

AN ORDINANCE REPEALING VARIOUS SECTIONS AND AMENDING OTHER SECTIONS OF THE CITY CODE OF THE CITY OF RAYTOWN, JACKSON COUNTY, MISSOURI, REGARDING EMS AND AMBULANCE SERVICES

WHEREAS, on September 25, 2018, the City of Raytown, Missouri ("City") and the Raytown Fire Protection District ("District") entered into an Emergency Medical Services License Transfer Agreement whereby the City agreed to transfer and the District agreed to accept the transfer of the City's Emergency Medical Services License and assets; and

WHEREAS, the City and District diligently examined the issue and concluded that certain efficiencies and performance gains are likely to be realized by having a common command and control over emergency medical services ("Services"); and

WHEREAS, the District now has its emergency medical services license, funding and assets to be the sole provider of the Services; and

WHEREAS, since the District will now be the sole provider of the Services, the City wishes to revise its ordinances to remove references to same.

NOW THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF RAYTOWN, MISSOURI, AS FOLLOWS:

SECTION 1 – REPEAL. That the following sections are hereby repealed and deleted in their entirety:

- Chapter 2, Administration, Article IV, Departments, Division 2, Emergency Services Department:
 - Sec. 2-295 – Department created; authority of director;
 - Sec. 2-296 – Duties of director;
 - Sec. 2-297 – Department responsibilities;
 - Sec. 2-298 – Emergency medical services rules and regulations adopted;
- Chapter 48, Vehicles for Hire, Article II, Ambulances:
 - Sec. 48.21 – Scope of services; emergency and nonemergency transport defined;
 - Sec. 48.22 – Ambulance charges;
 - Sec. 48.23 – Exclusivity of service within city;
 - Sec. 48.24 – Nonpayment of ambulance service bill; false request for ambulance a crime

SECTION 2 – AMENDMENT. The Raytown Municipal Code is hereby amended as set forth in Exhibit "A", which is attached hereto and incorporated herein.

SECTION 3 – REPEAL OF ORDINANCES IN CONFLICT. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4 – SEVERABILITY CLAUSE. The provisions of this ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this ordinance.

SECTION 5 – EFFECTIVE DATE. This ordinance shall be in full force and effect from and after the date of its passage and approval.

BE IT REMEMBERED that the above was read two times by heading only, **PASSED and ADOPTED** by a majority of the Board of Aldermen and **APPROVED** by the Mayor of the City of Raytown, Jackson County, Missouri, this 3rd day of March, 2020

Michael McDonough, Mayor

ATTEST:

Teresa M. Henry, City Clerk

Approved as to Form:

Jennifer M. Baird, City Attorney

EXHIBIT A

Chapter 28 – OFFENSES AND NUISANCES

ARTICLE VIII. – OFFENSES RELATING TO ADMINISTRATION OF JUSTICE

Sec. 28-243. – Resisting or interfering with arrest.

(b) It shall be unlawful for a person to obstruct, hinder, molest, resist or otherwise interfere with any city public safety officer, employee or inspector, including, but not limited to, any health inspector, building code inspector, zoning inspector, property maintenance or nuisances code inspector, illegal dumping inspector, regulated industries investigator or animal control officer, or any officer of the city police department or any member of any other law enforcement agency or police force, or any member of any fire suppression agency or fire district in the discharge of his official duty, including firefighters and fire prevention inspectors.

(c) It shall be unlawful for a person to obstruct, hinder, molest, resist or otherwise interfere with any firefighter, fire suppression personnel, any ambulance contractor providing ambulance service for the city or any first responder in the discharge of his official duty.

Chapter 42 – TRAFFIC AND MOTOR VEHICLES

ARTICLE III. – ENFORCEMENT

Sec. 42-51. – Authority of police officials.

- (a) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of the city and all of the state vehicle laws applicable to street traffic in the city.
- (b) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

Sec. 42-52. – Obedience to police officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer official.

REDLINE VERSION – NOT PART OF THE ORDINANCE

Below is the full text of the current language in the City Code. Language that has been removed is shown as a strike thru. Language that has been added is shown in bold font and is underlined.

Chapter 2 – ADMINISTRATION

ARTICLE IV. – DEPARTMENTS

~~DIVISION 2. – EMERGENCY SERVICES DEPARTMENT~~

~~Sec. 2-295. – Department created; authority of director.~~

~~———There is hereby organized and created a department of emergency services and the said department shall be under the direction of the director of emergency services who will supervise and control the department. The director of emergency services is hereby authorized and directed to prescribe rules and regulations concerning the operation of an ambulance service for the city and for emergency management functions as well as for the conduct of the employees of said department, all of which shall be consistent with personnel rules and regulations and all existing ordinances and state statutes.~~

~~(Code 1969, § 2-210; Ord. No. 4225-96, § 1, 12-17-1996)~~

~~Sec. 2-296. – Duties of director.~~

~~———The director of emergency services shall have the authority and duty to manage and operate the emergency services department of the city; he shall be responsible for the preparation of the budget for said department; he shall prepare and present to the board of aldermen, for approval, an operating policy for said department; he shall supervise the purchase of all materials, supplies and equipment for said department; he shall submit monthly reports to the board of aldermen concerning the activities of said department and keep the board of aldermen advised of the financial conditions and future needs of said department and make such recommendations as he may deem desirable.~~

~~(Code 1969, § 2-211; Ord. No. 4225-96, § 1, 12-17-1996)~~

~~Sec. 2-297. – Department responsibilities.~~

~~———The department of emergency services shall include ambulance service and emergency management services.~~

~~(Code 1969, § 2-212; Ord. No. 4225-96, § 1, 12-17-1996)~~

~~Sec. 2-298. – Emergency medical services rules and regulations adopted.~~

——The city emergency medical services rules and regulations relating to responsibility and authority of personnel; uniforms and dress codes; vehicles; living quarters; communications; paperwork and reports; training; community education; suggested guidelines for care of patient and vehicle during call; life flight field procedure; and response to calls, are hereby accepted, approved and adopted by the city.

(Code 1969, § 2-214; Ord. No. 4225-96, § 1, 12-17-1996)

Chapter 28 – OFFENSES AND NUISANCES

ARTICLE VIII. – OFFENSES RELATING TO ADMINISTRATION OF JUSTICE

Sec. 28-243. – Resisting or interfering with arrest.

(b) It shall be unlawful for a person to obstruct, hinder, molest, resist or otherwise interfere with any city public safety officer, employee or inspector, including, but not limited to, any ~~firefighter or other fire suppression employee, fire prevention inspector,~~ health inspector, building code inspector, zoning inspector, property maintenance or nuisances code inspector, illegal dumping inspector, regulated industries investigator or animal control officer, or any officer of the city police department or any member of any other law enforcement agency or police force, or any member of any fire suppression agency or fire district in the discharge of his official duty, including firefighters and fire prevention inspectors.

(c) It shall be unlawful for a person to obstruct, hinder, molest, resist or otherwise interfere with any firefighter, fire suppression personnel, ~~city emergency medical services department staff,~~ any ambulance contractor providing ambulance service for the city's ~~emergency medical services department~~ or any first responder in the discharge of his official duty.

Chapter 42 – TRAFFIC AND MOTOR VEHICLES

ARTICLE III. – ENFORCEMENT

Sec. 42-51. – Authority of police ~~and fire department~~ officials.

- (c) It shall be the duty of the officers of the police department or such officers as are assigned by the chief of police to enforce all street traffic laws of the city and all of the state vehicle laws applicable to street traffic in the city.
- (d) Officers of the police department or such officers as are assigned by the chief of police are hereby authorized to direct all traffic by voice, hand, or signal in conformance with traffic laws; provided that, in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require notwithstanding the provisions of the traffic laws.

- (e) ~~Officers of the fire department, when at the scene of a fire, may direct or assist the police in directing traffic thereat or in the immediate vicinity.~~

(Code 1969, § 23-21; Ord. No. 298-70, 10-6-1970; Ord. No. 2364-82, § 9, 3-2-1982)

Sec. 42-52. – Obedience to police ~~and fire department~~ officials.

No person shall willfully fail or refuse to comply with any lawful order or direction of a police officer ~~or fire department~~ official.

(Code 1969, § 23-22; Ord. No. 298-70, 10-6-1970; Ord. No. 2364-82, § 9, 3-2-1982)

Chapter 48 – VEHICLES FOR HIRE¹

¹**State Law reference** – *Local licensing and regulation of taxicabs and other vehicles for hire in transportation passengers, RSMo 301.340, 94.110, 94.360; regulation of motor carriers, RSMo 390.0121 et seq.; ~~authority to operate ambulance services, RSMo 67.300.~~*

ARTICLE II. – AMBULANCES²

²**State Law reference** – *Authority to operate ambulance service, RSMo 67.300*

~~Sec. 48-21. – Scope of services; emergency and nonemergency transport defined.~~

- (a) ~~The emergency medical services division of the department of emergency services is authorized to operate an ambulance service for both emergency and nonemergency transport of patients.~~
- (b) ~~The term “emergency transport,” as used throughout this article, means transport of a person with a present medical emergency such that immediate ambulance transport is reasonably medically necessary.~~
- (c) ~~The term “nonemergency transport,” as used throughout this article, means transport of any person for any reason not set forth in subsection (b) of this section.~~

(Code 1969, § 24-34; Ord. No. 3945-93, § 4, 12-21-1993; Ord. No. 4225-96, § 16, 12-17-1996; Ord. No. 4454-98, § 1, 12-1-1998; Ord. No. 5384-10, § 1(24-34), 12-21-2010)

~~Sec. 48-22. – Ambulance charges.~~

~~—The director of emergency services shall recommend to the board of aldermen a schedule of ambulance charges, which may be revised and amended each year during the budget process. The fee is approved by the governing body and listed in the schedule of fees and charges maintained in the city clerk’s office.~~

~~(Code 1969, § 24-34; Ord. No. 3945-93, § 4, 12-21-1993; Ord. No. 4225-96, § 16, 12-17-1996; Ord. No. 4454-98, § 1, 12-1-1998; Ord. No. 5384-10, § 1(24-34), 12-21-2010)~~

~~Sec. 48-23.— Exclusivity of service within city.~~

- ~~(a) The emergency medical services division of the department of emergency services shall be the exclusive provider of ambulance services within the city, except as provided in subsection (c) of this section.~~
- ~~(b) It shall be unlawful for any ambulance provider other than the denominated in subsection (a) of this section to provide, furnish, operate, maintain, or otherwise engage in or profess to engage in the business of an ambulance service within the city, except as provided in subsection (c) of this section.~~
- ~~(c) This section shall not apply to ambulance services which are either:~~
 - ~~(1) Owned or operated by an agency of the United States government;~~
 - ~~(2) Rendering requested assistance to ambulances of the city emergency medical services division in cases of disaster or major emergency too great for local resources;~~
 - ~~(3) In response to the provisions of written community mutual aid agreements;~~
 - ~~(4) Rendering assistance when ambulances of the city emergency medical services division are unavailable; or~~
 - ~~(5) Operated from a location or headquarters outside the city and transporting patients who are picked up outside the limits of the city to locations within the city or through the city to other locations.~~

~~(Code 1969, § 24-34; Ord. No. 3945-93, § 4, 12-21-1993; Ord. No. 4225-96, § 16, 12-17-1996)~~

~~Sec. 48-24. – Nonpayment of ambulance service bill; false request for ambulance a crime.~~

~~—— Any person who shall:~~

- ~~(1) Obtain or receive ambulance services without intending at the time of obtaining or receiving such services to pay, if financially able, the necessary charges. A determination that the recipient of such services has failed to pay for the services rendered for a period of 90 days after request for payment shall create a rebuttable presumption that the recipient of the services did not intend to pay for the services at the time they were obtained or received; or~~
- ~~(2) Knowingly and willfully summon an ambulance or report that an ambulance is needed when such person knows that the services of an ambulance are not needed;~~

~~Shall be deemed guilty of an offense and punished as provided in section 1-22.
(Code 1969, § 24-37; Ord. No. 3945-93, § 4, 12-21-1993)~~

