

AN ORDINANCE PROHIBITING THE OPERATION OF ANY AMBULANCE SERVICE BY A COUNTY OR MUNICIPALITY WITHIN THE BOUNDARIES OF NORMANDY FIRE PROTECTION DISTRICT WITHOUT PERMIT BY THE BOARD OF DIRECTORS OF NORMANDY FIRE PROTECTION DISTRICT - PROCEDURE FOR PUBLIC NOTICE AND HEARING THEREON.

WHEREAS, Normandy Fire Protection District of St. Louis County was regularly incorporated by a Decree of the Circuit Court of St. Louis County pursuant to the applicable provisions of Chapter 321 of the Revised Statutes of Missouri, as amended and

WHEREAS, Section 321.010, Paragraph 1 thereof, defines "Fire Protection District:" as a political subdivision, which is authorized and empowered to supply protection to persons and property against injuries and damaged from fire, and which is also empowered to render first-aid for the propose of saving lives and in giving assistance in the event of an emergency of any kind; and

WHEREAS, Normandy Fire Protection of St. Louis County operates a modern Fire Department with several pieces of emergency equipment for the purpose of controlling and extinguishing fires within its boundaries and which also provides ambulance service for the benefit of the people who it serves, and

WHEREAS, there has been enacted by the General Assembly of the State of Missouri, effective on August 28, 1998, a so-called Comprehensive Emergency Medical Services Act," including sections thereof codified at §190.105, Revised Statutes of Missouri, and Normandy Fire Protection District desires that its laws and ordinances be consistent with the provisions thereof; and

WHEREAS, the public convenience and necessity requires that Normandy Fire Protection District shall regulate the operation of publicly owned and operated ambulance services within its primary ambulance service area, to the full extent permitted by law, in order to insure the proper coordination and delivery of ambulance services to the inhabitants of said District.

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

Section 1. DEFINITIONS. For purposes of this Ordinance, the following definitions shall apply:

(a) "County or Municipality " means all Boards of Trustees, City or County Councils, Boards of Aldermen, persons constituting the majority of Boards of Trustees, City or County Councils and Boards of Aldermen, and counties, cities, towns and villages, and officials, departments, agencies or employees thereof.

(b) "Ambulance Service" shall have the meaning ascribed to such term by §190.074, Revised Statutes of Missouri, as such statute may from time to time be amended.

Section 2. PERMIT REQUIRED. It shall be unlawful for any County or Municipality to operate or provide Ambulance Service within the boundaries of the Normandy Fire Protection District unless a permit therefor shall first be obtained by the Board of Directors of Normandy Fire Protection District. It shall be unlawful for any County or Municipality to operate or provide Ambulance Service within the boundaries of the Normandy Fire Protection District if Permit issued hereunder has been suspended or revoked. No person shall violate any of the terms of a permit issued for the operation of an ambulance service hereunder.

Section 3. EXCEPTION. Anything in this Ordinance to the contrary notwithstanding, no County or Municipality which was operating an Ambulance Service on August 28, 1998 which was established prior to such date shall be subject to this Ordinance.

Section 4. APPLICATION FOR PERMIT. An Application for a Permit to Operate Ambulance Service shall be made upon a form provided by the Fire Chief and shall contain the following information:

(a) The name, residence or business address and phone number of each person and organization applying for the permit. If the applicant is an organization, the application shall contain the names, residence addresses and phone numbers of the President or Chairman thereof and each person who is then a member of the Board of Trustees, City Council or Board of Aldermen. Application by a County may be made in the name of the County.

(b) If the proposed Ambulance Service has been proposed by resolution or ordinance, the date of resolution or ordinance approving same, and a copy of the subject resolution or ordinance.

(c) Whether the service or proposed service has been licensed by the Missouri Department of Health, and if so a copy of such license.

(d) Any facts which the applicant believes tend to establish that public convenience and necessity would be served by the granting of a permit.

Section 5. PUBLIC HEARING. Upon receipt of Application for Permit to Operate Ambulance Service, the Fire Chief shall confirm that the proposed Service is licensed by the Missouri Department of Health. If the proposed Service is not licensed by the Department of Health, the Fire Chief shall reject the application. If the proposed Service is licensed by the Missouri Department of Health, the Fire Chief shall be responsible to schedule a Public Hearing before the Board of Directors, and Notice of such Hearing shall be posted on the premises of the District and shall appear at least once in a newspaper of general circulation distributed within the District. Posted and published Notice shall appear not less than ten (10) days prior to the date scheduled for the Hearing. The Fire Chief shall also mail a copy of such Notice to the Applicant at the address shown by the Application.

Section 6. STANDARDS FOR ISSUANCE OF PERMIT. The Board of Directors shall issue a permit for the operation of Ambulance Service if by a consideration of the Application and the facts or factors determined at Hearing it appears that the following circumstances exist:

(a) The residents of this District are not currently adequately served by the ambulance, emergency services and advanced life support services of the District and of other Ambulance Services currently authorized to operate within the District, including services available by mutual aid agreement.

(b) The character, experience, financial responsibility of the Applicant, and the number, kind and type of equipment proposed to be used by Applicant, evidences fitness to operate an Ambulance Service.

(c) The public convenience and necessity is served by the introduction of additional Ambulance Service within the District.

Section 7. FEES. Each Applicant shall submit to the District, with its Application for Permit, a non-refundable fee of \$150.00.

Section 8. SUSPENSION OR REVOCATION. A Permit issued under the provisions of this Ordinance may be revoked or suspended by vote of the majority of the Board of Directors of Normandy Fire Protection District if the permittee has:

(a) Suffered suspension or revocation of its Ambulance Service License issued by the Missouri Department of Health.

(b) Violated any law of Missouri or regulation of the Missouri Department of Health, the violation of which evidences a gross indifference of the permittee to the welfare of resident or residents of this District.

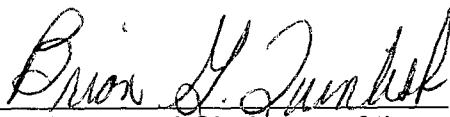
(c) Prior to suspension or revocation, the permittee shall be given notice of the proposed action and shall have an opportunity to be heard by the Board of Directors, according to procedures complying with the Missouri Administrative Procedures Act.

Section 9. PENALTY FOR VIOLATIONS. Any person violating any provision of this Ordinance shall be guilty of a misdemeanor and shall be fined an amount not less than \$100.00 nor more than \$500.00 for each offense, and a separate offense shall be deemed committed on each day during which a violation occurs or continues.

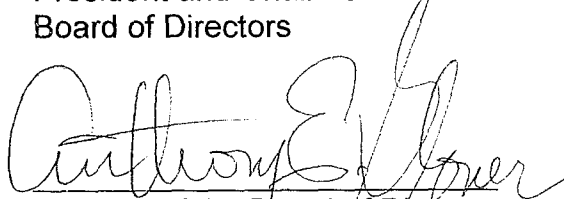
Section 10. EMERGENCY ENACTMENT. This Ordinance being deemed of an emergency nature, it shall be in full force and effect from and after its passage.

PASSED AND APPROVED BY THE BOARD OF DIRECTORS OF THE
NORMANDY FIRE PROTECTION DISTRICT OF ST. LOUIS COUNTY, MISSOURI
THIS 18 DAY OF NOVEMBER 1998.

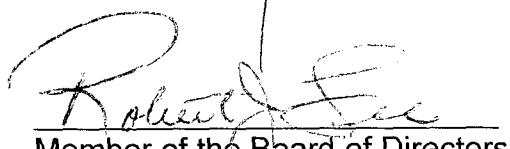
First Reading: October 21, 1998
Second Reading: November 04, 1998
Third and Final Reading: November 18, 1998



President and Chairman of the
Board of Directors

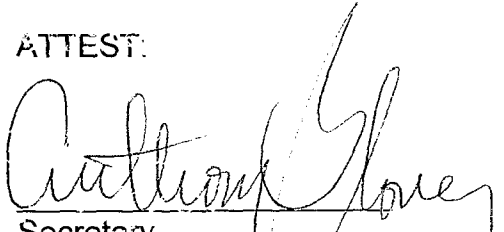


Member of the Board of Directors



Member of the Board of Directors

ATTEST:



Secretary