

BEFORE THE BOARD OF COMMISSIONERS FOR THE STATE OF OREGON
FOR THE COUNTY OF JEFFERSON

IN THE MATTER OF AMENDING)
CHAPTER 5.12 OF THE JEFFERSON)
COUNTY CODE REGARDING) ORDINANCE NO. 0-060-18
AMBULANCE SERVICE FRANCHISES)
AND DECLARING AN EMERGENCY)

WHEREAS, currently, the Jefferson County Code prohibits any ambulance service provider who does not hold a franchise from providing emergency ambulance services in Jefferson County; and

WHEREAS, the Jefferson County Board of Commissioners finds that it is in the public interest to allow secondary providers of ambulance services to serve certain areas of Jefferson County; and

WHEREAS, the Jefferson County Ambulance Service Area Advisory Committee met to discuss the inclusion of secondary providers into the Ambulance Service Area (ASA) Plan on May 15, 2018 and all members present recommended amending the ASA Plan to include secondary providers; and

WHEREAS, following notice in accordance with ORS 682.062, the Jefferson County Board of Commissioners amended the ASA Plan to allow secondary providers to provide emergency ambulance services in Jefferson County; and

WHEREAS, the Jefferson County Board of Commissioners also finds that it is in the interest of the public, as well as the members of the ASA Advisory Committee, to revise the membership of the advisory committee; and

WHEREAS, following notice in accordance with ORS 203.045, the Jefferson County Board of Commissioners conducted a public hearing on May 23, 2018 and accepted testimony on the proposed ordinance amendment. At the conclusion of the hearing, the Board closed the record and deliberated on the amendments. After considering evidence and testimony, and upon reading by title only, the Board voted unanimously to approve the amendments;

NOW THEREFORE, the Jefferson County Board of Commissioners hereby Ordains as follows:

- A. Adoption of Code Amendments. The Jefferson County Code and the enacting ordinance of the code provision are amended to read as stated in Exhibit A.
- B. Severability. The provisions of this Ordinance are severable. If any section, subsection, sentence, clause or phrase of this ordinance or exhibits thereto is for any reason held to be invalid

or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance or exhibits thereto.

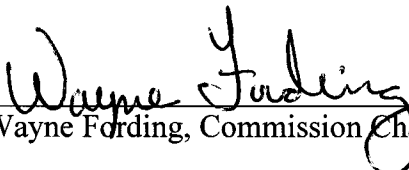
C. Corrections. This Ordinance may be corrected by an order of the Board of County Commissioners to cure editorial and/or clerical errors.

D. Effective Date. These amendments being necessary for immediate implementation, an emergency is declared to exist and this Ordinance shall be effective upon adoption.

Date of first reading: 5-23-18

Date of second reading: _____

JEFFERSON COUNTY BOARD OF COMMISSIONERS



Wayne Fording, Commission Chair



Mae Huston, Commissioner



Mike Ahern, Commissioner

ATTEST



Barb Andresen, Recording Secretary

Chapter 5.12
AMBULANCE SERVICE FRANCHISES

Sections:

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- 5.12.020 Authority.
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- 5.12.040 Definitions.
- 5.12.050 Exemptions.
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- 5.12.070 Ambulance service areas.
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- 5.12.200 Ambulance service area (ASA) advisory committee.
- 5.12.210 Regulations of ambulance service.
- 5.12.220 Initial responder.

5.12.010 Title.

The ordinance codified in this chapter shall be known as the Jefferson County ambulance service ordinance, and may be so cited and pled. (Ord. O-186-95 § 1, 1995)

5.12.020 Authority.

This chapter is enacted pursuant to ORS 682.031 and 682.062 and other applicable law. (Amended during 2001 codification; Ord. O-186-95 § 2, 1995)

5.12.030 Policy and purpose.

The Jefferson County Board of Commissioners finds:

A. That ORS 682.062 requires Jefferson County to develop and adopt a plan for the county relating to the need for coordination of emergency ambulance services and to establish ambulance service areas (ASAs) consistent with the plan to provide efficient and effective emergency ambulance services.

B. That this chapter, which establishes an ASA, methods for selecting an emergency ambulance provider for an ASA, and the ambulance service area advisory committee, together with the document known as the Jefferson County ambulance service area plan (ASA plan), attached to the ordinance codified in this chapter, and incorporated herein by this reference, make up the complete plan for emergency ambulance services for Jefferson County.

C. That the provisions of ORS 221.485 and 221.495, 478.260(3), and Chapter 682 requires Jefferson County to develop and adopt a plan for emergency ambulance services that recognizes the authority of cities and rural fire protection districts to operate and regulate emergency ambulance services within their own territories subject to the ASA plan. That the provision of effective and efficient emergency ambulance services pursuant to the Jefferson County ASA plan within cities and rural fire protection districts must be accomplished primarily on a cooperative basis. Jefferson County will employ formal sanctions and litigation to enforce the provisions of the Jefferson County ASA plan when voluntary compliance cannot be obtained. (Amended during 2001 codification; Ord. O-186-95 § 3, 1995)

5.12.040 Definitions.

A. The words and phrases in this chapter shall have the meaning provided in ORS Chapter 682 and OAR Chapter 333, Divisions 250, 255, 260, and 265, unless specifically defined herein to have a different meaning.

B. Other specific definitions include:

“Administrator” means a person designated by order of the Board to administer this chapter and the duly authorized deputy or assistant of such person.

“Ambulance service area (ASA)” means a geographical area which is served by one ambulance service provider, and may include all or a portion of a county, or all or portions of two or more contiguous counties.

“Ambulance service area advisory committee (committee)” means the committee that will advise the Board as it pertains to the ASA plan.

“Board” means the Board of Commissioners for Jefferson County, Oregon.

“Franchise” means a franchise to provide emergency ambulance service issued by the Board pursuant to this chapter.

“Persons” means and includes individuals, corporations, associations, firms, partnerships, joint stock companies, cities, rural fire protection districts, and special service districts formed and existing pursuant to Oregon Revised Statutes. (Amended during 2001 codification; Ord. O-186-95 § 4, 1995)

“Secondary provider” means a provider of emergency medical services which operates in support of assigned ambulance service providers pursuant to ORS 478.260(3).

5.12.050 Exemptions.

This chapter shall not apply to:

- A. Ambulance services and ambulances owned or operated under the control of the United States government;
- B. Vehicles and aircraft being used to render temporary assistance in the case of a major catastrophe or emergency with which the ambulance services of the surrounding locality are unable to cope, or when directed to be used to render temporary assistance by an official at the scene of an accident;
- C. Vehicles operated solely on private property or within the confines of institutional grounds, whether or not the incidental crossing of any public street, road or highway through the property or grounds is involved; and
- D. Ambulances or vehicles transporting patients from outside the county to a health care facility within the county, or which are passing through without a destination in the county. (Ord. O-186-95 § 5, 1995)

5.12.060 Administration.

The administrator, under the supervision of the Board and with the assistance of the committee, shall be responsible for the administration of this chapter. In order to carry out the duties imposed by this chapter, the administrator, or persons authorized by the administrator, are authorized to enter on the premises of any person regulated by this chapter at reasonable times and in a reasonable manner to determine compliance with this chapter and regulations promulgated pursuant thereto. The administrator shall also have access to records pertaining to ambulance service operations of any person regulated by this chapter. These records shall be made available within five working days to the administrator at the person's place of business, or copies made and provided as requested by the administrator. (Ord. O-186-95 § 6, 1995)

5.12.070 Ambulance service areas.

For the efficient and effective provision of emergency ambulance services in accordance with the ASA plan, the ASA shown on the map on file at the county commission offices as Appendix 1 to the ordinance codified in this chapter, and incorporated herein by this reference, are hereby adopted as the ASA for Jefferson County. The Board, after notice to the affected ASA provider and by the adoption of an order, may adjust the boundaries of an ASA from time to time, or add a secondary provider response area, as necessary to provide efficient and effective emergency ambulance services. (Ord. O-186-95 § 7, 1995)

5.12.080 Ambulance service providers regulated.

Effective with adoption of the original ASA plan, December 21, 1990, no person shall provide emergency ambulance services in Jefferson County, Oregon, unless such person is franchised in accordance with the applicable provisions of this chapter or is an approved Secondary Provider. Secondary providers shall meet or exceed the quality and performance standards required of the ambulance service franchise holder and be approved by the Board. Secondary Providers must have a written agreement with an

assigned ambulance service franchisee in order to provide emergency ambulance services. (Ord. O-186-95 § 8, 1995)

5.12.085 Secondary Providers. When a franchise holder desires to provide services through a Secondary Provider, such franchise holder must submit to the Board a request to add a Secondary Provider to its ASA. The request must include an Ambulance Service Area Agreement and a response agreement between the proposed Secondary Provider and the franchise holder. The Board may request additional information in order to make a determination as to the proposed Secondary Provider's ability to meet or exceed the quality and performance standards required of the franchise holder.

5.12.090 Application for ambulance service franchise.

A. Any person desiring to an ambulance service franchise within Jefferson County shall submit an application to be assigned an ASA announced open for provider proposals. Applications may also be considered in accordance with subsection (C)(13) of this section for transfer or assignment of an already assigned franchise. The application shall be submitted to the public health director, the designated county representative on the committee and administrator of the plan.

B. Applications for franchises shall be on forms provided by the Board. In addition to information required on the forms, the Board may require additional information it deems necessary to insure compliance with this chapter.

C. The applicant shall provide the following information:

1. The name and address of the person or agency applying;
2. The ASA the person desires to serve, the location(s) from which ambulance services will be provided, and the level of service to be provided;
3. A statement as to whether or not the person will subcontract for any service to be provided, if some service will be provided by subcontract, a copy of that subcontract shall be provided;
4. A list of vehicles to be used in providing emergency ambulance services including year, make and model, and verification that each vehicle is licensed as a basic and/or advance life support ambulance by the health division;
5. A statement that all equipment and supplies in each ambulance conforms to health division standards;
6. A list of personnel to be used in providing emergency ambulance service and their current emergency medical technician level and certificate number, or other appropriate certification;
7. Proof of financial ability to operate, including an operating budget for public bodies or financial statement for private entities, references and/or statement of past ambulance service. Private companies must include a profit and loss statement in addition to the above materials.

Other appropriate financial information, such as income, tax returns, or reports by governmental authorities shall also be submitted upon request. Public bodies must provide information regarding the sources and amounts of funding for emergency ambulance services;

8. Proof of public liability insurance in the amount of not less than one million dollars (\$1,000,000.00) because of bodily injury to or death of one person in any one accident; subject to that limit for one person, three million dollars (\$3,000,000.00) because of bodily injury to or death of two or more persons in any one accident; one hundred thousand dollars (\$100,000.00) because of injury to or destruction of the property of others in any one accident; and three million dollars (\$3,000,000.00) because of injury arising from the negligent provision of prehospital care to any individual. Applicants may be self-insured;

9. A statement of experience in providing emergency ambulance service of a comparable quality and quantity to insure compliance with this chapter, regulations promulgated thereunder, any franchise issued, and the ASA plan;

10. Proof of ability to comply with the terms and conditions of the ASA plan and applicable county ordinances, in the form of a narrative summary;

11. A description of any prepaid ambulance service plan, including number of members, number of years of operation, funding and term;

12. Information, in the form of run logs, medical records, medical director correspondence, audit reports, training records, policy and procedure manuals and equipment records and inventories, and any other records or materials requested;

13. In the case of an application to transfer or take over an already assigned franchise:

a. A detailed summary of how the proposed change will improve emergency ambulance response time, and the quality and level of services to the ASA. It shall include an assessment of how the proposed change will impact the existing first response system,

b. Evidence that the call volume in the ASA is sufficient to financially or otherwise justify the change in service,

c. Information, in the form of run logs, medical records, medical director correspondence, audit reports, training records, policy and procedure manuals and equipment records and inventories, and any other records or materials requested.

D. The Board may from time to time, by order, adopt fees to defray the actual reasonable costs incurred by Jefferson County in processing applications, and adopt annual franchise fees to defray the reasonable costs of Jefferson County in administering this chapter.

E. The applications shall be reviewed by the committee, which shall recommend the assignment of ASAs to the Board. The assignment of an ASA shall be made by an order of the Board. (Ord. O-186-95 § 9, 1995)

5.12.100 Existing ambulance service providers.

Unless there has been more than one application made for an ASA, the persons who meet the application requirements and who were providing service on the effective date of the ordinance codified in this chapter shall be franchised to provide emergency ambulance service for the ASA they were serving on the effective date of the ordinance codified in this chapter. (Ord. O-186-95 § 10, 1995)

5.12.110 Review of application for franchise.

A. Applications shall be reviewed by the committee, who shall make such investigation as it deems appropriate, and who may request assistance of other persons as necessary.

B. The administrator shall notify the holder of a franchise for providing emergency ambulance service to an ASA of any applications by another person to take over that franchise.

C. Unless the time is extended by the Board for good cause, the committee shall make its recommendation to the Board to grant, deny, modify or attach appropriate conditions to the application. The committee shall transmit its recommendation within sixty (60) days after the application and any required supplemental information has been received. (Ord. O-186-95 § 11, 1995)

5.12.120 Board action on application for franchise.

Upon receipt of the committee's recommendation, the Board:

A. Shall publish notice of its intent to hold a public hearing on the application and recommendations at least ten (10) days, but not later than thirty (30) days following publication of notice.

B. May require additional investigation by the committee if it finds that there is insufficient information on which to base its action.

C. Shall, upon the basis of the application, the committee's recommendation, such other information as is permitted by this chapter, and such information as is presented to the Board at the public hearing make an order granting, denying or modifying the application or attaching conditions thereto.

D. Shall not make an order adverse to the applicant or to the holder of, or applicant for, another franchise effective less than thirty (30) days after the date of such order and shall notify such persons in writing of the order. The Board may suspend operation of this subsection and enter an emergency order if it finds that there is an immediate and serious danger to the public or that a health hazard or public nuisance would be created by a delay.

E. After the Board makes an order granting an emergency ambulance service franchise, with or without conditions, and the franchisee finds he or she is unable to provide a particular service, the Board may

permit the franchisee to subcontract such service to another person if the Board finds that the quality and extent of the service would not be jeopardized. The Board may require the filing of such information as it deems necessary. (Ord. O-186-095 § 12, 1995)

5.12.130 Franchise terms and renewals.

A. The initial ambulance service franchise in an ASA shall be valid from the date of issuance until June 30, 1996.

B. Thereafter, unless the Board finds that a longer or shorter term is required in the public interest, the term of an emergency ambulance service franchise shall be five years, beginning on July 1st of a year and ending June 30th five years later. Automatic extension of two years shall be granted without announcement of requests for proposal if the provider has satisfactorily met the conditions of the ASA plan and upon recommendation of the committee announcement of requests for proposal shall be made after seven consecutive years of same providership regardless of records of satisfactory performance.

C. Unless grounds exist for refusal to renew a franchise under provisions for suspension or revocation as set forth in Section 5.12.160, or unless the franchise is to be given to a new person, franchises shall be renewable. Application for renewal shall be made on forms provided by the Board.

D. Not more than twelve (12) months and not less than one hundred eighty (180) days (six months) prior to the expiration of the franchise, a franchisee wanting to renew the franchise and any person desiring to take over the franchise shall submit an application to the public health director as the county's representative and plan administrator.

E. Review of all applications for renewal or takeover of a franchise shall be conducted in the same manner as for an application pursuant to Sections 5.12.090, 5.12.110 and 5.12.120 of this chapter. (Ord. O-186-95 § 13, 1995)

5.12.140 Early discontinuance of service by franchisee.

A. If a franchisee discontinues service before the expiration of his/her franchise, the Board shall set a time by which applications must be submitted for a new franchise in the ASA.

B. The committee shall develop an interim plan for coverage of the ASA, using existing franchisees and/or other available resources until the ASA can be reassigned.

C. The Board shall issue a temporary certificate, valid for a stated period not to exceed six months, entitling a person to provide emergency ambulance service in all or part of the ASA. The Board may renew a temporary certificate for one additional six month period.

D. A franchisee shall not voluntarily discontinue service to an assigned ASA without giving ninety (90) days written notice to the Board. To assure availability of service in the event of discontinuance by a contractor, each franchisee will place into an account established by the Board ten dollars (\$10.00) per patient on any Jefferson County based provider transport, except those transports provided by Warm

Springs Fire and Safety. The sole purpose of said account is to assure uninterrupted service in the event of provider discontinuance. Exceptions to this provision are allowed in the event the Board enters into transactions whereby the Board would have access to other resources of the discontinuing franchisee (e.g., equipment, real property) which would ensure uninterrupted service. All such transactions will be reviewed by the committee for recommendation prior to formal acceptance. (Ord. O-186-95 § 14, 1995)

5.12.150 Transfer of franchises.

A franchisee may transfer his/her franchise to another person only upon written notice to and approval by the Board. Review of an application for transfer of a franchise shall be conducted in the same manner as for an application pursuant to Sections 5.12.090, 5.12.110 and 5.12.120 of this chapter. (Ord. O-186-95 § 15, 1995)

5.12.160 Enforcement of franchise provisions.

A. Subject to the policies stated in Section 5.12.030, and in addition to the remedy provided in Section 5.12.170, and penalties provided elsewhere in this chapter, the administrator shall, upon reasonable cause, make an investigation to determine if there is sufficient reason and cause to suspend, modify, revoke or refuse to renew a franchise as provided in this section.

If in the judgment of the committee or Board, there is sufficient evidence to constitute a violation of applicable local, state or federal law, this chapter, ORS Chapter 823 or the rules promulgated thereunder, the ASA plan, or if the franchisee has materially misrepresented facts or information given in the application for the franchise, the Board shall notify the franchisee in writing, by certified mail, return receipt requested, or by personal service, as is provided by law for the service of a summons, of the violation and what steps he must take to cure the violation. The Board shall send a copy of the notice to the committee.

Ten (10) days following the receipt of notice of violation, the Board may enter its order of revocation, modification, suspension or non-renewal, and may thereby revoke, modify, suspend, or not renew the franchise, unless prior thereto the franchisee shall file with the Board his or her request for a hearing on the Board's notice of violation. If said request is timely filed, or if the Board so moves on its own, revocation, modification, suspension, or nonrenewal will be stayed until the Board can, at its earliest convenience, hold a public hearing thereon. Notice of said hearing shall be given to the franchisee by mail and to all others by publication in a newspaper of general circulation in the county or the ASA at least ten (10) days prior to such hearing. The burden of proof at the hearing held thereunder shall be upon the franchisee.

B. In lieu of the suspension or revocation of the franchise, the Board may order that the violation be corrected and make the suspension or revocation contingent upon compliance with the order within the period of time stated therein. Notice of the Board action shall be provided by mail to the franchisee. The notice shall specify the violation, the action necessary to correct the violation, and the date by which the action must be taken. The franchisee shall notify the Board of the corrective action taken. If the franchisee fails to take corrective action within the time required, the Board shall notify the franchisee by certified

mail, return receipt requested, or by personal service that the franchise is suspended or revoked upon service of the notice.

C. Should the franchisee fail to comply with the Board's order, then the Board may take any steps authorized by law to enforce its order. (Ord. O-186-95 § 16, 1995)

5.12.170 Preventing interruption of service.

Whenever the Board finds that the failure of service or threatened failure of service would adversely impact the health, safety or welfare of the residents of this county, the Board shall, after reasonable notice, but not less than twenty-four (24) hours' notice to the franchisee, hold a public hearing. Upon appropriate findings after the hearing, the Board shall have the right to authorize another franchisee or other person to provide services. (Ord. O-186-95 § 17, 1995)

5.12.180 Appeals, abatement and penalties.

A. All the decisions of the Board under this chapter shall be reviewable by the Circuit Court of the State of Oregon for the County of Jefferson, only by way of writ of review.

B. The provision of emergency ambulance service by any person in violation of this chapter, or regulations promulgated thereunder, is a nuisance and the Court may, in addition to other remedies provided by law or by this chapter, institute injunctive abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such emergency ambulance service.

C. Any person who violates any of the provisions of this chapter is guilty of a violation. Failure from day to day to comply with the terms of these provisions shall be a separate offense for each day. Failure to comply with any provision shall be a separate offense for each such provision.

D. Violations of these provisions are punishable, upon conviction, by a fine of not more than five hundred dollars (\$500.00) for a noncontinuing offense, i.e., an offense not spanning two or more consecutive calendar days. In the case of a continuing offense, i.e., an offense which spans two or more consecutive calendar days, violation of the provisions is punishable by a fine of not more than five hundred dollars (\$500.00) per day up to a maximum of one thousand dollars (\$1,000.00) as provided by law. (Ord. O-186-95 § 18, 1995)

5.12.190 Duties of ambulance service franchisee.

The franchisee and any secondary providers:

A. Shall conduct operations in compliance with all applicable state and federal laws, rules and regulations, the terms of this chapter and the Jefferson County ASA plan;

B. Shall not fail or refuse to respond to an emergency call for service when an ambulance is available for service;

C. Shall not respond to a medical emergency located outside its assigned ASA except:

1. When a request for specific emergency ambulance service is made by the person calling for the ambulance and the call does not dictate an emergency response,
 2. When the franchisee assigned to the ASA is unavailable to respond and the franchisee is requested by another franchisee or 9-1-1 dispatch to respond, or
 3. When the response is for supplemental assistance or mutual aid;
- D. Shall not voluntarily discontinue service to his or her assigned ASA until he or she has:
1. Given ninety (90) days written notice to the administrator, or
 2. Obtained written approval of the Board;
- E. Subsection D of this section shall not apply to:
1. Change, restriction or termination of service when required by any public agency, public body or court having jurisdiction, or
 2. Transfer of franchises pursuant to Section 5.12.150 of this chapter. (Ord. O-186-95 § 19, 1995)

5.12.200 Ambulance service area (ASA) advisory committee.

- A. There is created an ambulance service area (ASA) advisory committee.
1. The committee shall consist of nine members:
 - a. County public health director or representative, one;
 - b. 9-1-1 communications center representative, one;
 - c. Ambulance service provider representative, one;
 - d. Physician or nurse with emergency medicine background, one;
 - e. St Charles Hospital administration representative, one;
 - f. Sheriff's employee or County Emergency Management employee, one; and
 - g. Citizen-at-large not employed or associated with an ASA service agency, one.
 - h. Fire District Representative recommended by the Fire District Chiefs, one;
 - i. City of Madras Representative recommended by the City Council, one;

2. Jefferson County staff as the Board deems appropriate shall be ex-officio members of the committee.

B. Members shall be appointed by and serve at the pleasure of the Board. The Board may appoint additional persons to the committee to serve as ex-officio members or advisors. The Board may appoint or approve designation of alternates to serve in the absence of persons appointed to the committee.

C. Except for the public health director, as the Board's representative, and other Jefferson County staff, appointments shall be for staggered terms on the initial committee for a term not to exceed three years. Subsequent appointments shall be for two year terms. Members shall serve until their successors are appointed and qualified. Vacancies shall be filled by the Board for the balance of the unexpired term. Persons may be appointed to successive terms.

D. The committee shall elect a chairperson. The committee shall meet at such times as it deems necessary or as called by the Board or their representative. The chairperson or any two members of the committee may call a special meeting with five days' notice to other members of the committee; provided however, that members may waive such notice.

E. Five members constitute a quorum for the transaction of business. A majority vote of those present and voting is required to pass motions.

F. In addition to other duties prescribed by this chapter the committee shall:

1. Review and make recommendations to the Board regarding the selection criteria for determining a franchise to provide ambulance service;
2. Regularly provide information to the Board from prehospital care consumers, providers and the medical community;
3. Periodically review the ASA plan and make recommendations to the Board including, but not limited to:
 - a. Review the standards established in the plan and make recommendations regarding improvement of or new standards as required by OAR 333-260-050,
 - b. Monitor the coordination between emergency medical service resources,
 - c. Review dispatch procedures and compliance, and
 - d. Review the effectiveness and efficiency of the ASA boundaries;
4. Implement the quality assurance program outlined in the ASA plan to ensure compliance with the ASA plan;

5. Perform such other duties as directed by the Board.

G. Committee members shall avoid acting in any matters where a conflict of interest may arise. Any committee member having a direct or indirect financial or pecuniary interest in any matter before the committee for consideration shall withdraw from participation in any action by the committee in said matter. Nothing in this section shall limit the ability of any person to provide testimony to the committee. (Ord. O-186-95 § 20, 1995)

5.12.210 Regulations of ambulance service.

Upon its own motion or upon a recommendation of the committee, the Board may adopt ordinances, resolutions or orders regulating emergency ambulance service or implementing this chapter. Such regulations shall not conflict with ORS 682 and rules promulgated pursuant thereto. (Amended during 2001 codification; Ord. O-186-95 § 21, 1995)

5.12.220 Initial responder.

Nothing in these provisions prohibits a 9-1-1 agency, responsible for the dispatching of emergency services, from dispatching an initial responder to the scene of a medical emergency in addition to dispatching an emergency ambulance service provider. (Ord. O-186-95 § 22, 1995)