In addition to the reasons set forth in PCC Sections 50-381 *et seq.*, the City Manager may suspend or revoke an Ambulance Operator's Permit or Ambulance Business License for any or all of the following:
 - 1. Failure by the licensee to comply with, and maintain compliance with, or for violation of, any applicable provision, standard, or requirement of state law, or regulation of this article, or of any regulations promulgated hereunder;
Failure by the licensee to maintain a current and valid license issued pursuant to Chapter 7.16 of the Los Angeles County Code, as applicable;
 - 3. Failure by the licensee to comply with, and maintain compliance with, or for violation of, any applicable provision, standard or requirement of Chapter 7.16 of the Los Angeles County Code, as applicable; or
 - 4. Lapse of insurance coverage.
- B. Any ambulance for which the license has been suspended or revoked shall immediately cease operation within the City.

Sec. 14-254. Unauthorized parking.

It shall be unlawful for the operator, driver or attendant of any ambulance to cause or permit an ambulance to be parked upon any street, **highway or city-owned public property located** within the city any longer than necessary to load and unload passengers.

Any ambulance parked on City property in violation of this section may be towed away and stored by a police officer, person or private towing service designated by the Chief of Police under the direction of a police officer. The owner of any ambulance so removed and stored may reclaim it, but such owner shall first pay the cost that is incurred in removing and storing such vehicle.

SECTION 3. If any part of this Ordinance, or its application to any individual, entity, or circumstance, is held to be invalid, the remainder of the Ordinance, including the application or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Ordinance are severable.

SECTION 4. The City Clerk shall attest to the passage and adoption of this Ordinance, and shall cause same to be posted as required by law, and this Ordinance shall take effect thirty (30) days after its final adoption.

PASSED, APPROVED AND ADOPTED THIS 7th DAY OF NOVEMBER, 2011.

ATTEST:

CITY OF POMONA:

Marie Michel Macias, City Clerk

Elliott Rothman, Mayor

APPROVED AS TO FORM:

Arnold M. Alvarez-Glasman, City Attorney

STATE OF CALIFORNIA
COUNTY OF LOS ANGELES
CITY OF POMONA

I, MARIE MICHEL MACIAS, CITY CLERK of the City of Pomona do hereby certify that the foregoing Ordinance was introduced for first reading at a regular meeting of the City Council of the City of Pomona held on October 17, 2011, and was approved at second reading at a regular meeting of the City Council of the City of Pomona held on November 7, 2011, by the following vote:

AYES: COUNCILMEMBERS: Soto, Rodriguez, Carrizosa, Lantz, Escobar, Atchley
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None
ABSTAIN: COUNCILMEMBERS: Rothman

Marie Michel Macias, City Clerk