



CITY OF WASHINGTON, ILLINOIS

City Council Agenda Communication

Meeting Date: September 5, 2023

Prepared By: Police Chief Michael D. McCoy and Jim Snider, City Administrator

Agenda Item: Proposed Amendment to Chapter 103 of the City Code – Standards for the Operation of Ambulances

Explanation: City Staff has been asked to work with City Attorney Braskich on clarification language related to the operations of ambulances in the City of Washington. We have discussed the attached proposed ordinance with council members individually to review the proposed language change.

Fiscal Impact: None

Action Requested: Consideration by council members on the merits of proposed changes to Chapter 103 of the City Code – Standards for the Operation of Ambulances per the attached Ordinance

ORDINANCE NO. _____

Synopsis: Amendment of this code to further define operations and uses of the operation of ambulances within the City of Washington.

AN ORDINANCE AMENDING TITLE IX OF THE CODE OF ORDINANCES OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, ENTITLED “GENERAL REGULATIONS” BY ESTABLISHING CHAPTER 103, “STANDARDS FOR THE OPERATION OF AMBULANCES.”

WHEREAS, the City Code of Ordinances at Title IX provides for General Regulations; and

WHEREAS, the City recognizes the need to define the operations and uses of the operations of ambulances within the City of Washington; and

WHEREAS, the City seeks to provide the same high standard of EMS care throughout the City; and

WHEREAS, it is deemed to be in the best interest of the residents of the City that standards for the operations of ambulances be established; and

WHEREAS, the provisions of this ordinance are determined by the City Council to be necessary and appropriate to help protect the public health, safety and general welfare of the citizens of the City of Washington, and that the provisions of this ordinance are a reasonable method of accomplishing this objective; and

WHEREAS, the City of Washington is a home rule municipality and intends to exercise its powers thereunder by passing this ordinance.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, an Illinois home rule municipality, as follows:

Section 1. That Chapter 103, STANDARDS FOR THE OPERATION OF AMBULANCES be established as follows:

§ 103.01 DEFINITIONS

For the purpose of these Standards for the Operation of Ambulances, the following words and phrases shall have the following meanings ascribed to them respectively. These definitions are subject to amendment by law to conform with any revisions that may be mandated by the Illinois Department of Public Health.

ADVANCED LIFE SUPPORT (ALS). Advanced Life Support Services or ALS Services -

an advanced level of pre-hospital and inter-hospital emergency care and non-emergency medical services that includes basic life support care, cardiac monitoring, cardiac defibrillation, electrocardiography, intravenous therapy, administration of medications, drugs and solutions, use of adjunctive medical devices, trauma care, and other authorized techniques and procedures as outlined in the National EMS Education Standards relating to Advanced Life Support and any modifications to that curriculum or those standards specified in regulations issued by the Illinois Department of Public Health.

AMBULANCE. Any publicly or privately owned on-road vehicle that is specifically designed, constructed or modified and equipped for, and is intended to be used for, and is maintained or operated for, the emergency transportation of persons who are sick, injured, wounded or otherwise incapacitated or helpless, or the non-emergency medical transportation of persons who require the presence of medical personnel to monitor the individual's condition or medical apparatus being used on such individuals.

AMBULANCE SERVICE. An enterprise which has as one of its purposes the operation of an ambulance for use on the streets, alleys, or any public way within the City, and is licensed as a provider agency with the State of Illinois.

BASIC LIFE SUPPORT (BLS). A basic level of pre-hospital and inter-hospital emergency care and non-emergency medical services that includes medical monitoring, clinical observation, airway management, cardiopulmonary resuscitation (CPR), control of shock and bleeding and splinting of fractures, as outlined in the National EMS Education Standards relating to Basic Life

Support and any modifications to that curriculum or standards specified in regulations issued by the Illinois Department of Public Health.

EMERGENCY. A medical condition of recent onset and severity that would lead a prudent layperson, possessing an average knowledge of medicine and health, to believe that urgent or unscheduled medical care is required.

EMERGENCY MEDICAL DISPATCHER (EMD). A person employed by either Tazewell County Consolidated Communications (TC-3) or any agency under a Mutual Aid Agreement with TC-3 who has successfully completed a training course in emergency medical dispatching in accordance with Section 515.710: "Emergency Medical Dispatcher" of Title 77, Chapter I, Part 515 of the Illinois Joint Committee on Administrative Rules Administrative Code, as amended from time to time who accepts calls from the public for emergency medical services and dispatches designated emergency medical services personnel and vehicles.

EMERGENCY MEDICAL RESPONDER SERVICES. A preliminary level of pre-hospital emergency care that includes cardiopulmonary resuscitation (CPR), monitoring vital signs and control of bleeding, as outlined in the Emergency Medical Responder (EMR) curriculum of the National EMS Education standards and any modifications to that curriculum (standards) specified in regulations issued by the Illinois Department of Public Health.

EMERGENCY MEDICAL TECHNICIAN-BASIC (EMT-B). A person who has successfully completed a course of instruction in basic life support services as required by and is currently certified by the Illinois Department of Public Health in accordance with standards prescribed by the Emergency Medical Services (EMS) Systems Act for the State of Illinois or by rules adopted pursuant to said Act, who provides emergency medical services.

EMERGENCY MEDICAL TECHNICIAN-INTERMEDIATE (EMT-A). An EMT-A currently licensed by the Department of Public Health who has completed a Department-approved course of instruction in specific advanced life support-mobile intensive care services and who is currently functioning in a program approved by the Illinois Department of Public Health to provide such services under the supervision and control of a EMS Medical Director.

EMERGENCY MEDICAL TECHNICIAN-PARAMEDIC (EMT-P). A person who has successfully completed an Illinois Department of Public Health approved course of instruction in advanced life support-mobile intensive care services and is currently certified by the Illinois Department of Public Health.

INCIDENT COMMAND AUTHORITY. A person or person(s) responsible for all aspects of an emergency response when present at the scene; including developing incident objectives,

managing all incident operations, application of resources as well as responsibility for the direction of all persons involved.

INTERMEDIATE LIFE SUPPORT (ILS). An intermediate level of pre-hospital and inter-hospital emergency care and non-emergency medical services that includes basic life support care plus intravenous cannulation and fluid therapy, invasive airway management, trauma care, and other authorized techniques and procedures as outlined in the Intermediate Life Support national curriculum of the United States Department of Transportation and any modifications to that curriculum specified in regulations issued by the Illinois Department of Public Health.

§ 103.02 PRIMARY RESPONDERS.

Provided that the Washington Volunteer Fire Department and Rescue Squad, Inc., and the Northern Tazewell Fire Protection District are operating in compliance with this Ordinance:

- (A) For all calls for **Advanced Life Support (ALS) for all areas of the City**, the Washington Volunteer Fire Department and Rescue Squad, Inc., or its designees **through an approved Mutual Aid agreement**, shall be the primary responders. If any such Advanced Life Support (ALS) call is made to an area within the City that also lies within the geographic boundaries of the Northern Tazewell Fire Protection District, Tazewell County Consolidated Communications, or its successor or designee, may choose to dually dispatch EMT(s) from the Northern Tazewell Fire Protection District to provide any emergency medical responder services until such time as the primary responder(s) arrive at the scene.
- (B) For calls for **Basic Life Support (BLS) and Intermediate Life Support (ILS) for all areas of the City outside the geographic boundaries of the Northern Tazewell Fire Protection District**, the Washington Volunteer Fire Department and Rescue Squad, Inc., or its designees, shall be the primary responders
- (C) For calls for **Basic Life Support (BLS) and Intermediate Life Support (ILS) for areas of the City within the geographic boundaries of the Northern Tazewell Fire Protection District**, the Northern Tazewell Fire Protection District, or its designees, shall be the primary responders.
- (D) In the event either the Washington Volunteer Fire Department and Rescue Squad, Inc., or the Northern Tazewell Fire Protection District are not operating in compliance with this Ordinance, the Chief of Police is given the authority to override the provisions of this Section and give designations of primary responders to any entity so as to provide adequate emergency medical responder services within the City.

§ 103.03 EMERGENCY DISPATCH (EMD) PROCEDURES.

- (A) Each ambulance service operating within the City shall comply with all emergency dispatch procedures established by Tazewell County Consolidated Communications or its designees.
- (B) Any ambulance service which is not able to comply with the operational requirements set forth in this Ordinance shall immediately report that status to the City.
- (C) Any ambulance service shall not respond to any requests for emergency assistance within the City unless it is in compliance with all requirements set forth in this Ordinance.
- (D) Personnel affiliated with an ambulance service or hospital who wish to respond to an emergency scene in a vehicle other than an ambulance are required to:
 - (a) Identify their response over the appropriate frequency; and,
 - (b) Comply with all City, State, and Federal laws and regulations in regard to emergency response; and,
 - (c) Comply with the current Emergency Medical Dispatch (EMD) System; and,
 - (d) Have insurance naming the City as additional insured, consistent with § 103.04 (B).
- (E) It shall be unlawful for any ambulance service to respond in any part of the City to **a an emergency** call for an ambulance **or to any event for which a 911 call or 911 system dispatch has been made** unless a specific request is directed to the ambulance service by the Tazewell County Consolidated Communications or its designee.
- (F) In the event an emergency in any area of the City has been designated by the Tazewell County Consolidated Communications or the Incident Command Authority as requiring Advanced Life Support (ALS) response, it shall be unlawful for any person or entity to interfere in any way with the response of and the treatment offered by the Washington Volunteer Fire Department and Rescue Squad, Inc., or its designees. This shall include, but is not limited to, placing a patient on a cot or stretcher that is physically incompatible with transport on any ambulance operated by the Washington Volunteer Fire Department and Rescue Squad, Inc., or its designees, or by applying any medical device that is incompatible with devices used by the Washington

Volunteer Fire Department and Rescue Squad, Inc., or its designees.

(G) Dispatch Designations

1. Any ambulance service receiving a dispatch from Tazewell County Consolidated Communications which designates a response as ALS may not downgrade that designation unless and until such designation is downgraded by a certified EMT-I or EMT-P.
2. Any ambulance service receiving a dispatch from Tazewell County Consolidated Communications which designates a response as **BLS or ILS** may not downgrade that designation unless and until such designation is downgraded by either a certified EMT-I or EMT-P or by the Incident Command Authority.
3. A decision to upgrade a dispatch designation shall be made by a certified EMT-I or EMT-P present at the scene, or by the Incident Command Authority if a certified EMT-I or EMT-P is not present.

(H) In the event two or more ambulance services respond to the same location or emergency within in any area of the City, the ambulance services must allow for a reasonable temporary exchange of equipment in the course of providing emergency medical responder services in order to allow for efficient and appropriate delivery of services or transport, consistent with direction of the Incident Command Authority.

(I) An ambulance which is traveling through the City of Washington incident only to a patient transport that physically originates outside the City, or which is traveling or parked at a repair or maintenance facility incident only to vehicle service, periodic vehicle maintenance, or repair, shall not be deemed as being "operated" in violation of this ordinance.

§ 103.04 SIGNAGE AND ADVERTISING OF EMERGENCY RESPONSE SERVICES

(A) It is unlawful for any person, business or entity within the City of Washington other than the Section 103.02 Primary Responders to display business location signage stating or otherwise indicating to the public that the person, business or entity is providing emergency medical transportation services.

(B) Any person, business or entity within the City of Washington other than the Section 103.02 Primary Responders, which houses, stores or maintains an ambulance within the City of Washington must, in any business location signage, adequately and conspicuously state or otherwise indicate to the public that the business location provides "non-emergency" or "non-medical transport" services.

§ 103.05 AMBULANCE LICENSING AND OTHER REQUIREMENTS.

- (A) It is unlawful for an ambulance service to operate within the City of Washington without a license issued by the City Clerk of the City of Washington, unless operating under an approved Mutual Aid agreement on file with the City Clerk:.
- (B) Each ambulance service operating within the City shall comply with the provisions of this Ordinance and with Section 515.830: "Ambulance Licensing Requirements" of Title 77, Chapter I, Part 515 of the Illinois Joint Committee on Administrative Rules Administrative Code.
- (C) Each ambulance service operating within the City shall name the City as additional insured on all policies of insurance for liability or misconduct, and copies thereof shall be deposited with the City within 30 days after the commencement or renewal of such policies.
- (D) Each licensed ambulance service operating within the City shall, as a condition of operating under this Ordinance, be required to provide the City with an enforceable document under which the ambulance service shall save and hold the City free, harmless, and indemnified from and against: any and all liability, damages, causes, causes of action, and responsibility whatsoever on account of any injury to any person or damage to any property arising out of or in any way connected with the operations of the ambulance service.
- (E) Upon presentation by an ambulance service of documentation as required by this Ordinance, the City Clerk of the City of Washington ~~shall~~ **may** issue an appropriate license to the ambulance service **after approval by the Chief of Police**. The City Clerk or Chief of Police may from time to time at his/her discretion require a licensed ambulance service to confirm or update its compliance with this Ordinance.
- (F) The Chief of Police or his/her designee shall have the right to inspect all operational locations, ambulances, and/or other emergency non-transport response vehicles proposed to be used or used by a licensed ambulance service at any reasonable time and investigate the emergency response business records of the applicant and staff to be used in the ambulance service at reasonable times, provided, however, that the Chief of Police shall not be allowed to inspect those portions of records which are prohibited from inspection by Federal or State law. Should the ambulance service refuse to allow inspection of a portion of a record due to a Federal or State law, the Chief of Police may require that the ambulance service specify the particular law which restricts inspection and shall be allowed to inspect those portions of the records that are not prohibited by law from disclosure.
- (G) In the case of an emergency where the number of licensed ambulances available is determined by the Chief of Police **or the Incident Command Authority** to be insufficient to render the required emergency ambulance service, the Chief of Police **or his designee** may authorize non-licensed vehicles to operate as ambulances in response to the emergency.

- (H) The Chief of Police may impose fines against or suspend or revoke the license of a licensed ambulance service for any violations of the provisions of this chapter or any rules or regulations promulgated to implement the provisions of this chapter, in accordance with the provisions of this Ordinance or any amendment thereto.
- (I) Any ambulance service that plans to cease operations and terminate services shall notify the Chief of Police in writing, no less than one hundred eighty days (180) before the termination date.

§ 103.06 SUSPENSION OR REVOCATION; REFUSAL TO ISSUE LICENSES OR PERMITS; FINES.

Every act or omission constituting a violation of any of the provisions of this Ordinance by any officer, director, manager, agent or employee of any licensee shall be imputed to such licensee. The licensee may be punishable as if the act or omission had been done or omitted by the licensee personally.

Revocation shall mean the termination by formal action of the license, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon after the expiration of at least two (2) years after the date of revocation.

Suspension shall mean the temporary withdrawal by formal action of the license for a period specifically designated not to exceed the term of the original grant of the license, unless otherwise specifically provided for elsewhere in this Code or other ordinances. However, the period of a suspension may extend beyond the expiration date of the suspended license.

Causes for suspension or revocation. In addition to provisions elsewhere in this Ordinance, the Chief of Police may suspend or revoke a license for any one or more of the following reasons:

- (1) Material fraud, misrepresentation or false statements in connection with the application for license;
- (2) Material violation of this Ordinance or other ordinances;
- (3) Failure to meet the qualifications required of a licensee.

Before suspending or revoking a license, the Chief of Police shall take into consideration the nature of the acts or omissions upon which the revocation is based and balance the seriousness of such acts or omissions in connection with the revocation against the public welfare and public interest.

Causes for denial. The City Clerk may refuse to issue a license for failure to meet

the required qualifications and for any of the reasons for which a license could be suspended or revoked.

Notice of denial, suspension or revocation. Except as provided with respect to emergency suspensions, no license subject to the provisions of this Ordinance shall be denied, suspended or revoked, except when at least five (5) days' written notice shall be served on the applicant or licensee. The notice shall set forth a date, time and place at which the licensee or applicant may appear to show cause before the issuing authority why the license should be issued or not suspended or revoked, and shall state the facts which constitute the reasons for the suspension or revocation hearing.

Service of the notice shall be made in one of the following ways:

- (1) Certified mail, return receipt requested, at the licensee's business or home address indicated on the licensee's application for the license; or
- (2) Personal service on the licensee, the manager or agent of a licensee, or any employee of the licensee, who is eighteen (18) years of age or older at the time of service; or
- (3) However, if the notice by certified mail is not made, and personal service is not made after the exercise of reasonable diligence, service of the notice may be made by
prominently posting the notice on the business premises of the licensee, if any; by publication of the notice one time in a newspaper of general circulation in the City or by telephone conference together with written notice sent by U.S. mail at the licensee's business or home address indicated on the licensee's application for the license.

Emergency suspension. If the Chief of Police has reason to believe that the continued operation of a particular licensee will immediately threaten the health, safety or welfare of the community, the Chief of Police may, upon the issuance of a written order stating the reason for the conclusion and without notice or hearing, order the license suspended for not more than seven (7) days. A hearing shall be held within a seven (7) day period. Such period shall begin on the date of suspension. The hearing shall give the licensee the opportunity to be heard on the matter.

Hearings. The Chief of Police shall make findings of fact and a decision, and impose a penalty, if any, in writing within five (5) days of the date of the completion of the hearing.

Fines. In lieu of or in addition to the suspension or revocation of a license, the Chief of Police may impose a fine of not less than fifty dollars (\$50.00) and not more than two thousand dollars (\$2,000.00) for each such violation.

Appeals. Any licensee or applicant may appeal a decision of the City Clerk or Chief of Police to suspend, revoke or refuse to issue a license to the Mayor of the City of Washington. Appeals shall be in writing setting forth the reasons and shall be filed with the City Clerk within ten (10) days after the receipt of the notice of the suspension, revocation or the refusal to issue. The appeal shall be heard not more than twenty (20) days following the receipt of the notice of appeal by the City Clerk, except that the appellant may request or agree to a continuance of the hearing date. The notice of appeal shall stay the suspension or revocation until the determination of the Mayor as to the appeal. The Mayor may appoint another person to act as hearing officer in his/her stead to conduct the hearing, in which case the hearings shall be transcribed and the Mayor shall review such transcription prior to rendering a decision. The Mayor shall make findings of fact and affirm, reverse, or modify the appealed decision not later than five (5) days after the completion of the appeal hearing.

Final City Action. The decision of the Mayor on appeal shall be the final City action for purposes of judicial review.

§ 103.07 SUIT TO ENJOIN VIOLATION

In addition to the other remedies and penalties provided in this section, the City Attorney is authorized to file appropriate civil actions for a temporary restraining order, temporary injunction, perrnanent injunction, damages or for contribution, against any person violating this section.

Section 2. That all ordinances, or parts thereof, in conflict herewith are hereby expressly repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2023.

AYES: _____

NAYS: _____

Mayor

ATTEST:

City Clerk

ORDINANCE NO. _____

Synopsis: Amendment of this code to further define operations and uses of the operation of ambulances within the City of Washington.

AN ORDINANCE AMENDING TITLE IX OF THE CODE OF ORDINANCES OF THE CITY OF WASHINGTON, TAZEWELL COUNTY, ILLINOIS, ENTITLED “GENERAL REGULATIONS” BY ESTABLISHING CHAPTER 103, “STANDARDS FOR THE OPERATION OF AMBULANCES.”

WHEREAS, the City Code of Ordinances at Title IX provides for General Regulations; and

WHEREAS, the City recognizes the need to define the operations and uses of the operations of ambulances within the City of Washington; and

WHEREAS, the City seeks to provide the same high standard of EMS care throughout the City; and

WHEREAS, it is deemed to be in the best interest of the residents of the City that standards for the operations of ambulances be established; and

WHEREAS, the provisions of this ordinance are determined by the City Council to be necessary and appropriate to help protect the public health, safety and general welfare of the citizens of the City of Washington, and that the provisions of this ordinance are a reasonable method of accomplishing this objective; and

WHEREAS, the City of Washington is a home rule municipality and intends to exercise its powers thereunder by passing this ordinance.

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 - (a) Identify their response over the appropriate frequency; and,
 - (b) Comply with all City, State, and Federal laws and regulations in regard to emergency response; and,
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 - (d) Have insurance naming the City as additional insured, consistent with § 103.04 (B).
- (E) It shall be unlawful for any ambulance service to respond in any part of the City to **a an emergency** call for an ambulance **or to any event for which a 911 call or 911 system dispatch has been made** unless a specific request is directed to the ambulance service by the Tazewell County Consolidated Communications or its designee.
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Volunteer Fire Department and Rescue Squad, Inc., or its designees.

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(H) In the event two or more ambulance services respond to the same location or emergency within in any area of the City, the ambulance services must allow for a reasonable temporary exchange of equipment in the course of providing emergency medical responder services in order to allow for efficient and appropriate delivery of services or transport, consistent with direction of the Incident Command Authority.

(I) **An ambulance which is traveling through the City of Washington incident only to a patient transport that physically originates outside the City, or which is traveling or parked at a repair or maintenance facility incident only to vehicle service, periodic vehicle maintenance, or repair, shall not be deemed as being “operated” in violation of this ordinance.**

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(A) **It is unlawful for any person, business or entity within the City of Washington other than the Section 103.02 Primary Responders to display business location signage stating or otherwise indicating to the public that the person, business or entity is providing emergency medical transportation services.**

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- (B) Each ambulance service operating within the City shall comply with the provisions of this Ordinance and with Section 515.830: "Ambulance Licensing Requirements" of Title 77, Chapter I, Part 515 of the Illinois Joint Committee on Administrative Rules Administrative Code.
- (C) Each ambulance service operating within the City shall name the City as additional insured on all policies of insurance for liability or misconduct, and copies thereof shall be deposited with the City within 30 days after the commencement or renewal of such policies.
- (D) Each licensed ambulance service operating within the City shall, as a condition of operating under this Ordinance, be required to provide the City with an enforceable document under which the ambulance service shall save and hold the City free, harmless, and indemnified from and against: any and all liability, damages, causes, causes of action, and responsibility whatsoever on account of any injury to any person or damage to any property arising out of or in any way connected with the operations of the ambulance service.
- (E) Upon presentation by an ambulance service of documentation as required by this Ordinance, the City Clerk of the City of Washington ~~shall~~ **may** issue an appropriate license to the ambulance service **after approval by the Chief of Police**. The City Clerk or Chief of Police may from time to time at his/her discretion require a licensed ambulance service to confirm or update its compliance with this Ordinance.
- (F) The Chief of Police or his/her designee shall have the right to inspect all operational locations, ambulances, and/or other emergency non-transport response vehicles proposed to be used or used by a licensed ambulance service at any reasonable time and investigate the emergency response business records of the applicant and staff to be used in the ambulance service at reasonable times, provided, however, that the Chief of Police shall not be allowed to inspect those portions of records which are prohibited from inspection by Federal or State law. Should the ambulance service refuse to allow inspection of a portion of a record due to a Federal or State law, the Chief of Police may require that the ambulance service specify the particular law which restricts inspection and shall be allowed to inspect those portions of the records that are not prohibited by law from disclosure.
- (G) In the case of an emergency where the number of licensed ambulances available is determined by the Chief of Police **or the Incident Command Authority** to be insufficient to render the required emergency ambulance service, the Chief of Police **or his designee** may authorize non-licensed vehicles to operate as ambulances in response to the emergency.

- (H) The Chief of Police may impose fines against or suspend or revoke the license of a licensed ambulance service for any violations of the provisions of this chapter or any rules or regulations promulgated to implement the provisions of this chapter, in accordance with the provisions of this Ordinance or any amendment thereto.
- (I) Any ambulance service that plans to cease operations and terminate services shall notify the Chief of Police in writing, no less than one hundred eighty days (180) before the termination date.

§ 103.06 SUSPENSION OR REVOCATION; REFUSAL TO ISSUE LICENSES OR PERMITS; FINES.

Every act or omission constituting a violation of any of the provisions of this Ordinance by any officer, director, manager, agent or employee of any licensee shall be imputed to such licensee. The licensee may be punishable as if the act or omission had been done or omitted by the licensee personally.

Revocation shall mean the termination by formal action of the license, which termination shall not be subject to renewal or restoration except that an application for a new license may be presented and acted upon after the expiration of at least two (2) years after the date of revocation.

Suspension shall mean the temporary withdrawal by formal action of the license for a period specifically designated not to exceed the term of the original grant of the license, unless otherwise specifically provided for elsewhere in this Code or other ordinances. However, the period of a suspension may extend beyond the expiration date of the suspended license.

Causes for suspension or revocation. In addition to provisions elsewhere in this Ordinance, the Chief of Police may suspend or revoke a license for any one or more of the following reasons:

- (1) Material fraud, misrepresentation or false statements in connection with the application for license;
- (2) Material violation of this Ordinance or other ordinances;
- (3) Failure to meet the qualifications required of a licensee.

Before suspending or revoking a license, the Chief of Police shall take into consideration the nature of the acts or omissions upon which the revocation is based and balance the seriousness of such acts or omissions in connection with the revocation against the public welfare and public interest.

Causes for denial. The City Clerk may refuse to issue a license for failure to meet

the required qualifications and for any of the reasons for which a license could be suspended or revoked.

Notice of denial, suspension or revocation. Except as provided with respect to emergency suspensions, no license subject to the provisions of this Ordinance shall be denied, suspended or revoked, except when at least five (5) days' written notice shall be served on the applicant or licensee. The notice shall set forth a date, time and place at which the licensee or applicant may appear to show cause before the issuing authority why the license should be issued or not suspended or revoked, and shall state the facts which constitute the reasons for the suspension or revocation hearing.

Service of the notice shall be made in one of the following ways:

- (1) Certified mail, return receipt requested, at the licensee's business or home address indicated on the licensee's application for the license; or
- (2) Personal service on the licensee, the manager or agent of a licensee, or any employee of the licensee, who is eighteen (18) years of age or older at the time of service; or
- (3) However, if the notice by certified mail is not made, and personal service is not made after the exercise of reasonable diligence, service of the notice may be made by
prominently posting the notice on the business premises of the licensee, if any; by publication of the notice one time in a newspaper of general circulation in the City or by telephone conference together with written notice sent by U.S. mail at the licensee's business or home address indicated on the licensee's application for the license.

Emergency suspension. If the Chief of Police has reason to believe that the continued operation of a particular licensee will immediately threaten the health, safety or welfare of the community, the Chief of Police may, upon the issuance of a written order stating the reason for the conclusion and without notice or hearing, order the license suspended for not more than seven (7) days. A hearing shall be held within a seven (7) day period. Such period shall begin on the date of suspension. The hearing shall give the licensee the opportunity to be heard on the matter.

Hearings. The Chief of Police shall make findings of fact and a decision, and impose a penalty, if any, in writing within five (5) days of the date of the completion of the hearing.

Fines. In lieu of or in addition to the suspension or revocation of a license, the Chief of Police may impose a fine of not less than fifty dollars (\$50.00) and not more than two thousand dollars (\$2,000.00) for each such violation.

Appeals. Any licensee or applicant may appeal a decision of the City Clerk or Chief of Police to suspend, revoke or refuse to issue a license to the Mayor of the City of Washington. Appeals shall be in writing setting forth the reasons and shall be filed with the City Clerk within ten (10) days after the receipt of the notice of the suspension, revocation or the refusal to issue. The appeal shall be heard not more than twenty (20) days following the receipt of the notice of appeal by the City Clerk, except that the appellant may request or agree to a continuance of the hearing date. The notice of appeal shall stay the suspension or revocation until the determination of the Mayor as to the appeal. The Mayor may appoint another person to act as hearing officer in his/her stead to conduct the hearing, in which case the hearings shall be transcribed and the Mayor shall review such transcription prior to rendering a decision. The Mayor shall make findings of fact and affirm, reverse, or modify the appealed decision not later than five (5) days after the completion of the appeal hearing.

Final City Action. The decision of the Mayor on appeal shall be the final City action for purposes of judicial review.

§ 103.07 SUIT TO ENJOIN VIOLATION

In addition to the other remedies and penalties provided in this section, the City Attorney is authorized to file appropriate civil actions for a temporary restraining order, temporary injunction, pennanent injunction, damages or for contribution, against any person violating this section.

Section 2. That all ordinances, or parts thereof, in conflict herewith are hereby expressly repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage, approval, and publication as provided by law.

PASSED AND APPROVED this _____ day of _____, 2023.

AYES: _____

NAYS: _____

Mayor

ATTEST:

City Clerk