

ORDINANCE NO. 87-02

AN ORDINANCE OF WENDOVER CITY, UTAH, GRANTING TO LARRY LISK AMBULANCE SERVICE, A FRANCHISE TO OPERATE A PRIVATE AMBULANCE SERVICE FOR THE CARRIAGE OF SICK, AND DISABLED PERSONS FOR HIRE OVER ROUTES UPON THE PUBLIC STREETS, ROADS, ALLEYS AND ELSEWHERE IN WENDOVER CITY; PROVIDING THE CONDITIONS THEREOF; LEVYING A LICENSE FEE AND FRANCHISE TAX FOR SAID OPERATION; DECLARING AN EMERGENCY AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE UPON FINAL PASSAGE AND POSTING.

The Wendover City Council hereby ordains the following:

SECTION 1. Ambulance Franchise Granted.

Wendover City hereby grants to Larry Lisk Ambulance Service the franchise right and privilege to operate automotive vehicles commonly called ambulances, hereinafter defined, over the streets, alleys and other public ways of Wendover City, said automotive vehicles to be used for the transportation of the sick or incapacitated and disabled persons and their attendants. The franchise hereby granted shall be effective for a continuous term of 5 years, beginning on the 6th day of October, 1987. This franchise may be extended thereafter upon mutual agreement of the parties at the time.

SECTION 2. Services to be performed by Grantee.

The grantee, its successors, and assigns shall provide Wendover City and its inhabitants with complete, competent and courteous ambulance service. It shall maintain a minimum of 2 licensed ambulances available at all times. Whenever the Wendover City Council determines that the need for ambulance service has increased due to community growth, or for any other reason

whatsoever, the grantee shall provide whatever additional ambulances the Council determines to be needed to satisfactorily meet such increased need for ambulance service. Should the grantee fail to provide the quality of ambulance service required herein, or supply the number of ambulance determined necessary, the City shall have the right at its option to revoke the franchise granted herein unless such failure is due to strikes, accidents, police measures, or other governmental restrictions, or other causes or conditions not within the control of the grantee. The grantee shall provide ambulance service at the request of Wendover City, its agents, or employees made in connection with their exercise of the police powers of the City. Except in cases where such services are requested for persons in the custody of Wendover City or any department thereof, this service will be without charge to Wendover City, its agents, or employees, but grantee shall look to the injured or sick persons transported for payment for said services at the rates hereinafter provided for.

### SECTION 3. Definitions.

The term "ambulance" as used in this ordinance, shall mean every ambulance used for the purpose of serving the public, and operated by any person, firm, or corporation other than Wendover City, any other government agency, or the American Red Cross.

SECTION 4. Rules and regulations.

a. Each and every vehicle operated by grantee as a private ambulance shall be equipped with medical equipment (or the equivalent of such equipment) as recommended by the American College of Surgeons and the State of Utah.

b. Each and every vehicle operated as an ambulance shall be equipped with such safety items as are from time to time required by local authorities within Wendover City and the State of Utah.

c. Each and every vehicle operated as an ambulance shall be furnished with mobile communications where engaged in performing emergency services within Wendover City, Utah.

d. Each and every ambulance shall be of a model to insure safe and comfortable transportation of the patients.

e. All personnel whose duties involve the care of the patient shall have completed the prescribed courses of standard, and advanced, First Aid of the American Red Cross and all other requirements of the laws of the State of Utah.

f. Each and every ambulance shall be staffed with a driver and an attendant on any assignment where a patient is to be transported.

g. Grantee shall maintain and furnish to Wendover City, when requested, affidavits or records of each employee as to character, intellectual and physical capabilities to performing

the duties of an ambulance driver or attendant.

h. Emergency ambulance service shall be provided to the residents of Wendover City on a twenty-four hour basis.

i. Grantee shall perform an ambulance service in a manner to insure the human dignity endowed to each, and every patient regardless of their physical, economic or social status.

j. All ambulances shall be kept in good mechanical condition at all times.

k. Each ambulance must have the word "AMBULANCE" in letters at least six (6) inches high painted on both sides, and the rear of the vehicle. The equipment of the ambulance and its condition as regards sanitation must be submitted for inspection and approval by the Tooele County Health Department from time to time as the City or the Health Department may require.

l. The grantors reserve the right to establish additional rules and regulations or to modify these rules and regulations by resolution of the Wendover City Council to control and govern the grantee, after due notice to grantee, and hearing upon any proposed additional rules or modifications thereof.

SECTION 5. Failure to Comply with Ordinances, Regulations, Ect.

The grantee and its successors, and assigns shall operate its ambulance service in conformance with this franchise; and with all other applicable ordinances, administrative orders,

rules and regulations that have been promulgated by Wendover City in the past, or that may be promulgated in the future. The willful violation of any such ordinance, administrative order, rule or regulation by the grantee, or any of its agents or employees shall be grounds for the cancellation of this franchise at the option of Wendover City.

SECTION 6. Waiver of Damages.

By the acceptance of this franchise said grantee, and its employees, and its successors, and assigns hereby waive all damages and claims for damages which may accrue to it by reason of any interference with its operation occasioned by necessary public improvements made in the streets of such city, which are carried on and prosecuted to completion with reasonable diligence, or such interference which may be due to measures taken in the interests of public safety.

SECTION 7. License Fees and Franchise Tax.

The grantee licensed hereunder shall file with the City Recorder with fifteen (15) days after this franchise is accepted, and before January 1, each calendar year thereafter, a statement containing a description of every motor vehicle which the grantee proposes to use, and for which a license is sought, giving:

- (1) Trade name
- (2) Motor and Serial Number

(3) State License Number

(4) Seating Capacity

(5) Body Style

(6) and the grantee shall pay to the Wendover City Clerk at the same time that this statement is filed the yearly license fee.

SECTION 8. Acceptance of Franchise.

Grantee shall file a written acceptance of this franchise with the Wendover City Recorder within (15) fifteen days of being approved by the Emergency Medical Service Committee, an agency of the State of Utah.

SECTION 9. Approval by the Emergency Medical Service Committee.

The Larry Lisk Ambulance Service understands that this grant of franchise must be approved by the Emergency Medical Service Committee an agency of the State of Utah before it can become effective. Furthermore that the ambulance service is responsible for obtaining it own representation, legal or otherwise, to represent it before this state agency.

SECTION 10. Transfer or Assignment of Franchise.

This franchise may not be transferred by the Larry Lisk Ambulance Service without prior approval of the Wendover City Council. Any transfer made without such approval shall

automatically terminate all of the rights and privileges granted by this franchise.

SECTION 11. Financial Statement and Security for Public Liability.

Grantee shall furnish annually to, and deposit with the Wendover City Recorder a financial statement. Such statement shall be verified by the oath of an executive officer of grantee. The Wendover City Council may in its discretion require that a statement shall be further verified by a certificate of a duly registered, and licensed Certified Public Accountant.

No authorization to operate an ambulance business shall be granted unless the said statement discloses a net worth sufficient in the judgment of the Council to insure the applicant's financial responsibility to respond promptly in damages to the public for injuries to persons (including injuries resulting in death).

The ambulance service shall also provided proof of its liability insurance on an annual basis and it shall at all times maintain such a policy as a condition of this franchise.

SECTION 12. Grantee to hold Grantor Harmless.

Grantee shall save the grantor harmless from any claim or liability or suit arising out of, or in any way connected with grantee's actions, rights, or duties under this franchise including paying for the city's court defense in any such suit.

SECTION 13. Grantee shall Maintain Manifest Records.

The grantee shall maintain a daily manifest record upon which shall be recorded all trips made each day showing the time and place of origin, and the point of discharge of each passenger transported on each trip, and the amount of fare actually charged and collected. The manifest records shall be available for inspection by the grantor, its officers, and employees, and by members of the public during regular business hours.

SECTION 14. Emergency Clause.

The Wendover City Council finds and determines that this ordinance is necessary for the immediate preservation of the peace, health, and safety of Wendover City, Utah.

SECTION 15. Effective date.

This ordinance shall take effect upon passage and after it has been approved by the State of Utah and been posted in three (3) public places in Wendover, Utah.

Dated this 6th day of October, 1987.

  
GLEN BECK  
MAYOR  
WENDOVER CITY, UTAH

ATTESTED TO BY:

*Margaret Wheeler*

MARGARET WHEELER  
WENDOVER CITY RECORDER

POSTING:

I certify that the above ordinance was posted in (3) three different public places within Wendover City boundaries after it was passed by the Wendover City Council.

Dated this 7<sup>th</sup> day of October, 1987.

*Margaret Wheeler*  
MARGARET WHEELER