

## Chapter 11

### HEALTH AND SAFETY AND EMERGENCY MEDICAL SERVICES

#### Article 1. Toilet Facilities

Sec. 11-1-1. Provisions not to apply.

Nothing in this article shall be construed to permit the erection, operation, maintenance, or use of any privy, sanitary toilet or other outdoor closet at any place within the city or within its health jurisdiction where the same is otherwise prohibited by ordinance.

Sec. 11-1-2. Privies and dry closets prohibited; exceptions.

It shall be unlawful and an offense for any owner, occupant or holder or his agent, to maintain or permit upon any property under his direction or control, any privy or dry closet of any kind or description whatever for human excrement, except the same shall be constructed as provided by ordinance, and the same shall be maintained and used strictly as required by the city ordinances.

Sec. 11-1-3. Connection to sewer lines; nuisance.

It is hereby declared to be a nuisance for any person in possession or control of any premises within the corporate limits of the city to construct or maintain thereon any privy, privy vault, or dry closet if such property now or hereinafter abuts on any lateral sewer or if such property is located in any sewer district already or hereafter established or when the same shall be within three hundred (300) feet of any public, district or lateral sewer line. It shall be and is hereby made the duty of every property owner who owns property abutting to and along the lines of the sewer of the city to connect or cause to be connected, his/her toilet or toilets with a sanitary sewer of said city and to make each and every proper connection to the end that each and all of said toilets are properly connected with such sewer system in such manner that the refuse there from will be delivered to the said sanitary sewer.

Sec. 11-1-4. Notice and hearing.

Whenever the health officer shall have knowledge of the maintenance or operation of any privy, privy vault, cesspool or dry closet contrary to the provisions of the next proceeding section of this article, he/she shall cause a notice signed by himself/herself to be served upon the owner or occupant of the premises where the same is located to appear before him/her on the day and place therein named not less than ten (10) days from the date of the service of said notice and show cause why said privy, privy vault, cesspool, dry closet, or nuisance shall not be removed, prevented and abated, and why the occupant or nuisance shall not be removed, prevented and abated, and why the occupant or users of said premises shall not connect the same to the sewer system of the City of Chickasha as herein provided. In the event personal service cannot be obtained as herein provided, a notice shall be posted in a conspicuous place on the premises. The return of the officer's said notice shall show the manner of service as herein provided, the date and by whom served.

Sec. 11-1-5. Order of removal.

- (a) Upon the hearing as provided in the preceding section and in the event that the health officer shall find there from that a nuisance exists as defined by this article, he/she shall order the said nuisance removed, prevented, and abated. The order shall be served on the owner or

- occupant and shall require him to remove, prevent, and abate said nuisance within twenty (20) days from the date of service of said order.
- (b) The order shall further recite that in the event that the nuisance is not removed, prevented and abated within the time prescribed that a duly authorized city officer shall proceed forthwith to remove, prevent, abate, fill up and clean the same as required by ordinance, and that the cost attending such officer's service, together with all costs for the issuance of service publication and notice of the orders or the order preceding herein taken shall be paid to the city by such owner or occupant.
  - (c) In the event terms of the said order are not complied with fully within the time therein specified, it shall be the duty of the duly authorized officer to execute the terms of the order by removing, preventing, cleaning, filling and abating the said nuisance, cleaning the premises about the same and filling up all holes, excavations, pits and other conditions in such a manner that the surface shall be smooth and will permit a natural drainage over the same. The health officer shall, in a separate order, require the owner or occupant to connect said premises to the sanitary sewer system of the city or cease to allow himself/herself or any other person to occupy, reside on, or use such premises in any manner.

Sec. 11-1-6. Unlawful to tear down notice.

It shall be unlawful for any person to tear down or deface, cover up or otherwise obliterate or destroy any notice posted under the provisions of this article.

Sec. 11-1-7. Burying an offense, etc.

It shall be unlawful and an offense for any person to throw out, deposit or bury within the city limits any human excretions, either solid or liquid, or to deposit any such substance in any manner other than into a properly sewered water closet, or a properly constructed and maintained sanitary privy as herein provided.

Sec. 11-1-8. "Sanitary privy" defined; regulations.

A sanitary privy for the purpose of this article is one so built, rebuilt, or constructed that the excretions deposited therein will not fall upon the ground, but into some watertight receptacle, the contents of which shall not be accessible to fowls, flies, or animals. The health officer shall approve for use as a sanitary privy to be used only within the city limits of the city or the health jurisdiction of said city where not otherwise restricted any one of the types hereinafter described when the same shall be constructed and used strictly as herein provided to-wit:

- (1) Surface type. A surface type sanitary privy is one consisting of a watertight box or receptacle placed underneath the seat in such a manner as to collect and hold all human excretion deposited from said seat. The box parts of said privies shall be constructed of sound lumber and all joints shall be made tight. The seat shall be constructed with a self-falling hinged lid in such a manner as to darken the box below and prevent the passage of flies or fowls, and the box shall be so enclosed as to be kept dark by placing a hinge door or shutter suspended from the outer wall, so attached that it may be conveniently raised and lowered for emptying and cleansing the receptacle and premises. Such privy shall at all times be supplied with plenty of lime, concentrated lye or copperas, or other disinfectant chemical as may be approved by the health officer for disinfecting purposes and the prevention of odors.
- (2) Concrete pit type. A concrete pit type of sanitary toilet is one consisting of a concrete pit underneath the seat not less than four (4) feet deep and the surface area of which is not less than that of the seat and whose lateral dimensions shall conform to that of the seat, which pit shall be used as depository or receptacle for human excrement. It shall have a suspended door attached to the outer wall, in such a

manner as to be conveniently removed, and completely cut off all light coming from said opening, and prevent flies, fowls, or animals from entering therein. Deodorants, disinfectants, and chemicals as shall be prescribed or approved by the health officer for the prevention of odors and disease.

(3) The seats of each and every sanitary privy shall have a hinged, close-fitted lid attached to each seat and the same shall remain closed at all times except when in use. It shall be so constructed and fitted as to cut off all light, or the admission of any flies, insects, fowls, or other animals.

(4) The premises of each and every sanitary toilet shall at all times be kept in a sanitary and clean condition. All floors, walls, and other parts shall be free from all collections of trash, waste or other accumulations. The receptacle shall be used only for the purpose of a toilet; and no water, garbage or other refuse shall be deposited therein except human excrement together with the necessary toilet paper.

(5) Overflow unlawful. No privy receptacle shall be permitted to become filled to overflowing. If emptying shall become necessary oftener than is provided by the city ordinances relating to scavenger service, or rules of the board of health or health officer, it shall be the duty of the user, owner, or occupant of the premises on which said privy is situated to notify the scavenger who will clean the same as required by ordinance.

Sec. 11-1-9. Abatement of nuisance.

In each and every case where a sanitary privy shall become a nuisance, it shall be prevented and abated, in the interest of the public health.

**Article 2. Restaurants**

Sec. 11-2-1. Definitions.

The following definitions shall apply in the interpretation and the enforcement of this article:

(1) "Restaurant" - shall mean restaurant, coffee shop, cafeteria, short order cafe, luncheonette, tavern, sandwich stand, soda fountain and all other public eating and drinking establishments, as well as kitchens in which food or drink are prepared for sale elsewhere to the public.

(2) "Itinerant restaurant" - shall mean one operating for a temporary period in connection with a fair, carnival, circus, public exhibition or other similar gatherings.

(3) "Employee" - shall mean any person who handles food or drink during preparation or serving, or who comes into contact with any eating or cooking utensils or who is employed at any time in a room in which food or drink is prepared or served.

(4) "Utensils" - shall include any kitchenware, tableware, glassware, cutlery, utensils, containers, or other equipment with which food or drink comes in contact during storage, preparation, or serving.

(5) "Health Officer" - shall mean the director of the county-city health department or his authorized representative who shall be registered in Oklahoma as a professional sanitarian or sanitarian in training.

(6) "Person" - shall mean person, firm, corporation, or association.

Sec. 11-2-2. Permits.

(a) It shall be unlawful for any person to operate a restaurant as defined in this article, in the City of Chickasha as defined in Title 11 O.S., 1980 Supplement § 22-101, who does not possess a current and unrevoked permit from the health officer. Only persons who comply with the requirements of this article shall be entitled to receive and retain such a permit.

(b) Permits shall be posted at all times in a conspicuous place, and are not transferable to another person or location.

- (c) Every person desiring a permit to operate a restaurant in the city of Chickasha shall make application for such permit to the health officer, and upon approval of such application by the health officer such permit may be issued by the clerk of the City of Chickasha, provided that there shall be a fee of twenty dollars (\$20.00) per calendar year or any part thereof paid for such permit.
- (d) A person conducting an itinerant restaurant shall be required to secure a permit.
- (e) It shall be unlawful for any person who operates a restaurant in the city of Chickasha to hire, or permit to be hired, or permit to work gratis, any person who does not possess a current and unrevoked permit approved by the health officer.
- (f) It shall be unlawful for any person to work in any restaurant in the city of Chickasha who does not have in his/her possession a current and unrevoked permit, approved by the health officer.
- (g) Application for such permit must be made to the health officer by such person. Prior to approval of such application, the health officer shall instruct such person in the sanitation requirements of this article and in approved sanitation practices in food handling; provided that the health officer is hereby authorized, in lieu of the above, to require applicants for permits, to attend a course of instruction in sanitary practices of food handling, prior to approval of such application.
- (h) Upon approval of such application by the health officer, the clerk of the City of Chickasha shall issue said person such permit; provided there shall be a fee of five dollars (\$5.00) for each permit issued and said permit shall entitle such person to work in a restaurant during the calendar year in which said permit is issued.
- (i) The health officer is hereby authorized to issue temporary permits permitting said applicant to work in a restaurant until the next regular course of instruction in sanitary practices of food handling is conducted; provided that such temporary permits shall expire on the day above mentioned course of instruction begins.
- (j) Before approval of applications for permits, the health officer may require such medical and laboratory examinations which he/she deems necessary to minimize the possibility of transmission of communicable diseases.

Sec. 11-2-3. Placarding or public display of grade notice.

Every restaurant shall display at all times in a place designated by the health officer, a notice approved by the health officer, stating the grade of the establishment.

Sec. 11-2-4. Examination and condemnation of unwholesome or adulterated food or drink.

Samples of food and drink may be taken and examined by the health officer as often as he/she deems necessary for the detection of unwholesomeness or adulteration. The health officer may condemn and forbid the sale of, or cause to be removed or destroyed, any food or drink, which he/she may deem unwholesome or adulterated.

Sec. 11-2-5. Inspection of restaurants.

- (a) At least once every six (6) months the health officer shall inspect every restaurant located within the city limits of Chickasha. In case the health officer discovers the violation of any item of sanitation required for the grade then held, he/she shall make a second inspection after the lapse of such time as he/she may deem necessary for the defect to be

remedied, and the second inspection shall be used in determining compliance with grade requirements of this article. Any violation of the same item of this article on two (2) consecutive inspections shall call for immediate degrading or suspension of permit.

- (b) One (1) copy of the inspection report shall be posted by the health officer upon an inside wall of the restaurant, and said inspection report shall not be defaced or removed by any person except the health officer. Another copy of the inspection record report shall be filed with the records of the health department.

Sec. 11-2-6. The grading of restaurants.

The grading of all restaurants shall be based on the following standards:

(1) Sanitation requirements for grade A restaurants: All grade A restaurants shall comply with all of the following items of sanitation:

- (a) "Floors": The floors of all rooms in which food or drink is stored, prepared, or served, or in which utensils are washed shall be of such construction as to be easily cleaned, shall be smooth, and shall be kept clean and in good repair.
- (b) "Walls and ceilings": Walls and ceiling of all rooms shall be kept clean and in good repair. All walls and ceiling of rooms in which food or drink are stored or prepared shall be finished in light color. The walls of all rooms in which food or drink is prepared or utensils are washed shall have a smooth washable surface up to the level reached by splash or spray.
- (c) "Doors and windows": When flies are prevalent, all openings into the outer air shall be effectively screened and the doors shall be self-closing unless other effective means are provided to prevent the entrance of flies.
- (d) "Lighting": All rooms in which food or drink is stored or prepared or in which utensils are washed, shall be well lighted.
- (e) "Ventilation": All rooms in which food or drink is stored or prepared or in which utensils are washed, shall be well ventilated.
- (f) "Toilet facilities": Every restaurant shall be provided with adequate and conveniently located toilet facilities for its employees, conforming with the ordinances of the City of Chickasha. In restaurants hereafter constructed, toilet rooms shall not open directly into any room in which food, drink or utensils are being handled or stored. The doors of all toilet rooms shall be self-closing. Toilet rooms shall be kept in a clean condition, in good repair, and well lighted and ventilated. Hand washing signs shall be posted in each toilet room used by employees. In case privies or earth closets are permitted and used, they shall be separate from the restaurant building, and shall be of a sanitary type construction and operated in conformity with the standards of the state board of health.
- (g) "Water supply": The water supply shall be easily accessible to all rooms in which food is prepared or utensils are washed and shall be adequate and of a safe sanitary quality.
- (h) "Lavatory facilities": Adequate and convenient hand washing facilities shall be provided, including warm water, soap, and approved sanitary towels. The use of a common towel is prohibited. No employee shall resume work after using the toilet without first washing his/her hands.
- (i) "Construction of utensils and equipment": All multi-use utensils and all show and display cases or windows, counters, shelves, tables, refrigerating equipment, sinks and other equipment or utensils used in

- connection with the operation of a restaurant shall be so constructed as to be easily cleaned and shall be kept in good repair.
- (j) "Cleaning and bactericidal treatment of utensils and equipment": All equipment, including display cases or windows, counters, shelves, tables, refrigerators, stoves, hoods, and sinks shall be kept clean and free from dust, dirt, insects, and other contaminating material. All cloths used by waiters, chefs, and other employees shall be clean. Single service containers shall be used only once.
  - (k) "Multi-use eating and drinking utensils": All eating and drinking utensils shall be thoroughly cleaned and effectively subjected to an approved bactericidal process after each usage. All multi-use utensils used in the preparation or serving of food and drink shall be thoroughly cleaned and effectively subjected to an approved bactericidal process immediately following the day's operation. Drying cloths, if used, shall be clean and shall be used for no other purpose.
  - (l) "Storage and handling of utensils and equipment": After bactericidal treatment no utensil shall be stored except in a clean dry place protected from flies, dust or other contamination, and no utensil shall be handled except in such a manner as to prevent contamination, as far as possible. Single service utensils shall be purchased only in sanitary containers and shall be stored therein in a clean dry place until used, and shall be handled in a sanitary manner.
  - (m) "Disposal of wastes": All wastes shall be properly disposed of, and all garbage and trash shall be kept in a suitable receptacle, in such manner as not to become a nuisance.
  - (n) "Refrigeration": All readily perishable food and drink shall be kept at or below 50°F. except when being prepared or served. Wastewater from refrigeration equipment shall be properly disposed of.
  - (o) "Wholesomeness of food and drink": All food and drink shall be wholesome and free from spoilage. All milk, fluid milk products, ice cream, and other frozen desserts served shall be from sources approved by the health officer. Milk and fluid milk products shall be served in the original containers in which they were received from the distributor or from a bulk container equipped with an approved dispensing device; provided that this requirement shall not apply to cream, which may be served from the original bottle or from a dispenser approved for such service. All oysters, clams, and mussels shall be from approved sources.
  - (p) "Storage and display of food and drink": All food and drink shall be so stored and displayed as to be protected from dust, flies, vermin, unnecessary handling, droplet infection, overhead leakage, and other contamination. No animals or fowls shall be kept or allowed in any room in which food or drink is prepared or stored. All means necessary for the elimination of flies shall be used.
  - (q) "Cleanliness of employees": All employees shall wear clean outer garments and shall keep their hands clean at all times while engaged in handling food, drink, utensils or equipment.
  - (r) "Miscellaneous": The premises of all restaurants shall be kept clean and free of litter or rubbish; none of the operations connected with a restaurant shall be conducted in any room used as living or sleeping quarters. Adequate lockers or dressing rooms shall be provided for employees, clothing shall be kept clean. Soiled linens, coats, and aprons shall be kept in containers provided for this purpose.

(2) "Grade B restaurants": Grade B restaurants are those which fail to comply with subsections (a), (b), (d), (e), or (r), but which conform with all other items of sanitation required for grade A restaurants.

(3) "Grade C restaurants": Restaurants, which fail to comply with either the grade A or grade B requirements.

(4) "Itinerant restaurants": Itinerant restaurants shall be constructed and operated in a manner approved by the health officer.

Sec. 11-2-7. Grades of restaurants which may operate.

From and after the date on which this article takes effect, no restaurant shall be operated within the city of Chickasha or its police jurisdiction, unless it conforms with the grade A or grade B, or approved itinerant restaurant requirements of this article; provided that when any restaurant fails to qualify for any of these grades, the health officer is authorized to revoke the permit or in lieu thereof to degrade the restaurant and permit its operation during a temporary period not exceeding thirty (30) days.

Sec. 11-2-8. Revocation of permits.

- (a) A permit for the operation of a restaurant may be temporarily suspended by the health officer upon violation by the holder of any of the terms of this article, or revoked after an opportunity for a hearing by health officer upon serious or repeated violation.
- (b) The health officer may at any time revoke the permit of any employee in any restaurant for failure to comply with the provisions of this article, or for acts adversely affecting the health of the public and may be reinstated only by the health officer or the sanitary committee of the City of Chickasha city council.

Sec. 11-2-9. Reinstatement of permit and supplementary regrading.

- (a) Any restaurant, the grade of which has been lowered and all grade displays have been changed accordingly, or the permits of which have been suspended, may at any time make application for regrading or the reinstatement of the permit.
- (b) Within one (1) week after the receipt of a satisfactory application, accompanied by a statement signed by the applicant to the effect that the violated item or items of the specification has been conformed with, the health officer shall make a reinspection and thereafter as many additional reinspections as he/she may deem necessary to assure himself/herself that the applicant is again complying with the higher grade requirements, and in case the finding indicates compliance, shall award the higher grade or reinstate the permit.

Sec. 11-2-10. Poisonous substances.

No article, polish, or other substance containing any cyanide preparation or other poisonous material shall be used for cleaning or polishing utensils.

Sec. 11-2-11. Notification of disease.

Notice shall be sent to the health officer immediately by the restaurant manager or by the employee concerned if he/she or any employee contracts any infectious, contagious, or communicable disease, or has a fever, a skin eruption, a cough lasting more than three (3) weeks, or any other suspicious symptom. It shall be the duty of any such employee to notify the restaurant manager immediately when any of said conditions occur. In case of failure to do so, they shall be held jointly and severally to have violated this section. A placard containing this section shall be posted in all toilet rooms.

Sec. 11-2-12. Procedure when infection is suspected.

When suspicion arises as to the possibility of transmission of infection from any restaurant employee the health officer is authorized to require any or all of the following measures:

- (1) The immediate exclusion of the employee from all restaurants;
- (2) The immediate closing of the restaurant concerned until no further danger of disease outbreak exists, in the opinion of the health officer;
- (3) Adequate medical examination of the employee and of his associates, with such laboratory examination as may be indicated.

Sec. 11-2-13. Enforcement interpretation.

This article shall be enforced by the health officer in accordance with the interpretations thereof contained in the 1943 edition of the U.S. Public Health Service Code Regulating Eating and Drinking Establishments, a certified copy of which shall be on file at the city clerk's office.

**Article 3. Samples of Food and Drink.**

Sec. 11-3-1. To be individually packaged.

It shall be unlawful for any person, firm, or corporation to serve, or assist in serving, samples of food or drink in any store or elsewhere within the city unless such samples are wholesome and were individually packaged at the place of processing and are still in the individual packages.

**Article 4. Public Health Nuisance.**

Sec. 11-4-1. Health nuisances; abatement.

- (a) Pursuant to authority granted by Oklahoma Session Laws 1963, Chapter 325, Article 10, Section 1011 (63 O.S. Supp. 1963, § 1-1011), the health officer shall have the authority to order the owner or occupant of any private premises in the city to remove from such premises, at his own expense, any source of filth, cause of sickness, condition conducive to the breeding of insects or rodents that might contribute to the transmission of disease, or any other condition adversely affecting the public health, within twenty-four (24) hours, or within such other time as might be reasonable; and a failure to do so shall constitute an offense. The order shall be in writing and may be served personally on the owner or occupant of the premises, or authorized agent thereof, by the health officer, or by a policeman, or a copy thereof may be left at the last usual place of abode of the owner, occupant, or agent, if known and within the state. If the premises are unoccupied and the residence of the owner, occupant, or agent is unknown, or is without the state, the order may be served by posting a copy thereof on the premises, or by publication in at least one (1) issue of a newspaper having a general circulation in the city.
- (b) If the order is not complied with, the health officer may cause the order to be executed and complied with, and the cost thereof shall be certified to the city clerk and the cost of removing or abating the nuisance shall be added to the water bill or other city utility bill of the owner or occupant if he/she is a user of water from the city water system or other utility service. The cost shall be treated as a part of a utility bill to which it is added, and shall become due and payable and be subject to the same regulations relating to delinquency in payment, as the utility bill itself. If the owner or occupant is not a user of any city utility service,

the cost after certification to the city clerk, may be collected in any manner in which any other debt is due the city may be collected.

- (c) The procedure for abating a health nuisance prescribed hereinabove is cumulative and in addition to any other procedures authorized by law or ordinance for abating public nuisances.

#### **Article 5. Milk and Milk Products**

##### **Sec. 11-5-1. Milk Ordinance adopted.**

The production, transportation, processing, handling, sampling, examination, grading, labeling, and sale of all milk and milk products sold for the ultimate consumption within the city, or its police jurisdiction, the inspection of dairy herds, dairy farms, and milk plants; the issuing and revocation of permits to milk producers, haulers, and distributors shall be regulated in accordance with the provisions of the Milk Ordinance -----Recommendations of the Public Health Service Revised to comply with Oklahoma State Statutes, a certified copy of which shall be filed in the office of the city clerk; provided, that section 9 and 16 of said unabridged ordinance shall be replaced, respectively by sections 11-5-2 and 11-5-3 of this chapter.

##### **Sec. 11-5-2. Grades of milk which may be sold.**

Only certified pasteurized and grade A pasteurized, and certified raw and/or grade A raw milk and milk products shall be sold to the final consumer, or to restaurants, soda fountains, grocery stores, or similar establishments; provided, that in an emergency the sale of pasteurized milk and milk products which have not been graded, or the grade of which is unknown, may be authorized by the health authority; in which case, such milk and milk products shall be labeled "ungraded".

##### **Sec. 11-5-3. Enforcement by whom.**

All sampling, examining, grading, and regrading of milk and milk products and all inspections and issuing and suspension or revocation of permits shall be done by the health officer or the director of the County Health Department or their authorized representatives, which shall be a registered professional sanitarian. However, if an appeal be made through the city council, such suspension or revocation of permits shall not be effective unless approved by the city council.

#### **Article 6. Emergency Medical Service: Regulations**

##### **Sec. 11-6-1. Emergency Medical Service (EMS); license required.**

- (a) Commencing with the passage and publication of this chapter, it shall be unlawful for any person to operate or cause to be operated an ambulance within the city, without first having obtained an annual Emergency Medical Service License from the city council of the City of Chickasha, Oklahoma. Provided, however, that no such license shall be required for any person operating an ambulance or other vehicle who:
- (1) renders assistance during any catastrophe or major emergency when ambulances authorized to operate in the city by a certificate are insufficient in number or any other reason inadequate;
  - (2) operates from a base location at least ten (10) miles outside the city limits; also
  - (3) municipal service agencies, including police and fire rescue units; and
  - (4) private companies operating an ambulance solely for the transportation of their employees for illness or injuries sustained while performing their work.
- (b) Any person being issued a license shall comply with all provisions of this chapter and standard rules and regulations adopted hereunder as well as all other applicable local state and federal laws.

- (c) Operators in business in the city at the date of the enactment of this chapter shall, upon application to the city council, be issued a certificate covering the number of ambulances presently being operated. This operator shall be granted ninety (90) days to comply with all rules, regulations and standards adopted under this chapter.

Sec. 11-6-2. Application for EMS license.

Application for license shall be filed with the city clerk on forms provided and each application shall be signed and sworn by the applicant and shall contain the following:

- (1) Name and address of applicant;
- (2) Trade name under which applicant does or proposes to do business;
- (3) If applicant is individual, name, age, and address of applicant and the length of time applicant has resided in the city;
- (4) Number of ambulances and description of equipment;
- (5) Location in which each ambulance shall be stationed;
- (6) If partnership, association or corporation, business name thereof and name, age and address of each partner and length of time each partner has resided in the city;
- (7) Outline of planned ambulance operation, procedures and minimum standards which the applicant proposes to operate under; or
- (8) Any other information the city clerk may require in order to evaluate the applicant.

Sec. 11-6-3. Investigation of applicants.

- (a) Upon the receipt of an application for license, the city clerk shall cause an investigation to be made of the applicant and the proposed application shall be referred to the appropriate staff for evaluation and recommendation.
- (b) Recommendation of the board shall be submitted to the city council for review and if the city council approves the application, a certificate shall be issued by the clerk upon a payment of a five hundred dollar (\$500.00) annual fee.

Sec. 11-6-4. Duration, alteration, suspension, revocation and nontransferability of license.

- (a) This license shall be issued for a period of one (1) year and shall be subject to an annual review by the appropriate staff and the annual renewal fee shall be five hundred dollars (\$500.00) and shall be reviewed both by the appropriate staff and the city council.
- (b) This certificate may be suspended by the city council for good cause or violation of the rules and regulations contained within this article, after proper notice, allowing thirty (30) days for corrective action.
- (c) This license shall not be transferable to any other persons without specific approval by the city council.

Sec. 11-6-5. Insurance requirements.

- (a) Every operator shall carry general liability, automobile liability, and property damage insurance.
- (b) Limits of liability shall be as follows:
  - (1) Twenty-five thousand dollars (\$25,000.00) for any claim or to any claimant who has more than one claim for loss of property arising out of a single act, accident, or occurrence;
  - (2) Three hundred thousand dollars (\$300,000.00) to any claimant for his/her claim for any other loss arising out of a single act, accident, or occurrence;

- (3) One million dollars (\$1,000,000.00) for any number of claims arising out of a single occurrence or accident.
- (c) Such certificates of insurance shall be filed with the city clerk before the license shall be issued. The certificate shall name the city as the certificate holder, and shall provide for thirty (30) days cancellation notice.
- (d) The form of insurance shall be approved by the city attorney and the city council.

Sec. 11-6-6. Bond required.

Every operator shall furnish the city with a performance bond in the amount of fifty thousand dollars (\$50,000.00) with sureties thereon agreeable to the city. Conditioned upon the operator complying with all terms, conditions, and codes of this article.

Sec. 11-6-7. Discontinuance of service.

- (a) An operator shall give at least forty-five (45) days notice to the council prior to discontinuing operations or prior to the expiration of this license.
- (b) If the operator does not intend to apply for renewal of this license, notice shall be given by certified mail to the city clerk, and every day that service is discontinued less than forty-five (45) days shall constitute a violation of this article and shall be subject to the penalties herein.

Sec. 11-6-8. Certification of ambulance drivers and attendants.

- (a) No person shall be employed or act as a driver and attendant unless such person meets minimum standards, requirements, and regulations adopted hereunder.
- (b) All drivers and attendants shall have minimum training requirements and all shall be certified as emergency medical technicians and shall meet all minimum standards of Medicare, Medicaid, and the Oklahoma State Health Department and any other regulations or certifications as may be adopted as herein provided.
- (c) These regulations shall be met with respect to such driver and attendant if such person be enrolled in and actively pursuing a course of study to acquire the qualifications described in this section.

Sec. 11-6-9. Fees for emergency medical services.

All operator fees shall be subject to regulation by the City of Chickasha and operators shall submit proposed fees schedule with application for license and the schedule or any future change must be approved by the city council.

Sec. 11-6-10. Failure to pay for service.

- (a) Any person who has been provided emergency medical services, under the provisions of this article by licensed operators or by the City of Chickasha, shall be expected to make satisfactory arrangements with the operator or the city to pay for such services within ninety (90) days from the date of the provisions of the service.
- (b) If such satisfactory arrangements have not been made within the time specified, the EMS account shall be turned to a collection agency.

Sec. 11-6-11. Inability to pay.

Any EMS operator is strictly prohibited from withholding emergency medical services to any patient because of inability to pay. Any operator shall dispatch appropriate persons and equipment for each call received or emergency medical services.

Sec. 11-6-12. Emergency Medical Service authorized.

The city council hereby authorizes and directs the initiation and operation of an EMS program by the Chickasha Fire Department, such program to conform with the applicable provisions of Sections 11-6-1 through 11-6-18 of this code.

Sec. 11-6-13. Emergency medical services fee schedule.

The charges and fees for emergency medical services provided for the City shall be as follows:

Emergency call with specialized care (ALS2)	\$600.00
Emergency call with specialized care (ALS1)	550.00
Emergency call without specialized care	500.00
Non-emergency call with specialized care	450.00
Non-emergency call without specialized care	400.00
Emergency call with specialized care and no transport	95.00
Mileage charge per mile (from point of pick up to point of destination)	15.00
Waiting time (per 1/2 hour)	50.00

*(Ord. No. 2009-08 adopted 06/01/2009)*

Sec. 11-6-14. Write-off on Medicare and Medicaid accounts.

The fire chief, or designated representatives, shall have the power to write-off the money difference between the set standard fee and what Medicare or Medicaid allows. The allowed amount will be as stated on the patient's EOMB (Explanation of Medicare Benefits). The fire chief, or designated representatives, shall maintain complete records on any and all monies written off.

Sec. 11-6-15. Collection procedure on Medicare and Medicaid accounts.

The fire chief, or designated representatives, shall make all efforts to collect EMS fees as set by Sec 11-6-13. The fire chief, through his designated representatives, shall have the power to abate Medicare and Medicaid account balances under \$30.00 in lieu of sending the account to a collection agency.

Sec. 11-6-16. Write-off procedure for the deceased.

The fire chief, or designated representatives, shall make all efforts to collect EMS fees as set by council. The fire chief, through his designated representatives, shall have the power to abate account balances where the patient is deceased and no known estate exists. The fire chief, through his designated representatives, shall have the power to write off the account balance in lieu of sending the account to a collection agency. The Fire Chief, or designated representatives, shall maintain complete records on any and all monies written off.

Sec. 11-6-17. Write-off procedure for the financially handicapped.

The fire chief, or designated representatives, shall have the power to abate accounts for the financially handicapped when proof is submitted that the account balance poses a severe financial burden on the patient. To qualify for this write-off the account must be at least 90% paid if the patient has insurance or at least 50% paid when the patient has no insurance. The fire chief, or designated representatives, shall maintain complete records on any and all monies written off.

Sec. 11-6-18. Write-off procedure for accounts that have filed bankruptcy.

The fire chief, or designated representatives, shall have the power to abate accounts when notified by the Bankruptcy Court. Upon notification the account will no longer be

billed. The fire chief, or designated representatives, shall maintain complete records on any and all monies written off.

Sec. 11-6-19. Resident Emergency Medical Services out of pocket discount schedule.

Emergency Call	(\$200.00)
Non-emergency call	(\$100.00)

*(Ord. No. 97-07 adopted 2-17-97)*

Sec. 11-6-20. Applicable definitions.

(1) Discount: A discount shall be defined, for the purposes of this ordinance and the transactions it affects, as a reduction in the balance owed by a person provided service by E.M.S., as described on a ledger or other statement maintained by the City of Chickasha, Oklahoma. Specifically said discount will only be applied to balances relating to “out of pocket” expenses for which a third party payer is not liable. It shall not be applicable to account balances for which payment by any third party payer is considered liable. Discounts are not applicable in situations in which a person, whom otherwise would be eligible to receive same, has secured a direct reimbursement from any third party payer for services provided by E.M.S.

*(Note: The intent is to reduce resident’s direct out-of-pocket expenses via the use of City General Fund subsidies. It is not intended to reduce the reimbursements due the City of Chickasha, Oklahoma, for ambulance services provided and for which any third party payer is liable.)*

(2) Emergency call: Any run that is not pre-scheduled by a minimum of 4 hours in which a patient is transported to a hospital or intercepting E.M.S. transporting agency and in which the patient’s condition is such that medical care is necessary (or perceived to be necessary) in order to sustain life, prevent or minimize complications of an existing medical condition, or to relieve/reduce suffering.

(3) Non-emergency call: Any run in which a patient is transported to a residence, nursing home, clinic, or to a hospital in which the definition of Emergency call is not applicable.

(4) Resident: For the purpose of this ordinance only, a “resident” is defined as any person residing within the city limits of the City of Chickasha, Oklahoma.

(5) Run: A unit of service in which an E.M.S. crew responds to a request for service.

(6) Specialized care: Any run that involves the use or combination use of the following equipment and/or procedures: CPR; Childbirth; OB kits, Suctioning; IV placement; IV fluids; IV paraphernalia; IV medication; Trauma management; EKG monitoring; EKG pads; Intubation; Intubation tubes; Control of bleeding; Bandages; Splints and Splinting.

(7) Third Party Payer: Defined as any company, insurance plan, government entitlement program, or litigated settlement (including negotiated settlement), which is ordinarily liable for claims that include E.M.S. services. *(Ord. No. 97-07 adopted 2-17-97)*

**Article 7. Hospitals and Ambulatory Surgical Care Facilities.**

Sec. 11-7-1. Definitions.

(a) “Hospital” means any institution, place, building or agency, public or private, whether organized for profit or not, devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care of patients admitted for overnight stay or longer in order to obtain medical care, surgical care, obstetrical care, or nursing care for illness, disease, injury, infirmity, or deformity.

- (b) “Ambulatory Surgical Center” means an establishment with an organized medical staff of physicians, with permanent facilities that are equipped and operated primarily for the purpose of performing surgical procedures, with continuous physician services available on call, and registered professional nursing services available on site, whenever a patient is in the facility, which provides services or other accommodations for patients to recover for a period not to exceed twenty-three (23) hours after surgery. (*Ord. No. 2002-09, 02/18/2002*).

Sec. 11-7-2. Hospitals

- (a) No new hospital shall be developed, either through construction or conversion of existing space, or an existing hospital expanded, in the City of Chickasha, Oklahoma, unless a permit therefore has been issued by the city clerk. However, no such permit is required for a conversion of existing space or an expansion of an existing hospital that does not increase the number of patient beds or the number of operating rooms. (*Amended Ord. No. 2002-19, 10/07/2002*).
- (b) Before developing a facility for use as a newly licensed hospital or expanding an existing hospital to increase the number of patient beds or the number of operating rooms, the person, firm, or corporation, proposing to operate the hospital shall apply to the city clerk for a permit for the facility, which shall be in addition to any other required approvals. The application for permit shall be in such form as the city clerk shall prescribe and shall include a demonstration of the hospital’s or hospital expansion’s probable impact on existing hospital and surgical services in the city of Chickasha including permitted facilities not yet completed. (*Amended Ord. No. 2002-19, 10/07/2002*).
- (c) The application for permit shall be accompanied by a filing fee equal to one percent (1%) of the capital cost of the proposed hospital plus two thousand five hundred dollars (\$2,500.00), with a minimum fee of three thousand five hundred dollars (\$3,500.00) and a maximum fee chargeable hereunder of twenty two thousand five hundred dollars (\$22,500.00). It is intended that the fee charged herein shall be used to cover the costs of the application administration and evaluation by the city staff in an amount of two thousand five hundred dollars (\$2,500.00). In addition, the remainder of the application fee shall be used to pay all costs for a feasibility study, to be conducted by a recognized health care industry consulting firm, demonstrating the existence of the matters herein, declared essential for determination by the city council, prior to the issuance of such a permit, as well as costs of publication and other matters required to be accomplished under this ordinance. Any portion of the application fee not so expended shall be refunded to the applicant. If it is determined that costs of the feasibility study shall exceed the amount submitted with the application fee, the city clerk shall notify the applicant, in writing. Said applicant shall submit the additional amount requested within ten (10) days or the application shall be stayed until such time as the remainder of the application fee is submitted to the city clerk.

- (d) Within two working days after receipt of the application fee the city clerk shall provide the applicant with a notice of receipt and shall present to the community development director, the application for permit. Within ten (10) days after receiving a completed application for permit, the community development director shall cause a paid public notice to be published in a newspaper of general circulation in the area where the hospitals or hospital expansion is to be located and in a newspaper of general circulation in the area where the application is available for inspection. The notice shall include the name and proposed location of the facility, a brief description of the proposal, information on where the original application can be viewed, and an explanation of how parties may file materials to be considered along with the application. The community development director shall also request information on firm.
- (e) Any person may submit written evidence and argument regarding the proposed hospital to the community development director to be reviewed by city staff and the planning and zoning commission. Written materials shall be submitted to the community development director within thirty (30) days after publication of the paid notice. The community development director shall immediately provide these materials to the applicant by certified mail or in person with the applicant signing a receipt. The applicant shall have fifteen (15) days after receipt of the materials, to respond in writing to materials timely filed by other persons. The planning commission shall be provided with all materials included in the application process described herein and at a meeting to be held within sixty (60) days of the completion of the process. The application and feasibility study shall be examined by the planning and zoning commission, who shall make a recommendation to the city council.
- (f) No permit to establish a hospital or expand an existing hospital shall be issued by the city clerk unless, after reviewing the application, the feasibility study, and timely filed written materials and responses, the community development director shall provide to the city council the following findings made by the planning and zoning commissioners:
  - (1) The proposed hospital will contribute to the orderly development of hospital and surgical services in the city of Chickasha; and
  - (2) The proposed hospital will not cause an undue financial or staffing hardship on any existing provider of essential hospital or surgical services in the city of Chickasha including permitted facilities not yet completed, which hardship shall be deemed potentially capable of causing the existing facility to alter its services to such a degree that it will adversely impact the citizens of Chickasha, Oklahoma; and
  - (3) The proposed hospital or hospital expansion can be adequately served by the city's existing utility system and/or infrastructure; and
  - (4) That the proposed hospital or hospital expansion will not cause an increase in the cost of medical care, which would adversely impact the citizens of the City of Chickasha. The findings of the planning and zoning commission shall be summarized with appropriate documentation by the community development director, with said findings to be provided to the city council for its consideration in determining the granting or denial of said permit.
- (g) The community development director shall schedule the application for permit for consideration by the city council within one hundred fifty (150) days after publication of the paid notice. The city permit is effective for eighteen (18) months from the date of issuance. Within eighteen (18) months from the date of issuance of the city permit, the applicant must obtain a building permit and complete construction within a reasonable

time. At the time the building permit is issued, the applicant shall submit a construction schedule for approval by the city. If construction or conversion work is not started within the time required by this section and completed within a reasonable time, the permit shall be null and void. The city council, in approving or denying the application, will consider the recommendation of the planning and zoning commission, but only grant or deny the application subsequent to its consideration of those items addressed in (f) above. *(Ord. No. 2002-09, 02/18/2002).*

- (h) In the event the city council approves the application for permit submitted by the prospective builders, it shall be understood that all existing requirements contained in Chapter 16 – Planning and Zoning – of the Code of the City of Chickasha, dealing with appropriate zoning and buildings standards, shall be complied with by the permit recipient. *(Ord. No. 2002-06, 01/22/2002).*

Sec. 11-7-3. Ambulatory Surgical Care Facilities.

- (a) No new ambulatory surgical care facility shall be developed either through construction, expansion, or conversion of existing space, or an existing surgical care facility expanded, in the city of Chickasha, Oklahoma, unless a permit thereof has been issued by the city clerk. However, no such permit is required for the conversion of existing space or the expansion of an existing ambulatory surgical care facility that does not increase the number of operating rooms. *(Amended Ord. No. 2002-19, 10/07/2002).*
- (b) Before developing a facility for use as a newly licensed ambulatory surgical care facility or before converting existing space or expanding an existing facility to increase the number of operating rooms, the person proposing to operate the ambulatory surgical care facility shall apply to the city clerk for a permit for the facility in addition to any other required approvals. The application for permit shall be in such form as the city clerk shall prescribe and shall include a demonstration of the ambulatory surgical care facility's probable impact on the existing surgical services in the city of Chickasha including permitted facilities not yet completed. *(Amended Ord. No. 2002-19, 10/07/2002).*
- (c) The application for permit shall be accompanied by a filing fee equal to one percent (1%) of the capital cost of the proposed surgical care facility plus two thousand five hundred dollars (\$2,500.00), with a minimum fee of three thousand five hundred dollars (\$3,500.00) and a maximum fee chargeable hereunder of twenty two thousand five hundred dollars (\$22,500.00). It is intended that the fee charged herein shall be used to cover the costs of the application, administration and evaluation by the city staff in an amount of two thousand five hundred dollars (\$2,500.00). In addition, the remainder of the application fee shall be used to pay all costs for a feasibility study, to be conducted by a recognized health care industry consulting firm, demonstrating the existence of the matters herein, declared essential for determination by the city council, prior to the issuance of such a permit, as well as costs of publication and other matters required to be accomplished under this ordinance. Any portion of the application fee not so expended shall be refunded to the applicant. If it is determined that costs of the feasibility study shall exceed the amount submitted with the application fee, the city clerk shall notify the applicant, in writing. Said applicant shall submit the additional amount requested within ten (10) days or the application shall be stayed until

such time as the remainder of the application fee is submitted to the city clerk.

- (d) Within two working days after receipt of the application fee the city clerk shall provide the applicant with a notice of receipt and shall present to the Community Development Director, the application for permit. Within ten (10) days after receiving a completed application for permit, the community development director shall cause a paid public notice to be published in a newspaper of general circulation in the area where the ambulatory surgical care facility is to be located and in a newspaper of general circulation in the area where the application is available for inspection. The notice shall include the name and proposed location of the facility, a brief description of the proposal, information on where the original application can be viewed, and an explanation of how parties may file materials to be considered along with the application. The community development director shall also request information on firm.
- (e) Any person may submit written evidence and argument regarding the proposed hospital to the community development director to be reviewed by city staff and the planning and zoning commission. Written materials shall be submitted to the community development director within thirty (30) days after publication of the paid notice, the community development director shall immediately provide these materials to the applicant by certified mail or in person after receipt of the materials, to respond in writing to materials timely filed by other persons. The planning commission shall be provided with all materials included in the application process described herein and at a meeting to be held within sixty (60) days of the completion of process. The application and feasibility study shall be examined by the planning and zoning commission, who shall make a recommendation to the city council.
- (f) No permit to establish a surgical care facility shall be issued by the city clerk unless, after reviewing the application, the feasibility study and timely filed written materials and responses, the community development director shall provide to the city council the following findings made by the planning and zoning commissioners:
  - (1) The proposed surgical care facility will contribute to the orderly development of hospital and surgical services in the city of Chickasha; and
  - (2) The proposed surgical care facility will not cause an undue financial or staffing hardship on any existing provider of essential hospital or surgical services in the city of Chickasha including permitted facilities not yet completed, which hardship shall be deemed potentially capable of causing the existing facility to later its services to such a degree that it will adversely impact the citizens of the city of Chickasha, Oklahoma; and
  - (3) The proposed surgical care facility can be adequately served by the city's existing utility systems and/or infrastructure to include disposal of biochemical hazards; and
  - (4) That the proposed surgical care facility will not cause an increase in the cost of medical care, which would adversely impact the citizens of the city of Chickasha. The findings of the planning and zoning commission shall be summarized with appropriate documentation by the community development director, with said findings to be provided to the city council for its consideration in determining the granting or denial of said permit.
- (g) The community development director shall schedule the application for permit for consideration by the city council within one hundred fifty (150) days after publication of the paid notice. The city permit is effective for eighteen (18) months from the date of issuance. Within eighteen (18) months from the date of issuance of the city permit, the applicant must

obtain a building permit and complete construction within a reasonable time. At the time the building permit is issued, the applicant shall submit a construction schedule for approval by the city. If construction or conversion work is not started within the time required by this section and completed within a reasonable time, the permit shall be null and void. The city council in approving or denying the application, will consider the recommendation of the planning and zoning commission, but only grant or deny the application subsequent to its consideration of those items addressed in (f) above. *(Ord. No. 2002-09, 02/18/2002).*

- (h) In the event the city council approves the application for permit submitted by the prospective builders, it shall be understood that all existing requirements contained in Chapter 16 – Planning and Zoning – of the Code of the City of Chickasha, dealing with appropriate zoning and building standards, shall be complied with by the permit recipient. *(Ord. No. 2002-06, 01/22/2002).*