

ORDINANCE NO. 2009-09

AN ORDINANCE AMENDING ARTICLE 4 OF CHAPTER 13 OF THE PERRY MUNICIPAL CODE 2004 (2ND BI-ANNUAL SUPPLEMENT), ENTITLED "AMBULANCE SERVICE"; CREATING AN AMBULANCE SUBSCRIPTION SERVICE IN THE CITY OF PERRY, OKLAHOMA, PROVIDING FOR NEW SECTION 13-401A, ENTITLED "DEFINITIONS; PROVIDING FOR NEW SECTION 13-401B, ENTITLED "SERVICES TO BE RENDERED"; PROVIDING FOR NEW SECTION 13-401C, ENTITLED "CHARGES FOR SERVICES"; PROVIDING FOR NEW SECTION 13-401D, ENTITLED "COLLECTION OF AMBULANCE FEE"; PROVIDING FOR NEW SECTION 13-401E, ENTITLED "COLLECTION AND USE OF AMBULANCE FEE"; PROVIDING FOR NEW SECTION 13-401F, ENTITLED "SUBSCRIBER FEE"; PROVIDING FOR THE NEW SECTION 13-403 ENTITLED "ASSIGNMENT"; RENUMBERING THE CURRENT SECTION 13-603 TO SECTION 13-604; PROVIDING FOR REPEALER; SAVINGS; CODIFICATION; SEVERABILITY; EFFECTIVE DATE; SUNSET CLAUSE; AND DECLARING AN EMERGENCY.

EMERGENCY ORDINANCE

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF PERRY:

Section I: Chapter 13, Article 4 of the Perry Municipal Code 2004 (2nd Bi-annual Supplement), is hereby amended to shall read as follows:

SECTION 13-601A DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply:

1. "Emergency" means a life threatening situation which requires that a patient be transported to a medical facility for immediate care;

2. "Medical facility" means an Oklahoma-licensed physician's office or an accredited hospital;

3. "Medically Necessary" means a non-life threatening situation which requires that a patient be transported to or from a medical facility by ambulance.

4. "No-Charge" means all ambulance services shall be billed to the patient's insurance and the City will accept what payment is received from that insurance and waive any remaining balance on emergency and medically necessary ambulance services.

5. "Non-subscriber" means a person who does not purchase a subscription for emergency ambulance service for himself and those persons residing in his household;

6. "Subscriber" means a person who purchases a subscription to receive no-charge emergency and medically necessary ambulance service for himself/herself and those persons residing in his household;

7. "Transfer" means a non-life threatening situation whereby a patient is transported to a medical facility for medical tests or examination, or when a patient is transported from a medical facility to the patient's place of residence.

SECTION 13-601B SERVICES TO BE RENDERED.

A. Emergency ambulance service will be the primary service provided by the ambulance service.

B. "Medically Necessary Service": Medically necessary ambulance service will be the secondary service provided by the Perry Ambulance Service. Medically necessary ambulance services will be provided when doing so will not compromise the Service's ability to provide emergency.

C. Transfer ambulance service will be the secondary service provided by the ambulance service. Transfer ambulance service will be provided when doing so will not compromise the service's ability to provide emergency ambulance services.

SECTION 13-601C CHARGES FOR SERVICES.

A. Subscribers may receive no-charge emergency and medically necessary ambulance service during the period of their subscription. Ambulance service will be billed at the rates as provided in this Article.

B. Non-subscribers will be billed for ambulance services at the rates as provided in this Article.

C. The ambulance service is to be as financially self-supporting as possible. To that end:

1. Each person who receives ambulance service is considered the primary person responsible for the payment of all services rendered. Such person shall agree to provide all insurance information and sign all necessary documents. Failure to comply will void the subscription and the patient shall be billed 100% of the current charges.

2. Payment in full for service is expected in a timely manner after services are rendered. The city is dedicated to taking all necessary steps to collect all outstanding accounts. The failure to pay an outstanding account for ambulance services shall be considered reasonable grounds to refuse non-emergency transfer ambulance service;

3. Those persons who receive no-charge emergency and medically necessary ambulance services as provided in paragraph A hereinabove are offered no-charge emergency and medically necessary ambulance services provided that the subscriber is not delinquent in the payment of city electric services. In the event the city disconnects electrical service for non-payment for a period of time in excess of forty-eight (48) hours, then the subscriber shall be considered a non-subscriber and shall be responsible for the payment of any ambulance services provided while the subscriber is delinquent in the payment for electrical services.

SECTION 13-601D SUBSCRIPTIONS.

A. Those persons who are electric customers of the city at occupied, single and/or multi-family service locations (to include but not be limited to duplexes, triplexes, apartments and other residential uses) in the corporate limits of the city will be assessed a subscriber fee as set by the council as a monthly fee for no-charge emergency and medically necessary ambulance service.

B. Those persons who are year-round electric customers of the city at occupied, single and/or multi-family service locations (to include but not be limited to duplexes, triplexes, apartments and other residential uses) not within the corporate limits of the city will be assessed a subscriber fee as set by the council as a monthly fee for no-charge emergency and medically necessary ambulance service; provided however, such electric utility customer may choose to opt out of receiving such subscription service by filling out and executing an OPT OUT FORM at City Hall with the City Clerk during the month of October 2009, and during the month of June beginning in 2010 and

during such same month (June) for each successive year thereafter (hereinafter referred to as "opt out month"). Any electric utility customer failing to opt out during any successive opt out month shall continue to pay the monthly ambulance subscription fee and receive such monthly ambulance subscription service, until and unless such OPT OUT FORM is timely completed and filed with the City Clerk at City Hall during any successive opt out month.

C. Any landlord who pays the electric bill for a single and/or multi-family service locations (to include but not be limited to duplexes, triplexes, apartments and other residential uses) in the corporate limits of the City will be assessed a subscription fee set by the council as a monthly fee per residential dwelling unit for no-charge emergency and medically necessary ambulance service.

D. Those persons who reside in nursing homes within the corporate limits of the city and do not receive a monthly electric bill for their individual place of residence may subscribe for no-charge emergency and medically necessary ambulance services by paying the annual subscription fee in June of each year.

E. Those persons who reside outside the corporate limits of the city but within the ambulance service response area may subscribe for no-charge emergency and medically necessary ambulance services by paying the annual subscription fee in June of each year.

SECTION 13-601E COLLECTION AND USE OF AMBULANCE FEE.

A. All ambulance services will be billed to the patient's insurance carrier(s). For subscription customers, the City will accept what the insurance pays for emergency and medically necessary ambulance service and waive the remaining balance. Charges for transfer service will not be waived and are not subject to the subscription program. Payments received from subscribers shall first be applied to any delinquent or current monthly ambulance service fees. All receipts thereafter shall be applied toward the payment of electrical service charges of the subscriber.

B. The proceeds of the ambulance subscription fee shall be placed in an account and may only be used for the purpose of providing ambulance services, including but not limited to ambulance capital expenditures and operations.

SECTION 13-601F SUBSCRIBER FEE

Subscriber fees shall be as follows:

Electric customers at occupied single and/or multi-family service locations (to include but not be limited to duplexes, triplexes, apartments and other residential uses) shall pay the following monthly subscriber fee for emergency and medically necessary services:

Located within or without the corporate limits/per utility customer or dwelling unit \$5.00 per month

Non-utility customer/located within city \$64.00 per year (which may be prorated)

Non-utility customer/located outside city but within 6 miles of corporate limits \$68.00 per year (which may be prorated)

Non-utility customer/located outside city and outside 6 mile limit \$73.00 per year (which may be prorated)

SECTION 13-603 ASSIGNMENT.

That assignment will be accepted on deceased patients but will not be accepted on any other claims covered by insurance. The patient shall be responsible for all billable charges not paid by said insurance unless such patient is in the subscriber program.

Section II. RENUMBERING. The current Section 13-603 is renumbered Section 13-604.

Section III. REPEALER. All ordinances or parts thereof which are inconsistent with this ordinance are hereby repealed.

Section IV. SAVINGS CLAUSE. Nothing in this ordinance hereby adopted shall be construed to affect any suit or proceeding now pending in any court, or any rights acquired or liability incurred nor any cause or causes of action accrued or existing, under any act or ordinance repealed hereby. Nor shall any right or remedy of any character be lost, impaired or affected by this ordinance.

Section V. CODIFICATION. This ordinance shall be codified as shown in the Perry Municipal Code 2004 (2nd Bi-annual Supplement).

Section VI. SEVERABILITY. If any one or more of the sections, sentences, clauses or parts of this ordinance, chapter or section shall for any reason be held invalid, the invalidity of such section, clause or part shall not affect or prejudice in any way the applicability and validity of any other provision of this ordinance. It is hereby declared to be the intention of the Mayor and City Council of the City of Perry, Oklahoma, that this section of the Perry Municipal Code would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section VII. EFFECTIVE DATE. This new subscription rate shall first be placed on the September 2009 billing statement and monthly thereafter collected from all customers as provided herein.

Section VIII. SUNSET CLAUSE. This ordinance shall be automatically repealed without further action by the governing body on the day that proceeds from a three (3) mill 522 Ambulance District tax to be collected from all property owners located within Noble County is first received.

Section XIX. EMERGENCY. In order to protect the health, safety and welfare of the general public of the City of Perry, Oklahoma, and in order to immediately provide for this ambulance subscription program; therefore, this Ordinance Shall become effective from and after its date of publication.

Approved and executed this 20th day of July 2009.

THE CITY OF PERRY, OKLAHOMA

Chuck Hall, Mayor

(Seal)
ATTEST:

Kyla Golay, City Clerk

Approved as to Form and Legality:

Bryce S. Kennedy, City Attorney