

# CHAPTER 7

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## **PUBLIC CONTRACTING**

**7.005** [repealed 2005 o.437 §8]

**7.010** [1983 o.204 §1; 1999 o.392 §1; repealed 2005 o.437 §8]

**7.015** [1998 o.376 §1; repealed 2005 o.437 §8]

**7.020** [1991 o.290 § 1; 1992 o.308 § 1; 1993 o.325 §§ 1 and 2; 1998 o.376 § 2; 1999 o.392 §2; 2000 o.394 §1; repealed 2005 o.437 §8]

**7.025** [repealed 2005 o.437 §8]

**7.030** [1983 o.204 § 2; repealed 2005 o.437 §8]

**7.035** [repealed 2005 o.437 §8]

**7.040** [repealed 1999 o.392 § 3]

**7.045** [repealed 2005 o.437 §8]

**7.050** [repealed 2005 o.437 §8]

**7.055** [1983 o.204 § 3; repealed 2005 o.437 §8]

### **7.060 Attorney General Model Rules**

In accordance with ORS 279A.065, the Model Rules of Public Contract Procedure, OAR Chapter 137, adopted by the Attorney General shall apply to county public contracting, except as otherwise provided in this Chapter. [2005 o.437 §2]

### **7.065 Local Contract Review Board / Designation of Contracting Agency**

(1) The Lincoln County Board of Commissioners is designated the Local Contract Review Board under Oregon Public Contracting Code, ORS Chapters 279A, 279B and 279C. The Local Contract Review Board may, from time to time, delegate its powers and responsibilities consistent with the Oregon Public Contracting Code and the Model Rules.

(2) Elected officials and appointed Department Heads and Program Coordinators, as determined by the Board of Commissioners, are designated as the County's "Contracting Agency" as that term is defined in ORS 279A.010(1b) to exercise powers consistent with the Oregon Public Contracting Code, the Model Rules and this Chapter. Each Contracting Agency designee shall have the authority, with the authorized procedures set forth in this Chapter and the Model Rules, to seek solicitations, proposals, or bids and to make awards or direct appointments, and enter into contracts not to exceed \$50,000 for each contract, provided sufficient sums are appropriated, unencumbered, and not restricted in the County, or as appropriate other County affiliated agency or countywide service district, budget and there are sufficient cash resources available to pay the maximum consideration set forth in each and every contract.

(3) All solicitations, appointments, awards and contracts exceeding \$5,000 shall be subject to review and approval of the County Counsel's Office for form and the Department of Finance for funding, under policies developed by each of those departments. [2005 o.437 §3]

### **7.070 Contracts Requiring Board of Commissioners Approval**

Unless otherwise provided for in this Chapter, or upon other authorization of the Board of Commissioners, large procurements, as defined herein, require Board of Commissioners approval and execution. Large procurements mean contracts for the procurements of goods, services, or

public improvements with a value in excess of \$50,000, and change orders or amendments to such contracts that in the aggregate exceed 10 percent of the original amount. The Board of Commissioners shall also approve and execute all grant or service contracts, whether from public or private sources, that involve the addition of county employees or the subcontracting of employee services to other agencies or nonprofits. In addition, the Board of Commissioners shall be required to approve and execute any contract that by its terms requires governing body approval. [2005 o.437 §4]

#### **7.075 Personal or Professional Service Contracts**

(1) Personal or Professional Services Contracts are those contracts, as determined by the Board of Commissioners or the Contracting Agency designees, that involve an independent contractor engaged in services that predominately, but not always, require special training, certification or licenses, or special skills, or unique or specialized knowledge, or the exercise of judgment or skills that are unique to the service provider. Such service providers include, but are not limited to, consultants of all kinds, licensed or certified professionals, accountants, attorneys, medical personnel, computer experts, and similar persons.

(2) Direct appointment of qualified Personal or Professional Service Providers may be made by the Board of Commissioners or Contracting Agency designees where the estimated fee does not exceed \$50,000 in any one year or \$150,000 over the term of the work. For services over \$150,000, a competitive solicitation process shall be utilized.

(3) Direct appointment of qualified Personal or Professional Service Providers may also be made for installation, maintenance, repair or support of:

(a) Computer software, hardware or networking systems; or

(b) Telecommunications, video and access control systems.

(4) Direct appointments pursuant to this section shall be based on criteria including, without limitation, the provider's qualifications and experience, provider's available resources, project timing and location, provider's references, and provider's pricing.

(5) The County may use other methods to select qualified Personal or Professional Service Providers, including requests for proposals, requests for qualifications, listing of qualified providers, competitive bidding, selection from another public contacting agency's list of qualified providers, or other solicitation methods available under law.

(6) The County shall award contracts to Architects, Engineers, Land Surveyors and related service providers in accordance with the Model Rules. [2005 o.437 §5]

#### **7.080 Exemption from Competitive Bidding**

(1) Lincoln County exempts from Competitive Bidding any contract exempted by the Oregon Public Contracting Code or the Model Rules, including but not limited to those under ORS 279A.025, ORS 279A.180, ORS 279A.200 and ORS 279A.220.

(2) Lincoln County exempts from competitive bidding or sealed proposals contracts under ORS 279B.055, ORS 279B.060, ORS 279B.070, ORS 279B.075, ORS 279B.080 or ORS 279B.085 and the Model Rules for the following classes of contracts:

(a) Emergency contracts.

(b) Contracts and purchases not exceeding \$5,000 (direct purchasing allowed).

(c) Contracts and purchases exceeding \$5,000 but not exceeding \$75,000, where informal solicitation procedures are used in accordance with the Model Rules for Intermediate Procurements.

(d) Contracts exceeding \$75,000, but not exceeding \$150,000, where formal written solicitations or quotes are obtained in accordance with the Model Rules for Intermediate Procurements.

(e) Contracts for public improvements not exceeding \$100,000 (\$50,000 for roads, bridges or transportation construction projects) where formal written solicitation or quotes are obtained in accordance with the Model Rules for Intermediate Procurements.

(f) Amendments to the above referenced contracts are allowed in accordance with the Model Rules.

(2) Lincoln County may exempt additional contracts or classes of contracts through amendment of this Chapter, through Board of Commissioners' adoption of a resolution exempting a specific contract, or through any other method authorized under the Oregon Public Contracting Code or the Model Rules. [2005 o.437 §6]

#### **7.085 Disposal of Surplus Property**

Disposal of surplus property shall be conducted in accordance with the provisions of the resolution adopted by the Lincoln County Board of Commissioners declaring the property as surplus. [2005 o.437 §7]

## **TRAFFIC SAFETY COMMISSION**

### **7.105 Creation of Traffic Safety Commission**

There is hereby created the Traffic Safety Commission referred to in LCC 7.105 to 7.115.

### **7.110 Duties and Responsibilities of the Commission**

(1) The commission shall be responsible for the following activities:

(a) Researching, developing, and implementing coordinated traffic safety programs to meet local needs.

(b) Acting in an advisory capacity to the county in the coordination of traffic safety activities of the agencies and departments of the county.

(c) Providing research and furnishing information to the agencies of the incorporated cities of the county.

(d) Promoting public acceptance of programs instituted by the county and the State of Oregon.

(e) Fostering public knowledge and support of traffic law enforcement and traffic engineering problems.

(f) Cooperating with the public and private school systems of the county in promoting traffic safety aids in schools.

(g) Promoting the education of the public on traffic safety, and generally assisting in the overall reduction of traffic accidents, injuries, and deaths on roads within the county.

(2) The commission shall have, in addition to the above responsibilities, authority to formulate rules and policies for the solicitation, promotion, and advertising of the activities of the commission, and to this end the commission may receive and expend funds or grants from any individual, firm, corporation, or any other source, provided, however, that this delegation of authority shall never be construed as authorizing the commission to enter into any contract or create any obligation on the part of the county. Any funds granted to the commission shall not be commingled with any public funds of the county, nor any city, nor the State of Oregon. The commission shall submit to the county an annual accounting of all funds acquired by the commission.

### **7.115 Organization of the Commission**

(1) The commission shall consist of nine members, none of whom shall be paid or granted any salary or compensation.

(2) The members of the commission shall be appointed by the Board. All appointive members shall serve until their successors are appointed and qualified, unless removed from the commission as provided in subsection (7) of this section.

(3) All terms shall be for a three year period, provided, however, that the terms of office of the first commission shall be decided by the drawing of lots, three members receiving one year terms, three receiving two year terms, and three receiving three year terms.

(4) Upon the death, resignation, removal by disqualification, or expiration of the term of office of any member or members of the commission, the Board shall appoint a member or members who shall hold membership on the commission for the unexpired term to which appointed.

(5) No person shall be a voting member of the commission unless the person is a resident of the county.

(6) The county engineer shall serve as an ex-officio member of the commission without vote.

(7) Any member who fails to attend four consecutive regular meetings of the commission for any reason other than sickness or absence from the county, or who fails to attend at least 50 percent of the regular meetings in any one year shall be disqualified from serving on the commission.

(8) The commission, during the first quarter of each year, shall elect a chairperson and vice chairperson. A treasurer shall be appointed by the chairperson. The treasurer shall keep a record of all receipts and expenditures of the commission.

(9) The chairperson may establish such committees as may be necessary or appropriate to assist the commission in its studies and in the performance of its duties. Members of committees may be appointed from among members of the commission, either voting or ex-officio, or from the general public.

(10) The commission shall meet at least once every three months and shall meet on the call of the chairperson or on call by a majority of members.

(11) Five members shall constitute a quorum.

**7.205 through 7.345** [1981 o.158 §1; 1982 o. 172 §1; 1982 o.179 §1; 1982 o.185 §1; 1983 o.189 §1; 1983 o. 191 §; 1983 o.200 §1; 1984 o.284 §1; 1985 o.230 §1; 1986 o.232 §1; 1986 o.236 §§ 1, 2, 3 and 4; 1986 o.241 §1; 1987 o.251 §1; 1987 o.254 §1; repealed 1988 o. 273 §1]

**7.205 through 7.245** [2000 o.405 §§2-9; repealed 2001 o. 420 §1]

## **COUNTY CLERK**

### **7.505 Fees of the County Clerk**

The Lincoln County Clerk shall collect fees in addition to all other fees required by law which shall be set by order approved by the Lincoln County Board of Commissioners after review at a public meeting. An annual review of the fee schedule shall thereafter occur during the month of January. The Clerk, Surveyor, and any other county official whose fees are collected by the Clerk may make recommendations for any changes to the fee schedule during the annual review. The Board may consider other changes it deems appropriate. Annual review shall not prohibit further periodic review and updating of the schedule in accordance with law. [1982 o.188 §1; 1984 o.207 §1; 1989 o.279 §1; 1992 o.307 § 1; 1993 o.313 § 15]

## **SMOKING AT COUNTY FACILITIES**

### **7.550 Definitions for LCC 7.550 to 7.580**

As used in LCC 7.550 to 7.580:

(1) "County building" means any enclosed building owned or leased by Lincoln County.

(2) "Smoking instrument" means any cigar, cigarette, pipe or other smoking equipment.

[2001 o.407 §2]

### **7.560 Policy**

The Lincoln County Board of Commissioners finds that because the smoking of tobacco creates a health hazard to those present in confined places, it is necessary to reduce exposure to tobacco smoke by requiring nonsmoking areas in certain places. [2001 o.407 §3]

### **7.570 Smoking Prohibited Except in Designated Areas**

Upon any County owned or leased property, no person shall smoke or carry any lighted smoking instrument in a county building or within 25 feet of any county building, except in areas designated as smoking areas pursuant to LCC 7.580. [2001 o.407 §4]

### **7.580 Designating Areas Where Smoking Permitted; Changing Areas; Posting Signs**

(1) The Lincoln County Board of Commissioners may designate areas in which smoking is permitted.

(2) The Lincoln County Public Works Department shall post appropriate signs indicating areas in which smoking has been permitted by the Board of Commissioners. [2001 o.407 §5]

## **COURTHOUSE PARKING**

### **7.605 Purpose of LCC 7.605 to 7.625**

The purpose of LCC 7.605 to 7.625 is to establish an orderly system of parking and control of traffic on the county courthouse premises.

### **7.610 Definitions for LCC 7.605 to 7.625**

As used in LCC 7.605 to 7.625, unless the context requires otherwise:

(1) "Courthouse grounds" means all lands, buildings, and exits belonging to, or leased by, the county located at, or around, 225 West Olive Street, commonly known as the county courthouse.

(2) "Parking area" means any space marked or unmarked on the courthouse grounds which may be or is used for the parking of automobiles or other transportation vehicles.

(3) "Parking space" means the individual or separate spaces designated or marked for each vehicle.

(4) "Sidewalks" mean any space designated in or bordering the courthouse grounds which is used for foot traffic.

### **7.615 Parking Rules**

During the hours of 8:00 a.m. to 5:00 p.m. on work days, the following rules shall apply:

(1) Employees of the county and the State of Oregon, while on duty, shall not park in any parking space abutting the main courthouse building, except as authorized pursuant to subsection (4) of this section.

(2) Public parking in the space abutting the courthouse shall be limited to 60 minutes.

(3) Only authorized persons shall park in any parking space designated for loading or for disabled persons.

(4) Only authorized persons shall park in any parking space specifically designated for a particular individual or department by the Board of Commissioners.

(5) No person shall park in the parking area except in designated parking spaces. [1982 o.171 §1; 1984 o. 219 §§ 1, 2, 3 and 4; 1998 o.381 § 1]

### **7.618 Enforcement**

Enforcement of LCC 7.615 may be carried out by one or more of the following methods:

(1) Citation:

A vehicle parked in violation of LCC 7.615 is subject to being cited for a parking violation in accordance with the Oregon Vehicle Code, LCC chapter 10, or both.

(2) Impoundment:

A vehicle parked in violation of LCC 7.615 is subject to being impounded in accordance with the procedures provided in ORS 809.725 and 819.180.

(3) Nuisance Abatement:

A nuisance abatement action in accordance with LCC chapter 10 may be filed against any person who repeatedly parks in violation of LCC 7.615.

(4) Personnel Discipline for County or State Employees:

A person who violates LCC 7.615, and who is an employee of Lincoln County or the State of Oregon, is subject to the imposition of discipline for that violation. [1998 o.381 § 3]

7.620 [1984 o.219 §§ 5 and 6; repealed 1998 o.381 §4]

7.625 [1982 o.171 §1; repealed 1998 o.381 §4]

## **PARKING ON PUBLIC PROPERTY**

### **7.650 Definitions for LCC 7.650 to 7.660**

As used in LCC 7.650 to 7.660:

(1) "Parking area" means any space marked or unmarked which may be or is used for the parking of automobiles or other transportation vehicles.

(2) "Parking space" means the individual or separate spaces designated or marked for each vehicle. [2000 o.401 §2]

### **7.655 Parking Regulations by Public Work Department**

(1) The purpose of this section is to establish an orderly system of parking and control of traffic on public property subject to Lincoln County jurisdiction or ownership.

(2) The Director of the Public Works Department is delegated administrative authority to restrict or limit the use of any parking area or parking space on any county owned property or public property subject to county jurisdiction and control by indicating the restriction or limitation on a sign conspicuously posted at that location. This section does not apply to the any of the following:

(a) Public roads, which are subject to parking regulations and restrictions under LCC 6.420.

(b) Parking at the Lincoln County Courthouse, which is subject to parking regulations and restrictions under LCC 7.605 to 7.625.

(c) Parking at county parks, which are subject to parking regulations and restrictions under LCC 9.020 and 9.025.

(3) A parking restriction or limitation imposed by the Director under this section may be:

(a) A total prohibition on parking within the designated area;

(b) A limitation on parking within the designated area during specified times of the day or night or day of week;

(c) A limitation on the length of time that a vehicle may be parked in the designated area;

(d) A limitation on the type of vehicle that may be parked in the designated area; or

(e) Any combination of one or more of the limitations described in paragraphs (a) through (d) of this subsection.

(4) A parking restriction or limitation imposed by the Director under this section is not effective until the appropriate sign indicating the restriction or limitation is posted at the designated area. [2000 o.401 §3]

### **7.660 Prohibition of Parking in Violation of Restriction or Limitation; Enforcement**

(1) No person shall park in a parking area or parking space in violation of a parking restriction or limitation imposed under LCC 7.655.

(2) Enforcement of this section may be carried out by one or more of the following methods:

(a) Citation:

A vehicle parked in violation of this section is subject to being cited for a parking violation in accordance with the Oregon Vehicle Code, LCC chapter 10, or both.

(b) Impoundment:

A vehicle parked in violation of this section is subject to being impounded in accordance with the procedures provided in ORS 809.725 and 819.180.

(c) Nuisance Abatement:

A nuisance abatement action in accordance with LCC chapter 10 may be filed against any person who repeatedly parks in violation of this section. [2000 o.401 §4]

## **PUBLIC SAFETY ALARMS**

### **7.705 Purpose and Scope of LCC 7.705 to 7.775**

(1) The purpose of LCC 7.705 to 7.775 is to protect emergency services of the county from misuse associated with false alarms.

(2) LCC 7.705 to 7.775 governs fire, medical, burglar, and hazard-monitoring systems, requires permits, establishes fees, provides for revocation of permits, and provides for enforcement of the provisions of LCC 7.705 to 7.775. [1983 o.195 §2]

### **7.710 Definitions for LCC 7.705 to 7.775**

As used in LCC 7.705 to 7.775, unless the context requires otherwise:

(1) "Alarm equipment installer" means any person, firm, or corporation, including employees, agents, and independent contractors, who install, maintain, repair, alter, replace, or service any alarm equipment.

(2) "Alarm equipment supplier" means any person, firm, or corporation, including employees, agents, and independent contractors who supply, sell, lease, or rent any alarm equipment.

(3) "Alarm monitoring service" means any person, firm, or corporation, including employees, agents, and independent contractors in the business of operating a service whereby persons receive messages from automatic signaling devices, report emergencies at stated locations, and relay such emergency messages to a communications center, including, but not limited to, the sheriff's department.

(4) "Alarm system" means a device or system of interconnected devices, including hardware and related accessories, designed to give warning of a fire, burglary, robbery, medical emergency, or other hazardous condition occurring on the protected premises.

(5) "Alarm user" means a person, firm, partnership, association, corporation, company, governmental unit, or organization of any kind in control or ownership of any building, structure, or facility where an alarm system is maintained and in operation.

(6) "Automatic signaling device" means an electrically or mechanically operated instrument that automatically signals or sends by any means, including, but not limited to, direct or indirect connection to regular telephone lines, a unique coded message from protected premises to a separate location upon receipt of a stimulus from a sensory detection apparatus. These devices include any device that activates any audible alarm or light signaling device attached to the interior or exterior of protected premises. This definition includes devices utilized to verify or confirm a signal generated by the protected premises.

(7) "Communication center" means the facility where a public safety agency or agencies participate in dispatch or call transfer services, including receiving emergency transmissions and general information from the public to be dispatched to the respective entities utilizing the center.

(8) "Direct line" means a special telephone line, unavailable for use by the public at large, leading directly to the sheriff's office or communications center from a single, specific location and designed to be used only to report emergency messages and signals on a person-to-person basis.

(9) "False alarm" means any activation of an alarm system which results in the dispatch of emergency personnel to the protected premises where emergency personnel are unable to discover any evidence of an emergency condition, but does not include a dispatch of emergency personnel pursuant to an alarm signal caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm user.

(10) "Key" means to utilize a telephone line for transmitting a message.

(11) "Regular phone line" means a general telephone line leading to the sheriff's office, communications center, or alarm monitoring service available for use by the public at large.

(12) "Sensory detection device" means a mechanical or electrical device that is part of any automatic signaling device which is designed for detection of any physical force or condition inherently characteristic of fire, unauthorized intrusion into or upon protected premises, or other emergency or hazardous condition, which results in the dispatch of emergency personnel to the protected premises. [1983 o.195 §3]

#### **7.715 Automatic Signaling Devices and Restrictions on Keying**

(1) Keying of automatic signaling devices in any manner so as to send a prerecorded message directly over emergency telephone lines to the sheriff's office or communications center is hereby prohibited.

(2) On or before October 24, 1983, and after reasonable notice to affected alarm users, all automatic signaling devices presently keyed to send prerecorded messages directly over telephone lines to the sheriff's office or communications center shall have such keying function disabled. In the event such keying function is not disabled, prerecorded messages will no longer be acknowledged or answered by the sheriff's office or communications center.

(3) On or before August 27, 1984, all existing automatic dialing devices programmed to select an emergency number to the sheriff's office or communications center shall be reprogrammed to select a designated trunk line number at the communications center.

(4) After the effective date of LCC 7.705 to 7.775, no person except a licensed alarm equipment installer shall key any automatic signaling device to a licensed alarm monitoring service.

(5) The communications director shall prescribe administrative rules for the type and number of alarm receivers to be installed in the communication center. No equipment shall be installed and no alarm signal shall be sent to the communication center without the express permission of the communications director. The rules are to be maintained in a written file to be reasonably available to the public for the purpose of inspection. [1983 o.195 §4; 1984 o.216 §1]

#### **7.720 Duties of Alarm Users**

(1) Every alarm user, including those utilizing an alarm-monitoring system, shall obtain a permit for each alarm system located within the county. This section shall not apply to smoke alarms which are required by law and which are not connected to a communications center by a direct line.

(2) It shall be the duty of an alarm user utilizing any automatic signaling device to arrange for the accomplishment of equipment alteration prescribed in LCC 7.715.

(3) Every alarm user utilizing an alarm system with an automatic signaling device shall be responsible for the maintenance of the device, and shall repair any defective device within 48 hours after the alarm user learns or reasonably should have learned that the device is defective. The automatic signaling device shall be disconnected after the expiration of 48 hours if repairs cannot be made within that time.

(4) Any alarm user required by federal, state, county, or municipal statute, regulation, rule, or ordinance to install, maintain and operate an alarm system shall be subject to LCC 7.705 to 7.775.

(5) Permit application forms shall be made available to persons required to have them, through the sheriff's office or its agent. Application and accompanying fees shall be returned to the sheriff's office for processing.

(6) Every permit application required by this section shall be signed by the alarm user or agent and shall include the following information:

(a) Name, address, and telephone number of the alarm user. If the applicant is a partnership, the names and addresses of the partners shall be given. If the applicant is a corporation, the names and addresses of its principal officers and registered agent shall be given;

(b) Location of alarm system and type of system;

(c) Name of licensed installer and the installer's state license number, if applicable;

(d) Name of the person or company responsible for repair or maintenance of the alarm system, if applicable;

(e) Statement by the applicant on the application that the applicant is aware of the requirements of LCC 7.705 to 7.775 and the fees and penalties prescribed in LCC 7.705 to 7.775; and

(f) Names and telephone numbers of persons at different locations who may be authorized to respond to any emergency and enter or open the premises where the device is installed.

(7) Information submitted to the sheriff's office pursuant to this section shall remain confidential.

(8) Fees shall be charged in accordance with LCC 7.750. [1983 o.195 §5; 1988 o.263 §1]

#### **7.725 Revocation of Alarm User Permit**

(1) The following shall be grounds for revoking any alarm user permit:

(a) Any false or incomplete statement made on the permit application;

(b) Failure to comply with any provision of LCC 7.705 to 7.775; or

(c) Failure to pay a false alarm fee as prescribed in LCC 7.760 within 30 days of demand.

(2) An alarm user shall immediately discontinue use of the alarm system upon being notified by certified mail of the revocation of the permit.

(3) Any person whose permit has been revoked under subsection (1) of this section may appeal the revocation under the provisions of LCC 7.765.

(4) An application for a permit subsequent to a revocation of a prior permit is considered an initial application and is subject to the fee provisions of LCC 7.720(8).

(5) Each permit shall remain in effect for a period of five years from the date of issuance unless the permit is suspended or revoked, or the alarm equipment installer, supplier, or alarm monitoring service is discontinued, or the person or persons, or organizations owning, leasing,

renting, or in control of the protected premises changes. In the event any of the above conditions occur, the permit shall be null and void, and continued use of an alarm system shall be deemed in violation of LCC 7.705 to 7.775, subject to the penalties provision of LCC 7.760.

(6) Each alarm user permit shall be available for inspection at reasonable times by the sheriff or communications center.

(7) Within 10 days following any change of circumstances which renders obsolete any of the information submitted pursuant to LCC 7.720(6), the alarm user shall file an amendment to his application setting forth the current accurate information. No additional fee shall be required for this change in information. [1983 o.195 §6]

### **7.730 Alarm Equipment Supplier and Installer Permits**

Any alarm equipment supplier or installer selling or leasing automatic signaling devices for installation in or upon any premises in the county, or installing or maintaining such devices, whether or not such devices are keyed to a licensed alarm monitoring service, shall obtain a license from the sheriff's office before engaging in such sale, lease, installation, or maintenance. Each application shall be signed by the individual proprietor of such business or by a partner or authorized corporate official and shall include the following:

(1) Name, address, and telephone number of the alarm equipment supplier or installer, names of all persons authorized to enter protected premises on behalf of the supplier or installer, type of business organization, such as individual proprietorship, partnership, or corporation. If a corporation, the names and addresses of the principal officers and state where incorporated.

(2) A statement certifying that the availability of 24-hour service of automatic signal devices has been provided to each customer to include a 24-hour telephone number to obtain service.

(3) A statement that the applicant agrees to comply with the operation standards listed within LCC 7.705 to 7.775.

(4) A verification section to be signed by the applicant that all alarm equipment installers employed by the applicant have an Oregon State Limited Energy Electrical License as required by ORS 479.620. The section shall also include a statement by the applicant and agents that no alarm system shall be installed, used, or maintained in violation of any of the requirements of adopted provisions of the Uniform Fire Code or of any applicable statute, law, or administrative regulation of the State of Oregon or Lincoln County.

(5) All alarm equipment suppliers or installers shall provide their employees or agents, who actually install or maintain alarms, an identification card designating the name of the person and the business name of the supplier or installer. The applicant and persons required to have the identification card shall carry the identification card and produce it upon request.

(6) The sheriff may refuse to issue a permit under this section if an applicant or agent authorized to enter protected premises have been convicted of a crime of moral turpitude or any felony.

(7) The sheriff shall provide application forms. Fees shall be charged in accordance with LCC 7.750.

(8) Each permit shall remain in effect as provided in LCC 7.725(5), (6), and (7). [1983 o.195 §7; 1988 o.263 §1]

### **7.735 Alarm Equipment Operational Standards for Suppliers and Installers**

In addition to other requirements for issuance of permits imposed by LCC 7.720 to 7.775, the sheriff, before issuance of a permit, shall ensure that the following minimum operational standards are met and agreed upon:

(1) An alarm equipment supplier or installer that sells, leases, or rents automatic signaling devices for installation in or upon any premises in the county or installs or maintains such device, whether or not such device is keyed to a licensed monitoring service, shall furnish to the person for whom such device is installed or service provided, complete instructions detailing the operation of the device. These instructions shall include information as to how the device may be disconnected.

(2) All licensed alarm equipment suppliers or installers shall provide the county within 60 days of the sale, lease, rental, or installation of an alarm system, or with respect to all automatic signaling devices previously sold, leased, installed, or maintained, on or before October 24, 1983, a listing of all automatic signaling device installations located in county known to the supplier or installer. This information shall include the requirements of LCC 7.720(6)(a), (b), (c), (d), and (f).

(3) When automatic signal devices sold, leased, installed, or maintained by an alarm equipment supplier or installer have been keyed to a licensed alarm monitoring service, information to be supplied to the county pursuant to subsection (2) of this section, shall be provided in duplicate to the alarm monitoring service to which the service has been keyed.

(4) At the time of sale, lease, or installation of an alarm system, all licensed alarm equipment suppliers and installers shall furnish to the person for whom the automatic signaling device has been sold, leased, rented, or installed written information as to how maintenance service from an installer may be obtained on a 24-hour basis, including a 24-hour telephone number to call for service. [1983 o.195 §8]

#### **7.740 Alarm Monitoring Service Permit Procedures**

An alarm monitoring service or a telephone answering service that desires to include in its service the receipt and relay of messages from automatic signaling devices shall first obtain from the sheriff or his agent a permit application form. The application form, upon completion, shall be returned to the sheriff for approval and shall include the signature of the owner or authorized representative of such business and shall include information as required in LCC 7.720(6)(a), (b), (c), (d), and (f). In addition, an applicant shall provide the following:

(1) A statement that the applicant is willing to comply with the operational standards contained in administrative rules promulgated by the sheriff's department.

(2) An agreement that the sheriff may conduct a background check on the applicant and any employees at any time. Each permit shall remain effective as provided for in LCC 7.725(5), (6), and (7).

(3) Fees shall be charged in accordance with LCC 7.750. [1983 o.195 §9; 1988 o.263 §1]

#### **7.745 Revocation of Permits Issued to Alarm Equipment Suppliers, Installers, and Alarm Monitoring Services**

(1) The following shall be grounds for revoking a permit issued to an alarm equipment supplier, installer, or alarm monitoring service:

(a) Any false or incomplete statement made on the permit application;

(b) Failure to comply with any section of LCC 7.705 to 7.775; or

(c) Fraud, misrepresentation, or intentional false statement pertaining to conduct of business authorized by such permit;

(2) The permit holder shall immediately discontinue activity authorized by a permit upon receipt of notice of revocation by the sheriff by certified mail.

(3) Any party whose permit has been revoked under this section may appeal the revocation pursuant to the provisions of LCC 7.765. [1983 o.195 §10]

### **7.750 Fees**

(1) Fees shall be charged to cover the administrative costs of processing applications and monitoring compliance with code provisions. The sheriff may propose fee increases to cover increased costs at a maximum of one time per year. The fees shall be in amounts set by order of the Board of Commissioners.

(2) Each permit is valid for five years from issuance. Alarm installer and alarm monitoring permits are nontransferable. Alarm-user permits are transferable to new owners of the structure covered by the permit if the new owner fills out and signs an application form required under LCC 7.720. Failure to file a signed application form shall not waive the penalties prescribed under the public safety code provisions.

(3) All fees collected by the sheriff pursuant to this title shall promptly be forwarded to the county treasurer for deposit into the county general fund. [1983 o.195 §11; 1988 o.263 §1; 1993 o.313 §16]

### **7.755 Coordination of Permits**

If any alarm equipment supplier or installer also conducts an alarm monitoring service, even though the business names may be different, it will be necessary for the firm or firms involved to pay only the alarm installer permit fee for the issuance of both permits. However, necessary forms will need to be completed for each operation for the purposes of processing information and enforcement of LCC 7.705 to 7.775. [1983 o.195 §12; 1988 o.263 §1]

### **7.760 Penalties**

(1) As a condition of any alarm system permit issued under the provisions of LCC 7.705 to 7.775, the alarm user shall pay to the county, within 10 days of invoice, fees for false alarms generated by the alarm user's alarm system according to the fee schedule adopted by the Board of Commissioners. The alarm user's permit shall be subject to revocation in the event ten or more false alarms are generated within a calendar year.

(2) Violation of provisions of LCC 7.705 to 7.775 and the administrative rules issued pursuant to LCC 7.705 to 7.775 are punishable by revocation of the permit by the sheriff or his agent, and such further remedies as are provided in LCC chapter 10, and any other pertinent statutes, rules, and remedies at common law. [1983 o.195 §13; 2008 o.453 §1]

### **7.765 Appeals**

Any person who has been assessed a false alarm penalty, had a permit revoked or suspended, or suffered any other penalty as provided in LCC 7.705 to 7.775, with the exception of penalties imposed pursuant to chapter 10, may appeal to the Board. A written notice of appeal of any assessment, revocation, suspension, or other penalty shall be filed with the sheriff and county counsel within ten days of the charge. Appeals procedure shall be governed by administrative rules promulgated by the sheriff and the Administrative Procedures Act as incorporated therein. [1983 o.195 §14]

### **7.770 Nonliability of County**

Neither the county nor any official or employee of the county, including the communications center and its employees, shall be liable for any damage resulting from the malfunction or defective installation of any alarm system or any alarm monitoring service or

conduct of any personnel of any alarm supplier or installer of alarm monitoring service as provided for in LCC 7.705 to 7.775. [1983 o.195 §15]

**7.775 Severability**

If any part of LCC 7.705 to 7.775 shall be held invalid by a court of competent jurisdiction, the remainder of LCC 7.705 to 7.775 shall remain in effect notwithstanding the invalidity of any part of LCC 7.705 to 7.775. [1983 o.195 §16]

## **AMBULANCE SERVICE PROVIDERS**

### **7.805 Short Title and Purpose of LCC 7.805 to 7.855**

(1) LCC 7.805 through 7.855 shall be known as the “Lincoln County ASA Ordinance,” and is adopted pursuant to the authority provided the county in ORS 682.275 and ORS 203.035.

(2) The purpose of the Lincoln County ASA Ordinance is to:

- (a) Establish the geographic boundaries of ambulance service areas in Lincoln County;
- (b) Establish the procedural framework for the assignment of ambulance service areas in Lincoln County to ambulance service providers;
- (c) Establish the framework for an ambulance service incident review process to assist with quality assurance;
- (d) Establish a procedure for the periodic review and updating of the Lincoln County Ambulance Service Area Plan; and
- (e) Otherwise carry out the terms and provisions of ORS Chapter 682, OAR Chapter 333 Division 260, and the Lincoln County Ambulance Service Area Plan. [1988 o.265 §1; 1991 o.297 §1; 1999 o.287 §1; 2000 o.406 §1]

### **7.810 Definitions for LCC 7.805 to 7.855**

(1) The words and phrases in LCC 7.805 to 7.855 shall have the meaning provided in ORS chapter 682 and OAR chapter 333, division 260, unless specifically defined herein to have a different meaning.

(2) As used in LCC 7.805 to 7.855:

- (a) “Ambulance Service Review Committee” means the committee appointed by the Board of Commissioners pursuant to LCC 7.840.
- (b) “ASA Advisory Committee” means the committee appointed by the Board of Commissioners pursuant to LCC 7.827.
- (c) “Director” means the Director of the Lincoln County Emergency Services Department.
- (d) “Lincoln County Ambulance Service Area Plan” means the currently effective ambulance service area plan adopted by the Lincoln County Board of Commissioners in accordance with ORS 682.205 and OAR Chapter 333 Division 260. [1988 o.265 §1; 1991 o.297 §1; 1999 o.287 §2; 2000 o.406 §2]

### **7.815 Exemptions from Application of LCC 7.805 to 7.855**

The provisions of LCC 7.805 to 7.855 shall not apply to:

- (1) Ambulances owned by or operated under the control of the United States Government.
- (2) Vehicles being used to render temporary assistance in the case of a major catastrophe or emergency with which the ambulance service of the surrounding locality are unable to cope, or when directed to be used to render temporary assistance by an official at the scene of an accident.
- (3) Vehicles operated solely on private property or within the confines of institutional grounds, whether or not the incidental crossing of any public street, road or highway through the property or grounds is involved.
- (4) Ambulances or vehicles transporting patients from outside the county to a health care facility within the county, or which are passing through without a destination in the county.
- (5) Pre-arranged non-emergency transfers by state licensed ambulance service providers. [1988 o.265 §1; 1991 o.297 §1; 2001 o.413 §1]

### **7.820 Ambulance Service Areas**

The following are the Ambulance Service Areas for Lincoln County:

(1) **ASA 1 (North Lincoln County):** Beginning at the Northwest corner of Lincoln County as described in ORS 201.210; thence East along the North boundary of Lincoln County to the Northeast corner of Lincoln County; thence South along the boundary line between Lincoln County and Polk County to the Northeast corner of Section 24, Township 8 South, Range 9 West, Willamette Meridian; thence West along section lines to the Northwest corner of Section 23 Township 8 South, Range 9 West, Willamette Meridian; thence South to the Southwest corner of said Section 23; thence West along section lines to the Southwest corner of Section 23, Township 8 South, Range 11 West, Willamette Meridian; thence North to the Northwest corner of Section 14, Township 8 South, Range 11 West, Willamette Meridian; thence West along the section line between Sections 10 and 15, Township 8 South, Range 11 West, Willamette Meridian to the Eastern boundary of the Salishan Hills subdivision; thence Northerly along the boundary of Salishan Hills Subdivision to the Southwest right-of-way line of the Oregon Coast Highway (State Highway 101); thence Northwesterly across said right-of-way to the Siletz Bay; thence Northerly and Westerly along the center of the Siletz Bay to the Pacific Ocean; thence Northerly along the Pacific Ocean to the point of beginning.

(2) **ASA 2 (Depoe Bay Area):** Beginning at the Southwest corner of Section 22, Township 8 South, Range 11 West, Willamette Meridian; thence Southerly along section lines to the Northeast corner of Section 4, Township 10 South, Range 11 West, Willamette Meridian; thence West along section lines to the Pacific Ocean; thence North along the Pacific Ocean to the boundary of ASA 1 described in subsection (1) of this section; thence Westerly and Southerly along the boundary of said ASA 1 to the Southwest corner of Section 23, Township 8 South, Range 11 West, Willamette Meridian; thence West along section lines to the point of beginning.

(3) **ASA 3 (Central Lincoln County):** The remainder of Lincoln County that does not lie within any other ASA.

(4) **ASA 4 (Waldport Area):** Beginning at the intersection of Big Creek and the Oregon Coast Highway (State Highway 101); thence due East to the section line between Section 1, Township 14 South, Range 12 West, Willamette Meridian, and Section 6, Township 14 South, Range 11 West, Willamette Meridian; thence South along said section line to the Northwest corner of Section 7, Township 14 South, Range 11 West, Willamette Meridian; thence East along the North line of said Section 7 to the Northeast corner of said Section 7; thence South along the East line of said Section 7 to the Southeast corner of said Section 7; thence East along section lines to the Northeast corner of Section 13, Township 14 South, Range 11 West, Willamette Meridian; thence South along the East line of said Section 13 to the Northwest corner of Section 19, Township 14 South, Range 10 West, Willamette Meridian; thence East along section lines to the center of the South section line of Section 14, Township 14 South, Range 10 West, Willamette Meridian; thence due South along center section lines to the center of Section 35, Township 14 South, Range 10 West, Willamette Meridian; thence due East along the center section line of Section 35 to the center of the West section line of Section 36, Township 14 South, Range 10 West, Willamette Meridian; thence South along the West section line of Section 36 to the Southwest corner of Section 36; thence East along section lines to the Southeast corner of Section 31; thence North along section lines to the Southeast corner of Section 18, Township 14 South, Range 9 West, Willamette Meridian, which point lies on the boundary between Lincoln County and Benton

County; thence Easterly and Northerly along the boundary line of Lincoln County and Benton County to the Northeast corner of Section 24, Township 13 South, Range 9 West, Willamette Meridian; thence West along section lines to the Southwest corner of Section 18, Township 13 South, Range 9 West, Willamette Meridian; thence North along section lines to the Northeast corner of Section 1, Township 13 South, Range 10 West, Willamette Meridian; thence West along the North line of said Section 1 to the Southeast corner of Section 36, Township 12 South, Range 10 West, Willamette Meridian; thence North along section lines to the Northeast corner of Section 25, Township 12 South, Range 10 West, Willamette Meridian; thence West along section lines to the Northwest corner of Section 30, Township 12 South, Range 10 West, Willamette Meridian; thence South along the West line of said Section 30 to the Southeast corner of Section 25, Township 12 South, Range 11 West, Willamette Meridian; thence West along section lines to the center of the section line between Sections 28 and 33, Township 12 South, Range 11 West, Willamette Meridian; thence North along the center section line of said Section 28 to the center of the section line between said Section 28 and Section 21, Township 12 South, Range 11 West, Willamette Meridian; thence West along the South line of said Section 21 to the Southwest corner of said Section 21; thence North along the West line of said Section 21 to the center of the section line between said Section 21 and Section 20, Township 12 South, Range 11 West, Willamette Meridian; thence West along the center section line of said Section 20 to the center of the section line between said Section 20 and Section 19, Township 12 South, Range 11 West, Willamette Meridian; thence North along said section line to its intersection with Beaver Creek; thence Westerly and Northerly along Beaver Creek to the Pacific Ocean; thence South along the Pacific Ocean to Big Creek; thence East along Big Creek to the point of beginning.

(5) **ASA 5 (Yachats Area):** All of Lincoln County lying to the South of ASA 4 as described in subsection (4) of this section. [1988 o.265 §1; 1991 o.297 §1; 1999 o.387 §3; 2000 o.406 §3]

#### **7.825 Unauthorized Ambulance Service Prohibited**

No person shall provide ambulance service in Lincoln County unless:

(1) The person is an authorized employee or agent of the entity that holds the Lincoln County ASA Ordinance assignment for the ambulance service area in which the need for service originates.

(2) The person is assisting the entity who holds the Lincoln County ASA Ordinance assignment for the ambulance service area in which the need for service originates.

(3) The person is acting pursuant to mutual aid or other cooperative agreement with the entity who holds the current Lincoln County ASA Ordinance assignment for the ambulance service area in which the need for service originates;

(4) The activity is allowed under LCC 7.815 or 7.830. [1988 o.265 §1; 1991 o.297 §1; 1999 o.387 §4; 2000 o.406 § 4]

#### **7.827 Assignment of Ambulance Service Areas**

(1) The Board of Commissioners shall have the exclusive authority to assign each ambulance service area within Lincoln County in accordance with this section. The Board retains authority to extend any and all timeframes contained in this section by Board order.

(2) The term for each assignment shall be for a period of five years, except as otherwise provided by order of the Board of Commissioners. Terms begin on July 1 and end on June 30.

(3)(a) On or before January 31 of the year in which an ambulance service area assignment is set to expire, the director shall mail a written notice to each currently assigned ambulance service provider for each Lincoln County ambulance service area set to expire that year. The notice shall remind the provider of the expiration of the ambulance service area term, and also inform the provider of the deadline for submitting an application for assignment of the ambulance service area.

(b) The director shall also mail notice of the expiring ambulance service area assignment, and deadline for submitting applications for new assignment, to any person requesting such notice. The director may also mail such notice to any person who the director believes might desire to make application for assignment of a Lincoln County ambulance service area.

(4) The deadline for submission of applications for assignment of a Lincoln County ambulance service area is March 1 of the year in which the ambulance service area assignment term is set to expire. Applications must be received in the office of the director on or before 5 p.m. on the deadline date, or the next business day if that date falls on a weekend or legal holiday. Each applicant shall submit the following number of copies of their application: Four copies for the director, and one copy for each of the three Commissioners.

(5) An application for assignment of an ambulance service area shall contain the following information:

(a) The name and address of the person applying for the assignment.

(b) The ambulance service area or areas the person desires to service, and the location from which ambulance services will be provided.

(c) A list of personnel to be used in providing ambulance service, and their current emergency medical technician certificate numbers and certification levels.

(d) A list of vehicles to be used in providing ambulance services, including year, make and model, and a statement that each vehicle will be certified as compliant by the State of Oregon.

(e) Sufficient information to allow for review of the application in light of applicable state law, state regulations, the Lincoln County ASA Ordinance, and the Lincoln County Ambulance Service Area Plan.

(f) Such additional information deemed necessary by the director, the ASA Advisory Committee, or the Board of Commissioners.

(g) Such additional information that the applicant desires to be presented to the ASA Advisory Committee or the Board of Commissioners. Examples may include, but are not limited to:

(A) Improved ambulance response times and the quality and level of service to the ASA without adversely affecting the existing first response system.

(B) A demonstration that call volume is sufficient to financially justify the service to be provided, or otherwise demonstrate financial soundness.

(C) Experience and past history in providing ambulance service.

(D) Does not jeopardize the financial ability of other ambulance service providers to provide efficient service to the remainder of the county.

(6)(a) If more than one application for assignment of an ambulance service area has been submitted in accordance with this section, the Lincoln County Board of Commissioners may appoint an ASA Advisory Committee consisting of not less than three and not more than nine members, for the purpose of reviewing competing applications for assignment of ambulance

service areas. The director and a representative from County Counsel's office shall serve as staff to the committee. To the extent practicable, the Board of Commissioners shall appoint committee members who have experience, or who are familiar, with the provision of emergency medical services. However, no member of the ASA Advisory Committee shall be a current or former employee, agent, physician advisor, or family member of a current or former employee, agent, or physician advisor of any entity that holds an assignment of a Lincoln County ambulance service area or that will be applying for assignment of a Lincoln County ambulance service area.

(b) If an ASA Advisory Committee has been appointed by the Board of Commissioners in accordance with this subsection, in March or April of that year the committee shall hold a public hearing for the purpose of reviewing and discussing the applications received for assignment of ambulance service areas in which more than one application was received. At least 7 days prior to the public hearing, the director shall mail notice of the hearing to each applicant. At the meeting, the committee shall first appoint a chairperson. The committee shall then proceed to allow testimony from applicants and members of the public, and allow questions of witnesses as posed by members of the committee and the committee's staff. The chairperson may set reasonable time limits on testimony from applicants and individuals. If necessary, the committee may adjourn and continue the public hearing to another date and time, and shall announce that date and time prior to adjournment. At the conclusion of testimony, the committee shall deliberate on the matter, and shall make an affirmative recommendation to the Board of Commissioners as to assignment of each contested ambulance service area. The committee or its individual members may, but are not required, to provide the Board with an explanation for their recommendation as to each assignment. Committee staff shall report the recommendation of the committee to the Board. In making a recommendation, the committee shall consider:

(A) Whether the application contains all elements required by subsection (5) of this section.

(B) Whether the application meets the requirements of state law and state regulation relating to the provision of ambulance service.

(C) The past experience of the applicant in providing emergency medical services.

(D) The past quality of emergency service provided by the applicant.

(E) The proposed quality of service to be provided by the applicant.

(F) The rates proposed to initially be charged for services by the applicant.

(G) Any other criteria which the committee considers important in making its recommendation to the Board.

(7) In May of the year in which one or more ambulance service area assignments are set to expire, the Board of Commissioners shall place that matter on their regular public meeting agenda. At the public meeting, the Board may, but is not required, to allow testimony from applicants and members of the public, and may ask questions of interested parties. The Board shall then deliberate on the matter, and may continue a decision to a subsequent Board meeting pending further deliberation or submission of additional information by one or more applicants. In making a decision on assignment of one or more ambulance service areas, the Board may consider:

(a) Any recommendation of the ASA Advisory Committee, and the reasons given for that recommendation, if any.

(b) Whether the application contains all elements required by subsection (5) of this section.

- (c) Whether the application meets the requirements of state law and state regulation relating to the provision of ambulance service.
- (d) The past experience of the applicant.
- (e) The past quality of service provided by the applicant.
- (f) The proposed quality of service to be provided by the applicant.
- (g) The rates proposed to initially be charged for services by the applicant.
- (h) Any other criteria which the Board considers important in making its decision. 2000 o.406 § 6; 2001 o.413 §2]

### **7.828 Additional Requirement for Applicants for Assignment of ASA 1 or 3**

In addition to the requirements and provisions of LCC 7.827:

- (1) Each applicant for assignment of ASA 1 or 3, or both ASA 1 and 3, must also apply for assignment of ASA 2, and the failure to do so by an applicant shall invalidate their application.
- (2) The Board of Commissioners may assign ASA 2 to an applicant assigned ASA 1, an applicant assigned ASA 3, an applicant assigned ASA 1 and 3, or another applicant.
- (3) If an ambulance service provider assigned to provide ambulance service to ASA 2 rejects, abandons, or otherwise ceases to provide ambulance service to ASA 2, that cessation of service shall be deemed an abandonment of all other ambulance service areas assigned to that provider in Lincoln County. [2001 o.414 §2]

### **7.830 Duties of Ambulance Service Provider**

Upon assignment of an ambulance service area to a person in accordance with LCC 7.805 to 7.855, the person providing ambulance service:

- (1) Shall conduct its operations in strict compliance with all applicable state and federal laws and regulations, and the terms of the Lincoln County Code and the Lincoln County Ambulance Service Area Plan.
- (2) Shall not fail or refuse to respond to an emergency call for service if an ambulance is available for service.
- (3) Shall not respond to a medical emergency located outside its assigned ambulance service area except:
  - (a) When a request for a specific ambulance service provider is made by the person calling for the ambulance, or a representative of that person, and the call does not dictate an emergency response;
  - (b) When the ambulance service provider assigned to the ambulance service area is unavailable to respond and the person is requested by the other provider or 9-1-1 dispatch to respond; or
  - (c) When the response is for supplemental assistance, advanced life support assist, or other mutual aid.
- (4) Shall not transfer the assignment of an ambulance service area without written notice to and approval of the Board of Commissioners. The written notice shall include an application for assignment of the ambulance service area submitted by the transferee. The application shall be reviewed in accordance with LCC 7.831.

(5) Shall not voluntarily discontinue service to the assigned ambulance service area without giving at least 120 days written notice to the Board of Commissioners. [1988 o.265 §1; 1991 o.297 §1; 2000 o.406 §7]

### **7.831 Reassignment of Ambulance Service Area**

(1) In the event that a person assigned an ambulance service area discontinues, or will be discontinuing, service before the expiration of the assignment, whether the discontinuance arises from abandonment, dissolution, suspension, or revocation, the Board of Commissioners shall set a deadline for the submission of applications for reassignment of that ambulance service area, and shall also set additional timelines for notices, review, and hearings. The procedure for notices, review and hearings shall be in accordance with LCC 7.827, except that the deadlines and timelines established by the Board shall replace the deadlines and timelines in LCC 7.827.

(2) A reassignment of an ambulance service area pursuant to this section shall be for the unexpired term of the discontinued assignment, unless otherwise provided by order of the Board. [2000 o.406 §9]

### **7.832 Suspension or Revocation of Assignment of Ambulance Service Area**

(1) Upon a recommendation by the Ambulance Service Review Committee, or upon its own motion, the Board of Commissioners may suspend or revoke the assignment of an ambulance service area upon a finding that the holder thereof has:

(a) Willfully violated provisions of LCC 7.805 to 7.855, the Lincoln County Ambulance Service Area Plan, or provisions of state or federal laws and regulations; or

(b) Materially misrepresented facts or information given in the application for the assignment of an ambulance service area or as part of the review of the performance of the service furnished by the provider.

(2) In lieu of the suspension or revocation of the assignment of ambulance service area, the Board may order that the violation be corrected and make the suspension or revocation contingent upon compliance with the order within the period of time stated therein. Notice of the Board action shall be provided to the holder of the assignment which shall specify the violation, the action necessary to correct the violation, and the date by which the action must be taken. The holder of such assignment shall notify the Board of the action taken. If the holder of the assignment fails to take corrective action within the time required, the Board shall notify the holder that the assignment is suspended or revoked upon receipt of the notice. [1991 o.297 §1; 2000 o.406 § 10]

### **7.833 Insurance and Performance Bond**

An ambulance service provider assigned one or more ambulance service areas in accordance with LCC 7.805 to 7.855 shall:

(1) Maintain financial responsibility in at least the minimum types and amounts as required under ORS 682.105 to 682.109.

(2) Execute and deliver to the county a good and sufficient bond in a form and amount approved by the director as adequate to ensure the faithful performance of ambulance service in each of the assigned ambulance service areas. The bond must be in a form that is immediately redeemable by the county in the event the service provider vacates the assigned ambulance service area for any reason without at least 120 days advance written notice to the county. In establishing bond amounts for ambulance service areas under this subsection, the director need

not set the same bond amount for each ambulance service area, but shall establish a bond amount for each ambulance service area that is sufficient in the opinion of the director to ensure the provision of ambulance service in that ambulance service area in the event of vacation without 120 days advance notice. [2001 o.413 §4]

### **7.835 Appeal**

A person receiving a notice of the assignment, denial, suspension, contingent suspension, or revocation of an ambulance service area may request a hearing before the Board of Commissioners by filing with the Board of Commissioners a written request for hearing within 14 days of the decision, setting forth the reasons for the hearing and the issues proposed to be reviewed. The filing of a hearing request shall stay the action pending the hearing and final determination by the Board of Commissioners unless the Board of Commissioners makes a written finding that prompt implementation of the decision is required due to an immediate hazard to the public safety. The Board of Commissioners shall set a time and place for a hearing which shall be *de novo* on the record or a full *de novo* hearing, as determined by the Board. Within 14 days after the conclusion of the hearing, the Board shall affirm, reverse or modify its original decision. [1988 o.265 §1; 1989 o.278 §3; 1991 o.297 §1; 2000 o.406 §11]

### **7.840 Ambulance Service Review Committee**

(1) There is hereby created an Ambulance Service Review Committee, the members of which shall be appointed by the Board of Commissioners for two-year terms. The Committee shall choose its own chairperson and meet quarterly or when called upon by the Board of Commissioners or its chairperson. Motions shall be passed by a majority of those attending.

(2) The committee shall consist of:

(a) One representative from each ambulance service provider in Lincoln County.

(b) Three fire department or quick response team representatives, no two of which shall primarily serve the same ambulance service area, and none of which shall be from any ambulance service provider.

(c) One emergency physician or hospital administrator. This position may be appointed in a series of alternates to allow for varying schedules of physicians and administrators.

(d) Two public members.

(e) One representative of each 9-1-1 PSAP in Lincoln County.

(3) The Committee shall have the following powers and duties:

(a) Provide a review process for a regular random sampling of ambulance services rendered in Lincoln County by each ambulance service provider.

(b) Provide a forum for review of complaints by consumers and others concerning the quality of ambulance services provided in Lincoln County.

(c) Make recommendations to the Board of Commissioners in accordance with LCC 7.832(1) for revocation or suspension of an ambulance service area assignment, when such recommendation appears appropriate pursuant to LCC 7.832.

(d) Periodically review the Lincoln County Ambulance Service Area Plan and make recommendations to the Board of Commissioners concerning proposed updates and amendments to the plan. [1988 o.265 §1; 1989 o.278 §§ 3 and 4; 1991 o.297 §1; 1999 o.387 §5; 2000 o.406 §12]

### **7.845 Initial Responder**

Nothing in LCC 7.805 to 7.855 prohibits a 9-1-1 agency, responsible for the dispatching of emergency services, from dispatching an initial responder to the scene of a medical emergency in addition to dispatching an ambulance service provider. Such initial response shall only be in accordance with this section:

(1) The initial responder shall be a municipal corporation or a special district within Lincoln County that provides emergency services within its jurisdiction and requests to be dispatched to medical emergencies.

(2) The initial responder shall respond with Emergency Medical Technicians or First Responders that are certified by the State of Oregon and who are employed by or volunteer with the initial responder.

(3) Upon the arrival of the ambulance service provider at the location of the medical emergency, the ambulance service provider shall be in charge of, and responsible for, the continuation of emergency medical services. The initial responder shall continue to provide emergency medical services only at the direction of the ambulance service provider. [1988 o.265 §1; 1989 o.278 §3; 1991 o.297 §1]

### **7.850 Penalties**

Any person who violates any provision of LCC 7.805 to 7.855 is guilty of a violation. Failure from day to day to comply with the terms of LCC 7.805 to 7.855 shall be a separate offense for each day. Failure to comply with any provision of LCC 7.805 to 7.855 shall be a separate offense for each such provision. Violations of LCC 7.805 to 7.855 is punishable upon the conviction by a fine of not more than \$500 for a non-continuing offense, which means a an offense not spanning two or more calendar days. In the case of a continuing offense, which means an offense which spans two or more consecutive calendar days, violation of the provisions is punishable by a fine of not more than \$500 per day up to the maximum of \$1,000 as provided by law. [1988 o.265 §1; 1989 o.278 §3; 1991 o.297 §1]

### **7.855 Nuisance**

In addition to penalties provided by LCC 7.850, violation of any of the provisions is declared to be a nuisance and may be regarded as such in all actions, suits, and proceedings unless the provisions are declared invalid by a court of competent jurisdiction. Pursuant to ORS 823.180(5), these provisions shall be enforceable by the Health Division of the State of Oregon, Department of Human Resources, in a proceeding in Circuit Court for equitable relief. [1988 o.265 §1; 1989 o.278 §3; 1991 o.297 §1; 1999 o.387 §6]

## **COUNCIL OF GOVERNMENTS**

### **7.905 Ratification of Creation of Oregon Cascades West Council of Governments**

(1) The Lincoln County Board of Commissioners hereby declares its intent, by enactment of the ordinance creating this section, to create an intergovernmental entity by intergovernmental agreement, namely the Oregon Cascades West Council of Governments (“OCWCOG”), the intergovernmental agreement (“Articles of Agreement”) for which is attached to and made a part of the ordinance creating this section. Any amendment to the Articles of Agreement will be made pursuant to the Articles of Agreement.

(2) The effective date of the Articles of Agreement shall be the first date on which two-thirds of the members of the existing Cascades West Council of Governments (“CWCOG”), plus one, have enacted ordinances ratifying the creation of OCWCOG as an intergovernmental entity.

(3) The public purposes for which the OCWCOG is created, and the powers, duties and functions of the OCWCOG, are set forth in the Articles of Agreement. [1996 o.359 §2]

### **7.907 Ratification of Amendments to Oregon Cascades West Council of Governments Intergovernmental Agreement**

(1) Lincoln County hereby ratifies the amendments to the Articles of Agreement for the Oregon Cascades West Council of Governments as approved by the Governing Board of the Oregon Cascades West Council of Governments on September 21, 2000. The public purpose for which that intergovernmental entity was created, and the powers, duties, and functions of that intergovernmental entity, are as set forth in the amended Articles of Agreement. Amending the Articles of Agreement is necessary in order to allow representatives from all three member counties to serve as chair of the governing board, and to remove certain operational and procedural language more appropriate for separate bylaws, thus allowing for more efficient operation.

(2) The effective date of the amendments to the Articles of Agreement shall be the first date on which two thirds of the members of the existing intergovernmental entity, plus one, have adopted ordinances ratifying the amendments to the Articles of Agreement, which created the intergovernmental entity. [2000 o.404 §2]

### **7.910 Ratification of Creation of the Accountable Behavioral Health Alliance**

(1) The Lincoln County Board of Commissioners hereby declares its intent, by enactment of the ordinance creating this section, to create an intergovernmental entity by intergovernmental agreement, namely the Accountable Behavioral Health Alliance. A copy of that intergovernmental agreement is attached to and made a part of the ordinance creating this section. Any amendment to that intergovernmental agreement will be made pursuant to the provisions of the agreement.

(2) The public purposes for which the Accountable Behavioral Health Alliance is created, and the powers, duties and functions of the Alliance, are set forth in the intergovernmental agreement. [1997 o.371 §2]