

ORDINANCE NO. \_\_\_\_\_

**TECHNICAL AMENDMENTS**

1 AN ORDINANCE amending Chapter 2.20 of the Lincoln Municipal Code relating to  
2 the Fire and Rescue Department by amending Section 2.20.010 to update terminology to accord with  
3 current practice; amending Sections 2.20.050 and 2.20.080 to provide that the Fire Officer in  
4 command has authority at the scene of an emergency; amending Section 2.20.060 to provide that  
5 members of Lincoln Fire and Rescue will protect residences as well as businesses; amending Section  
6 2.20.070 to provide for personnel identification other than badges and disposition of identification  
7 upon leaving the Department; amending Chapter 7.06 of the Lincoln Municipal Code relating to  
8 Routine Ambulance Service by amending Section 7.06.010 to clarify that the Finance Director issues  
9 licenses for ambulance service; amending Section 7.06.070 to provide that providers of routine  
10 ambulance service shall comply with medical protocols; amending Sections 7.06.090 and 7.06.100  
11 to update terminology to accord with current practice; amending Chapter 7.08 relating to Emergency  
12 Ambulance Service by amending Section 7.08.040 to clarify that prohibition of emergency  
13 ambulance service does not apply to Lincoln Fire and Rescue; amending Section 7.08.050 to clarify  
14 the definition of life-threatening condition; and repealing Sections 2.20.010, 2.20.050, 2.20.060,  
15 2.20.070, 2.20.080, 7.06.010, 7.06.070, 7.06.090, 7.06.100, 7.08.040, and 7.08.050 of the Lincoln  
16 Municipal Code as hitherto existing.

17 BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

18 Section 1. That Section 2.20.010 of the Lincoln Municipal Code be amended to read  
19 as follows:

20 **2.20.010 Fire Chief; Appointment; Duties Generally.**

1           The Mayor shall appoint, with approval of the City Council, the Fire Chief, who shall be a  
2 member of the unclassified service of the city. The Director of the Fire and Rescue Department shall  
3 be known as the Fire Chief, who shall have at least five years experience in a responsible post with  
4 a fire-fighting and fire-prevention organization. The Fire Chief shall be directly responsible to the  
5 Mayor and shall:

6           (a) Have control and management of all matters relating to the Fire and Rescue  
7 Department, its officers and members, and shall have the care, custody and control of all fire fighting  
8 equipment and apparatus and other property and apparatus belonging to the Fire and Rescue  
9 Department, together with all ~~books and~~ records belonging to the Fire and Rescue Department;

10           (b) Devote full time to the prevention and extinguishment of fires in the City of Lincoln  
11 and managing the City's emergency medical services program;

12           (c) Except as otherwise provided in the personnel code, Chapter 2.76, have authority to  
13 make rules and regulations covering the conduct of members of the Fire and Rescue Department and  
14 the performance of Fire and Rescue Department functions, provided, that such rules and regulations  
15 insofar as they pertain to matters covered by the personnel code, Chapter 2.76, shall be consistent  
16 with and limited by the provisions of that code;

17           (d) Annually report to the Mayor and City Council all ~~accidents~~ incidents by fire that may  
18 have taken place in the city during the preceding fiscal year, with the causes thereof as well as they  
19 may be ascertained, and the number and description of the buildings destroyed and citizens injured  
20 together with the names of the owners or occupants and the amount of loss, insurance, and property  
21 involved;

22           (e) Cause to be kept a full and complete record of all transactions in said department of  
23 complaints against members and the judgment of the Chief thereon, a record of the time lost by  
24 members, and a record of all property placed in his charge, and such other ~~books and~~ records as shall  
25 be required by the business of the Fire and Rescue Department;

1 (f) Together with the chief officers of the Fire and Rescue Department, be subject to duty  
2 call at all times, both day and night;

3 (g) Have control and management of the city ambulance program and shall have care,  
4 custody, and control of all records, equipment, and apparatus as may belong to the Fire and Rescue  
5 Department, or as may be assigned to the city ambulance program. The Fire Chief shall allow  
6 access to such records by the public in a manner consistent with the laws of the State of Nebraska;

7 (h) On an annual basis, which coincides with the City's fiscal year, issue a set of financial  
8 statements prepared in accordance with generally accepted accounting principles for the activity of  
9 the EMS Enterprise Fund. These financial statements will be audited by an independent certified  
10 public accounting firm in conformance with generally accepted auditing standards and the standards  
11 applicable to the financial audits contained in Government Auditing Standards issued by the  
12 Comptroller General of the United States. The income statement shall be in sufficient detail to  
13 provide information on the sources of revenue, including but not limited to major sources of  
14 reimbursement from the federal government, private insurance reimbursement and private payments.

15 (i) On an annual basis, which coincides with the City's fiscal year, file with the Finance  
16 Director a financial statement that includes as supplementary information a compilation of  
17 ambulance calls on a monthly basis for the period of the audit. This supplementary schedule will  
18 include but not be limited to: (1) total number of calls; (2) total number of calls resulting in  
19 transport; (3) total number of ALS transports; (4) total number of BLS transports; (5) total number  
20 of persons transported; and (6) collection rate of billable services rendered.

21 (j) Cause to be maintained, for each emergency ambulance dispatch or response, a [trip](#)  
22 [record, daily log, and report which includes](#) dispatch [and other relevant](#) information.

23 Section 2. That Section 2.20.050 of the Lincoln Municipal Code be amended to read  
24 as follows:

25 **2.20.050 Destruction of Property to Control Fire.**

1           The Chief or officer in command may direct firefighters to cut down and remove any  
2 building, erection, or fence for the purpose of checking the progress of any fire; and the Chief shall  
3 have power to raze or destroy or cause to be razed or destroyed any building or erection for the  
4 purpose of extinguishing or checking the progress of an existing fire.

5           Section 3. That Section 2.20.060 of the Lincoln Municipal Code be amended to read  
6 as follows:

7 **2.20.060     Firefighters to Protect Department Property.**

8           It shall be the duty of all members of the Fire and Rescue Department to prevent all persons  
9 not belonging to the department from entering any house or business, or handling any apparatus  
10 belonging to the department, without permission.

11          Section 4. That Section 2.20.070 of the Lincoln Municipal Code be amended to read  
12 as follows:

13 **2.20.070     Badges; Members Leaving Department.**

14          Every member of the Fire and Rescue Department, when on duty, shall wear a suitable badge  
15 or other identification, furnished by the city, and any member who shall lose or destroy the badge  
16 shall be required to pay the cost of replacing it; and when any member shall leave the department,  
17 he or she, shall immediately deliver said badge, and all other property belonging to the city, to the  
18 proper designated officer.

19          Section 5. That Section 2.20.080 of the Lincoln Municipal Code be amended to read  
20 as follows:

21 **2.20.080     Authority of Fire Chief at Fires and Other Emergencies.**

22          The Fire Chief or Fire Officer in command, as may be in charge at the scene of a fire or other  
23 emergency involving the protection of life or property, shall have the power and authority to direct  
24 such operation as may be necessary to extinguish or control any fire, perform any rescue operation,  
25 provide emergency medical services including transport, investigate the existence of suspected or  
26 reported fires, gas leaks, or other hazardous conditions or situations or take any other action

1 necessary in the reasonable performance of their duty. In the exercise of such power, the Chief [or](#)  
2 [Fire Officer in command](#) may prohibit any person, vehicle, vessel, or thing from approaching the  
3 scene and may remove or cause to be removed or kept away from the scene any vehicle, vessel or  
4 thing which may impede or interfere with the operation of the Fire and Rescue Department, and, in  
5 the judgment of the Chief [or Fire Officer in command](#), any person not actually and usefully em-  
6 ployed in the extinguishing of such fire or the preservation of property in the vicinity thereof.

7 Section 6. That Section 7.06.010 of the Lincoln Municipal Code be amended to read  
8 as follows:

9 **7.06.010 Routine Ambulance Service; License Required.**

10 No person shall operate or cause to be operated a routine ambulance service within the City  
11 of Lincoln without first having applied for and obtained a license from the [City Council Finance](#)  
12 [Director](#) authorizing such operation; provided, however, that no such license shall be required for  
13 any person operating an ambulance or other vehicle when:

14 (a) Such ambulance is operated and based out of a location outside of the City of Lincoln  
15 in order to provide routine ambulance service to patients who are picked up beyond the limits of the  
16 City of Lincoln and delivered to locations within Lincoln, but no such outside ambulance shall be  
17 used to pick up patients within the City of Lincoln for routine ambulance service transportation and  
18 delivered to locations within Lincoln unless the operator, driver, attendant, and driver-attendant hold  
19 currently valid certificates, permits, and licenses issued pursuant to law, including federal, state, and  
20 local.

21 (b) Such ambulance is operated and based out of a location outside the City of Lincoln in  
22 order to provide routine ambulance transportation to any patients from a point of origin within the  
23 city to a destination outside the city.

24 (c) Such ambulance is operated and based out of a location outside the City of Lincoln in  
25 order to provide routine ambulance transportation to any patients from a point of origin outside the

1 city to a destination outside the city, where such travel upon Lincoln ways is necessary to get from  
2 the point of origin to the point of destination.

3 Applying for and obtaining a license to operate a routine ambulance service is a privilege  
4 and is not a right. Consideration of any such application or issuance of such a license is not intended  
5 to, and does not, vest in the applicant or license holder any property right or interest in such license.  
6 All licenses issued under the provisions of this chapter shall expire on the thirtieth day of September  
7 following the date of their issuance, unless revoked prior thereto as provided in this chapter.

8 Any person having been issued a license pursuant hereto shall comply with all provisions  
9 of this ordinance, as well as all other applicable local, state, and federal laws, and adopted protocols.

10 Nothing in this chapter shall be construed as revoking, suspending, or otherwise changing  
11 the authority of a holder of a current Certificate of Public Convenience and Necessity, issued  
12 pursuant to Chapter 8.08 of the Lincoln Municipal Code from providing service pursuant thereto,  
13 for such time as such Certificate is in full force and effect.

14 Section 7. That Section 7.06.070 of the Lincoln Municipal Code be amended to read  
15 as follows:

16 **7.06.070 Standards of Operation.**

17 Every operator, as a condition of the issuance and continued retention of its license, must  
18 comply with the following standards of operation:

19 (a) The operator will maintain, and have available for use within the corporate limits of  
20 the City, not less than one ambulance that will be on call twenty-four hours a day, seven days a  
21 week. Such ambulance, and any others the operator makes available for use within the corporate  
22 limits of the City shall be fully staffed and equipped with all equipment in working order. All  
23 ambulances shall be fully staffed and fully equipped with all equipment in proper working order.  
24 All ambulances shall at all times be maintained in good mechanical and physical condition with  
25 maintenance done in accordance with manufacturer's specifications. All ambulances shall at all

1 times be registered and all taxes shall be paid as required by law. All ambulances shall be kept  
2 clean, and any damage to the vehicle shall be repaired in a timely manner.

3 (b) Each operator, in the provision of emergency medical routine ambulance services shall  
4 comply with all written medical care protocols as promulgated by the medical director contracted  
5 for or otherwise engaged by EMSOA.

6 (c) Each operator must fully comply with all applicable state laws and regulations relating  
7 to the licensing of its vehicles, and with all state laws and regulations relating to the issuance and  
8 maintenance of certifications as may be required for its personnel.

9 (d) No ambulance shall transport any patient within the City unless such ambulance is  
10 occupied by at least one certified out-of-hospital emergency care provider. Such requirement shall  
11 be met if any of the individuals providing the transportation is a licensed physician, registered nurse,  
12 licensed physician assistant, or licensed practical nurse, EMT, EMT-I, or EMT-P, functioning within  
13 the scope of practice of his or her state issued license. It shall be the duty of the operator to assure  
14 that any of its personnel designated to drive any ambulance shall have a knowledge and ability to  
15 operate an ambulance, to follow assigned routes, to maintain vehicles, and to utilize assigned  
16 communications equipment. It shall further be the responsibility of the operator to ensure that  
17 before any ambulance of the operator is driven within the city limits, the driver of such ambulance  
18 must have completed a course, pre-approved by the Medical Director, relating to driving emergency  
19 vehicles, as well as any other requirements as set forth in law pertaining to the operation of an  
20 emergency vehicle.

21 (e) The operator will cooperate with the City in the development of disaster relief plans  
22 and will participate in disaster exercises conducted by the City.

23 (f) No operator shall discriminate against any patient or person to whom out-of-hospital  
24 emergency medical service is provided based upon such person's race, color, religion, sex,  
25 disability, national origin, ancestry, age, or marital status.

1           Section 8. That Section 7.06.090 of the Lincoln Municipal Code be amended to read  
2 as follows:

3 **7.06.090    Audit and Inspection.**

4           (a) The City shall have the right of access at all reasonable times to [trip records incident](#)  
5 [reports](#), daily logs, and dispatch records and may audit and inspect the same; provided, however, any  
6 audit shall be performed at the sole cost of the City. Such right of access on the part of the City for  
7 inspection and audit shall be a continuing right of the City for all records throughout the term of the  
8 license and for five years after its expiration.

9           (b) The City shall also have the right at all reasonable times to inspect or cause to be  
10 inspected any vehicles and equipment of the operator to assure compliance with all state and local  
11 requirements relating to equipment, cleanliness, maintenance, and availability.

12           (c) Operator, by the last day of each calendar month for which a routine ambulance license  
13 is in effect, shall report to the Fire Chief and EMSOA the following information: total number of  
14 calls for service received for that calendar month (in which the patient was located within the  
15 corporate limits of the City); total number of transports in which the patient's point of origin was  
16 within the corporate limits of the City; total number of calls in which ALS treatment was  
17 administered and in which the patient's point of origin was within the corporate limits of the City;  
18 total number of calls in which BLS treatment was administered and in which the patient's point of  
19 origin was within the corporate limits of the City.

20           Section 9. That Section 7.06.100 of the Lincoln Municipal Code be amended to read  
21 as follows:

22 **7.06.100    Records and Reports.**

23           Operators shall create [a trip record an incident report](#) for each call to which personnel are  
24 dispatched and in which a transport occurs. The [trip record incident report](#) shall be so designed as

1 to provide the patient with a copy thereof containing all required information. The City may require  
2 the use of standardized forms in the keeping of the [trip record incident report](#) and daily log.

3 Section 10. That Section 7.08.040 of the Lincoln Municipal Code be amended to read  
4 as follows:

5 **7.08.040 Operation of Emergency Ambulance Service Unlawful; Penalty.**

6 (a) From and after January 1, 2001, it shall be unlawful for any person [not employed by](#)  
7 [Lincoln Fire and Rescue](#) to operate, drive, or cause to be operated or driven any ambulance on the  
8 streets of the city for the purpose of furnishing emergency ambulance service, or to furnish or  
9 attempt to furnish emergency ambulance service within the City. Any person convicted hereunder  
10 shall be guilty of a misdemeanor and shall be punishable by a maximum \$500.00 fine for each such  
11 conviction, recoverable with costs; provided, however, that for the first such offense the minimum  
12 fine shall be not less than \$200.00, for the second such offense the fine shall be not less than  
13 \$300.00, and for the third or subsequent such offense the fine shall be not less than \$400.00. Each  
14 transport or incident in which emergency ambulance service is provided or attempted to be provided  
15 shall constitute a separate and distinct offense and shall be punishable as such. In addition to the  
16 criminal penalties provided herein, any conviction hereunder may be sufficient grounds for the City  
17 Council to deny a subsequent application for a routine ambulance service license, or to revoke or  
18 suspend a current license therefor. Such denial, revocation, or suspension shall be deemed remedial  
19 and civil in nature.

20 (b) It is an affirmative defense to prosecution that the site of the patient to whom the  
21 ambulance is responding is outside the corporate limits of the City, and the ambulance is operating  
22 within the City only for the purpose of responding to or from the emergency site or patient so  
23 located for transporting the patient to a medical facility.

24 No person shall be prosecuted pursuant to this section when such person was dispatched by  
25 the 911 Center to the site of a patient for the purpose of providing emergency ambulance service,  
26 or when such person was providing stand-by ambulance service pursuant to a contract with the City.

1           Section 11. That Section 7.08.050 of the Lincoln Municipal Code be amended to read  
2 as follows:

3 **7.08.050     Emergency Ambulance Service Response Time; Objective.**

4           In the provision of emergency ambulance service within the corporate limits of the City, the  
5 City or its contractor, when dispatched by the 911 Center pursuant to an emergency call and where  
6 the condition of the patient is life-threatening (~~presumptively~~ meets the classification Delta or Echo),  
7 shall respond to the site to which dispatched within eight minutes and no seconds from the time of  
8 dispatch, for at least 90% of the responses, and, to the extent possible, shall make reasonable  
9 attempts to arrive at the site to which dispatched within six minutes and no seconds of the time of  
10 dispatch. This section does not require that on each particular emergency call a particular response  
11 time be achieved. Rather, this section is intended to provide objective goals and standards for  
12 purposes of evaluating, on a system-wide basis, the proficiency of the service being provided. This  
13 section is not intended to and does not waive any immunities or defenses otherwise available to the  
14 City or its contractor (for 911 service, emergency medical service, emergency ambulance service,  
15 or any other service or cause of action) through city, state or federal law, including but not limited  
16 to defenses and immunities set forth in the Nebraska Political Subdivisions Tort Claims Act.

17           Section 12. That Sections 2.20.010, 2.20.050, 2.20.060, 2.20.070, 2.20.080, 7.06.010,  
18 7.06.070, 7.06.090, 7.06.100, 7.08.040, and 7.08.050 of the Lincoln Municipal Code as hitherto  
19 existing be and the same are hereby repealed.

20           Section 13. Pursuant to Article VII, Section 7 of the City Charter, this ordinance shall  
21 be posted on the official bulletin board of the City, located on the wall across from the City Clerk's  
22 office at 555 S. 10th Street, in lieu of and in place of newspaper publication with notice of passage  
23 and such posting to be given by publication one time in the official newspaper by the City Clerk.  
24 This ordinance shall take effect and be in force from and after its passage and publication as herein  
25 and in the City Charter provided.

Introduced by:

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Approved as to Form & Legality:

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City Attorney

Approved this \_\_\_ day of \_\_\_\_\_, 2012:

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Mayor