

**TITLE 38**  
**AMBULANCE SERVICE LICENSE**

(Title 38 added entirely by Ordinance 2013-12, effective: 09-03-2013)

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*Statutory Authority; SDCL Chapter 34-11*

**CHAPTER 38.01**

**38.01.01: Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A. **AMBULANCE.** Any privately or publicly owned motor vehicle that is specifically designed or constructed, and equipped, and is intended to be used for and is maintained or operated for the transportation of patients, except any such motor vehicle owned by, or operated under the direct control of the United States.

B. **ATTENDANT.** A trained and/or qualified individual responsible for the operation of an ambulance and the care of the patients whether or not the attendant also serves as driver.

C. **ATTENDANT-DRIVER** means a person who is qualified as an attendant and a driver.

D. **CITY.** City of Sturgis, South Dakota.

E. **DRIVER.** An individual who drives an ambulance.

H. **LICENSE OFFICER.** The City Finance Officer

I. **PATIENT.** An individual who is sick, injured, wounded or otherwise incapacitated or helpless.

J. **PERSON.** Means any individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose or organization of any kind, including any governmental agency other than the United States.

#### **38.01.02: Violation–Penalty.**

Any person violating, or failing to comply with, the provision of any section of this chapter shall be guilty of a class two misdemeanor and as provided for by SDCL 22-22-6 upon conviction thereof shall be subject to a maximum fine in an amount not exceeding \$500.00 or imprisonment for a period not exceeding 30 days or to both such fine and imprisonment as provided therein..

### **CHAPTER 38.02**

#### **38.02.01: License requirements generally– Exceptions.**

No person, either as owner, agent or otherwise, shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the business or service of the transportation of patients upon the streets, alleys or any public way or place of the city, unless he or she holds a currently valid license for an ambulance service as required by Chapter 34-11 of the South Dakota Code, as well as a license issued pursuant to this chapter. No license shall be issued under this chapter to any new applicant unless the Common Council shall find that additional ambulance service is required by public convenience and necessity, as shown by reliable dispatch records or comparable documentation showing that those ambulance services licensed prior to the pending application are unable to respond within the required time limits. In the absence of such findings, any new applicant shall be denied. The city shall not be exempt from licensing requirements under this chapter for the operation of its municipal ambulance service. However, that no such licenses shall be required for an ambulance which: However, any ambulance service in operation at the time this ordinance is passed shall have 45 days after the effective date of this ordinance to submit its completed application. No such licenses shall be required for an ambulance which:

- A. Is an ambulance operated by an agency of the United States.
- B. Is an ambulance operated from a location or headquarters outside of the city in response to a request from the Meade County Dispatch to transport patients when any ambulance service licensed by the City is unable to provide the needed response, or
- C. Is an ambulance otherwise exempt under the authority of SDCL 34-11-9

**38.02.02: Ambulance service license–Application–Fee.**

Applications for ambulance licenses hereunder shall be made upon the forms as may be prepared or prescribed by Finance Officer and shall contain:

- A. The name and address of the applicant and of the named owner of the ambulance service;
- B. The trade or other fictitious name, if any, under which the applicant does business and proposes to do business;
- C. A complete copy of the state application and all associated certificates as described in SDCL 34-11-1 submitted by applicant to obtain the state license for the proposed ambulance service.
- D. The location and description of the place or places from which it is intended to operate to provide service to residents of the City of Sturgis;
- F. Documentation confirming that the applicant and all vehicles for which applicant seeks authority to operate within the City are currently licensed by the State of South Dakota and in compliance with all ambulance vehicle and equipment laws and requirements set by the state , accompanied by such other information as the Finance Officer shall deem reasonably necessary to a fair determination of compliance with this chapter; and
- G. An accompanying license fee of \$500.00.
- H. A copy of applicant's business license application under Title 18 to conduct business in the City of Sturgis.

**38.02.03: Ambulance service license–Application– Investigation–Review of findings.**

The Finance Officer shall within business 10 days after receipt of an application for an ambulance license as provided for herein, review the application to determine if it is complete and if not to request the additional information from the applicant. Upon receipt of the complete application and any supplemental information requested, the Finance Officer shall report his or her findings to the City Manager and make a recommendation regarding whether the application as submitted meets all the requirement of this ordinance, for approval by the City Council.

**38.02.04: Ambulance vehicle standards.**

Each ambulance service shall, at all times when in use operation as such, meet the minimum standards for equipment, operation, training and professional behavior as prescribed by the State of South Dakota in Chapter 34-11 of the South Dakota Code and related Administrative Rules Article 44:05.

**38.02.05: Ambulance Equipment standards.**

Required equipment in each ambulance shall meet the minimum standards as established by Chapter 34-11 of the South Dakota Code and related Administrative Rules Article 44:05. Each operator of an ambulance service licensed under this Ordinance shall comply at all times with all subsequent regulations governing the operation, the vehicles, the equipment and employees as may be established by the State of South Dakota.

**38.02.06:-Ambulance service license-Issuance-Required findings-Term.**

Upon a finding that all state and City requirements for licensure have been met and the approval of the City Council, the Finance Officer shall issue an ambulance license to any applicant so approved. The license shall be valid for a period of 1 year unless earlier suspended, revoked or otherwise terminated at the Common Council's sole discretion. No operator may provide ambulance service unless both the driver of the ambulance and the attendant on duty in the ambulance possess certification and licensure as required by the State and City.

**38.02.07: Ambulance service license-No Transfer.**

Any change of ownership of a licensed ambulance shall terminate the license and shall require a new application and a new license and conformance with all the requirements of this chapter as upon original licensing.

**38.02.08: Ambulance service license-Defacing prohibited.**

No official entry made upon a license may be defaced, removed or obliterated.

**CHAPTER 38.03****38.03.01: Driver's and attendant's information record.**

For each driver's, attendant's and attendant employed by a licensed ambulance service or any applicant for a license who may be present at any time in the City as part of their employment duties hereunder, in addition to the documents required for the ambulance service license application, there shall be submitted upon such forms as may be prepared or prescribed by the City Finance Office the following information:

- A. The applicant's full name, current residence, and all places of residence for 5 years previous to submission of the information to the Finance Office.
- B. Written confirmation that the employee meets all the minimum standards as established by Chapter 34-11 of the South Dakota Code and related Administrative Rules Article 44:05, and

such other information as the City Finance Officer shall deem reasonably necessary to a fair determination of compliance with this chapter.

**38.03.02: Driver's and attendant's information record review.**

The Finance Officer shall, within 10 business days after receipt of an application as provided for herein, review the information provided and notify the licensed ambulance service if it appears that any such driver and/or attendant fails to meet any of the minimum standards established by Chapter 34-11 of the South Dakota Code and related Administrative Rules Article 44:05.

**CHAPTER 38.04**

**38.04.01: Equipment, premises and records to be available for inspection.**

Each licensed ambulance, its equipment and the premises designated in the application and all records relating to its maintenance and operation as such, shall be open to inspection upon request by the City Manager or his or her designated representatives during business hours of operation. Any initial, semiannual or other ambulance, equipment and premise inspection reports as provided for by state law or regulations shall be filed by the operator with the City Finance Office and shall be prima facie evidence of compliance or noncompliance with, or violation of, the provisions, standards and requirements provided for by state law or regulation, for the licensing of ambulances. Upon suspension, revocation or termination of an ambulance license hereunder, the ambulance shall cease operations as such.

**38.04.02: Obedience to traffic laws, ordinances and regulations.**

The driver of an ambulance, when responding to an emergency call or while transporting a patient, shall comply with all the requirements for safe emergency vehicle operation as established by state law at SDCL Chapter 32-31. Those provisions shall not relieve the driver of an ambulance from the duty to drive with due regard for the safety of all persons, nor shall the provisions protect the driver from the consequences of his or her reckless disregard for the safety of others.

**38.04.03: Transporting patients—Attendant required.**

It is unlawful for any person to carry for hire any person in any ambulance upon the streets of the city unless there shall be an attendant in the ambulance in addition to the driver thereof.

**38.04.04: Going to scene of accident without request.**

It is unlawful for any person licensed under this chapter to go to the scene of any accident unless a request for ambulance service to a specific location has been communicated to the licensed ambulance service by the law enforcement dispatch service serving Meade County.

**38.04.05: False statements or misrepresentations of fact in carrying on business.**

It is unlawful for any licensee under this chapter to make any false statement or misrepresentation of fact in carrying on the business for which the license is issued.

**38.04.06: Refusal of service.**

After having received a call from the law enforcement dispatch serving Meade County, it is unlawful for any licensed ambulance service to refuse the service for any reason except where aid is declined by the patient or for other reasons beyond the control of the operator.

## **CHAPTER 38.05**

### **38.05.01: Rate schedules.**

The applicant and any operator of an ambulance service licensed under this ordinance shall file with the Finance Office annually and whenever changed a schedule of rates for ambulance services. The applicant and any operator of an ambulance service licensed under this ordinance shall in addition maintain within the ambulance vehicle and within each place of business a schedule of such rates. It is unlawful for any owner, driver or attendant of any ambulance to charge in excess of the rates as may be set forth in the rate schedule.

### **38.05.02: Renewal of license.**

Renewal of any license hereunder, upon expiration for any reason or after revocation, shall require conformance with all the requirements of this chapter as upon original licensing.

### **38.05.03: Revocation of license.**

The Common Council may and is authorized to suspend or revoke a license issued hereunder for failure of a license to comply and to maintain compliance with the requirements of South Dakota law and state regulations or for violation of any provisions, standards or requirements of this chapter. Within 30 days after a suspension, the license shall be afforded a hearing, after reasonable notice. The Common Council shall, within 30 days after conclusion of the hearing, issue a written decision (which shall include written findings) as to the suspension of the license. The written decision shall be promptly transmitted to the licensee to whom it refers.

(Title 38 added entirely by Ordinance 2013-12, effective: 09-03-2013)