

**CITY OF COWETA, OKLAHOMA**

**ORDINANCE NO. 848**

**AN ORDINANCE OF THE CITY OF COWETA, OKLAHOMA RELATING TO PART 8, HEALTH AND SANITATION, CHAPTER 5, AMBULANCE SERVICE, OF THE CODE OF ORDINANCES OF THE CITY OF COWETA, OKLAHOMA, SPECIFICALLY REPEALING ALL EXISTING PROVISIONS OF PART 8, HEALTH AND SANITATION, CHAPTER 5, AMBULANCE SERVICE, ADOPTING NEW PROVISIONS PERTAINING TO AMBULANCE SERVICE, PROVIDING FOR REPEAL AND DECLARING AN EMERGENCY.**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COWETA, OKLAHOMA, THAT:**

**SECTION 1. AMENDATORY.** Part 8, Health and Sanitation, Chapter 5, Ambulance Service, of the Code of Ordinances of the City of Coweta, Oklahoma is hereby repealed. In lieu thereof there is hereby adopted the following:

Health and Sanitation  
Chapter 5  
Ambulance Service

Section 8-501	Purpose
Section 8-502	Definitions
Section 8-503	Creation of position of EMS Supervisor
Section 8-504	Ambulance Service Program and Fee
Section 8-505	Segregation of funds for Ambulance Service
Section 8-506	Supplemental Ambulance Service to hospital
Section 8-507	Area of Service
Section 8-508	Service beyond Area of Service
Section 8-509	Persons eligible for Ambulance Service
Section 8-510	Nursing homes and other institutions
Section 8-511	Collection of Ambulance Service Program Fees
Section 8-512	Mutual Aid
Section 8-513	Persons not covered
Section 8-514	Subrogation and Assignment
Section 8-515	Other Ordinances
Section 8-516	Limitation of obligation of City

### Section 8-501 Purpose

There is hereby established an Ambulance Service, which consists of the services, equipment, expertise, and costs of the emergency medical services provided by the City of Coweta, Oklahoma. The purpose of the Ambulance Service is to serve the residents of the City by providing for emergency medical services at a rate equal to contracted rates for private medical insurance coverages or state or federal health care programs and by a monthly fee for each Utility Customer. The Emergency Medical Services (EMS) provided by this ordinance to Participants in the Ambulance Service Program shall be deemed a no out-of-pocket service supplemental to private medical insurance coverages or state or federal health care programs.

### Section 8-502 Definitions

The following words and phrases as used in this chapter shall, for the purposes of this chapter, have the following meaning:

**Ambulance Service** shall mean the emergency medical services provided by Coweta EMS.

**City** shall mean the City of Coweta, Oklahoma and/or the Coweta Public Works Authority.

**City Utility Services** shall mean the utility services, water, sanitary sewer, solid waste collection or any combination thereof provided by the City to a Utility Customer.

**Commercial Property** shall mean any property used for commerce of any kind that is not a residential use.

**Election Period** shall mean the month of December immediately preceding the beginning of the next Program Year.

**Emergency Medical Services** shall mean emergency services that provide urgent pre-hospital treatment and stabilization for serious illness and injuries and transport to definitive care.

**Landlord** shall mean any individual, company, corporation, or other entity that owns or manages Single-Family and/or Multi-Family Residential Properties and leases them to tenants and is responsible for payment of the utility bills for the property.

**Multi-Family Property** shall mean a residential property with more than one attached dwelling unit sharing a common wall or walls.

**Nursing Home** shall mean a residential facility providing skilled nursing services, or supportive care, to the aged or infirm.

**Program Year** shall mean the calendar year beginning January 1 and ending December 31.

**Single-Family Property** shall mean a residential property with only one dwelling unit per parcel.

**Utility Customer** shall mean the owner, landlord, or tenant responsible for the payment of utility bills at a residential or commercial property that receives City provided utility services.

**Participants** shall mean the owner, tenant, or occupant of a Single-Family Property, Multi-Family Property, or Nursing Home, or their family and relatives permanently residing with such person, that participates in the Ambulance Service Program. Non-resident Owners and employees at Commercial Properties that participate in the Ambulance Service Program may also be considered participants.

**Partner Utility Provider** shall mean any provider of domestic water services within the corporate boundaries of the City of Coweta other than the City.

#### Section 8-503 Creation of Position of EMS Supervisor

The position of EMERGENCY MEDICAL SERVICES (EMS) supervisor is hereby created and established. Such supervisor is the administrative head of the Ambulance Service. The duties of the EMS supervisor shall include:

1. Providing assistance to the City Clerk's office in all matters relating to billing and collections;
2. Providing such other duties as may be given or required for the safe, professional operation of the Ambulance Service;
3. Making recommendations to the City Manager on all purchases, operational procedures, maintenance and needs of the Ambulance Service; and
4. Providing supervision of Ambulance Service personnel, including Paramedics, EMT's and First responders.

#### Section 8-504 Supplemental Ambulance Service to Hospital

Ambulance Service will be furnished supplemental to the contracted rates for private medical insurance coverages or state or federal health care programs to all persons eligible for such service, in accordance with this chapter, to the closest adequate hospital when:

1. Ambulance transportation to a hospital or other place where medical attention is available and is reasonable and necessary;

2. Illness or injury is determined to be an emergency or when ordered by a physician due to an emergency; and
3. Is for emergency treatment of a person eligible for service; and
4. When a City EMS unit responds to the emergency and provides the necessary emergency medical services.

#### Section 8-505 Ambulance Service Program and Fee; Eligibility

A. Every Single-Family Property, Multi-Family Property, and Commercial Property Utility Customer within the corporate boundaries of the City, shall have included within their utility bill an Ambulance Service Program Fee in an amount established by resolution of the City Council. Landlords of Multi-Family Properties and operators of Nursing Homes shall be billed per month, per occupied residential living unit. There shall be a rebuttable presumption that seventy-five percent (75%) of the total number of residential living units served by a single water connection are occupied. The number of presumed residential units shall be rounded down, but to not less than one.

B. Single-Family Property, Multi-Family Property, and Commercial Property Utility Customers outside the corporate boundaries of the City, unless an election to the contrary is filed in accordance with this chapter, are deemed to participate in the Ambulance Service Program and shall have included in their utility bill an Ambulance Service Program Fee in an amount established by resolution of the City Council.

C. Landlords of Multi-Family Properties shall provide to the City Clerk, on or before December 31 of the year immediately prior to the beginning of a Program Year, the total number of residential living units served by a common water connection owned or operated by the person or entity providing the report, which shall be used to determine the occupancy figure set forth in subsection A above.

D. Non-residents of the City who are employed at a Commercial Property participating in the Ambulance Service Program are deemed to be Participants in the program when emergency Ambulance Service is necessary and is the result of illness or injury occurring when such employee is located at the participating Commercial Property.

#### Section 8-506 Election of Participation

Single-Family Property, Multi-Family Property, and Commercial Property Utility Customers located outside of the corporate boundaries of the City may elect to participate or not participate in the Ambulance Service Program by submitting a signed election on forms provided by the City Clerk. Such forms must be submitted during the Election Period of the current Program Year and cannot be retracted by the person so electing until the subsequent Election Period. Changes resulting from the election of participation shall take effect with the first utility billing cycle following January 1<sup>st</sup> of the new Program Year.

### Section 8-507 Segregation of Funds for Ambulance Service Program

All monies derived by means of the Ambulance Service Program Fee set forth in Section 8-505 of this code are hereby earmarked and segregated for the operations and maintenance of an Ambulance Service by the City. Also, all other monies derived from or resulting from Ambulance Services rendered, are hereby earmarked and segregated for the operations and maintenance of an Ambulance Service by the City.

### Section 8-508 Costs of Service for Non-participants

All persons who do not participate in the Ambulance Service Program shall pay all charges for such emergency medical services as are set forth by resolution of the City Council. These charges shall include, but not be limited to, load charges, loaded mileage charges, supplies, materials and medication.

### Section 8-509 Collection of Ambulance Service Program Fees

A. The fees for the Ambulance Service Program set forth by resolution of the City Council shall be billed to each Utility Customer monthly, along with the bill for water and other City utility services, and shall include all such penalties as are now or may hereafter be established for utility service bills, and shall carry the same due date as now or may hereafter be established for utility service bills.

B. In the event any utility account shall become delinquent, water service may be terminated by the City, or by a Partner Utility Provider, until all delinquent charges shall be paid in full. The provisions for collection of charges provided herein shall be in addition to any rights or remedies which the City may have under the laws of the State of Oklahoma.

### Section 8-510 Adjustment of Ambulance Charges, Appeal:

A. Any person who considers any Emergency Medical Service charges applicable to that person to be inaccurate or erroneous may request review thereof by the EMS Supervisor. In addition, any Landlord or operator of a Nursing Home who encounters special circumstances that would justify modifying the number of occupied units determined in accordance with the provisions of section 8-505(A) of this chapter, including but not limited to, fire, act of God or renovations, may request review by the City Clerk. The determination by the EMS Supervisor or the City Clerk may be appealed to the City Manager by written notice of appeal filed with the City Manager within ten (10) days of the original determination.

B. Any Participant currently without coverage through private medical insurance or state or federal health care programs may request a reduction in charges incurred for Ambulance Services rendered by Coweta EMS by contacting the City Clerk's office in writing.

## Section 8-511 Subrogation and Assignment

All persons subscribing to the City's Ambulance Service Program shall provide information on their private medical insurance coverage and/or participation in a state or federal health care program upon request. All persons subscribing to, or who by definition are considered participants in the City's Ambulance Service Program and receive services therefrom, shall be deemed to have impliedly agreed to an assignment to the City of all their right and entitlement to the benefits of any private medical insurance or state or federal health care programs attributable to emergency medical services provided by the City pursuant to this Chapter. Similarly, all residents of the City subject to the provisions of this Chapter shall be obligated to pay for emergency medical services in a sum equivalent to the contracted rate for their private medical insurance coverage. Any person receiving insurance benefits for emergency medical services and failing to pay such to the City shall be liable for the same.

## Section 8-512 Limitation of Obligation of City

Under no condition shall the City be obligated to pay any sum of money to any person eligible for the benefits conferred by this chapter. When any person elects to use any emergency medical service provider other than that provided by the City, the City shall have no liability or obligation to pay such person any benefits therefore. When the City is for any reason unable to provide emergency medical services as contemplated by this chapter, no person being refused emergency medical services at such time shall be entitled to make any claim or demand against the City, or receive any benefits from the City. The operation of the emergency medical service by the City is hereby declared to be a governmental function of the City for the health and welfare of all persons for whom benefits are provided by this Chapter.

**SECTION 2. REPEALER.** All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed to the extent of the conflict only.

**SECTION 3. SEVERABILITY.** If any part or parts of this ordinance are deemed unconstitutional, invalid, or ineffective, the remaining portions shall not be affected but shall remain in full force and effect.

**SECTION 4. DECLARING AN EMERGENCY.** That for the immediate preservation of the peace, health and safety of the City of Coweta, Oklahoma, and for the inhabitants thereof, an emergency is hereby declared to exist by reason whereof this ordinance shall become operative and go into effect immediately upon its passage and approval.

**PASSED AND APPROVED** this January 3<sup>rd</sup>, 2022.

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Evette Young, Mayor

ATTEST:

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Julie Casteen, City Clerk

APPROVED:

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Ronald D. Cates, City Attorney