

PART 13

PUBLIC SAFETY

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## FIRE PREVENTION

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SECTION 13-101 ADOPTION OF FIRE PREVENTION CODE

There is hereby adopted by the city council for the purposes of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as International Fire Code, latest edition, including Appendix B, C and D as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Dewey, in the State of Oklahoma for regulating and governing the conditions and maintenance of all property, buildings, and structures; by providing the standard for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire code on file in the city clerk's office of the city of Dewey are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance. (Prior Code, Sec. F1)(Amended 1/06/14; Ordinance #2014-1521

Cross Reference: Fire district delineated, see Part 5 of this code.

SECTION 13-102 FIRE DEPARTMENT TO ENFORCE CODE.

A. The fire prevention code shall be enforced by the fire department of the city, under the supervision of the chief of the fire department. The terms "Bureau of Fire Prevention" and "Chief of the Bureau of Fire Prevention," wherever found in the Fire Prevention Code, shall mean fire department and chief of the fire department, respectively, of this city. Whenever the word "municipality" is used in the Fire Prevention Code, it means this city. Whenever the word "corporation counsel" is used in the code, it means the city attorney of this city.

B. The chief of the fire department may detail such members of the fire department as inspectors as may from time to time be necessary, and the city manager may appoint such inspectors as the council may authorize.

C. The fire chief shall issue all permits required by this chapter except as may be otherwise provided. (Prior Code, Sec. F2, F3)

SECTION 13-103 LIMITS WITHIN WHICH STORAGE OF FLAMMABLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS, LPG, EXPLOSIVES, ARE PROHIBITED.

A. The limits referred to in the fire prevention code, in which storage of flammable liquids in outside aboveground tanks is prohibited, are hereby established as the fire limits of the city.

B. The limits referred to in the fire prevention code, in which new bulk plants for flammable liquids are prohibited, are hereby established as the fire limits of the city.

C. The limits referred to in the fire prevention code, in which bulk storage of liquefied petroleum has been prohibited, are hereby established as the city limits. It is unlawful for any person to establish, erect, construct, or enlarge a new plant or place of business within the city limits for manufacturing, distributing, or handling liquefied petroleum gas or gases.

D. The limits referred to in the fire prevention code, in which storage of explosives and blasting agents is prohibited, are hereby established as the fire limits of the city. (Prior Code, Sec. F4, F5, in part)

Cross Reference: See Part 5 of this code for other provisions on liquefied petroleum gas and for fire limits.

#### SECTION 13-104      MODIFICATIONS.

The city manager and fire chief, shall have power to modify any of the provisions of the fire prevention code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of the manager and fire chief thereon shall be entered upon the records of the city and a signed copy shall be furnished the applicant. (Prior Code, Sec. F6)

#### SECTION 13-105      NEW MATERIALS, PROCESSES, OR OCCUPANCIES WHICH MAY REQUIRE PERMITS.

The city manager and the chief of the fire department shall act as a committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes, or occupancies, which shall require permits, in addition to those now enumerated in the fire code. The fire chief shall post such list in a conspicuous place in his office, and distribute copies thereof to interested persons. (Prior Code, Sec. F8)

#### SECTION 13-106      APPEALS.

Whenever the fire chief or the city manager shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the city manager to the city council within thirty (30) days from the date of the decision appealed. (Prior Code, Sec. F7)

#### SECTION 13-107      PENALTIES.

A. Any person who violates any of the provisions of the Fire Prevention Code hereby adopted or fails to comply therewith, or who violates or fails to comply with any order made thereunder, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who fails to comply

with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed therein, shall severally for every such violation and noncompliance respectively, be guilty of an offense, punishable as provided in Section 1-108 of this code. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Prior Code, Sec. F9)

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SECTION 13-201 FIRE DEPARTMENT, CHIEF OF THE DEPARTMENT

There shall be a fire department, the head of which shall be the chief of the fire department. The membership of the department shall elect a chief on an annual basis with a term beginning on July 1<sup>st</sup>, and ending on June 30<sup>th</sup> of each year. The appointment of the chief must have final approval by the city manager. The chief of the department shall be an officer of the city and shall have supervision and control of the fire department. There shall be such additional fire fighters as may be authorized by the city manager. All firefighter shall be officers of the city. It is the duty of the fire department, among others, to extinguish fires, to rescue persons endangered by fire; to resuscitate, and to administer first aid to, persons injured in or about burning structures, or elsewhere in case of an emergency; to promote fire prevention; and unless otherwise provided, to enforce all ordinances relating to fires, fire prevention, and safety of persons from fire and explosions in theaters, stores, and other public buildings. All members of the fire department are required to follow all adopted ordinances within the City of Dewey, and are required to represent in good manner when outside the corporate limits of the community. (Prior Code, Secs. A12,A13 in part, Amended 7/16/2018 #2018-1566)

State Law Reference: Fire department in general, 11 O.S. Sections 29-101 et seq.; volunteer departments, 11 O.S. Sections 29-201 et seq.

Section 13-202DUTIES OF THE FIRE CHIEF

The Chief shall be at the head of the department, subject to the laws of the state, ordinances of the city, and the rules and regulations adopted in this chapter. The Chief shall have the following powers and duties:

1. The Chief shall be responsible for the general condition and efficient operation of the department, the training of members, and the performance of all other duties imposed upon him;
2. The Chief may inspect or cause to be inspected by members of the department, the fire hydrants, cistern and other sources of water supply at least twice each year;
3. The Chief shall maintain a library of file of publications of fire prevention and fire protection and shall make use of it to the best advantage of all members.
4. The chief shall make every effort to attend all fires and direct officers and members in the performance of their duties;
5. The chief shall see that the citizens are kept informed on fire hazards in the community and on the activities of the department;
6. The Chief shall see that each fire is carefully investigated to determine its cause, and in the case of suspicion of incendiarism shall notify proper authorities and secure and secure and preserve all possible evidence for future use in the case;
7. The Chief is authorized to enter any building or premise in the city at any reasonable hours for the occupants to correct any hazards or violations that may be found; and
8. The Chief shall be that complete records are kept of all fires, inspections, apparatus and equipment, personnel and other information of the department and shall make reports to the City Manager as he may required.

(Prior Code. Sec 15., in part Amended by governing board 7/16/2018 #2018-1566)

SECTION 13-203DUTIES OF THE ASSISTANT CHIEF

In the absence of the chief, the assistant chief on duty shall command the department and be held responsible therefor in all respects with the full powers and responsibilities of the chief. The assistant chief shall also be elected on an annual basis by the same manner as the chief, and that appointment must have final approval by the city manager. Other officers deemed necessary shall be appointed by election of the membership on an annual basis in the same manner as the chief and assistant chief. The number of officers deemed necessary shall be determined with consultation between the chief and city manager.

SECTION 13-204USE OF FIRE EQUIPMENT, INVENTORY AND REPAIR

A. No person shall use any fire apparatus or equipment for any private purpose, nor shall any person willfully and without proper authority take away or conceal any article used in any way be the department. No person shall enter any place where apparatus is housed or handle any apparatus or equipment belonging to the department unless accompanied by, or having the special permission of, an officer or authorized member of the department.(Amended 7/16/2018 #2018-1566)

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B. The chief shall prepare and keep a complete inventory of all property belonging to the fire department, and shall at the expiration of his term turn over such inventory and all such property to his successor, together with all books, records, reports and data of the department. (New)

SECTION 13-205      FIRST RESPONDER UNIT ADOPTED

The city fire department is currently authorized and staffed to qualify as a First Responder Unit. The city hereby establishes a First Responder Unit within the Dewey Fire Department, and adopts the rules and regulations approved by City Council, the City Manager and Fire Chief for the implementation and execution of the First Responder Unit. (Ord. 99-1388) Adopted May 5, 1999.

ARTICLE B

VOLUNTEER DEPARTMENT

SECTION 13-210      VOLUNTEER DEPARTMENT, COMPANY OFFICERS.

The company officers of the volunteer department shall be selected upon their ability to meet the following requirements:

1. Their knowledge of fire fighting;
2. Their leadership ability; and
3. Their knowledge of fire fighting equipment.

(Prior Code, Sec. F15)

State Law Reference: Volunteer fire departments, 11 O.S. Sections 29-201 et seq.

SECTION 13-211      THE SECRETARY-TREASURER.

One member elected by the fire department shall be secretary-treasurer. His duties shall consist of the following:

1. Calling the roll of the opening of each meeting;
2. Keeping the minutes of each meeting; and
3. Collecting any money due the department by the members.

(Prior Code, Sec. F15)



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SECTION 13-212      NEW MEMBERS OF VOLUNTEER DEPARTMENT

- A.      New applicants shall be required to be at least eighteen years of age, and has a high school diploma, of GED in order to be considered as a probationary member. All applications for probationary membership shall be submitted to the city manager for review and approval, and then passed onto the majority of the full-time and volunteer fire department for recommendation.
  
- B.      New volunteer members upon completion of their probation period must be approved by the majority of the full-time and volunteer members of the fire department, and then submitted for approval of the city manager before being placed as a member.

SECTION 13-213      RULES AND REGULATIONS

- 10.     No employee or citizen shall be allowed to utilize city property as a personal residence at any time unless authorized by the city manager. The city manager may authorize the use of city facilities in the event of a man-made or natural disaster. (Amended 7/16/2018 #2018-1566)

2. A volunteer firefighter is required to be present at all regular meetings, call meetings and schools presented for the benefit of the firefighters;
3. There shall be at least one regular business meeting each month;
4. Any volunteer firefighter having two (2) unexcused absences in succession or three (3) unexcused absences in a period of three (3) months will be dropped from the fire department rolls;
5. Volunteer firefighters leaving the city for an extended period of time will be required to notify the chief;
6. Any volunteer firefighter refusing to attend training classes provided for him will be dropped; and
7. Any volunteer member of the fire department shall reside within the City of Dewey, Oklahoma Fire District, or within a ten minute response time from the Dewey Volunteer Fire Station; (Amended 9/2/15; Ordinance No. 2015-1541, Amended 10/15/2018; Ordinance No. 2018-1569)
8. Any volunteer member of the fire department shall be dropped from the rolls for the following offenses:
  - a. Conduct unbecoming a firefighter;
  - b. Any act of insubordination;
  - c. Neglect of duty;
  - d. Any violation of rules and regulations governing the fire department; or
  - e. Conviction of a felony; and
9. Any volunteer member of the fire department shall be dropped if the volunteer fails to maintain residence within the area as set forth in Paragraph 7 above.

(Prior Code, Sec. F15, as amended)

## ARTICLE C

### CALLS OUTSIDE LIMITS

#### SECTION 13-220 CONTRACTS AUTHORIZED OUTSIDE CITY LIMITS.

The city is hereby authorized and empowered to enter into contracts or agreements with individuals, firms, private corporations or associations, or political subdivisions of the state for fire protection outside the corporate limits of the city, and to contract to provide fire protection jointly with other organizations and municipal subdivisions of the state.

State Law Reference; Mutual aid, fire contracts outside limits, 11 O.S. Sections 29-106 to 29-109.

Section 13-221 Contract Terms, Fees for Service

- A. Any contract entered into by the city with an individual owner, firm, Private Corporation, or association, for outside aid, or mutual aid for fire protection, shall provide for the payment of the owner, firm, Private Corporation, or association, or political subdivision to the city for such fire apparatus and personnel at the rate as set by the council. All monies received from the calls shall go into the general fund all as may be directed by the council.
- B. The owner, tenant, manager, or other person in charge of or in possession of the property being served shall be deemed, in the name of the owner or owners of the property, to have created a contract with the City and its fire department for the receipt of such fire protection service, unless such owner or owners shall first disclaim or waive the furnishing of such services. (Ord. No. 80-1277, 8/18/80, in part)
- C. Each rural resident who owns a resident structure in the Dewey Fire Department Response Area shall be able to purchase a membership in the fire department for a yearly fee of \$100.00. Payment of this fee would provide a one-time emergency fire response call to the rural resident without charge. Any additional calls within the fiscal year will result in charges based on the approved fee schedule. Non-member charge will be according to services and equipment provided as set in the approved fee schedule. Any property used commercially, whether leased or owned, shall not be eligible for membership, and will be charged accordingly as a non-member. (Amended May 18, 2009 )#2009-1492)(Amended 12/03/12 #2012-1519) (Amended June 1, 2020 #2020-1580)
- D. Fee Schedule for Rural Service  
 Grass/Brush Fire: \$300 for the first hour.  
 Vehicle Fire: \$400.00 for the first hour.  
 Structure Fire: \$1000 for the first hour.  
 All Fires: \$100.00 per hour/per truck in addition to the base charge.  
 Medical: No Charge- Note that Medical is first response only; transport will be provided by an ambulance service which may incur a charge.

Section 13-222 Authority to Answer Calls

The fire department of the City is hereby authorized and directed to answer calls outside the City limits unless in the opinion of the Fire Chief it is inexpedient to do so because of another fire in the City, broken apparatus, impassable or dangerous highways, or other physical conditions. (Ord. No 80-1277, 8-18-80 in part)

Section 13-223 Firefighters Serving in Regular Line of Duty

All firefighters of the fire department of the City attending and serving at fires or doing fire prevention work outside the corporate limits of the city, as herein provided, shall be considered as serving in their regular line of duty as fully as they were serving within the corporate limits of the City. The firefighters shall be entitled to all the benefits of any firemen's pension and relief fund in the same manner as if the fire fighting or fire prevention work was being done within the corporate limits of the City.

Section 13-224 Department Considered Agent of State

The fire department of the city answering any fire alarm, or call, or performing any fire prevention services outside the corporate limits of the City shall be considered as an agent of the State, and acting solely and alone in a governmental capacity, and the municipality shall not be liable in damages for any act of commission, omission, or negligence while answering or returning from any fire, or reported fire, or doing any fire prevention work under and by virtue of this article.

### Section 13-225 Fire Training

Open burning of human-made structures for the purpose of fire training is allowed as provided for in Oklahoma Clean Air Act, 27A O.S. § 2-5-106.1

The Fire Chief or his designee shall determine if the structure is safe for training prior to performing a controlled open burn.

Controlled open burns on dilapidated or condemned structures shall be charged and billed to the property owner(s) at a rate of five hundred dollars (\$500.00) per structure or as otherwise set by the governing body.

Prior to the Fire Department personnel performing a controlled open burn on a dilapidated or condemned human-made structure for the purpose of training the property owner(s) are required to:

- a) Provide proof of ownership;
- b) Sign a Release and Indemnification Agreement;
- c) Provide proof the entire structure has been examined according to the Oklahoma Clean Air Act, Title 27A § 2-5-106.1 for the presence of asphalt, asbestos, and lead-containing materials;
- d) Provide proof that all asphalt, asbestos and lead-containing materials have been removed from the structure prior to the fire training;
- e) Provide proof all asphalt, asbestos and lead-containing materials have been disposed of at a facility approved for handling of hazardous materials;
- f) Inspection, removal and disposal of any hazardous materials shall be conducted according to the requirements of federal law;
- g) Property owner(s) are responsible for the cost of testing, removal and disposal of hazardous materials.
- h) Provide proof that all utilities have been disconnected;
- i) Identify underground hazards such as basements, cellars, septic tanks;

Following the completion of fire training; property owner(s) shall be responsible for the removal and proper disposal of all remaining debris within thirty (30) days. The property owner(s) shall provide the Dewey Fire Department proof the debris has been disposed of at an approved facility.

Failure to remove and properly dispose of all debris shall be punished by a fine, of not exceeding five hundred dollars (\$500.00), plus court costs and penalties, or by imprisonment for not more than ten (10) days, or both such fine and imprisonment. Each day or any portion of a day during which a violation of this Section shall constitute a separate offense.

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SECTION 13-301      POLICE DEPARTMENT CREATED, CHIEF.

There is a police department, the head of which is the chief of police, or police chief, appointed by the city manager for an indefinite term, and removable by the city manager. The chief of police is an officer of the city, and has supervision and control of the police department. All police officers are officers of the city. (Prior Code, Sec. A10)

State Law Reference: Municipal police department generally, 11 O.S. Sections 34-101 et seq.

SECTION 13-302      DUTIES.

It is the duty of the police department to apprehend and arrest on view or on warrant and bring to justice all violators of the ordinances of the city; to suppress all riots, affrays, and unlawful assemblies which may come to their knowledge, and generally to keep the peace; to serve all warrants, writs, executions, and other processes properly directed and delivered to them; to apprehend and arrest persons violating federal or state law as provided by law, and to turn them over to proper authorities; and in all respects to perform all duties pertaining to the offices of police officers. The police department has charge of and operates the city jail. (Prior Code, Sec. A11, in part)

SECTION 13-303      EMERGENCY DUTIES IN OTHER CITIES.

A. Approval is hereby given for service of members of the regular police department of this city as police officers of any other city or town, in an emergency situation, in the state, not more than one hundred (100) miles distant from this city, when such service is requested by the mayor or chief of police of the city or town or other designated official.

B. Requests for service under this section shall be made by writing or by telephone, or other means of communications, to the city manager and, in his absence, the mayor, or in his absence the vice mayor, who, if he determines that the request can be granted consistently with the continuance of the proper police protection to the inhabitants of this city, and after consultation with the chief of police, shall direct the chief of police to furnish the number of officers requested and to arrange their transportation to the requesting municipality.

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SECTION 13-401      PURPOSE OF CIVIL DEFENSE ORGANIZATION.

The purpose of this chapter is to create a civil defense organization for the city to be prepared for, and to function in the event of, emergencies endangering the lives and property of the people of such city. The duty of such civil defense organization shall be the protection of the lives and health of the citizens of the city and of property rights, both private and public, and to perform all functions necessary and incident thereto.

State Law Reference: Local civil defense organizations created, 63 O.S. Section 683.11.

SECTION 13-402      OFFICE OF CIVIL DEFENSE CREATED, DIRECTOR.

There is hereby established under the executive branch of the government of the city an office of civil defense, which shall consist of:

1. A director of civil defense who shall be appointed by the mayor of the city and serve at his pleasure;
2. A civil defense advisory committee. This committee shall consist of the mayor as chairman and five (5) members appointed by the mayor and serving at his pleasure. The committee shall select from its members a vice-chairman and secretary. The committee shall function in an advisory capacity on all matters pertaining to civil defense. It shall hold such meetings as are directed by the mayor; and
3. Such other volunteer civil defense advisory committees as may be created by the director for the evaluation of technical, professional, or other phases of the work of the office of civil defense and which may provide advisory assistance on any matters pertaining to the city's civil defense.

SECTION 13-403      DIRECTOR OF CIVIL DEFENSE; POWERS AND DUTIES.

The director of civil defense shall be the executive head of the office of civil defense, and shall be responsible to the mayor for carrying out the civil defense program of the city. He shall serve without compensation but may be reimbursed for expenses incurred in the performance of his duties. He shall have all necessary power and authority to form committees or other bodies and to appoint and designate the chairman or chief officer of such bodies as may be necessary to perfect such an organization. He shall coordinate the activities of all organizations for civil defense within the city and shall maintain liaison with and cooperate with civil defense agencies of other governmental units, both within and without the state, including the state and

federal government. He shall have such additional authority, duties and responsibilities as may be authorized by this chapter or other law. The director shall have general direction and control of the office of civil defense. He is further authorized to formulate written plans and gather information and keep written records thereof to govern the functions of the civil defense organization.

SECTION 13-404      MEMBERS OR ORGANIZATION TO SERVE WITHOUT COMPENSATION; CITY NOT LIABLE FOR INJURIES TO MEMBERS.

All members of the civil defense organization created pursuant to this chapter shall serve without compensation, and the city shall not be liable for any personal injury received by any member of such organization while acting in the line of duty.

SECITON 13-405      EMERGENCY POWERS AND DUTIES OF DIRECTOR AND MEMBERS OF ORGANIZATION.

A. In the event of any enemy-caused emergency or emergency resulting from natural causes, the director of civil defense, after due authorization from the mayor, shall have the power and authority to enforce all rules and regulations relating to civil defense and, if necessary, take control of transportation, communications, stocks of fuel, food, clothing, medicine and public utilities for the purpose of protecting the civilian population. He shall cooperate in every way with the activities of other governmental agencies or civil defense organizations and, if required by the mayor, shall have control over any and all funds allocated from any source for the purpose of alleviating distress conditions in the city.

B. The director of civil defense and other members of the civil defense organization shall have the power and authority to enforce the laws of the state and the ordinances of the city during the period of emergency and shall, at such times, have the further power to make arrests for violations of such laws or ordinances.



## CHAPTER 5

## UNCLAIMED PROPERTY

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SECTION 13-501      COMPLETE RECORD REQUIRED.

All personal property which comes into the possession of any police officer, which has been found or stolen or taken off the person or out of the possession of any prisoner or person suspected of, or charged with, being a criminal, and which is not known to belong to some person laying claim thereto, shall be, by the officer securing possession thereof, delivered into the charge of the chief of police. The chief shall, in a permanent record book kept for that purpose, make a record sufficient to identify the property, with the date and circumstances of the receipt thereof, the name of the person from whom it was taken and the place where it was found; and the record shall also disclose the subsequent disposal thereof, giving the date of sale, name and address of the purchaser, and the amount for which it was sold.

State Law Reference: Relating to finders of lost goods, see 15 O.S. Sections 511 et seq. As regards disposal of stolen or embezzled property coming into hands of police, see 22 O.S. Sections 1321 et seq. As regards disposal of liquor and gambling equipment seized by police, see 22 O.S. 1971, Sections 1261 et seq.

SECTION 13-502      DISPOSITION OF UNCLAIMED PROPERTY.

Any unclaimed personal property, other than animals, which remains in the possession of the chief of police, unclaimed, or the ownership of which is not to him satisfactorily established, for a period of thirty (30) days, shall be sold, and the proceeds of the sale shall be paid over to the city clerk, who shall issue his receipt therefor, and deposit the same to the credit of the general fund of the city, except such personal property as in the opinion of the city manager can be more advantageously used by some department or office of the city government or otherwise disposed of by the city. Ten (10) days before a sale of such unclaimed property, the chief of police shall sign and have posted in a conspicuous place in the city clerk's office, where it will be plainly visible to persons who visit that office, notice of the time, place, and manner of such sale, and general description of the property to be sold. However, if in the opinion of the city manager, all or any portion of the personal property may be more advantageously used in any city department or office, he shall so instruct the chief of police in writing, and the chief shall thereupon deliver the personal property designated to that department or office of city government and make a permanent record of its disposition.

SECTION 13-503      PROPERTY FOUND BY A PRIVATE PERSON.

Any personal property found by a person other than a public official or employee, which is delivered to any police officer for identification, if not claimed or identified within thirty (30) days, shall, within ten (10) additional days thereafter, if requested by the finder, be returned to him, and a record of such disposal made thereof. If the finder does not request return of the property to him within such additional ten (10) days, then the chief of police shall sell the property as if it had been found by a public official or

employee, or on instruction by the city manager deliver it to some department or office of the city government for its use.

SECTION 13-504      RECOVERY BY OWNER.

If any property is sold as herein provided, and the owner thereof takes and recovers possession of same from the purchaser, the amount paid therefor shall be returned to the purchaser, upon verified claim being submitted and approved by the city council.

## CHAPTER 6

### Section 13-601 Ambulance Service Definitions

1. "Ambulance" means any ground, air, or water vehicle which is approved by the Oklahoma State Department of Health and which is designed and equipped to transport and to provide appropriate on-scene and en route stabilization and care to ill, sick, and/or injured persons/patients.
2. "Ambulance call" means the act of progressing with an ambulance to the scene of need, providing appropriate care, and transporting a patient to his/her destination.
3. "Ambulance patient" or "patient" means any person or persons who is/are or will be transported to or from a health care facility in an ambulance.
4. "Applicant" means any person and/or ambulance service company seeking an operations license from the City.
5. "Attendant" means an individual licensed by the Oklahoma State Department of Health to perform emergency medical services in accordance with rules, regulations, and standards established by the State and/or by the City. An attendant will be certified as an Emergency Medical Technician/Basic, Emergency Medical Technician/intermediate, Emergency Medical Technician/Advance Cardiac, and/or Emergency Medical Technician/Paramedics.
6. "Base" means the physical locations from which an ambulance is dispatched and where the ambulance attendants are housed during their work hours.
7. "City" means the City of Dewey and all areas within the territorial boundaries.
8. "City Council" means the City Council of the City of Dewey.
9. "Code 3 calls" means an emergency-type ambulance call which is made with the use of emergency lights/beacons and siren.
10. "Code 2 calls" means a limited emergency-type ambulance call which is made with the use of emergency lights/beacons only.
11. "Code 1 calls" means a nonemergency-type ambulance call which is made without the use of emergency lights/beacons or siren. Typically, this type of ambulance call will involve the transportation and/or transfer of a patient.
12. "Commission" means the City of Dewey Ambulance Commission. The commission shall be composed of the Mayor, the City Manager, and the Police Chief.
13. "Emergency accident call" means all calls involving injuries occurring from fire, gas, explosion, electric shock, knife wound, gunshot, drowning, poisoning, vehicle, train, boat, or aircraft accident or similar disaster.
14. "Licensure" means the licensing of emergency medical care providers and ambulance services pursuant to rules, regulations, and standards

promulgated by the Oklahoma State Board of Health at one or more of the following levels:

- a. Basic life support
- b. Intermediate life support
- c. Specialized Mobile Intensive Care; this shall be used solely for inter-hospital transport of patients requiring specialized en route medical monitoring and advanced life support which exceed the capabilities of the equipment and personnel provided by paramedic life support.

Requirements for each level of care shall be established by the Oklahoma State Board of Health. Licensure at any level of care includes a license to operate at any lower level, with the exception of licensure for Specialized Mobile Intensive care; provided, however, that the highest level of care offered by an ambulance service shall be available twenty-four (24) hours each day, three hundred sixty-five (365) days per year.

Licensure shall be granted or renewed for such periods and under such terms and conditions as may be promulgated by the Oklahoma State Board of Health.

15. "Operations license" means the operating permit which must be obtained from the City prior to providing ambulance service within the City.
16. "Operator" means any person engaged in business as the owner or proprietor of ambulances and/or an ambulance service company.
17. "Sick calls" means all private calls made directly to an ambulance service company, except those defined as emergency accident calls.
18. "Subsidy" means the providing of revenue to an ambulance service company from the City.

#### Section 13-602      Ambulance Commission

There is established an Ambulance Commission. It shall be composed of the Mayor, the City Manager, and the Police Chief. The Ambulance Commission is empowered to investigate, research, and make recommendations to the City Council regarding the providing of ambulance service within the City. Also, the Ambulance Commission shall have the power to request that City staff conduct an investigation of all applicants pursuant to Section 13-606. The Ambulance Commission will have no set meeting time and will meet when necessary for the aforementioned purposes.

#### Section 13-603      Recommendations of the Ambulance Commission.

All recommendations regarding ambulance service and applicants for an operations license will be made to the City Council for a final decision.

Section 13-604      Operation License

No person, either as owner, agent, or otherwise, and/or no ambulance service company shall gratuitously or for hire, furnish, operate, conduct, maintain, advise or otherwise be engaged or profess to be engaged in the business or service of transportation and care of patients within the City unless the person and/or ambulance service company holds a current, valid operations license issued pursuant to this chapter.

Provided, however, that no such operations license shall be required for an ambulance service company which is (a) rendering assistance to licensed ambulance service companies in the case of a major catastrophe with which the licensed ambulance service companies of the City are not sufficient or unable to cope; or (b) operated from a location or headquarters based outside of the City, in order to transport patients to or from the City.

No operations license issued pursuant to this chapter shall be assignable or transferable by the person and/or ambulance service company to which it was issued. Any transfer or assignment of an existing operations license shall be completed only upon assent and approval of the City Council in the same manner and subject to the same application, investigation, fees, and public hearings as original applications for operations license. Any transfer of shares of stock or interest or interest of any person or operators so as to cause a change in the directors, officers, shareholders, or managers of such person or operator shall be deemed a transfer or assignment as contemplated above, and subject to the same rules and regulations as any other transfer or assignment.

Section 13-605      Application for Operations License.

Prior to application being made to the City, the person and/or ambulance service company shall have received licensure from the Oklahoma State Department of Health for the level of service the ambulance service company desires to provide to the City.

Every application for an operations license pursuant to this chapter shall be filed with the City Clerk and shall contain the following information:

- (1) If the applicant is an individual, the name, age, and address of the applicant, the length of time the applicant has resided in the City; if a partnership, the business name of the partnership and the name, age, and addresses of each partner and the length of time each partner has resided in the City; if a corporation, the names and addresses of its principle officers and the names and addresses of all directors thereof.
- (2) The trade or other fictitious name, if any, under which the applicant does business and proposes to do business.
- (3) The training and experience of the applicant and each of its officers and directors in the transportation and care of patients.
- (4) The description of each ambulance including the make, model, year of manufacture, motor and chassis number, the length of time the ambulance has been in use, the passenger capacity, the color scheme, insignia, name,

designate the applicant's ambulance.

(5) The location and description of the place or places from which it is intended to operate.

(6) Copies of a general and automobile liability insurance and property damage policies should the application be granted and prior to the issuance of an operations license pursuant to this chapter.

(7) A list of the changes to be made by the applicant for services rendered to the public in the event a license is issued pursuant to this chapter.

(8) Such other information as the City Manager shall deem reasonably necessary.

#### Section 13-606 Investigation of Applicants

Upon receipt of an application for an operations license, the City Manager shall investigate the character and reputation of the applicant, the financial ability of the applicant to render safe and comfortable transportation service and to maintain or replace the equipment for such service, the financial responsibility of the applicant to maintain insurance for the payment of personal injury, death, and property damage claims, and such investigation of other pertinent facts which are relevant in determining the fitness of the applicant to provide ambulance service to the City.

#### Section 13-607 Public Hearing

Within 15 working days after the filing of an application for an operations license, the City Manager shall establish a meeting time for the ambulance commission to review the application. Not less than ten (10) days notice of such hearing shall be given to the applicant and to all persons and/or ambulance service companies already in possession of an operations license; notice shall be given by United States mail to the address shown on the application. Due notice shall also be given to the general public by posted notice at City Hall. Any interested person may file with the City Manager a written memorandum in support of or in opposition to the issuance of an operations license.

At the time of the meeting, the ambulance commission shall accord all persons attending an opportunity to be heard.

Following such public hearing, the ambulance commission shall make a recommendation pursuant to 13-608 to the City Council at the next regularly scheduled meeting of the City Council.

#### Section 13-608 Evaluation Criteria

In evaluating the application, the Ambulance Commission shall consider: (a) information obtained by the City Manager in his/her investigation of the applicant; (b) the number of ambulances already in operation; (c) whether existing services are adequate to meet the public need; and (d) the probable effect of increased service on local conditions affecting the ambulance service business.

Section 13-609 Operations License Granted or Denied

The City Council shall provide final determination as to whether an operations license shall be granted to an applicant.

Section 13-610 Duration of Operation License

The operations license shall be valid from July 1 to June 30 of the following year and shall be renewed at least 15 days prior to June 30.

Section 13-611 Operations License Fee

No operations license shall be issued or continued in operation unless the holder thereof has paid an annual license fee of \$25.00. Any person or ambulance service company receiving a license between July 1 and December 31, will be assessed \$25.00; any person or ambulance service company receiving a license between January 1, and June 30 will be assessed \$12.50. Regardless of date of receipt, all operations licenses will expire on June 30. The operations license shall be signed by the City Clerk and shall contain the name and address of the ambulance service company. A copy of the operations license shall be maintained by the City Clerk.

Section 13-612 Revocation of Operations License

Every operations license shall be subject to revocation by the City Council where it appears that:

- (1) The operator has failed or neglected to render the full service authorized by his/her license;
- (2) The operator has been convicted of a felony or any criminal offense involving moral turpitude;
- (3) The operations license was obtained by an application in which any material fact was omitted or stated falsely;
- (4) The operator has persisted in permitting his ambulance(s) to be operated in violation of any law;
- (5) The operator has failed to comply with any of the provision of this article or has willfully or knowingly violated any of the provisions of this chapter;
- (6) The operator has given or allowed a rebate, commission, or any reduced rate discount not provided in the rate schedule;
- (7) The operator and/or his/her employee has induced or sought to induce a change of destination to or from a hospital or other place specified by the person hiring the ambulance;
- (8) The operator and/or his/her employee has been guilty of negligence in the operation of the ambulance service company;
- (9) The operator and/or his/her employee knowingly recommends, gives favor, or advantage to any mortuary operating in Washington County, Oklahoma;
- (10) The operator allows his/her insurance, as provided in this chapter, to cancel, withdraw, or terminate;
- (11) The operator has allowed his ambulances and/or equipment to become damaged, deteriorated, or unclean to the extent that it is in the judgment of the City Council, unfit for public use.

Section 13-613      Revocation Proceedings

All complaints shall be referred to the City Council by the City Manager after conducting an investigation. Prior to any action involving revocation of an operations license, the City Council shall instruct the City Manager to give ten (10) days notice thereof by certified mail to the operator holding the license and providing the date of the City Council meeting at which such discussion will be held.

The City Council shall thereupon consider the complaint and either revoke the operations license or dismiss the complaint.

Section 13-614      Insurance

Every operator shall carry general and auto liability and property damage insurance with solvent and responsible insurers authorized to transact business in the state to secure payment for any loss or damage resulting from any occurrence arising out of or caused by the operation or use of any of the operator's ambulances. Each injuries to, or death of, any one (1) person arising out of any one (1) accident and the sum of at least \$50,000.00 for injuries to, or death of, more than one (1) person in any one (1) accident, and for the sum of at least \$5,000.00 for damages to property arising from any one (1) accident. Every insurance policy or contract for such insurance shall provide for the operator and person injured, or any person driving in the insured vehicle. Such insurance shall be obtained and certificates of insurance shall be filed with the City Clerk before an operations license is issued. All such certificates of insurance shall provide for a thirty (30) day cancellation notice to the City Manger.

Section 13-615      Records

The operator shall maintain for a period of at least three (3) years, a record of all ambulance calls which shall show the following:

- (1) Patient's name;
- (2) Patient's age;
- (3) Race;
- (4) Sex;
- (5) Patient's home address;
- (6) Time call received;
- (7) Time ambulance dispatched;
- (8) Location to which ambulance was dispatched;
- (9) Code clearance requested;
- (10) Nature of the call;
- (11) Changes in code clearance requested and reason therefore;
- (12) Time ambulance arrived at the scene;
- (13) Services performed by the attendant at the scene and in transport;
- (14) Name of hospital or other place to which the ambulance patient was transported;
- (15) Time at which the ambulance reached the destination with the ambulance patient;
- (16) Name of all ambulance personnel;
- (17) Fee for the services provided and status of payment.



In the event of transport of a deceased person or the necessity to care for valuables or personal possessions of an ambulance patient, a written inventory of such articles shall be prepared and witnessed and the responsible person, agency, and/or official to whom these articles were transferred shall sign a receipt therefore. These records shall be maintained with the record of the ambulance call for a period of three (3) years.  
Copies of the above records will be provided to the patient, authorized representative, or City Manager upon request.

Section 13-616      Rates

All ambulance service companies shall file a schedule of rates with the City. Notice of any change in such rates shall be given to the City manager in writing at least thirty (30) days prior to the effective date of such change.

Every ambulance shall have posted, in a location readily visible to ambulance patients, their rate schedule as filed with the City.

Section 13-617      Subsidy by the City

No ambulance service company shall request nor be granted any subsidy or payment by the City in order to maintain operations.

Section 13-618      911 Ambulance Calls

All ambulance calls received through the 911 system shall be provided to a single ambulance service company as decided by the City Council. It shall be unlawful for any ambulance service company, other than the ambulance company designated by the City Council, to respond to a 911 ambulance call received from within the City.

Section 13-619      Central Place of Business

Each ambulance service company shall maintain a central place of business, at which place the operator shall provide a properly listed telephone number and at which all business records pursuant to this chapter shall be stored and available for inspection or audit.

Section 13-620      Operating Rules and Regulations

All ambulance service companies and/or persons holding an operations license shall comply with the following regulations:

- (1) Every operations license holder shall be required to provide immediate service, twenty-four (24) hours daily, each and every day.
- (2) Every ambulance service company shall adopt and sue, after approval by the City Council, a distinctive uniform color scheme which shall not infringe upon any color scheme already in use by another ambulance operator.
- (3) When in use as an ambulance, the ambulance operator's business name shall appear on each side and on the rear of the vehicle in letters of not more than four (4) inches or less than one and one-half (1 1/2) inches in height. It is permissible to have the ambulance operator's

business name, city, and phone number on each side and the rear of the vehicle. No other type advertising may be used on the ambulance.

- (4) Every call for ambulance service shall be answered promptly.
- (5) Clean and sanitary bed linens shall be provided for each patient carried and shall be changed as soon as practical after the discharge of a patient.
- (6) Each ambulance shall have, in addition to a driver, an ambulance attendant certified by the State who shall remain with the ambulance patient being transported.
- (7) Each ambulance shall maintain a daily manifest which provides information pursuant to 13-615.
- (8) Every ambulance service company shall, at all times, have a person on duty who shall promptly answer all calls, promptly dispatch ambulances, and be generally responsible for the conduct of the business.

#### Section 13-621      Ambulance Criteria

All ambulances shall adhere to Federal Specification-Ambulance KKK-A-1822, as amended, pursuant to State regulations.

All ambulances shall be subject to inspection at any time by the City Manager and/or his/her designee for compliance with Federal Specifications-Ambulance KKK-A01822.

#### Section 13-622      Driver and Attendant Permit

Each driver or attendant to be employed by the ambulance service company shall be required to receive a permit issued by the City. A one-time fee of \$5.00 will be required for each permit issued.

#### Section 13-623      Attendant Requirements

It is unlawful for any person to drive, manage, and/or control any ambulance on any street in the City or for any person to attend and/or render treatment to an ambulance patient without first having obtained a commercial chauffeurs license from the State or licensure as a first responder or EMT from the State, as the case may be.

Every driver or attendant must be able to speak, read, and write the English language.

Every driver or attendant must furnish a written certificate from a medical doctor or osteopathic physician that he/she is of sound physique, possesses good eyesight, is not subject to epilepsy, vertigo, heart trouble, or other infirmity of body or mind, and not addicted to the use of drugs or intoxicating liquors so as to render him/her unfit to perform the duties of a driver or attendant.

Every driver or attendant must furnish proof that he/she holds a current commercial chauffeur's license and/or a current certificate in first aid as issued by the State.

No person shall be a driver or an attendant after conviction of a felony, any

offense involving moral turpitude, and/or any offense involving the use of or traffic in narcotic drugs.

Section 13-624 Attendant Application

All persons to be employed by an ambulance service company must submit the following information on a form provided by the City:

- (1) Full name, current residence, places of residence for five (5) years previous to moving to his/her present address;
- (2) Age, sex, weight, height, and color of hair and eyes;
- (3) Training and experience in the transportation and care of ambulance patients;
- (4) Whether or not the person has heretofore been licensed or registered as an ambulance driver or attendant, and if so, when, by which State, and whether such license or registration has been revoked or suspended, and if so, the date of and reason for such revocation or suspension;
- (5) Number of times convicted of moving traffic violations;
- (6) Whether or not the person has ever been convicted of a felony or misdemeanor, providing details of each conviction;
- (7) One recent photograph.

A \$10.00, non-refundable, processing fee shall be submitted with each application.

Section 13-625 Investigation of Attendant

The City Manager or his-her designee shall investigate the information provided by a driver or attendant to ensure accuracy of data. Should it be determined that invalid and/or incorrect information has been intentionally provided, the permit shall be denied.

If any driver or attendant is disapproved because it is found that such person is unfit by reason of his previous record as a law violator, he/she shall not be eligible to apply for a attendant permit until the expiration of six (6) months from the date of such disapproval. If the City Manager is satisfied that the applicant then meets the requirements, he/she shall be granted a permit.

Section 13-626 Granting a Permit

Should the permit for a driver or attendant be granted, the ambulance service company shall, at their expense, provide an identification card to be displayed by the driver or applicant while on duty. The identification card shall be laminated and include a recent picture of the person, name of the ambulance service company, and name of the person. At the time of separation of employment, the identification card shall immediately be destroyed by the ambulance service company.

Section 13-627 Revocation of Permit

If any driver or attendant violates any traffic laws or regulations or any order, rule, or regulation pertaining to ambulance service, the permit may be suspended for sixty (60) days. If any person has (1) obtained a permit by providing false information; (2) become unfit to operate a motor vehicle or to attend to patients

because of any infirmity of body or mind; (3) becomes addicted to the use of any drug or intoxicating liquors; (4) violated any criminal law; (5) received three traffic violations within one (1) year; and/or (6) allowed any other person to utilize his/her permit or identification card, the permit shall be revoked after notice and an opportunity to be heard.

Section 13-628      Notice and hearing of Revocation

Before the revocation of suspension of a permit, written notice shall be provided to the holder of the permit by United States mail to the business address of the ambulance service company. Such notice shall be sent at least five (5) days prior to the hearing and shall state the reasons for suspension or revocation.

Section 13-629      Hearing

The hearing shall be held before the City Manager and Police Chief at which time a final determination shall be made.

If suspended, the person shall immediately surrender his/her identification card to the Police Chief until such time that the suspension is no longer in effect.

If revoked, the person shall immediately surrender his/her identification card to the Police Chief who will destroy the identification card and inform the ambulance service company of the revocation.

No person whose permit has been revoked shall be able to receive a new permit/identification card until one (1) year from the date of such revocation.

Section 13-630      Reapplication

If a person whose permit has been revoked reapplies, he/she will be subject to the application process and fees described in 13-622, 13-623, 13-624, 13-625, and 13-626.

Section 13-631      Rules for Drivers and Attendants

No driver or attendant shall:

- (1) Refuse to promptly transport or attend any sick or injured person after responding to an emergency accident call or sick call without good cause;
- (2) Demand or receive compensation other than prescribed in 13-616 or fail to give a receipt for monies received;
- (3) Give or allow rebate, commission, discount, or any reduced rate not provided in the established rate;
- (4) Induce or seek to induce a change in destination other than specified by the ambulance patient;
- (5) Induce or seek to induce any ambulance patient to patronize the services of any hospital, convalescent home, mortuary, cemetery, attorney, private accident investigator, doctor, nurse, or any person that could benefit financially as a result of the inducement;
- (6) Fail to keep his/her person clean and presentable when on duty;
- (7) Use abusive or obscene language, or fail to conduct himself/herself in a proper manner;
- (8) Release his/her ambulance patient from his/her care until he/she is

- assured that some responsible person is available to receive such ambulance patient;
- (9) Use a siren or flashing red lights unless on an emergency accident call as defined in 13-601;
  - (10) Disobey the lawful order of a police officer at the scene of an accident or other emergency situation;
  - (11) Smoke while driving an ambulance, when occupied by an ambulance patient and/or attending an ambulance patient;
  - (12) Exceed the legally posted speed limit by more than ten (10) miles per hour when on an emergency accident call;
  - (13) Fail to slow to ten (10) miles per hour, or less, at any traffic signal showing red, or at any stop sign, while on an emergency accident call.
  - (14) To permit any person to ride in the patient compartment of the ambulance except patients being transported, attendants, physicians, law enforcement personnel, fire department personnel, or nurses.

Section 13-632      Operating Conditions

Code 3 and Code 2 calls shall be made in accordance with 13-601 and at a speed such that life or property is not endangered.

Code 1 calls will be made while remaining in compliance with all posted speed limits and all traffic signals, lights, and signs.

Section 13-633      Penalties

Any person violating and/or failing to comply with any provisions of the ambulance regulation shall be deemed guilty of a misdemeanor.

Each day that any violation and/or failure to comply with any provision of this ambulance regulation is committed or permitted to continue shall constitute a separate and distinct offense.