

December 2017  
Revised: April 2018

## Supplemental EMS Report



Marco Island, Florida

## Revised Financial Analysis And Certificate of Public Convenience & Necessity (COPCN) Language

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# CONSULTANT FINAL REPORT

**Supplemental Report  
Revised April 20, 2018  
Marco Island, FL**

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## **EXECUTIVE SUMMARY**

The City of Marco Island previously engaged Fitch and Associates to undertake an evaluation of EMS services for the City. That project was completed in November 2016. The City re-engaged FITCH to provide additional services in late 2017 assessing the financial impact and COPCN requirements for assumption of full EMS transport services at the paramedic level. This effort was revisited again in early 2018. Working most recently with City staff, from both fire and budget, the following is a supplement to FITCH's prior report and revises its earlier operational and fiscal analysis in order to achieve a City operated full Advanced Life Support (ALS) transport system.

The City is well prepared to migrate to a fire-based ALS transport system. Its strong history in providing paramedic services on the Island would be sufficient by itself. In addition, the Fire Department today operates where its personnel also staff a paramedic transport vehicle that further demonstrates their requisite skill and expertise.

The following analysis anticipates the hiring of 12 new fire paramedics along with other organizational changes to strengthen supervision and oversight for a transport-based paramedic system. The City's assumption of transport provides a new revenue source to offset a significant portion of these costs.

In many respects, the City assumption of ALS transport builds upon the long-term services provided jointly by the City's personnel and those of Collier County EMS. These changes also simultaneously strengthen the overall system. By assuming direct responsibility for all dimensions of paramedic-level service, the City adds greater resources on the Island, allows for local control of an essential public safety service, and allows Collier County to address resource issues elsewhere within their EMS system.

## INTRODUCTION

The City of Marco Island engaged Fitch and Associates (*FITCH*) to evaluate Emergency Medical Services (EMS) on the Island, consider alternative deployment options, and assess fiscal impacts in support of the City pursuing a Certificate of Public Convenience and Necessity (COPCN) from Collier County that will allow the City to transport patients from their community to an appropriate hospital as may be medically necessary for City residents and visitors. The City's goal is to improve EMS services on the Island and exert greater local control through home rule in a time of greater uncertainty regarding the County's long-term direction in delivery of EMS.

*FITCH* undertook this evaluation and delivered its initial report in October 2016, with a subsequent presentation to the City Council in November. Since that time, the issue of pursuing a COPCN has been discussed several times by City leaders and senior City staff. *FITCH* was asked to revisit their earlier assessment and refine both a draft COPCN application and certain cost assumptions under the following scenario:

To revise the earlier financial analysis and draft COPCN application for use by City in the assumption of ALS transport services directly by City. Under this approach, the City's Fire Rescue Department would become an advanced life-support (ALS) transport provider. This model is similar to that used in many other fire-rescue systems across the State and Nation.

That work was completed in December 2017. In March/April of 2018 the City again asked for some additional revisions to this financial analysis – based in part on actions of the Florida Legislature. Therefore, this April 2018 revision was completed with significant interaction from the appropriate City departments.

The following assessment and revised analyses addresses, first, the estimated financial impact of the City's total assumption of EMS services. Unlike the earlier report which contemplated a more collaborative and integrated approach, the assumptions herein contemplate the City becomes fully responsible for all aspects of EMS delivery – including transportation, billing, medical direction, etc. The specific tasks undertaken here include:

- Revise and expand financial analysis to contemplate the City's full delivery of ALS transport services from their existing Fire Rescue system. Contemplate a staffed rescue/ambulance at each of the City's two fire stations, along with a third transport capable squad/ambulance which provides surge capacity.
- Revise draft COPCN application to align with the City's preferred delivery system.

## FINANCIAL ANALYSIS

Drawing from our earlier report, and with utilization of more recent budget data, FITCH undertook an analysis that evaluates the ***incremental*** difference should the City begin paramedic full-transport services. By utilizing an incremental approach, this will allow key stakeholders to better understand the additional budgetary resources required under this scenario.

As was noted previously, the City’s Fire Rescue budget must fund fire protection costs in addition to its role in providing EMS services on the Island. City taxpayers and user support for County EMS is estimated at \$2,892,526. This represents ad valorem property tax revenues to the County of \$1,940,099<sup>1</sup> and ambulance revenues of \$952,427<sup>2</sup>.

Presently, the Department has an authorized staffing level of 12 personnel per shift, with a minimum staffing level of nine personnel. This does not include the 2 personnel that Collier County provides each day. In order to fully undertake an EMS transport provider role, the Department would require 16 personnel assigned to each shift.

As reflected below, the proposed Department staffing level authorization would rise to 16 personnel per shift. The difference of four more personnel includes the assumption of all EMS duties on the Island being performed by the Department, including the replacement of two positions currently provided by Collier County EMS. These four new personnel, across three shifts, requires an increase of 12 full-time equivalent (FTE) fire personnel. Based on current staffing levels, and adjustments for staffing required for two additional City staffed Medic Rescues, City staff indicated the 4-personnel per shift would not require any additional staffing multiplier for time-off.

**Table 1: Staffing Table Required for Transport EMS**

Station 50				Station 51		On-Duty	On Leave
Medic Rescue 50	Tower 50	BC 50	Squad 50	Engine 51	Medic Rescue 51		
3	4	1	3	3	2	16	0
3	4	1	2	3	2	15	1
3	3	1	2	3	2	14	2
2	3	1	2	3	2	13	3

<sup>1</sup> Based on FY2015 final tax rolls which reflect the City’s proportion of taxable value is 12.29% of Collier County’s total, and the anticipated General Fund subsidy of \$15,786,000.

<sup>2</sup> Based on a three-year average (FY2013 thru FY2015) of County reported ambulance revenues from Marco Island

Recognizing the additional responsibilities that are required of the City under this scenario, there will be a concurrent need for proper supervision and support. The City has already approved a training officer in the FY 2018 budget. Under the budget as reflected here, the new training officer would be assigned the additional responsibilities for EMS oversight. Further, the budget reflected below also provides for a Lieutenant, for each crew at each station, to allow for appropriate supervision and training as required of a full-transport EMS system. These positions would be responsible for a variety of tasks including quality assurance/quality improvement (QA/QI), additional training duties of both incumbent and new personnel, and assisting other staff with a variety of required continuing education and public education programs representative in a well-performing EMS system.

The following figures summarize the required first-year resources for the City to undertake a full-transport, paramedic level service provider assumed to start in FY 2019. An expanded 5-year projected budget was developed with assistance and review by the City’s Finance Department and is included as an Appendix to this report. In addition to these incremental costs, the City is expected to generate EMS transport revenue that will offset some of these incremental expenditures. The assumption in Year 1 is that transport revenues will lag 90 days, thereby impacting the first year’s revenues and estimated at 75% of a full fiscal year’s estimate. From earlier estimates, adjustments were made to employee benefits and certain operating costs. As reflected in Tables 2 and 3 below, the net impact on the City’s operating budget in year 1 would be \$1,015,452. However, as the full year’s revenue is achieved in Year 2, this impact on the City’s overall budget is reduced accordingly.

**Table 2: Incremental Operating Budget**

<b>Annual Costs</b>	<b>FY2019</b>
Salaries (Additional Positions Only)	\$ 632,376
Overtime	\$ 20,000
Upgrade Training Officer to EMS/Training	\$ 25,000
Upgrade FF/PM positions to Lieutenant	\$ 46,971
Benefit Allowance (10% on new salaries)	\$ 72,472
Holiday Pay (new personnel)	\$ 20,376
FICA (on increased salaries @ 7.65%)	\$ 60,985
Health Insurance (assumes new employee & spouse)	\$ 183,408
175 Pension 44.72%	\$ 365,450
<b>Personnel Expenses (b)</b>	<b>\$ 1,427,038</b>
Professional Services - Medical Director	\$ 50,000
Professional Services - Ambulance Billing	\$ 50,002
Linen Supplies	\$ 5,200
Oxygen	\$ 7,000
Medical Supplies	\$ 54,000

Pharmacy Costs	\$ 15,500
Other Miscellaneous EMS Expenses	\$ 32,500
Annual Physical	\$ 6,732
Uniforms	\$ 7,344
Fuel	\$ 7,000
Ambulance Maintenance	\$ 17,000
Contingency (20% 1st year & 10% 2nd year)	\$ 50,456
<b>Recurring Operating Expenses (b)(c)</b>	<b>\$ 302,734</b>
<b>Total Annual Budget Impact</b>	<b>\$ 1,729,772</b>

While we assume the City will need to subsidize the impact from assumption of transport services, it is also recommended that legal counsel for the City review issues of dual taxation as litigated elsewhere<sup>3</sup> to evaluate any potential opportunities for the City to mitigate, at least partially, the fiscal impact from full assumption of EMS services.

**Table 3: Anticipated Revenue Required for Incremental Budget**

<b>Revenues</b>	<b>FY2019</b>
Transport Revenues (a)	\$ 714,320
<b>Total Revenues</b>	<b>\$ 714,320</b>

As a new paramedic-level transport agency, the Department will also need to ensure they have the appropriate capital equipment for service delivery. The figure below indicates the required equipment and estimated capital cost. City staff expressed a preference to lease purchase the ambulances, assuming two in the first year and the addition of a third unit for backup and special events in the third year. In addition, City staff have indicated that the existing squad would be permitted as a transport ambulance and be available with existing staff to function as an additional transport ambulance during surge conditions. Such deployment would not significantly diminish current operational capacity for fire protection. As with the operating budget, an expanded 5-year capital plan is reflected in the Appendix. Thereafter, it is recommended the City establish a replacement fund with annual contributions towards replacement of EMS related capital equipment. This process is considered a best practice for EMS agencies and ensures critical equipment is replaced in a timely manner.

**Table 4: Capital EMS Equipment Needs**

<b>Capital Costs</b>	<b>FY2019</b>
Auto Vent	\$ 6,498
Battery Support System for LP-15	\$ 3,276
Stryker Stretchers w/ PowerLoad	\$ 108,612

<sup>3</sup> For example, see *Alsdorf v. Broward County* 373 So.2d 695 (Fla. Dist. Ct. App. 1979).

LP-15	\$ 65,976
Stair Chairs	\$ 3,300
PPE	\$ 42,840
Radios; Computers; Technology for Ambulances	\$ 36,700
EMS Records System	\$ 30,000
Ambulance	
Lease Purchase (2 units first 2 yrs. / 3 units years 3-5 / 4.25% APR)	\$ 89,831
<b>Total Capital (b)(c)</b>	<b>\$ 387,033</b>



## COPCN CRITERIA

Collier County's Code of Ordinances establishes uniform countywide standards for certification of ambulance or advanced life support services. These can be found in their entirety in Attachment A. The following section takes the earlier findings and recommendations and formats them to address each of the specific requirements<sup>4</sup> for the Board of County Commissioners to consider the application for the COPCN certificate.

The following represents the required revisions to address paramedic level full transport services by the City's Fire Rescue Department. The specific procedure for obtaining a COPCN is outlined in County Code, specifically Section 50.55. The following language addresses the requirements the Board of County Commission must consider in granting a COPCN under Section 50-57. *FITCH* remains available to the City during the application process.

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***1(a). Public necessity for the service: The extent to which the proposed service is needed to improve the overall emergency medical services (EMS) capabilities of the County.***

Approval of the City's COPCN application will improve the overall capabilities of EMS for the County through a number of mechanisms. First, for Marco Island residents and visitors the total amount of EMS services available on the Island will increase through the addition of an additional full-time ALS transport vehicle. The proposed deployment will provide two 24/7/365 units on the Island, funded and operated by the City of Marco Island, along with a staffed 3<sup>rd</sup> transport capable unit required during surge conditions. Compared to the current 1.2 full-time equivalents, these three units represent a 150% improvement in deployed resources for Marco Island. Second, this COPCN fully relieves the Collier County EMS (CCEMS) from funding or staffing the current fulltime and peak season/peak hour units on Marco Island. Noting that CCEMS presently staffs 24 full-time EMS units off the Island, the release of the equivalent of 1.2 units provides an increased deployment of 5% additional resources off the Island. Finally, the deployment of City staffed units on the Island will almost eliminate, and considering the 3<sup>rd</sup> staffed surge unit, eliminate the number of times resources from off the Island (e.g. R90, R23, etc.) will be required to relocate and/or respond to Marco Island incidents except during an extraordinary incident. This increased capacity for R90 and R23 specifically is expected to improve their current response time performance which currently do not meet the County's stated target performance.<sup>5</sup>

This COPCN adds resources to the existing system and therefore improves overall EMS capabilities in the County.

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<sup>4</sup> Collier County Code of Ordinances, Section 50-57 Requirement for board approval in granting certificate.

<sup>5</sup> Collier County 2017 Annual Update and Inventory Report on Public Facilities.

***1(b). Public necessity for the service: The effect of the proposed service on existing services with respect to quality of service and cost of service.***

The proposed deployment and operation of an ALS transport units by Marco Island Fire Rescue improved overall EMS capabilities within Collier County, as outlined above.

The cost of service, as proposed herein, actually assists County taxpayers by allowing redeployment of existing resources to other areas of the County where need exists. Marco Island City Commissioners, as evidenced by this application, have made a local decision to seek a higher level of EMS capabilities for the Island, funded by city funds. This decision will not adversely impact county taxpayers. Any impact on Marco Island residents and business owners for this enhanced level of service will be addressed through the local government's existing budget process.

By permitting the City to deploy and staff their own units, Marco Island Fire Rescue will also have an increased ability to implement and/or enhance community paramedic programs along with outreach to senior citizens, children and businesses on the Island.

***1(c). Public necessity for the service: The effect of the proposed service on the overall cost of EMS service in the county.***

The cost of service, as proposed herein, does not adversely impact County taxpayers. At the Board of County Commissioners discretion, there is also a potential for reductions in the County cost for provision of EMS services by reducing the number of EMS units the County currently deploys.

This decision will not adversely impact county taxpayers. Any impact on Marco Island residents and business owners for this enhanced capability will be addressed through the local government's existing budget process.

***1(d). Public necessity for the service: The effect of the proposed service on existing hospitals and other health care facilities.***

The granting of a COPCN for the City of Marco Island will not have any effect on existing hospitals. Demand for 9-1-1 EMS services and transportation are independent of the number of COPCNs in the County. Medical emergencies requiring the activation of 9-1-1, response from paramedics and transport to the closest appropriate hospital will continue exactly as they occur today.

The effect on other health care facilities, if any, will be positive. As outlined elsewhere in the City's COPCN request, the granting of an ALS Transport certificate to the City will increase the overall capacity of EMS within the County. Such increased capacity would only have a positive effect on other health care facilities.

***1(e). Public necessity for the service: The effect of the proposed service on personnel of existing services and the availability of sufficient qualified personnel in the local area to adequately staff all existing services.***

Upon approval of the COPCN, the City intends to hire the necessary additional personnel to properly staff an additional ALS transport unit. The City's initial plan is to hire and staff two new Medic Rescue units with two, dual certified firefighter paramedics. In addition, the City will have a staffed transport capable squad which can be deployed during periods of any surge activity.

There is no impact anticipated on personnel of existing EMS services. There is also no significant impact anticipated on the availability of qualified personnel in the County and surrounding areas. Compared to the total number of existing personnel in the County, and those undergoing training at regional fire and EMS institutions, the City's future personnel needs are minimal compared to the current and future applicant pool.

***2. Applicant's sufficient knowledge and experience to properly operate the proposed service.***

Marco Island Fire Rescue and CCEMS have enjoyed an existing and strong relationship in the delivery of paramedic level services. The Marco Island personnel presently co-staff emergency response vehicles, share common medical direction, training and treatment protocols. City personnel meet or exceed the Medical Director's patient transport contact hour requirements.

In that Marco Island personnel already staff transport capable ambulances with CCEMS, the City has demonstrated the requisite knowledge and experience to operate an ALS ambulance. This shared staffing program has been in place since 2002 and reflect the County's own assessment of the applicant's capabilities.

***3. That, if applicable, there is an adequate revenue base for the proposed service.***

Marco Island is a local government properly incorporated under the laws of the State of Florida. The City has the capability to adequately raise the revenue necessary to operate the expanded level of service proposed under this application.

***4. Proposed service will have sufficient personnel and equipment to adequately cover the proposed service area.***

Marco Island Fire Rescue currently has 36 personnel assigned to operational shifts. Of the current personnel, 100% are certified as Florida's EMS providers, with 74% of those certified as paramedics. The City will hire personnel as required to provide the additional staffing for new transport units.

# Appendix A

## 5-Year Operating & Capital Budget

**Appendix A – 5-Year Operating & Capital Budget  
(Revised April 20, 2018)**

**Marco Island EMS Budget - Incremental Costs from Current Operation**

<b>Revenues</b>	<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
Transport Revenues (a)	\$ 714,320	\$ 952,427	\$ 952,427	\$ 952,427	\$ 952,427
<b>Total Revenues</b>	<b>\$ 714,320</b>	<b>\$ 952,427</b>	<b>\$ 952,427</b>	<b>\$ 952,427</b>	<b>\$ 952,427</b>

**Appendix A – 5-Year Operating & Capital Budget  
(Revised April 20, 2018)**

<b>Annual Costs</b>	<b>Unit Cost</b>	<b>Qty</b>	<b>FY2019</b>	<b>FY2020</b>	<b>FY2021</b>	<b>FY2022</b>	<b>FY2023</b>
Salaries (Additional Positions Only)	\$ 52,698	12	\$ 632,376	\$ 651,347	\$ 670,888	\$ 691,014	\$ 711,745
Overtime	\$ 20,000	-	\$ 20,000	\$ 20,600	\$ 21,218	\$ 21,855	\$ 22,510
Upgrade Training Officer to EMS/Training	\$ 25,000	1	\$ 25,000	\$ 25,750	\$ 26,523	\$ 27,318	\$ 28,138
Upgrade FF/PM positions to Lieutenant	\$ 5,219	9	\$ 46,971	\$ 48,380	\$ 49,832	\$ 51,326	\$ 52,866
Benefit Allowance (10% on new salaries)	-	-	\$ 72,472	\$ 74,646	\$ 76,886	\$ 79,192	\$ 81,568
Holiday Pay (new personnel)	\$ 1,698	12	\$ 20,376	\$ 20,987	\$ 21,617	\$ 22,265	\$ 22,933
FICA (on increased salaries @ 7.65%)	-	-	\$ 60,985	\$ 62,815	\$ 64,699	\$ 66,640	\$ 68,639
Health Insurance (assumes new employee & spouse)	\$ 15,284	12	\$ 183,408	\$ 201,749	\$ 221,924	\$ 244,116	\$ 268,528
175 Pension 44.72%	-	-	\$ 365,450	\$ 376,413	\$ 387,706	\$ 399,337	\$ 411,317
<b>Personnel Expenses (b)</b>			<b>\$ 1,427,038</b>	<b>\$ 1,482,687</b>	<b>\$ 1,541,291</b>	<b>\$ 1,603,064</b>	<b>\$ 1,668,244</b>
Professional Services - Medical Director	-	-	\$ 50,000	\$ 51,500	\$ 53,045	\$ 54,636	\$ 56,275
Professional Services - Ambulance Billing	-	-	\$ 50,002	\$ 66,670	\$ 66,670	\$ 66,670	\$ 66,670
Linen Supplies	-	-	\$ 5,200	\$ 5,460	\$ 5,733	\$ 6,020	\$ 6,321
Oxygen	-	-	\$ 7,000	\$ 7,350	\$ 7,718	\$ 8,103	\$ 8,509
Medical Supplies	-	-	\$ 54,000	\$ 56,700	\$ 59,535	\$ 62,512	\$ 65,637
Pharmacy Costs	-	-	\$ 15,500	\$ 16,275	\$ 17,089	\$ 17,943	\$ 18,840
Other Miscellaneous EMS Expenses	-	-	\$ 32,500	\$ 34,125	\$ 35,831	\$ 37,623	\$ 39,504
Annual Physical	\$ 561	12	\$ 6,732	\$ 6,934	\$ 7,142	\$ 7,356	\$ 7,577
Uniforms	\$ 612	12	\$ 7,344	\$ 7,564	\$ 7,791	\$ 8,025	\$ 8,266
Fuel	-	-	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000	\$ 7,000
Ambulance Maintenance	-	-	\$ 17,000	\$ 17,000	\$ 25,500	\$ 25,500	\$ 25,500
Contingency (20% 1st year & 10% 2nd year)			\$ 50,456	\$ 27,658	\$ -	\$ -	\$ -
<b>Recurring Operating Expenses (b)(c)</b>			<b>\$ 302,734</b>	<b>\$ 304,236</b>	<b>\$ 293,054</b>	<b>\$ 301,388</b>	<b>\$ 310,099</b>
<b>Total Annual Budget Impact</b>			<b>\$ 1,729,772</b>	<b>\$ 1,786,923</b>	<b>\$ 1,834,345</b>	<b>\$ 1,904,452</b>	<b>\$ 1,978,343</b>

**Appendix A – 5-Year Operating & Capital Budget  
(Revised April 20, 2018)**

Capital Costs	Unit Cost	Qty	FY2019	FY2020	FY2021	FY2022	FY2023
Auto Vent	\$ 3,249	2	\$ 6,498		\$ 3,249		
Battery Support System for LP-15	\$ 1,638	2	\$ 3,276		\$ 1,638		
Stryker Stretchers w/ PowerLoad	\$ 36,204	3	\$ 108,612		\$ 36,204		
LP-15	\$ 32,988	2	\$ 65,976		\$ 32,988		
Stair Chairs	\$ 1,650	2	\$ 3,300		\$ 1,650		
PPE	\$ 3,570	12	\$ 42,840		\$ 10,710		
Radios; Computers; Technology for Ambulances	\$ 18,350	2	\$ 36,700		\$ 18,350		
EMS Records System			\$ 30,000				
Ambulance	\$ 202,000						
Lease Purchase (2 units first 2 yrs. / 3 units years 3-5 / 4.25% APR)			\$ 89,831	\$ 89,831	\$ 134,747	\$ 134,747	\$ 134,747
<b>Total Capital (b)(c)</b>			<b>\$ 387,033</b>	<b>\$ 89,831</b>	<b>\$ 239,536</b>	<b>\$ 134,747</b>	<b>\$ 134,747</b>

**NOTES:**

- (a) First year revenues adjusted to 75% of Collier County transport revenues assuming transport beginning October 1st (fiscal year) and receivables running at 90-days.
- (b) Personnel costs, operating and capital expenses reviewed or provided by Marco Island budget personnel
- (c) Operating costs based on experiences from other EMS providers in Florida and New Jersey

# Appendix B

## Collier County COPCN Ordinance Ambulance Benchmark Summary



**Appendix B – Collier County COPCN Ordinance**

**Collier County COPCN Ordinance**

**Collier County, Florida - Code of Ordinances**

**Part 1 - Code**

**Chapter 50 - Emergency Services**

**Article III - Medical Transportation Services**

**(as codified in MuniCode as of June 22, 2016)**

## Appendix B – Collier County COPCN Ordinance

### ARTICLE III. - MEDICAL TRANSPORTATION SERVICES<sup>[3]</sup>

Footnotes:

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**Editor's note**—Ord. No. 04-12, § 26, adopted Feb. 24, 2004, repealed divs. 1 and 2 of art. III, §§ 50-51—50-68, 50-76—50-86, in their entirety. Sections 1—25 of said ordinance enacted similar provisions to read as herein set out.

**Cross reference**— Businesses, ch. 22; health and sanitation, ch. 66.

**State Law reference**— Medical transportation services, F.S. § 401.2101 et seq.

Sec. 50-51. - Purpose.

This article is adopted pursuant to F.S. chs. 125 and 401. The purpose of this article is to provide better protection for the health, safety and welfare of the residents of Collier County, in ambulance and ALS matters, by establishing uniform county-wide standards for certification of ambulance or advanced life support or services, or operations by promulgating complete and clear rules and regulations for operation of all ambulance or rescue companies or services in Collier County.

(Ord. No. 04-12, § 1)

Sec. 50-52. - Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Administrator* shall mean the County Manager or his designee.

*Advanced Life Support (ALS)* shall mean procedures conducted as defined in applicable Florida Statutes and Florida Administrative Code, and the Collier County Medical Director's protocol.

*Ambulance* means any privately or publicly owned land, air, or water vehicle that is designed, constructed, reconstructed, maintained, equipped or operated, and is used for or intended to be used for air, land, or water transportation of persons, who are sick, injured, or otherwise helpless.

*Board* shall mean the Collier County Board of County Commissioners.

*Certificate* means a certificate of public convenience and necessity as authorized in F.S. § 401.25(2)(d).

*Emergency Call* shall mean the transit of an ambulance under conditions which warrants travel with flashing lights and siren operating.

*Operator* shall mean any person, organization or governmental entity providing ambulance or ALS services.

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*Patient* shall mean an individual who is ill, sick, injured, wounded, or otherwise incapacitated or helpless.

*Rescue Service (Non-ALS)* shall mean first response treatment of patients but does not include Advanced Life Support (ALS) or transport.

*Routine Call or Routine Transfer* shall mean the transportation of a patient under non-emergency call conditions.

(Ord. No. 04-12, § 2; Ord. No. 2011-36, § 1)

Sec. 50-53. - Requirements for certificate.

It shall be unlawful for any person, firm, agency, or any other entity, including governmental units, to provide an ambulance service or provide advanced life support without first obtaining a certificate therefore from the Board of County Commissioners of Collier County.

(Ord. No. 04-12, § 3)

Sec. 50-54. - Exemptions and exclusions from certificate requirement.

Certificates shall not be required for:

- (1) Rescue Services (Non-ALS).**
- (2) The use of a non-ambulance for any transport of a patient pursuant to the Good Samaritan Act, F.S. § 768.13.**
- (3) Vehicles rendering ambulance-type services when requested to do so by the Board of County Commissioners or County Manager in the event of a major catastrophe or other such emergency which requires more ambulances than are available in the county.**
- (4) Ambulances based outside the county which pick up a patient in the county and transport him out of the county, or which pick up a patient out of the county and transport him into the county.**
- (5) Vehicles used to transport persons for routine scheduled medical treatments. Vehicles transporting persons who require services en route are not covered by this exemption.**

(Ord. No. 04-12, § 4; Ord. No. 05-16, § 4; Ord. No. 2011-36, § 2)

Sec. 50-55. - Procedure for obtaining certificate.

An applicant for a certificate shall provide the Administrator with the following information in order for a request for a certificate to be considered. Each request shall contain:

- (1) The name, age, and address of the owner of the ambulance or ALS Operator, or if the owner is a corporation, then of the directors of the corporation and of all the stockholders holding more than 25% of the outstanding shares. For governmental units, this information shall be supplied for members of the governing body.**
- (2) The boundaries of the territory desired to be served.**

## Appendix B – Collier County COPCN Ordinance

- (3) The number and brief description of the ambulances or other vehicles the applicant will have available.
- (4) The address of the intended headquarters and any substations.
- (5) The training and experience of the applicant.
- (6) The names and addresses of three Collier County residents who will act as references for the applicant.
- (7) A schedule of rates which the service intends to charge.
- (8) Such other pertinent information as the administrator may require.
- (9) An application or renewal fee of \$250.00. (Exception Collier County EMS).
- (10) Financial data including assets and liabilities of the operator. A schedule of all debts encumbering any equipment shall be included.

(Ord. No. 04-12, § 5; Ord. No. 2011-36, § 3)

Sec. 50-56. - Review of application.

The administrator shall review each application and shall investigate the applicant's reputation, competence, financial responsibility, and any other relevant factors. The administrator shall also make an investigation as to the public necessity for an ambulance or ALS operation in the territory requested, and shall then make a report to the board containing his recommendation whether to grant a certificate to the applicant within 60 days of the time the administrator determines the application is complete.

(Ord. No. 04-12, § 6)

Sec. 50-57. - Requirement for board approval in granting certificate.

The Board of County Commissioners shall not grant a certificate unless it shall find, after public hearing and based on competent evidence that each of the following standards has been satisfied:

- (1) **That there is a public necessity for the service. In making such determination, the Board of County Commissioners shall consider, as a minimum, the following factors:**
  - a. The extent to which the proposed service is needed to improve the overall emergency medical services (EMS) capabilities of the County.
  - b. The effect of the proposed service on existing services with respect to quality of service and cost of service.
  - c. The effect of the proposed service on the overall cost of EMS service in the county.
  - d. The effect of the proposed service on existing hospitals and other health care facilities.
  - e. The effect of the proposed service on personnel of existing services and the availability of sufficient qualified personnel in the local area to adequately staff all existing services.

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- (2) That the applicant has sufficient knowledge and experience to properly operate the proposed service.**
- (3) That, if applicable, there is an adequate revenue base for the proposed service.**
- (4) That the proposed service will have sufficient personnel and equipment to adequately cover the proposed service area.**

(Ord. No. 04-12, § 7; Ord. No. 2011-36, § 4)

Sec. 50-58. - Appointment of hearing officer.

In making the determinations provided for in section 50-57 above, the board may, in its sole discretion, appoint a hearing officer to hold a public hearing and to make factual findings and conclusions as a result of the hearing. Should a Hearing Officer be appointed, said hearing officer shall render a written report to the board within 30 days of the hearing, which report shall contain the officer's findings and conclusions of fact, and a recommended order. The findings and conclusions of fact shall be binding upon the board, but the recommended order shall be advisory only.

(Ord. No. 04-12, § 8)

Sec. 50-59. - Rights and duties granted by certificate.

- (a) The certificate granted by the Board shall be valid for one calendar year and shall be personal to the applicant and not transferable. In the case of a corporation, if there occurs such a transfer of stock or other incidents of ownership as to change the majority or largest stockholder, a new certificate must be applied for. Changes in the officers of the corporation will not require a new certificate.
- (b) Acceptance of the certificate by the applicant shall obligate the applicant to:
  - (1) Service the entire zone granted to the applicant.**
  - (2) Provide coverage to adjoining zones, if available, when requested to do so by emergency dispatch for emergency calls when the certificate holder for that zone is unable to respond.**
  - (3) Keep posted at his place of business a copy of the fee schedule, which must be filed with the Administrator (if applicable).**
  - (4) Operate in accordance with the rules and regulations adopted pursuant to this Ordinance and any applicable County Ordinances, and F.S. ch. 401, and any administrative regulations adopted pursuant thereto.**
  - (5) Employ at all times sufficient personnel experienced in operation and management of emergency medical services to ensure proper and efficient operation.**

(Ord. No. 04-12, § 9; Ord. No. 2011-36, § 5)

Sec. 50-60. - Renewal of certificate.

Each certificate holder shall file within 90 days of expiration, an application for renewal of his certificate. Renewals shall be based upon the same standards, as the granting of the original

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certificate along with such other factors as may be relevant. The renewal application shall be accompanied by a \$250.00 renewal fee.

The renewal certificate may be approved routinely by the board, upon advice of the administrator, or the board may hold a hearing on same.

(Ord. No. 04-12, § 10)

Sec. 50-61. - Emergency provisions.

The Board may modify, suspend or revoke a certificate in the interest of the public health, safety and welfare, only at public hearing and after reasonable notice has been given to the certificate holder affected. However, if a situation exists which poses a serious threat that the Operator will not be available to any certain area of Collier County, the Administrator shall have such temporary emergency powers as are necessary to provide that service. These temporary powers are intended to provide interim protection until such time as the Board meets to resolve the emergency.

(Ord. No. 04-12, § 11; Ord. No. 2011-36, § 6)

Sec. 50-62. - Classifications of certificates.

There shall be three (3) classifications of service in Collier County, as follows:

- (1) ***Class 1: ALS Transport: ALS Rescue: An EMS Operator with the capability of rendering on the scene prehospital ALS services with transport capability and who may or may not elect to transport patients based on medical necessity. An EMS Operator rendering this level of service for a governmental entity shall be deemed to be operating under the Class 1 - ALS rescue certificate of public convenience and necessity held by the governmental entity. An EMS Operator holding a Class 1 — ALS rescue certificate may provide post-hospital interfacility medical transfer services and routine ALS and BLS calls within the County. A certificate of public convenience and necessity must be obtained from the County before engaging in this level of medical service.***
- (2) ***Class 2: Collier County Inter-Facility Transport Services: ALS Transfer: An EMS Operator who provides post-hospital inter-facility medical transfer services, both within and outside the County. If requested by the appropriate Class 1 - ALS Rescue Operator, will provide emergency pre-hospital backup service. ALS transfer certificate holders may provide post-hospital medical transfer services for routine and emergency ALS and BLS patients. Class-2 transfer certificate holders must either provide for their own medical director or contract with the County Medical Director, and will operate under protocols approved by the County Medical Director. If the Operator provides for its own medical director, that medical director shall work cooperatively with the County's Office of the Medical Director to ensure continuity of care. Class 2 Operators shall comply with all guidelines and policies approved by the Board of County Commissioners, and shall notify and work with all hospitals and facilities to educate them as to the services Operator provides. The County reserves the right to review and evaluate all calls made by the Operator to ensure that the appropriate level of***

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personnel, supplies, equipment and vehicles are being utilized, as set forth in Florida Statute and Florida Administrative Code.

**(3) Class 3: ALS Non-Transport:**

- a. ALS Non-Transport: An EMS Operator who renders Advanced Life Support pre-hospital services without transport capability.
- b. Class 3 certificate holders work in concert with applicable Class 1 providers to assure adequate and timely response to prehospital incidents with the intent to either reduce applicable response times or otherwise augment the level of services as requested by the associated Class 1 Operator. Unless an EMS Operator possesses a Class 1 — ALS Rescue certificate issued by the County, a certificate of public convenience and necessity must be obtained from the County before engaging in this level of medical service.
- c. Class-3 certificate holders shall contract with the County for a negotiated amount per year for administrative services offered by the Office of the Medical Director for the creation and update of medical protocol; and other general support as requested by the Class-3 certificate holder. The Office of the Medical Director shall not be considered the medical director for a Class-3 Operator for purposes of this Ordinance or Florida Statutes unless the Class-3 Operator separately contracts with the County in order for the County's Medical Director to serve as its medical director for the performance of services set forth in F.S. § 401.265, and Chapter 64J-2.004(4)(a), Florida Administrative Code.
- d. The medical director for the Class-3 certificate holder shall work cooperatively with the County's Office of the Medical Director to ensure continuity of care. The medical director for the Class-3 certificate holder shall not delegate or relinquish any responsibilities identified in F.S. § 401.265, and associated Florida Administrative Code rules.

(Ord. No. 04-12, § 12; Ord. No. 2011-36, § 7; Ord. No. 2012-04, § 1)

Sec. 50-63. - Transfer or assignment of certificates.

No certificate issued under this article shall be assignable or transferable by the person to whom issued except unless approval is obtained from the board in the same manner and subject to the same application, investigation, fees and public hearing as original applications for certificates. Any majority transfer of shares or stock or interest of any person or operator so as to cause a change in the directors, officers, majority stockholders or managers of such person or operator shall be deemed a transfer or assignment as contemplated in this article and subject to the same rules and regulations as any other transfer or assignment.

(Ord. No. 04-12, § 13)

Sec. 50-64. - Revocation, alteration or suspension grounds.

- (a) Every certificate issued under this article shall be subject to revocation, alteration and/or suspension of operation, by [by] the board, for a period of up to one year, where it shall appear that:

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- (1) The operator has failed or neglected for a period of 30 days during any calendar year to render all services authorized by his certificate.
  - (2) The operator has been convicted of a felony or any criminal offense involving moral turpitude.
  - (3) The certificate was obtained by an application in which any material fact was omitted or falsely stated.
  - (4) The operator has knowingly permitted any of its motor vehicles to be operated in violation the laws which result in conviction of the driver or operator of a misdemeanor in the second degree or greater, or has knowingly permitted a driver with more than two previous convictions to operate emergency vehicles.
  - (5) The operator has failed to comply with any of the provisions of this article.
  - (6) The public interest will best be served by revocation, alteration, or suspension of any certificate upon good cause shown.
  - (7) The operator or his agent has demanded money or compensation other that established and prescribed under this article (if applicable).
  - (8) The operator has without sufficient justification failed or refused to furnish emergency care and/or transportation promptly for a sick or injured person.
  - (9) The operator or his agent has been found guilty of malpractice or willful and wanton misconduct in the operation of its service.
- (b) All complaints shall be investigated and a report thereon made to the board, together with findings and recommendations, within 15 days. If revocation, suspension or alteration of any certificate appears warranted, the board shall give notice to the operator holding the certificate that the same will be considered at a specific commission meeting, provided the date of such meeting shall not be less than five days from the date of the notice. The board shall thereupon consider the complaint and either revoke, suspend or alter the certificate or dismiss the complaint.

(Ord. No. 04-12, § 14)

Sec. 50-65. - General operating regulations.

All certificate holders, operators, and drivers shall comply with all state statutes and administrative regulations as following regulations:

- (1) ***Twenty-four Hour Service.*** Every certificate holder shall be required to operate sufficient ambulances, or relevant apparatus, as stated on the vehicle permit issued by the State Department of Health, Bureau of Emergency Medical Services and permit issued by the Board, on immediate call at all times.
- (2) ***Prompt Service Required.*** Every call for service shall be answered promptly. Patients shall be appropriately assessed, treated, packaged, loaded and transported by an Operator that is licensed to transport without being subject to unreasonable delays. All calls for emergency assistance requiring over twenty (20) minutes from time of notification to arrival on scene shall be reported to the Administrator with complete documentation of the circumstances, which delayed the response. Those instances where more than three (3) minutes elapse between receipt of an emergency call and



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dispatch of an emergency vehicle shall also be reported to the Administrator with documentation of circumstances.

- (3) **Bed Linens.** Every Operator transporting patients shall provide clean and sanitary bed linens for each patient carried which shall be changed as soon as practicable after the discharge of the patient.
- (4) **Daily Log.** Every Operator transporting patients shall maintain in a daily log upon which shall be recorded the place or origin, time of call, time of dispatch, time of arrival at scene, time left for hospital, time of arrival at hospital, and charges for each trip made and such other operating and patient information as may be required by Ordinance. Every Operator shall retain and preserve all daily logs for at least two (2) years, and such logs shall be available for inspection by the Administrator.
- (5) **Communications.** Each emergency vehicle shall maintain two-way radio communication with the location of primary dispatch from which it operates, as well as any additional communication capabilities required by Ordinance or state law.
- (6) **Vehicles and Equipment.** Each Operator's vehicles shall be equipped with the proper medical and emergency equipment as jointly agreed to by the medical director of each licensed provider and the laws of the State of Florida.
- (7) **Certification.**
  - a. In addition to the State of Florida Department of Health, Bureau of Emergency Medical Services requirements for certification, each Collier County EMS paramedic, Class-2 Operator's paramedic, and Class-3 Operator that has separately entered into a contract with the County in order for the County's Medical Director to serve as its medical director for the performance of services set forth in F.S. § 401.265, and Chapter 64J-2.004(4)(a), Florida Administrative Code, must be certified by the County Medical Director. Each Collier County EMS paramedic and Class-2 Operator paramedic, that contracts with the County for Medical Director services, must work with a Collier County EMS ambulance for a sufficient length of time pursuant to subsection (8) for the County's Medical Director to properly judge the paramedic's capability. Salaries of other than Collier County EMS paramedics will be paid by the agency seeking the Medical Director Certification.
  - b. All Operators, shall certify its paramedics pursuant to F.S. § 401.265, and Chapter 64J-2.004(4)(a), Florida Administrative Code.
  - c. Class-2 and Class-3 Operators that have separately entered into a contract with the County in order for the County's Medical Director to serve as its medical director for the performance of services set forth in F.S. § 401.265, and Chapter 64J-2.004(4)(a), Florida Administrative Code, shall be certified pursuant to the terms of such contract.
- (8) **Ride Time Requirement.** Each paramedic employed by a Collier County EMS, a Class-1 Operator or Operator that has entered into a contract with the County for Medical Director services must work, at a minimum, with a Class-1 Operator's ambulance not less than one full month's work shift annually. Each paramedic employed by a Class-3 Operator that has its own medical director must accompany a patient on the Collier County EMS ALS transport from scene to hospital when the paramedic for such Class-3 Operator initiates ALS services on a patient prior to Collier County EMS transport

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arrival or if the patient's condition requires that additional level of expertise. Each paramedic employed by a Class-3 Operator that has separately entered into a contract with the County in order for the County's Medical Director to serve as its medical director for the performance of services set forth in F.S. § 401.265, and Chapter 64J-2.004(4)(a), Florida Administrative Code, shall either work with a Collier County EMS ambulance not less than one full month's work shift annually or must accompany a patient on the Collier County EMS ALS transport from scene to hospital when the paramedic for such Class-3 Operator initiates ALS services on a patient prior to a Collier County EMS transport arrival or if the patient's condition requires that additional level of expertise, as provided for in its contract with the County.

- (9) **Application.** Each ambulance or ALS service shall be subject to those rules and regulation as promulgated by Ordinances of the Board for the purpose of carrying out this ordinance.

(Ord. No. 04-12, § 15; Ord. No. 2011-36, § 8; Ord. No. 2012-04, § 2)

Sec. 50-66. - Place of business.

Within 90 days of Certificate issuance, each Operator shall maintain a place of business which shall be entirely within his designated operating zone, at which place he shall provide communication with his vehicles, the Collier County Emergency Medical Services Department, and his place of business, a properly listed telephone for receiving all calls for service and at which place of business he shall keep such business records, training records, vehicles, and daily logs available for inspection or audit by the Administrator. Every Operator shall keep on file with the Administrator and the County Emergency Medical Services Department a business address and telephone number at which the Operator may be reached at all times. This information will be maintained at the Emergency Medical Services Department.

(Ord. No. 04-12, § 16, Ord. No. 2012-04, § 3)

Sec. 50-67. - Records to be kept.

Every operator shall keep accurate records of receipts from operations, operating and other expenses, capital expenditure and such other operating and patient information as may be required by the board.

(Ord. No. 04-12, § 17)

Sec. 50-68. - Rates.

Every operator shall file with the board a schedule of the rates. Such rates shall be filed as a part of each new or renewal application, and a rate schedule shall also be filed when changes in rates are proposed. All such rates shall be subject to review and approval by the board.

(Ord. No. 04-12, § 18)

Sec. 50-69. - Operator's insurance.

Every ambulance operator shall carry bodily injury and property damage insurance with solvent and responsible insurers authorized to transact business in the State of Florida to secure

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payment for any loss or damage resulting from any occurrence arising out of or caused by the operation or use of any of the operator's motor vehicles. Each vehicle shall be insured for the sum of at least \$100,000.00 for injuries to or death of any one person arising out of any one accident and the sum of at least \$300,000.00 for injuries to or death or more than one person in any one accident and for the sum of at least \$50,000.00 for damage to property arising from any one accident. They shall also have malpractice insurance. Every insurance policy or contract for such insurance shall provide for the payment and satisfaction of any financial judgment entered against the operator and present insured or any person driving the insured vehicle. Such insurance shall be obtained and certificates or certified copies of such policies shall be filed with the board. All such insurance policies, certificates thereof or certified copies of such insurance policies shall provide for a 30-day cancellation notice to the board.

(Ord. No. 04-12, § 19)

Sec. 50-70. - Conduct of drivers and attendants.

All drivers, EMT's and paramedics shall comply with the laws of the State of Florida, in order to meet the requirements set out in this Ordinance and no driver, EMT or paramedic registered hereunder shall:

- (1) Fail or refuse to promptly transport, if applicable, or attend any sick or injured person after responding to a call.**
- (2) Demand or receive compensation other than established and approved in accordance with this article or fail to give a receipt for moneys received (if applicable).**
- (3) Give or allow rebate, commission, discount or any reduced rate not provided in the established rate (if applicable.)**
- (4) At any time induce or seek to induce any person engaging an ambulance or ALS service to patronize or retain the services of any hospital, convalescent home, mortuary, cemetery, attorney, accident investigator, nurse, medical doctor or other service occupation or profession.**
- (5) At any time release his patient from his care until he is assured that some responsible person is available to receive such patient.**
- (6) At any time use a siren or flashing red light unless on an emergency call.**
- (7) Disobey the lawful orders of the law enforcement officer at the scene of an accident, or other similar such emergency or at a fire scene, the fire officer in charge.**
- (8) Smoke while within the confines of an ambulance.**
- (9) Operate or ride in a vehicle without using seatbelts. (Personnel attending patients are exempt.)**

(Ord. No. 04-12, § 20; Ord. No. 2011-36, § 9)

Sec. 50-71. - Passengers.

No person shall be aboard ambulances when engaged in emergency or routine calls except the following:

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- (1) Driver, attendants and fire or law enforcement personnel;
- (2) Patients;
- (3) Relatives or close friends of the patient when authorized by an EMS Battalion Chief or position of a higher rank. These requests will only be granted under exceptional circumstances;
- (4) Physicians and nurses;
- (5) Personnel in an observing capacity that are being trained for ambulance or ALS service; or
- (6) Operator's supervisory personnel.

(Ord. No. 04-12, § 21; Ord. No. 2011-36, § 10)

Sec. 50-72. - Obedience to traffic laws, ordinances or regulations.

- (a) Under the provisions of Florida State law, the driver of an ambulance or ALS vehicle when responding to an emergency call or while transporting a patient may exercise the following privileges when such driver has reasonable grounds to believe that an emergency in fact exists requiring the exercise of such privileges:
  - (1) **Park or stand, irrespective of the otherwise applicable provisions of law, ordinance or regulations.**
  - (2) **Proceed past a red light or stop signal or stop sign, but only after slowing down as may be necessary for safe operations.**
  - (3) **Exceed the maximum speed limits permitted by law so long as he does not endanger life or property.**
  - (4) **Disregard laws, ordinances or regulations governing direction or movement or turning in specified directions so long as he does not endanger life or property.**
- (b) The exemptions herein granted shall apply only when such vehicle is making use of audible and/or visible signals meeting the requirements of this article.
- (c) The foregoing provisions shall not relieve the driver of a vehicle from the duty to drive with due regard for the safety of all persons, nor shall such provisions protect the driver from the consequences of his reckless disregard for the safety of others.

(Ord. No. 04-12, § 22; Ord. No. 2011-36, § 11)

Sec. 50-73. - Violations.

In addition to the remedies provided herein, a violation of any provision of this article shall be punishable as provided by law for the violation of county ordinances.

(Ord. No. 04-12, § 23)

Sec. 50-74. - Uniformity of application.

The article shall constitute a uniform law applicable in all of Collier County.

(Ord. No. 04-12, § 24)

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Sec. 50-75. - Authority to enforce.

It is hereby declared to be the duty of the Board of County Commissioners of Collier County, its officers, agents, employees and other governmental agencies, the sheriff's department of Collier County, its deputies and agents, fire departments, as well as the police departments of the various municipalities falling under the provisions of this article to strictly enforce the provisions of this article.

(Ord. No. 04-12, § 25)

Secs. 50-76—50-100. - Reserved.



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