

COPY

Bill No. 24

ORDINANCE 5 (1987)  
Ordinance No. 23

AN ORDINANCE PROHIBITING AND MAKING IT UNLAWFUL  
FOR EMERGENCY AMBULANCE SERVICE  
TO BE PROVIDED WITHIN THE  
EUREKA FIRE PROTECTION DISTRICT  
BY ANY OTHER PERSON, OWNER, AGENT OR OTHERWISE,  
WITHOUT THE SPECIFIC FRANCHISE BY THE  
EUREKA FIRE PROTECTION DISTRICT,  
PROVIDING DEFINITIONS OF "EMERGENCY", "FRANCHISE" AND  
"AMBULANCE SERVICE", PROVIDING THE FACTORS TO BE CONSIDERED  
BY THE BOARD OF DIRECTORS IN GRANTING A FRANCHISE,  
AND PROVIDING THE PENALTIES FOR VIOLATION OF SUCH ORDINANCE.

WHEREAS, the Eureka Fire Protection District of St. Louis County, Missouri, is a duly organized and existing political subdivision of the State of Missouri, as defined by Section 70.600 and Section 321.010, Revised Statutes of Missouri, as amended; and,

WHEREAS, the Eureka Fire Protection District of St. Louis County, Missouri, pursuant to Section 321.225, Revised Statutes of Missouri, as amended, has previously submitted the following proposition to the voters of the District:

"Shall the Board of Directors of the Eureka Fire Protection District of St. Louis County, Missouri, be authorized to provide ambulance service within the District and be authorized to levy a tax not to exceed fifteen cents (\$0.15) on the one hundred dollars assessed valuation to provide funds for such service?"; and,

WHEREAS, a majority of the voters casting votes thereon were in favor of ambulance service to be provided by the Eureka Fire Protection District and authorized the levy of fifteen cents (\$0.15) on the one hundred dollars of assessed valuation to provide funds for such service: and,

WHEREAS, the Eureka Fire Protection District of St. Louis County, Missouri, has commenced such service and is presently providing emergency ambulance service within the District; and,

WHEREAS, Section 190.105(4) Revised Statutes of Missouri, as amended, permits political subdivisions to enact ordinances providing for the franchise of any person, firm, corporation, association or any other person who desires to provide ambulance service within a political subdivision, including, but not limited to, emergency ambulance service.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF DIRECTORS OF THE EUREKA FIRE PROTECTION DISTRICT OF ST. LOUIS COUNTY, MISSOURI, AS FOLLOWS:

SECTION ONE. The operation and conduct of an emergency ambulance service business within the Eureka Fire Protection District shall be unlawful for any person, firm, corporation, association, owner, agent or any other person or business entities who owns or operates an ambulance service, or desires to own or operate an ambulance service, without a franchise from the Board of Directors of the Eureka Fire Protection District.

SECTION TWO. As used in this Ordinance, the following words shall have the meanings setforth as follows:

"EMERGENCY" shall mean a situation resulting from a sudden or unforeseen situation or occurrence that requires immediate action to save life or prevent suffering or disability.

"FRANCHISE" shall mean a right or privilege granted by the Board of Directors of the Eureka Fire Protection District.

"AMBULANCE SERVICE" shall mean an enterprise which provides motor vehicles equipped with facilities to carry infirm or injured persons.

SECTION THREE. The Board of Directors of the Eureka Fire Protection District shall accept all applications for a franchise to operate an emergency ambulance service and shall make a determination as to whether or not it shall grant a franchise for emergency ambulance service within said District by considering:

(a) the number of residents within the District at the time of the request for the franchise;

(b) the anticipated cost of the service to the residents who will be provided service by the applicant;

(c) the capacity of the present service to fulfill the needs of the residents of the District;

(d) the number of paramedics serving the District by and through the present ambulances;

(e) the number of emergency medical technicians and all other personnel available to the ambulances presently providing the service to the residents of the District;

(f) the type of ambulances and equipment to be provided by the applicant;

(g) the locations of the applicant and the proximity to the District in relation to other service presently available in the District;

(h) such other factors as may be in the best interest of the residents of the District.

It shall be within the discretion of the Board of Directors of the Eureka Fire Protection District to grant a franchise based upon the need of the District and the facts hereinabove set-forth.

SECTION FOUR. The provision of this Ordinance shall not be applicable to ambulances and their personnel which are:

(a) Owned and operated by an agency of the United States Government; or,

(b) Rendering assistance at the request of Central County Emergency Dispatching Service in cases of disaster or major emergency too great for Eureka Fire Protection District resources or in response to provisions of a mutual aid agreement; or,

(c) Engaged in the process of an intercity or interdistrict transfer originating outside the Eureka Fire Protection District; or,

(d) Private businesses using an ambulance solely for the transportation of their employees for injury or illness sustained while performing their work; or


(e) Privately owned and designed for the transportation of the infirm or physically handicapped, and used solely for the benefit of its owner and family, and is not for hire; or

(f) Owned and operated by a hospital and used exclusively for specialized mobile intensive care or for inter-institutional transfer of admitted patients of the owner hospital.


SECTION FIVE. Any person, firm, corporation, association, owner, agent, or otherwise, who is convicted of violating any provision of this Ordinance shall be punished by a fine of not less than One Hundred Dollars (\$100.00) and not more than Five Hundred Dollars (\$500.00), or by imprisonment for not more than ninety (90) days, or by both fine and imprisonment.

SECTION SIX. Effective date. This Ordinance, having been duly considered and voted upon by the Board of Directors of the Eureka Fire Protection District, is now duly adopted, enacted and effective as an Ordinance of the Eureka Fire Protection District of St. Louis County, Missouri, on this 15 day of September, 1986, and shall become effective as provided by law.


EUREKA FIRE PROTECTION DISTRICT  
OF ST. LOUIS COUNTY, MISSOURI

  
FRANCIS B. OBERKRAMER, Chairman  
Board of Directors

ATTEST:

  
JAMES C. SCHEER, Secretary  
Board of Directors  
Eureka Fire Protection District.

(Seal)

  
FRANCIS B. OBERKRAMER, DIRECTOR (VOTING AYE)

  
JAMES C. SCHEER, DIRECTOR (VOTING AYE)

  
JAMES R. WOLAVER, DIRECTOR (VOTING AYE)