

ROCKBRIDGE COUNTY CODE

Chapter 14

FIRE, RESCUE AND EMERGENCY SERVICES *

Art. I. Fire Prevention and Protection, §§14-1--14-9

Art. II. Fee for Services, §§14-10--14-24

ARTICLE I. FIRE PREVENTION AND PROTECTION*

Sec. 14-1. Line of Duty Act applicable in county.

The Rockbridge County Board of Supervisors recognizes the fire departments of South River District, Natural Bridge, Raphine, Kerr's Creek, Glasgow, Effinger, Walkers Creek, Rockbridge Baths, Buena Vista, Lexington and Goshen, and the rescue squads of Glasgow, Goshen, Lexington, Buena Vista and Fairfield as being an integral part of the official safety program of the county.

Cross reference(s)--Similar provisions, §18-1.

Sec. 14-2. Junior Firefighters.

(a) Subject to any restrictions that may be adopted by the volunteer fire companies, any person who is sixteen (16) years of age or older, after first obtaining parent's or legal guardian's approval, in writing, is authorized to work with or fully participate in all activities of the County's volunteer fire companies, provided such person has attained certification under the National Fire Association NFPA 1001, Level One, fire fighter standards, as administered by the Virginia Department of Fire Programs. The certification record and parent or guardian consent shall be kept on file in the office of the volunteer fire department for each participant who is enrolled pursuant to this section.

(b) Any trainer or instructor of such persons mentioned in subsection A of this section and any member of a volunteer fire company who supervises any such persons shall be exempt from the provisions of 40.1-103 when engaged in activities of a volunteer fire company, provided that the volunteer fire company has purchased insurance which provides coverage for

* **Cross reference(s)**--Office of emergency services, §2-131 et seq.; fire protection at musical or entertainment festivals, §4-19(8); buildings and building regulations, Ch. 7; law enforcement, Ch. 18; stopping, parking or impeding traffic by vehicle parked in fire lane, §20-41; failure to yield right-of-way to firefighting vehicles, §20-125; stopping in vicinity of fire or emergency, §20-263; emergency vehicles, §20-346 et seq.; following or parking near fire apparatus or rescue squad vehicle, §20-347; driving over fire hose, §20-348.

State law reference(s)--Fire protection, Code of Virginia, §27-1 et seq.

injuries to or the death of such persons in their performance of activities under this section.
(Ord. of 8-23-04)

Secs. 14-3--14-9. Reserved.

ARTICLE II. FEE FOR SERVICES

Sec. 14-10. Definitions.

As used in this chapter, the following words and phrases shall have the meanings as set forth in this section, unless the context clearly indicates a different meaning:

Ambulance shall mean any publicly or privately owned vehicle that is specially designed, constructed or modified and equipped for, and is intended to be used for and is maintained or operated to provide, immediate medical care to or transport of persons who are sick, injured, wounded or otherwise incapacitated or helpless.

Emergency shall mean an unforeseen condition or circumstance in which there is a need for immediate medical care in order to prevent loss of life or aggravation of illness or injury.

Emergency medical services vehicle shall mean an ambulance, rescue squad vehicle, fire truck or other government owned vehicle which may be used for or is maintained or operated to provide immediate medical care to or transport of persons who are sick, injured, wounded or otherwise incapacitated or helpless.

Patient shall mean an individual who is sick, injured, wounded or otherwise incapacitated or helpless.

Permit shall mean a permit issued by the county administrator or his/her designee, authorizing the operation of an ambulance.

Person shall mean an individual, firm, partnership, association, corporation, company, group of individuals acting together for a common purpose, or organization of any kind.

Sec. 14-11. Charges for ambulance services.

The board of supervisors may establish by resolution, as needed from time to time upon recommendation of the Fire and Rescue Commission and/or the County Administrator, reasonable fees for the provision of emergency medical services by all emergency medical service personnel, whether volunteers or paid public employees, and by all private ambulances operating under a permit issued pursuant to this article.

Sec. 14-12. Permit required; exceptions.

(a) No person shall operate or cause to be operated a private ambulance or emergency medical services vehicle from within the county to any other location within or outside the county, unless such person possesses a permit; provided, however, that a separate permit shall not be required for an individual operating an ambulance or emergency services vehicle for or on behalf of an entity or organization which has been issued a permit under this Article.

(b) The County Administrator, or his/her designee, upon recommendation from the Fire and Rescue Commission, is authorized to determine and prescribe the areas of service within which a permit holder may operate within the county so as to assure adequate coverage throughout the geographical area of the county. Further, the number of permits for ambulances or emergency medical service vehicles in the county may be limited to achieve the objectives of this article.

(c) No permit shall be required for operation of a private ambulance or emergency medical services vehicle which is:

- (1) Engaged in the transportation of a person from a point beyond the limits of the county to a location within the county; or
- (2) Engaged in the transportation of a person through the county.

(d) No permit shall be required for operation of a private ambulance or emergency medical services vehicle when used to render assistance, at the request of the county, in the case of a major catastrophe or emergency with which the vehicles which have received a permit to operate in the county are insufficient or unable to cope.

(e) The provisions of this article shall not apply to any ambulance or emergency medical services vehicle owned and operated by the County of Rockbridge, without its consent.

Sec. 14-13. Volunteer rescue squads and governmental agencies.

Volunteer rescue squads and volunteer fire departments, and the members thereof who are acting in such capacity, and agencies of the county and its employees who are acting in any capacity of emergency services, shall be subject to the provisions of this chapter; provided, however, that the rescue squads set forth in Section 14-1 of this chapter and the Effinger and Kerrs Creek Fire Departments shall be deemed to hold a permit under this article so long as such squad or department maintains a current permit from the commonwealth for operation of an ambulance or emergency medical services vehicle, and so long as said rescue squads and fire departments otherwise comply with the provisions of this article, including submission to the County of the documentation set forth in Section 14-15 within ninety (90) days of the adoption hereof.

Sec. 14-14. Permit--Application.

Any person who desires a permit shall file a sworn application with the County Administrator, or his/her designee, on a form prepared and provided for that purpose. The application shall include evidence of compliance with the terms and provisions of this chapter and such other information as the County Administrator, or his/her designee, shall require.

Sec. 14-15. Same--Requirements.

No person shall be issued a permit unless he:

(a) Furnishes proof that he possesses a valid permit issued by the commonwealth to operate an ambulance or emergency medical service vehicle.

(b) Files a schedule of rates to be charged for services rendered under the permit which shall not be less than the charges authorized by section 14-4.

(c) Agrees in writing to comply with the terms and conditions of this chapter, other provisions of this Code, any reasonable rules and regulations developed by the county administrator or his/her designee for the implementation of this article, the County of Rockbridge Billing for Services Policies and Procedures adopted by the Board of Supervisors, and applicable state and federal laws and regulations.

(d) Agrees in writing to provide mutual aid assistance, if available, in any emergency situation upon the request of the county.

(e) Provides an appropriate certificate of insurance, or certificate of self-insurance where appropriate, indicating the following minimum coverages: motor vehicular liability insurance of one hundred thousand dollars (\$100,000.00) per occurrence and three hundred thousand dollars (\$300,000.00) annual aggregate and general liability insurance of one hundred thousand dollars (\$100,000.00) per occurrence and three hundred thousand dollars (\$300,000.00) annual aggregate. The certificate of insurance shall contain a clause obligating the company issuing the same to give fifteen (15) days notice in writing to the county administrator before the cancellation of such policies. The county shall be named as an additional insured on such policies of insurance as its interests may appear.

Sec. 14-16. Same--Issuance or denial.

(a) The County Administrator, or his/her designee, upon consideration of the requirements set forth in this chapter, shall grant or deny the request for permit. The decision of the County Administrator, or his designee, shall be in writing and he/she shall mail a copy thereof to the applicant at the address listed on his/her application.

(b) Any person who is denied a permit by the County Administrator, or his designee, may appeal the same to the Board of Supervisors, by written notice filed with the clerk of the board within thirty (30) calendar days of the date of the mailing of the County Administrator's/designee's decision. The Board of Supervisors, after such notice, investigation and hearing as it may deem appropriate, may affirm, reverse or modify the prior decision, or may remand the matter for further investigation or action.

Sec. 14-17. Duty to give notice of change of circumstances.

The applicant for a permit or, if a permit has been granted, the holder of a permit shall immediately give notice in writing to the County Administrator of any change in the information set forth in the application for permit, including, without limitation, any change in rates, insurance coverage, or the ownership of fifty (50) percent or more of the common stock of the corporation which has applied for or has received the permit.

Sec. 14-18. Current holders of certificates of public convenience and necessity.

Any person who, on the effective date of this ordinance, holds a certificate of public convenience and necessity issued by the county or the commonwealth licensing the operation of an ambulance or vehicle for the transportation of handicapped persons, and continues to operate

as such, and that submits to the County Administrator satisfactory evidence of such continuing operation, shall be granted a franchise or permit to serve at least that part of the County in which the agency has continuously operated if all other requirements of this article are met. Any such person may, for a period of sixty (60) calendar days after the effective date of this article, continue to operate same within the county, and thereafter such person shall be required to have a permit issued by the County Administrator, or his designee.

Sec. 14-19. Suspension or revocation of permit.

(a) Any permit issued under this chapter may be suspended or revoked by the County Administrator, or his/her designee, after a hearing, for failure to comply with the provisions of Title 32.2, Chapter 4, Article 2.1 of the Code of Virginia or of this Chapter or any other provision of local, state or federal law, regulation, policy or procedure. Such hearing shall be held after ten (10) calendar days' prior written notice, mailed to the permit holder at the address listed on his application or any subsequent written notification of change of address. After the hearing, the County Administrator, or his designee, shall render his decision in writing and shall mail a copy thereof to the permit holder at the address described above. The decision of the County Administrator, or his designee, shall be effective as of the date established in his decision and shall not be stayed pending the outcome of any appeal.

(b) Any permit holder affected by an adverse decision of the County Administrator may appeal the same to the Board of Supervisors by written notice filed with the clerk of the board within thirty (30) calendar days of mailing of the County Administrator's final decision. Upon proper filing of such appeal, after such notice and hearing as the Board of Supervisors may deem appropriate, the board may affirm, reverse, or modify the County Administrator's decision, or may remand the matter for further investigation or action.

Sec. 14-20. Sale, assignment, etc. prohibited.

No permit granted under this article may be sold, assigned, or transferred, nor shall it in any way vest in any person, other than the applicant to whom the permit is granted, any rights or privileges under the permit. For purposes of this section, the transfer of ownership of fifty (50) percent or more of the common stock of a corporation which has been granted a permit shall be deemed to be a transfer of the permit.

Sec. 14-21. Authorization to provide nonemergency services; response to emergencies permitted under limited conditions.

(a) The holder of a permit shall be authorized to respond to requests for non-emergency service. Response to emergencies shall not be permitted unless:

- (1) A request is made by the patient or by someone on behalf of the patient;
- (2) A request is made by an authorized representative of the county or the regional emergency dispatch/E-911 center; or,
- (3) A condition is coincidentally observed by the owner or operator of the ambulance which requires immediate attention.

(b) A permit holder who provides ambulance or emergency medical service under emergency conditions shall give immediate notice of such response at the time of response to the county's emergency dispatch/E-911 center.

Sec. 14-22. Operations within the county.

(a) As a condition of the permit, the permit holder agrees to provide service throughout the geographic area as specified by the permits, which may include the City of Lexington, the City of Buena Vista, the Town of Glasgow and/or the Town of Goshen.

(b) The provisions of this chapter shall be effective in the Towns of Glasgow and Goshen unless or until either town elects to exercise any of the powers set forth in paragraphs A and B of Section 32.1-111.14 of the Code of Virginia.

(c) No permit holder shall refuse to transport any person in the county to any hospital emergency room, approved by the County Administrator or his/her designee, in the county or an adjoining city without just cause. For purposes of this section, the term "just cause" shall include unavailability of qualified personnel or vehicles.

Sec. 14-23. Service logs.

Every permit holder shall maintain accurate service logs of operations undertaken in accordance with its permit. Such service logs shall include, with regard to each request for ambulance service, the time and date the request was received, the location of the patient on whose behalf the request was made, the time the ambulance arrived at the location, the destination and time of arrival at the destination. If the request was denied, the log shall indicate the reason for such denial. In addition, the service log shall include any other information required by the County Administrator, or his/her designee. Such logs shall be maintained for a period of three (3) years and made available for inspection by authorized representatives of the county upon reasonable request.

Sec. 14-24. Powers and responsibilities of the county administrator.

The county administrator, or his/her designee, is hereby authorized to exercise the following powers and responsibilities in order to effectively achieve the purposes of this article, as follows:

(a) To establish reasonable rules and procedures for imposing and collecting authorized fees for the provision of emergency medical services;

(b) To write off as uncollectible any accounts which are reasonably deemed to be uncollectible;

(c) To exercise such other reasonable powers and authority as shall be necessary for the proper administration of this article; and

(d) To seek recommendation from the Regional Fire and Rescue Commission, when appropriate, in the administration of this article.

(Article II, Secs. 14-10--14-24 added by Ord. of 2-28-11)