

The City Council of the City of Mattoon held a special meeting in the City Hall Council Chambers on July 11, 2018.

Mayor Gover presided and called the meeting to order at 6:30 p.m.

Mayor Gover led the Pledge of Allegiance.

The following members of the Council answered roll call physically present: YEA Commissioner Dave Cox, YEA Commissioner Sandra Graven, YEA Commissioner Rick Hall, YEA Commissioner Preston Owen, and YEA Mayor Tim Gover.

Also physically present were City personnel: City Administrator Kyle Gill, City Attorney Daniel C. Jones, Fire Chief Tony Nichols, Assistant Fire Chief Sean Junge, Deputy Police Chief Sam Gaines, and City Clerk Susan O'Brien.

Mayor Gover opened the floor for comments from the Public. Mr. Bart Owen, President of the Firefighters Local, spoke of the nine legal matters between the Firefighters union and the City, the filing of another grievance if the ambulance ordinance is passed, collective bargaining matters, and no union offer without the ambulance. Administrator Gill and Commissioner Hall discussed Section 34.055 and the Firefighter's grievance and attorneys' difference of opinion on the matters. Mayor Gover opened the floor for further comments with no response.

Commissioner Hall seconded by Commissioner Graven moved to approve Ordinance No. 2018-5406 (Substitute), ratifying the municipal code Chapter 34 Sections 34.090-34.999 to repeal and reenact the City's Private Medical Transportation; Ambulance Service Regulations.

## **CITY OF MATTOON, ILLINOIS**

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### **ORDINANCE NO. 2018-5406 (SUBSTITUTE)**

#### **AN ORDINANCE RATIFYING THE MATTOON CODE OF ORDINANCES TO UPDATE THE CITY'S PRIVATE MEDICAL TRANSPORTATION; AMBULANCE CODE**

**WHEREAS**, the City of Mattoon currently has private ambulance services operating within the City; and

**WHEREAS**, the City of Mattoon has previously acknowledged the need for and has adopted codes to regulate license and establish standards for the operation of ambulances within the corporate limits; and

**WHEREAS**, for the safety of the residents, it is in the best interest of the City of Mattoon to regulate ambulance services not owned by the City of Mattoon; and,

**WHEREAS**, the corporate authorities of the City have determined that it would be in the best interest of the City and its residence to amend certain provisions of Chapter 34 and 35 regulating the City's Private Medical Transportation; Ambulance Code.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS,** as follows:

**Section 1. Recitals.** The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

**Section 2. Amendments.** Chapter 34, Sections 34.090 – 34.999 of the Code of Ordinances of the City of Mattoon is hereby repealed and is reenacted as the following:

**PRIVATE MEDICAL TRANSPORTATION; AMBULANCE SERVICE REGULATIONS**

**§ 34.090 DEFINITIONS.**

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

***ADVANCED EMERGENCY MEDICAL TECHNICIAN (AEMT).*** Staff or employees of an ambulance service operating at the intermediate life support currently licensed by the Department of Public Health who has completed a Department-approved course of instruction in specific advanced life support-mobile intensive care services and who is currently functioning in a program approved by the Illinois Department of Public Health to provide such services under the supervision and control of a EMS Medical Director.

***ADVANCED LIFE SUPPORT/MOBILE INTENSIVE CARE (ALS/MIC).*** An advanced level of pre-hospital and inter-hospital emergency care that includes basic life support functions (including cardiopulmonary resuscitation (CPR) plus cardiac monitoring, cardiac defibrillation, telemetered electrocardiography, administration of antiarrhythmic agents, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures) initiated for the treatment of real or potential acute life threatening conditions under the direction of a physician licensed to practice medicine in all of its branches or a registered professional nurse/MICN or registered professional nurse/field RN, and where authorized by a medical director in an Illinois Department of Public Health approved advanced life support system.

***ADVANCED PROVIDER.*** A person who has successfully completed an Illinois Department of Public Health approved course of instruction in advanced life support—mobile intensive care services and is currently certified by the Illinois Department of Public Health as a Paramedic (P).

***AMBULANCE.*** Any vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated for the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless and is licensed by the State of Illinois to operate as an ambulance.

***AMBULANCE REVIEW COMMITTEE.*** The Ambulance Review Committee will review recommendations of the Fire Chief and make final decisions (a majority vote is need for final decisions) on all fines, suspensions or revocation of licenses of an ambulance service for any violation of the provisions of Chapter 34 of this Code. The Ambulance Review Committee is made up of the City Administrator, the City Finance Director and the Commissioner of Public Health and Safety.

***AMBULANCE SERVICE.*** The operation of an enterprise which has one of its purposes the operation, or use on the streets, alleys, or any public way within the City of Mattoon, an ambulance which responds

to emergency calls for the transportation of persons who are reported to be sick, injured, wounded, otherwise incapacitated or helpless and is licensed as a provider agency with the State of Illinois.

***AMBULANCE SERVICE LOCATION.*** The location at which ambulances are stored, maintained or from which ambulances are dispatched by an ambulance service.

***BASIC LIFE SUPPORT SERVICES.*** The rendering of basic level of pre-hospital and inter-hospital emergency care, including but not limited to, airway management, cardiopulmonary resuscitation, control of shock and bleeding and splinting of fractures, as outlined in a basic emergency care course approved by the Illinois Department of Public Health and meeting the current national curriculum requirements of the United States Department of Transportation.

***CHANGE IN AMBULANCE SERVICE LOCATION.*** A change by either adding or removing from use as part of the ambulance service storage, dispatch or maintenance facility used in the ambulance service.

***CHANGE IN AMBULANCE.*** A change by either adding or removing from service an ambulance from the list of those previously approved by the Fire Chief.

***CONTINUOUS QUALITY IMPROVEMENT.*** The process by which the performance of individual ambulance service providers will be continuously monitored to ensure compliance with operational policies with the objective of identifying areas of improvement.

***EMERGENCY.*** A condition or situation in which an individual declares a need for immediate medical attention or when that need is declared by emergency medical personnel or a public safety official.

***EMERGENCY RESPONSE BUSINESS RECORDS.*** Those records kept in the ordinary course of business which include the staff on duty for the ambulance service at any time, records which establish the staff's minimum qualifications required by this Ordinance, documents which record the number of responses to emergency calls, response times to emergency calls, maintenance records of the ambulance Agency IDPH license, Agency certificates of insurance, ambulance inspections forms, Secretary of State corporation documents listing business name and all ambulance service trade names, copies of any variance granted by IDPH, signed mutual aid agreements and survey forms.

***EMERGENCY CALL.*** The request by radio, telephone, text message, telecommunications device for the deaf (TDD), any other means of communication, or in person for an emergency response by the Fire Department or ambulance service.

***EMERGENCY MEDICAL TECHNICIAN BASIC (EMT-B).*** Staff or employees of an ambulance service operating at the basic life support who has successfully completed a course of instruction in basic life support services as required by and is currently certified by the Illinois Department of Public Health in accordance with standards prescribed by the Emergency Medical Services (EMS) Systems Act for the State of Illinois or by rules adopted pursuant to said Act, who provides emergency medical services.

***EMERGENCY NON-TRANSPORT RESPONSE VEHICLE.*** Any publicly or privately-owned vehicle that is specifically designed, constructed or modified and equipped, and is intended to be used for, and is maintained or operated by an ambulance service licensed in the State of Illinois and by the City of Mattoon for the emergency response but is not for the transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless.

**EMS RESPONSE RULES AND REGULATIONS.** Procedures as defined by the City of Mattoon in conjunction with Cecom and IDPH for the purposes of establishing ambulance response times and the standards by which ambulances respond.

**FIRE CHIEF.** The duly appointed chief of the City of Mattoon Fire Department or the Fire Chief's designee.

**FIRE DEPARTMENT.** The Fire Department of the City of Mattoon.

**HOSPITAL.** The meaning ascribed to that term in the State of Illinois Hospital Licensing Act, as that Act is now or may hereafter be amended.

**ILLINIOS DEPARTMENT OF PUBLIC HEALTH.** The Department of Public Health, State of Illinois, or its successor in function.

**THE INCIDENT COMMAND SYSTEM (ICS).** The standardized approach to the command, control, and coordination of emergency response providing a common hierarchy within which responders from multiple agencies can be effective.

**INTERMEDIATE LIFE SUPPORT CARE.** Intermediate level of pre-hospital and inter-hospital emergency care that includes BLS care, plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures initiated for the treatment of real or potential acute life-threatening conditions, under the direction of a physician licensed to practice medicine in all its branches or a pre-hospital registered professional nurse or registered professional nurse, and where authorized by a medical director in a department approved EMS system.

**MUTUAL AID AGREEMENT.** An intergovernmental or interagency agreement providing for shared and common assistance when requested by one (1) of the member agencies. The equipment and personnel provided by a mutual aid request may be predetermined for a particular type of incident or determined at the time of the request in consideration of available resources.

**PARAMEDIC (P).** Staff or employees of an ambulance service operating at the advanced life support who has successfully completed an Illinois Department of Public Health approved course of instruction in advanced life support—mobile intensive care services and is currently certified by the Illinois Department of Public Health.

**POLICE CHIEF.** The duly appointed chief of the City of Mattoon Police Department or the police chief's designee.

**POLICE DEPARTMENT.** The Police Department of the City of Mattoon.

**PRE-HOSPITAL REGISTERED PROFESSIONAL NURSE (PHRN).** A registered professional nurse, licensed under the Nurse Practice Act (225 ILCS 65/50-1 et seq.) who has successfully completed supplemental education in accordance with rules adopted by the Department of Financial and Professional Regulation pursuant to the Act, and who is approved by an EMS Medical Director (EMSMD) to practice within an EMS system, Illinois EMS system as emergency medical services personnel for pre-hospital and inter-hospital emergency care and non-emergency medical transports.

**REPORTING CYCLE.** A one-month period for which a licensed ambulance company must submit reports of calls to which it responded in that time period.

**SERVICES ZONE.** A geographical area defined by boundaries mutually agreed to by the City of Mattoon chief and ambulance service and illustrated by a map.

**TRANSFER.** A non-emergency transport of a patient from one (1) location to another.

#### **§ 34.091 AMBULANCE SERVICE LICENSE.**

The total number of Ambulance Service Licenses available to be issued within the City of Mattoon shall be limited to two (2). The number of licenses shall be reviewed annually by the City Council, and the number of licenses may be increased or decreased by the City Council during such review. Prior to the annual review by the City Council, for each existing license holder, the Fire Chief shall review Emergency Response Business Records, written Reports of Response Time Performance as required by this Chapter, Monthly Performance Data Reports as required by this Chapter, and all other documents of any kind related to a license holder's responses to emergency calls, including any data on total number of calls and the number of calls out of town ambulance services have responded to within the City limits and any other documents deemed necessary to make a report and recommendation to the City Council regarding the number of licenses.

The license holder shall make its best effort to provide all such information listed in section 34.091 to the Fire Chief within seven (7) days of the Fire Chief's written request. The failure of a license holder to provide such information to the Fire Chief, the withholding of any portion of such information from the Fire Chief, or the providing of false or inaccurate information to the Fire Chief shall serve as the basis for the potential fines, suspension or revocation of the license by the Ambulance Review Committee pursuant to Section 34.113 of this Chapter, or by the City Council at the annual review.

The Fire Chief shall review the information provided, and make a report as to whether each license holder is following the Rules of Emergency Dispatch promulgated by this Ordinance, following the provisions of this Chapter, and providing timely and appropriate emergency care to the Citizens of Mattoon. The Fire Chief shall provide this report to the City Council prior to the annual review, along with any recommendations he or she may have relating to the increase or decrease in the number of licenses. The Fire Chief may use the information discovered during this review to recommend to fine, suspend or revoke the license of an existing license holder, pursuant to the provisions of Section 34.113 of this Chapter.

Ambulance Service license required; exceptions.

- (a) Unless a license is specifically not required by this section, no person either as owner, agent, or otherwise shall furnish, operate, conduct, maintain, advertise, or otherwise engage in ambulance service in the City of Mattoon without a current ambulance service license issued pursuant to this chapter by the city or in violation of the terms or conditions of the license.
- (b) No ambulance license is required by:

- (1) An ambulance service which has no maintenance, dispatch or storage facilities in the City of Mattoon and which does not respond to an emergency within the city; or
  - (2) An ambulance service authorized by mutual aid or in accordance with section 34.112.
- (c) In the event the ambulance service operates within the city without a license, the city may issue a notice of violation and a fine in the minimum amount of \$250.00 and no more than the general penalty of § [10.99, in the City of Mattoon Code of Ordinances](#), upon conviction.

#### **§ 34.092 APPLICATION PROCEDURE.**

- (a) The application for license as an ambulance service shall be filed with the Fire Chief on a form prescribed and furnished by the Fire Chief. The application shall include but not be limited to the following information:
- (1) Applicant's name, address, and trade or other assumed name under which the applicant proposes to operate the ambulance service.
  - (2) Name and address of each owner of the ambulance service or any person or entity with more than 10% ownership.
  - (3) Description of each ambulance to be used in the operations during the period of the license (Make, Model, Year of Manufacture, Current State License, Color scheme and Insignia).
  - (4) Address and location from which an ambulance or ambulances will be operated, stored, dispatched or maintained by the ambulance service located in the City of Mattoon.
  - (5) List of personnel of the ambulance service with EMT certification and the personnel's respective EMT certifications and required training.
  - (6) Name and Phone number of the operations manager.
- (b) An initial application for an ambulance service license shall be accompanied by a \$3,500.00 license fee.

#### **§ 34.093 ISSUANCE OR DENIAL OF LICENSE.**

- (a) Upon receipt of an application for an ambulance service license, the Fire Chief shall cause an investigation of the applicant and the proposed operations. Such investigation shall be completed within fifteen (15) business days from receipt of the application and license fee unless the ambulance service agrees to an extension of time.
- (b) The Fire Chief shall approve the issuance of an ambulance service license to the applicant unless the Fire Chief determines, after reasonable investigation, that the applicant or the staff proposed to be used by the applicant, or a vehicle or vehicles proposed to be used by the applicant do not meet the requirements of this chapter, or other provisions of this Code.
- (c) Each license shall be issued to the person named in the application for the ambulances and locations specified in the application. The license may not be transferred or assigned to any other person other than as indicated in 34.100.
- (d) A copy of each license issued by the Fire Chief shall be filed with the city clerk.

**§ 34.094 EXPIRATION OF AN AMBULANCE SERVICE LICENSE.**

Each license shall expire at midnight on the thirty-first day of December of the year the license is issued for.

**§ 34.095 RENEWAL APPLICATION.**

- (a) A renewal application for ambulance service license shall be accompanied by a \$3,500.00 license fee filed with the Fire Chief on a form prescribed and furnished by the Fire Chief no sooner than ninety (90) days prior to the license expiration but no later than sixty (60) days prior to the license expiration. Failure to submit a license renewal application within the prescribed time period shall be grounds for denying the renewal license. The ambulance service denied a renewal license for this reason may apply for a new license at any time.
- (b) An application for renewal of an ambulance service license may be denied for the same reasons that an original application for an ambulance service license may be denied.
- (c) Upon receipt of a renewal, the Fire Chief shall review the operations of the applicant within fifteen (15) business days unless the ambulance service agrees to an extension of time.

**§ 34.096 AMBULANCE SERVICE OPERATION REQUIREMENTS.**

Ambulance availability, design, and equipment requirements.

- (a) Each ambulance used or proposed to be used in a licensed ambulance service shall meet or exceed Region 6 requirements now and hereafter as amended.
- (b) An ambulance shall be considered available for use by the ambulance service if it is fully staffed, equipped, and licensed under the sole control of the ambulance service for its sole use and it is fully operational.
- (c) On all joint responses within the City of Mattoon the Fire Chief or Police Chief shall be in command of all incidents. The ambulance service shall assimilate into the incident command system and operate with the Medical Division under the medical group. The ambulance service shall maintain authority and responsibility on all patient care matters and decisions.
- (d) Each ambulance purchased after the date of passage of this ordinance shall meet the respective ambulance services' uniform color scheme and insignia.
- (e) All ambulances licensed to operate within the city shall be equipped with radios that have interoperable communications with other local and state agencies.

**§ 34.097 EMT REQUIREMENTS.**

- (a) When in use for emergency calls, each ambulance shall have as personnel in the ambulance at least one (1) Paramedic and one (1) EMT-B or two (2) Paramedics on all emergency calls.
- (b) A pre-hospital registered professional nurse (PHRN) or physician may be counted as an Paramedic or EMT-B for purposes of meeting this section.
- (c) Additional training requirements for operating within the Mattoon city limits include the following:

- (1) Each ambulance unit operating must be staffed by a minimum of one (1) Paramedic trained in National incidents management systems (NIMS) compliant with certificates in IS 100, 200 and 700.
- (2) All Paramedics and EMT-B's shall be trained annually on the Mattoon Fire Department's Incident Command System. Classes will be scheduled in advance to allow the license ambulance service to attend.
- (3) Each ambulance service shall provide a copy of documentation to the Fire Chief or designee showing annual certification of required training.
- (4) All licensees must certify the training of their personnel when renewing their license. All licensees must maintain adequate documentation of the above required training. Training records must be submitted when requested to the Fire Chief to ensure compliance with this section.

**§ 34.098 LOCATION OR CHANGE OF AMBULANCE SERVICE.**

The licensed ambulance service must be located within the city limits. A licensed ambulance service shall notify the Fire Chief in writing prior to changing the location of its ambulance service.

**§ 34.099 APPROVAL AND NOTIFICATION OF USE AND DECOMMISSIONING OF AMBULANCE.**

- (a) No person shall operate an ALS ambulance to respond to an emergency call for or on behalf of a licensed ambulance service unless the ambulance is approved by the Fire Chief.
- (b) All requests for approval to use an ambulance under this section shall be submitted in writing to the Fire Chief on a form provided by the Fire Chief.
- (c) Once an ambulance is approved to be in service by IDPH, the Fire Chief shall inspect the ambulance for compliance with this Ordinance.
- (d) A licensed ambulance service shall notify the Fire Chief in writing within five (5) business days after it permanently ceases use of an ambulance or other emergency non-transport response vehicle.

**§ 34.100 CHANGE IN OWNERSHIP.**

A licensed ambulance service shall report in writing to the Fire Chief any change in ownership, other than to immediate family members, sixty (60) calendar days prior to change in ownership. The Fire Chief may deny issuance of license if the owners do not meet this Code, provisions of an ordinance of the city, state, federal law or regulation. For purposes of this section, change in ownership shall mean the transfer of all or any part of an interest in a sole proprietorship or partnership or the transfer of more than five (5) percent of the stock of a private corporation or twenty-five (25) percent of the stock of a public corporation.

**§ 34.101 PROVISION OF AMBULANCE SERVICE REGARDLESS OF ABILITY TO PAY OR LOCATION OF SERVICE.**

Each licensed ambulance service shall provide emergency service within the City of Mattoon without regard to a person's ability to pay for such service or the location of requested services.

**§ 34.102 RESERVED.**

**§ 34.103 COMPLIANCE WITH EMERGENCY DISPATCH PROCEDURES.**

- (a) Each licensed ambulance service shall comply with all emergency dispatch procedures established by Cecom.
- (b) If for any reason a licensed ambulance service is not able to comply with the operational requirements set forth by Cecom or in this Ordinance, it shall immediately report that status to Cecom. Cecom will be permitted to provide this information to the Fire Chief.
- (c) An ambulance service shall not respond to any requests for emergency assistance unless it is in compliance with the operational requirements set forth in this article, unless specifically authorized to respond by the Fire Chief.
- (d) Personnel affiliated with a licensed ambulance service who wish to respond to an emergency scene in a vehicle other than an ambulance are required to:
  - (1) Identify their response over the Mattoon Fire Department frequency; and
  - (2) Be in compliance with all city, state, or federal laws and regulations in regards to emergency response; and
  - (3) Be in compliance with the current emergency medical dispatch system.
- (e) An ambulance service licensed to operate within the Mattoon city limits shall have in place and utilize the current system used for emergency medical dispatch (EMD).
- (f) In the event the ambulance service fails to meet the emergency dispatch procedures provided in this section, the city may issue a notice of violation and a fine in the minimum amount of \$250.00 and no more than the general penalty of § [10.99, in the City of Mattoon Code of Ordinances](#), upon conviction.

**§ 34.104 MONITORING EMERGENCY DISPATCH CALL.**

- (a) It shall be unlawful for any ambulance service to respond in the City of Mattoon to a call for an ambulance made by the Mattoon Fire Department, Mattoon Police Department or Cecom unless a specific request is directed to the ambulance service, commonly known as call jumping.
- (b) In the event the ambulance service responds to an emergency dispatch call in a manner other than as provided in this section 34.103, the city may issue a notice of violation and a fine in the minimum amount of \$250.00 and no more the general penalty of § [10.99, in the City of Mattoon Code of Ordinances](#), upon conviction.

**§ 34.105 IMMEDIATE EMERGENCY RESPONSE REQUIRED.**

Each licensed ambulance service shall immediately respond to any emergency call for an ambulance directed to that ambulance service and originated by the police or fire department or any such department's official dispatching agency. If the licensed ambulance service is not able to immediately respond to the emergency or is not able to respond with an appropriate or requested level of service, the licensed ambulance service shall immediately report this situation to the agency and shall follow the directions of that agency regarding the response.

**§ 34.106 RESPONSE TIMES.**

Response time performance is a key measurement of performance. This measurement is the determining factor which drives the placement and redeployment of the system's resources throughout the entire system. Each incident will be counted as a single response regardless of the number of units that respond. Every ambulance service licensed to operate within the Mattoon City limits shall meet the following response criteria on all calls dispatched from Cecom:

- (1) Response times shall be calculated from the hour, minute and second the call is given by the dispatching agency to the ambulance service, to the hour, minute and second the ambulance service's ALS transport unit arrives on scene.
- (2) The ALS ambulance shall arrive at the scene of all Advanced Life Support (ALS) calls as defined by the emergency medical dispatch system within eight (8) minutes of the time the call was received by the ambulance service from the dispatching agency. This time criterion must be met on at least ninety percent (90%) of all such calls received during each calendar month. This applies to all ALS units on code response.
- (3) Any ambulance service licensed to operate within the Mattoon City limits shall provide to the Fire Chief or designee a written monthly report of response time performance within 30 days from the end of the months reporting period.

**§ 34.107 PENALTY FOR FAILURE TO MEET RESPONSE TIME STANDARDS.**

- (a) The Fire Chief shall monitor the response times to ensure compliance with Section 34.106.
- (b) The Fire Chief shall recommend fines, suspensions or revocations to the Ambulance Review Committee in accordance with this section for failure to comply with Section 34.106.

Violation	Fines
Failure to comply with Response Time Standards (first violation).	Written Warning
Failure to comply with Response Time Standards within 365 days of the Written Warning.	\$500.00
Failure to comply with Response Time Standards within 365 days of receiving the previous violation.	\$750.00
Failure to comply with Response Time Standards for the fourth time within 365 days of the previous violation.	\$750.00 or possible suspension or revocation of license.
Failure to comply with Monthly Data Reporting.	\$500.00 per month, until data is reported to the Fire Chief.

Failure to comply with reporting Training and Certification Standards.	\$500.00 per month, until training and certification standards are reported to the Fire Chief.
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(c) *Response Time Exemptions.* Late responses may be excused by the Fire Chief from financial penalties and from response time compliance reports, for example:

- (1) Failure by dispatching agency to give accurate location information (including address or cross street) to responding unit.
- (2) Weather conditions which impair visibility or create other unsafe driving conditions.
- (3) Wrong address provided by the requesting party.
- (4) Unavoidable delays caused by road construction or blocked railroad crossings.

**§ 34.108 FAILURE TO RESPOND TO CALL.** Failure to respond to a 911 call due to lack of available ambulances or transferring the call to another ambulance service may be considered an incident where the response time was not met.

**§ 34.109 RESERVED. § 34.110 AUTHORITY TO PROMULGATE AMBULANCE OPERATION EMERGENCY DISPATCH PROCEDURES.**

The Mattoon City Council is hereby granted the authority to promulgate rules and regulations for governing the emergency dispatch of ambulances in order to promote the safe response of ambulances in an emergency. These rules and regulations shall not conflict with IDPH and Cecom guidelines.

**§ 34.111 RIGHT TO INSPECT AMBULANCES.**

The Fire Chief shall have the right to inspect at any reasonable time all ALS ambulances and associated equipment used by a licensed ambulance service.

**§ 34.112 FIRE CHIEF’S RIGHT TO AUTHORIZE SERVICE BY UNLICENSED VEHICLES.**

In the case of an emergency where the number of licensed ambulances available is determined by the Fire Chief to be insufficient to render the required emergency ambulance service, the Fire Chief may authorize non-licensed vehicles which meet IDPH requirements to operate as ambulances in response to the emergency.

**§ 34.113 FINES, SUSPENSION OR REVOCATION OF LICENSE.**

The Fire Chief may recommend to the Ambulance Review Committee fines, suspension or revocation of the license of a licensed ambulance service for any violations of the provisions of this chapter or any rules or regulations promulgated to implement the provisions of this chapter, in accordance with the provisions of Chapter 34 of this Code or any amendment thereto.

The Ambulance Review Committee shall review all the information presented by the Fire Chief and then make a determination if the fine, suspension or revocation is warranted and notify the Ambulance Service of its findings.

#### **§ 34.114 JOINT TRAINING.**

Joint training between Fire Department personnel and Ambulance Service personnel shall be required for multi-casualty events, Maydays, and live burns. The Fire Chief shall use his best effort to coordinate dates and time to accommodate all parties involved.

#### **§ 34.115 REQUIRED DATA REPORTING.**

- (a) Licensed ambulance services shall report performance data on a monthly basis to the Fire Chief. The data shall include but not be limited to:
  - (1) Response time performance.
  - (2) Other information directly related to any licensing requirement of this chapter.
- (b) Joint emergency responses by the Fire Department and ambulance service shall be critiqued for continuous quality improvement/assurance data when the need arises.

#### **§ 34.116 TERMINATION OF LICENSE.**

Any ambulance service that plans to cease operations and terminate service shall make their best effort to notify the City of Mattoon in writing, no less than one hundred eighty days (180) from the termination date.

#### **§ 34.117 ANNUAL LICENSE FEE REVIEW.**

The annual license fee shall be reviewed by the Fire Chief every year and a report of such review with recommendations shall be submitted to the City Council.

#### **§ 34.118 APPEAL RIGHT.**

- (a) Any denial, suspension, or revocation of a new or renewal license under this chapter may be appealed to the City Council of the municipality by written notice filed with the municipality's clerk within ten days of the effective date of such denial, suspension, or revocation. A suspension or revocation of a license under this chapter shall be stayed pending appeal.
- (b) The City Clerk shall notify the appellant in writing of the date for the hearing on the appeal. The written notice shall be either served on the appellant personally on or before five days before the hearing, or by placing it in a sealed envelope, addressed to the appellant at the address set forth in the application, and depositing it with the United States Postal Service, proper first class postage prepaid, on or before seven days before the hearing. The mayor may, but is not required to, serve the written notice by certified or registered mail, as set forth above.
- (c) The City Council shall conduct a hearing on the appeal within 14 days of receipt of the written notice of appeal by the municipality's clerk, at which hearing the appellant may present witnesses or other evidence opposing the denial, suspension or revocation. The Fire Chief and/or Ambulance Review Committee may also present witnesses or other evidence supporting the denial, suspension or revocation. Both parties shall have the right to cross-examine witnesses. A record of the hearing shall be made.

- (d) The City Council shall determine whether the preponderance of the evidence presented at the hearing supported the decision of the Fire Chief and/or Ambulance Review Committee to deny, suspend or revoke the license of the appellant.
- (e) The City Council shall issue a written decision setting forth its findings regarding the evidence presented at the hearing, and the decision to affirm or overrule the decision of the Fire Chief and /or Ambulance Review Committee. The City Council shall serve a copy of its written decision on the appellant and the Fire Chief and/or Ambulance Review Committee in writing. The written decision shall be either served on the parties personally on or before five days after the date of the hearing, or by placing it in a sealed envelope, addressed to the respective parties at the address set forth in the application and at the enforcement officer's ordinary business address, and depositing it with the United States Postal Service, proper first class postage prepaid, on or before five days after the hearing. The City Council may, but is not required to, serve the written decision by certified or registered mail, as set forth above.
- (f) The written decision of the City Council shall be considered a final decision.

**§ 34.999 PENALTY.**

Any Ambulance Service to be found in violation of §§ [34.091](#) through [34.104](#), shall be assessed a fine in the minimum amount of \$250.00 and no more than the general penalty of § [10.99](#) upon conviction.

**Section 3. Amendments.** Chapter 34, Section 34.055 of the Code of Ordinances of the City of Mattoon, regarding Municipal Ambulance Service and Emergency Rescue Service Charges and the provision of Advanced Life Support (“ALS”) ambulance services, is hereby repealed in its entirety.

**Section 4. Amendments.** Chapter 35, Section 35.01(D)(2) of the Code of Ordinances of the City of Mattoon, regarding Fees and Charges for ambulances services, is hereby repealed in its entirety. Notwithstanding this repeal, however, any fees and charges outstanding for services provided as of the effective date of this amendment shall remain collectible and chargeable as if Section 35.01 (D)(2) remained in effect.

**Section 5. Severability.** If any provision of this Ordinance, or the application of any provision of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision, or application of such provision, is severable.

**Section 6.** All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

**Section 7.** This ordinance shall be deemed published as of the day of its adoption and approval by the City Council. The Clerk is hereby directed to publish this Ordinance in pamphlet form. This ordinance shall be effective at such date and time the City's Ambulance Service ceases operation.

Upon motion by Commissioner Hall, seconded by Commissioner Graven, adopted this 11th day of July, 2018, by a roll call vote, as follows:

AYES (Names): Commissioner Cox, Commissioner Graven,  
Commissioner Hall, Commissioner Owen,  
Mayor Gover

NAYS (Names): None

ABSENT (Names): None

Approved this 11th day of July, 2018.

/s/Timothy D. Gover  
Timothy D. Gover, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/Daniel C. Jones  
Daniel C. Jones, City Attorney

Recorded in the Municipality's Records on July 11, 2018.

Mayor Gover opened the floor for questions/comments/discussion from the Council. Mayor Gover commended Commissioner Hall and Administrator Gill's preparation of the ordinance, which could have possible amendments. Commissioner Hall stated the need for a small change to the ordinance before approval, and explained the process of developing the ordinance. Commissioner Cox stated the ordinance provides a good working document, and had questions about the denial of a license and timeframe. Chief Nichols questioned the consideration if there were more than two applicants. Commissioner Hall stated applicants could appeal to the City Council for an ultimate decision, the ordinance provided two independent procedures and a timeframe. Administrator Gill noted somethings would change over time and with negotiations; and concurred the ordinance was a good working document, which could be amended. Commissioner Owen had no further comment. Commissioner Graven noted the ordinance was a work-in-progress and would look at the whole picture.

Commissioner Hall seconded by Commissioner Graven moved to amend the ordinance by striking "Administrative Office" from §34.098 Location or Change of Ambulance Administrative Office and replace with "Service" - §34.098 Location or Change of Ambulance Service.

Mayor Gover declared the motion to amend carried by the following vote: YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover opened the floor for Public questions/comments. Chief Nichols and Assistant Fire Chief Junge, both, expressed their concerns and desire to keep Mattoon as backup ambulance; and did not recommend passage of the ordinance. Mr. Jason Wright of 6<sup>th</sup> and Wabash inquired about the ambulance committee, application criteria for acceptance, number of ambulances needed, Mattoon's BLS or ALS

service, application procedure, return of rejected application fees. Commissioner Hall and Administrator Gill explained the committee's current participants, minimal requirements with open-ended questions for elaboration by applicants, providers to determine number of ambulances needed, more Council discussion on BLS or ALS service, NIMS certification to be completed by providers, and return of rejected application fees. Mr. Bart Owen and Assistant Chief Junge questioned the ambulance backup during transition and the return to ALS by the Fire Department. Administrator Gill stated there would be more discussion on the subjects. Mr. Brian Gerth of Effingham ambulance questioned the service being established in the City before applying, selection to start, rotation decisions, staffing of full-timers on rotation, and the investigation of application. Commissioner Hall and Administrator Gill noted the intent of locating in Mattoon would not have to be at the time of application for services outside of the City but would be required after approval, and no defined time between selection to start – a schedule would be determined, rotations would be determined by CeCom, and the investigation of application would be a due diligence background investigation. Mayor Gover called for further comments from Council. Commissioner Owen stated answers to backups and BLS/ALS needed to be provided quickly. Ms. Casey Schmitz, resident of Charleston – employee of Dunn's Ambulance, stated Dunn's intention to increase ambulances, but requested the Council to take action, so Dunn's would know when to hire additional employees and would be receptive to having the Fire Department assist with BLS/ALS services.

Commissioner Hall second by Commissioner Graven moved to approve the amended ordinance.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

Mayor Gover seconded by Commissioner Hall moved to recess to closed session at 7:13 p.m. pursuant to the Illinois Open Meetings Act for the purpose of the discussion of collective negotiating matters between the City of Mattoon and its employees or their representatives, or deliberations concerning salary schedules for one or more classes of employees (5ILCS/20 (2)(C)(2)); and litigation that is affecting the City and an action is probable or imminent (5ILCS/20 (2)(C)(11)).

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, Yea Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen,

Council reconvened at 8:29 p.m.

Council and Attorney Jones discussed the pedal cycles being subject to the rules of the road. Administrator Gill noted his vacation next week and discussed the small cellular tower council agenda item for the next agenda.

Commissioner Hall seconded by Commissioner Cox moved to adjourn at 8:35 p.m.

Mayor Gover declared the motion carried by the following vote: YEA Commissioner Cox, YEA Commissioner Graven, YEA Commissioner Hall, YEA Commissioner Owen, YEA Mayor Gover.

/s/Susan J. O'Brien  
City Clerk