

Chapter 18

POLICE

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Article I. Police Department*

Sec. 18-1. Oath of office required.

Before any police officer shall enter upon the discharge of the office he shall take and subscribe an oath to faithfully and impartially discharge the duties of his office, which oath of office shall be filed with the clerk, as a public record of the city. (Ord. 183, sec. 5, 3-6-03)

Sec. 18-2. Members to maintain a city telephone number.

All sworn members of the Fire and Police Departments of the City of Hattiesburg shall be accessible through a Hattiesburg telephone or pager number where they may be promptly contacted, and they shall be physically accessible when called and shall report for duty. To this end, Sworn officers hired after this amendment goes into effect shall live within ten (10) miles of the Hattiesburg city limits. (Ord. 2492, sec. 1, 7-19-94; Ord. 1797, sec. 2, 7-5-73)

Sec. 18-3. Special police---Appointment authorized.

The mayor or chief of police of the city are hereby authorized and empowered, in cases of emergency or special need, or when, in their judgment, it shall be necessary to specially appoint as many policemen as they may deem necessary to add to the regular police force in the preservation of the peace and good order of the city. (Ord. 795, sec. 1, 12-29-27)

**Cross reference--General offense of abusing policemen, sec. 16-1.*

Sec. 18-4. Prohibit injuring or killing police dog or police horse; penalty.

A. As used in this section, the term "police dog" means any dog, and the term "police horse" means any horse, which is owned or leased by the City of Hattiesburg for the principal purpose of aiding in the detection of criminal activity, enforcement of laws, or apprehension of offenders.

B. Any person who knowingly and willfully and without lawful cause inflicts bodily harm, permanent disability, or death upon a police dog or police horse shall upon conviction thereof be fined not more than one thousand dollars (\$1000.00), or imprisoned not to exceed one (1) year, or ordered to make restitution in the amount of cost of replacing the police dog or police horse, or subjected to all such fine, imprisonment and restitution. (Ord. 2316, secs. 1--2, 8-22-89)

Cross reference--see section 1-11 - enhanced penalties

Secs. 18-5 --- 18-12. Reserved.

Article II. Miscellaneous Police Powers

Sec. 18-13. Hotels, lodging houses, etc., required to maintain register; penalty.

A. Every proprietor or keeper of a hotel, lodging house, rooming house or boardinghouse, shall at all times keep a well bound register on which he shall enter or cause to be entered, the name, address and date of acceptance of each guest or patron. Such entry on the register shall be made at the time the person desiring accommodation at such hotel, lodging house, rooming house or boardinghouse is accepted as a guest and accommodation furnished him. When each register is filled, it shall not be destroyed or thrown away but shall be preserved in some safe place for future reference. (Ord. 664, sec. 1, 8-25-21)

B. Such register shall at all reasonable hours be subject to inspection by any public official of the city. (Ord. 664, sec. 2, 8-25-21)

C. A failure to keep said register as herein required, or to preserve the same, or permit the inspection thereof by any public official of the City of Hattiesburg, Mississippi, or any duly authorized representative of any public official of the City of Hattiesburg, Mississippi, shall subject the offender to a fine of not more than three hundred dollars (\$300.00), or imprisonment not to exceed ninety (90) days, or shall subject the offender to both such fine and imprisonment. (Ord. 1506, sec. 1, 5-13-64; Ord. 664, sec. 3, 8-25-21)

Sec. 18-14. Junk dealers and pawnbrokers.

A. Every junk dealer and pawnbroker in the city be and they are hereby required to keep in a permanently bound book in which shall be legibly written in ink, at the time of the purchase or taking of any goods, articles or thing, an accurate account and description, in the English language, of the goods, articles, or other things purchased or pledged the amount of money paid therefor, the time of purchasing, or taking of the same, the name and residence of the person selling or pledging such goods, articles or things, and a description of the person from whom the same were purchased or taken. The book shall also show the right thumb print of the person selling or pawning any such article.

B. The book provided for in sub-paragraph (A) shall at all times be open to the inspection of the Chief of Police or any member of the police force.

C. It shall be the duty of every pawnbroker or junk dealer in the city upon receiving information or learning that any goods, articles, or things left with him have been lost or stolen to notify in writing the Chief of Police of the facts, giving the name of the person from whom the same was received and any other facts in connection therewith that may tend to the discovery or conviction of the thief or thieves.

D. Any person found guilty of the violation of this section, or any part thereof, shall be punished in accordance with Sec. 1-10 of this code. (Ord. 1010, sec. 14, 7-12-45)

Secs. 18-15 --- 18-17. Reserved.

Amendment Note--Ord. 2380, secs. 1--12, enacted 8-6-91 and codified as Article IV of this chapter (secs. 18-55 -- 18-66), repealed Ord. 1565, enacted 2-2-66, and codified as Secs. 18-15, 18-16 and 18-17, requiring undercover and private detectives and night watchmen to register with police and report suspicious circumstances or crimes to police. These sections were reserved to maintain sequence.

Secs. 18-18 --- 18-25. Reserved.

Article III. Wrecker Service Policy

Sec. 18-26. Definitions.

City shall be construed to mean the City of Hattiesburg, Mississippi.

The **City Limits** of Hattiesburg shall be a wrecker zone. (Ord. 2649, sec 10, 7-7-98)

City Official shall be construed to mean the Chief of Police or other employee designated by him/her for the purposes of the administration of this ordinance.(Ord. 2649, sec. 1, 7-7-98)

Owner or Vehicle Operator shall mean owner or operator of a motor vehicle.

A **Non-preference Wrecker Service** is called by the Hattiesburg Police Department in those instances in which the owner or operator of a vehicle requires a tow or pick-up and has no preference as to who tows or picks up the vehicle, or is incapable of indicating a preference, or is not present to make a choice of wrecker service to call for a tow or pick-up, including those vehicles to be towed because of alleged parking violations.(Ord. 2649, sec.1,7-7-98)

Wrecker for the purposes of this ordinance, the word "wrecker" shall be construed to mean and include all vehicles of one (1) ton capacity or more, having one (1) or more dual-wheel rear axles and used for hauling, towing, pushing, or pulling any automobile or other vehicle of every kind, nature, and description, regardless of whether such vehicle is being hauled, pushed, pulled or may be self-propelled. (Ord. 2329, sec. 1, 12-5-89)

Sec. 18-27. Non-Preference wrecker service call list established.

There is hereby established a Non-Preference Wrecker Service Call List to be maintained and kept on file at the Hattiesburg Police Department.

Any wrecker service desiring to be placed on the Non-Preference Call List must meet the following minimum standards, in addition to any other state or federal regulations which may apply:

- A. Must provide twenty-four (24) hour-per-day wrecker service from a properly zoned location and must be licensed and permitted.(Ord. 2649, sec 2, 7-7-98)
- B. Must provide a secure place of storage in the City for vehicles towed or hauled by the wrecker service. A secure place of storage is considered one which meets the following minimum requirements:
 1. Area surrounded by a six (6) foot chain link fence, topped by three (3) strands of barbed wire, and capable of being locked to prevent casual access, or
 2. An area which is occupied and supervised twenty-four (24) hours per day.
 3. The area must be capable of storing a minimum of fifty (50) vehicles.

- C. Must provide wrecker vehicles and equipment to meet the following minimum requirements, whether obtaining permits for one (1) or more said wreckers:
1. Light-duty wreckers: having a rating of eight (8) tons or more and be mounted on a truck chassis with a minimum of ten thousand (10,000) lbs. GVWR, commonly used to tow passenger cars and other vehicles up to the said wrecker and chassis capacity.
 2. Medium-duty wreckers: having a rating of between ten (10) and twenty-five (25) tons and be mounted on a truck chassis with a minimum of twenty thousand (20,000) lbs. GVWR, commonly used to tow trucks and vans and other vehicles up to the said wrecker and chassis capacity.
 3. Heavy-duty wreckers: having a rating of twenty-five (25) tons or more and be mounted on a truck chassis with a minimum of thirty thousand (30,000) lbs. GVWR, commonly used to tow large semi-trailer trucks.
 4. Tractor trucks (5th wheel trucks) and auxiliary vehicles and trailers: must meet or exceed minimum said ratings as to weight-carrying capacities and conform to all City ordinances and state laws pertaining to size, weight and loads.

The number of wrecker services on the Non-Preference Call List shall not be limited; any wrecker service meeting qualifications of this chapter may qualify for the Non-Preference Call List. (Ord. 2649, sec.2, 7-7-98; Ord. 2506, sec. 1, 11-8-94; Ord. 2329, sec. 2, 12-5-89)

Sec. 18-28. Separate list maintained - heavy duty wrecker.

The Chief of Police, or his/her designee may implement a separate and distinct Non-Preference Call List and rotating file to govern the calling of heavy-duty wreckers used to tow or pick up large commercial vehicles requiring a heavy-duty wrecker and to require the owner-operator to maintain adequate accessory equipment to effect damage-free recovery of wrecked and/or disabled vehicles, to be otherwise governed by the provisions and procedures of this ordinance. (Ord. 2649, sec. 3, 7-7-98; Ord. 2329, sec. 3, 12-5-89)

Sec. 18-29. Right to express preference as to wrecker service.

Owners, vehicle operators, or passengers involved in an accident or situation may express their preference of a wrecker service, and that wrecker service shall then be called by the Hattiesburg Police Department, provided that the wrecker service specified can deliver the service in a similar fashion of a registered and permitted non-Preference wrecker service. An owner, vehicle operator, and/or passenger(s) taken into custody may express a preference as to wrecker service where they are verbally capable of requesting said wrecker. (Ord. 2649, sec. 4, 7-7-98; Ord. 2329, sec. 4, 12-5-89)

Sec. 18-30. Registration, permit prerequisite to operation.

It shall be unlawful for any person to own or operate any wrecker which is subject to a call for service by any City department or agency within the city, unless such wrecker shall have been registered and such owner and operator shall have been issued a registration permit therefor. See Section 18-47. (Ord.2649, sec. 5, 7-7-98; Ord. 2329, sec. 5, 12-5-89)

Sec. 18-31. Application for registration permit.

- A. Any person, owner or operator of a wrecker desiring a registration permit to do business as a Non-Preference wrecker service shall make application to the Chief of Police or his/her designee before beginning operation. The information required for such registration shall be:
 - 1. the name of the wrecker business
 - 2. the wrecker's make, model, motor or vehicle identification number and license tag number for the current year
 - 3. a certificate of ownership of such wrecker by the person requesting registration.
- B. Such application shall also be accompanied by a records check completed by the Hattiesburg Police Department, consisting of the owner-operator's and/or drivers' criminal history, if any. Any owner-operator or driver that is on parole or probation for any felony conviction or under indictment for any felony shall not be granted a registration permit and shall not operate or drive said wrecker or wreckers. See Section 18-47. (Ord. 2649, sec. 6, 7-7-98; Ord. 2329, sec. 6, 12-5-89)

Sec. 18-32. Liability insurance or bond prerequisite to operation; amount, conditions.

A. The owner or operator of any wrecker to be used as a Non-Preference wrecker shall, before operating the same, present to the Chief of Police, or his/her designee, a public liability insurance policy or policies or bonds written by an insurance or bonding company authorized to do business in the State of Mississippi for each wrecker operated on the Non-Preference rotation list; and there shall be an insurance policy or policies or bonds presented to the Chief of Police, for coverage of property damage or loss to or from any vehicle while being towed or stored by the wrecker owner or operator. (Ord. 2649, sec.7, 7-7-98)

B. Such insurance policy, policies or bond shall be conditioned for the payment of any final judgment against said wrecker owner or operator for personal injury or property damage or loss resulting from or arising out of the use, maintenance, operation, or any related action of the wrecker owner or operator while towing or storing said vehicles, provided, however, that the amount of the public liability policy or bond required on any Non-Preference wrecker shall in no case be less than one hundred thousand (\$100,000.00) dollars combined single limit automobile liability coverage or insurance or bond of split limit liability automotive coverage of one hundred thousand (\$100,000.00) dollars for the death or injury of any one person and subject to said limit for one person; three hundred thousand (\$300,000.00) dollars total public liability for any one accident; and one hundred thousand (\$100,000.00) dollars for property damage for any one accident; and any non-preference owner or operator of a "light duty" and/or "medium duty" wrecker shall present evidence that insurance is in force that will provide recompense to the owner of a towed vehicle if the said vehicle is damaged or suffers property loss from it while in tow or in the storage facility of the wrecker's owner or operator; and in no case shall the insurance coverage be less than fifty thousand (\$50,000.00) dollars for each individual vehicle while in tow and one hundred thousand (\$100,000.00) dollars coverage for the combined number of vehicles placed in storage by the owner or operator through the Non-Preference rotation list;

C. All insurance policies or bonds shall contain a provision or endorsement to the effect that

the same shall not be canceled for any cause by either party thereto unless or until thirty (30) days written notice thereof shall be given to the City Clerk by registered mail, with a copy thereof mailed in like manner to the Chief of Police of the City.(Ord. 2649, sec. 7, 7-7-89)

Sec. 18-33. Certificate of inspection prerequisite to issuance of registration permit.

Before a registration permit may be issued, the owner or operator of the wrecker shall present a signed certificate of inspection issued by a licensed garage equipped to make the inspection with which such owner or operator is not connected either directly or indirectly. The date of inspection shall be no more than one week prior to application for registration of such wrecker, certifying that such garage has thoroughly inspected the vehicle identification number and license tag number and found from such inspection that the tires, brakes, steering mechanism, lights, horn, wheel alignment, frame, springs, cables, wench and rear view mirror are in good condition and that the wrecker may, with safety to the public, be used for the purposes for which it was intended and that said wrecker was equipped with all of the items required by this article in good working condition. (Ord. 2649, sec. 8, 7-7-98; Ord. 2329, sec. 8, 12-5-89)

Sec. 18-34. Same-required annually; penalty for violations; duties of the Police Department.

A. On each following yearly anniversary date of registration the owner or operator shall furnish to the Chief of Police or his/her designee for each such wrecker, a certificate by a licensed garage equipped to make the inspection (with which such owner or operator is not connected either directly or indirectly), describing the wrecker and certifying that said inspection determined the equipment and facilities are in good and proper working order as described in Sec. 18-33 and complies with all conditions required by this article.(Ord. 2649, sec. 9, 7-7-)

B. Duties of the Hattiesburg Police Department: It shall be the duty of the Chief of Police, or his/her designee, from time to time to inspect the mechanical condition and other required equipment on all such wreckers and to inspect storage areas used by the owner or operator of such wrecker service. If any such equipment and area is defective, the Chief of Police, or his/her designee, shall direct the owner or operator to have the wreckers inspected and put in proper working order and obtain a certificate of inspection and to correct any deficiency in the storage area. (Ord. 2649, sec. 9, 7-7-98; Ord. 2506, sec. 3, 11-8-94; Ord. 2329, sec. 9, 12-5-89)

Sec. 18-35. Operation of wrecker without proper registration, inspection and insurance.

It shall be unlawful for any owners or operators to operate or cause to be operated such wreckers as a Non-Preference wrecker without having all proper equipment, facilities, registration, inspection certificate and insurance. This applies at first registration and at all other times such wrecker is doing business as a Non-Preference Wrecker Service for the Hattiesburg Police Department. Failure to obtain and furnish such certificates and other required documents shall be grounds for the Chief of Police or the Assistant Chief of Police to revoke the registration and permit of the owner or operator of such vehicle, whereupon it shall be unlawful to operate such vehicle until such certificates and/or documents are furnished to the Chief of Police or the Assistant Chief of Police and the registration reinstated by him/her in writing.(Ord. 2649, sec. 10, 7-7-98; Ord. 2506, sec. 4, 11-8-94; Ord. 2329, sec. 10, 12-5-89)

Sec. 18-36. Records of registration permits, inspections, and insurance to be kept.

The Chief of Police or his/her designee shall keep a book for the recording of all registration permits, inspections and insurance policies which have been issued. (Ord. 2649, sec 11, 7-7-98; Ord. 2506, sec. 5, 11-8-94; Ord. 2329, sec. 11, 12-5-89)

Sec. 18-37. Assignment of registration numbers.

Upon registration of each wrecker within the City, the Chief of Police or his/her designee shall assign such wrecker a registration number and such number shall not be changed at subsequent registration. (Ord. 2649, sec. 12, 7-7-98; Ord. 2506, sec. 6, 11-8-95; Ord. 2329, sec. 12, 12-5-89)

Sec. 18-38. Identification of wrecker by registration number and business name.

The owner or operator of every registered wrecker within the City shall paint or stencil the registration number assigned to such wrecker on the rear and two (2) sides of such wrecker in letters at least three (3) inches tall, with the business name of such wrecker painted or stenciled on the driver and passenger doors in at least three (3) inch tall letters. Failure to so display such numbers shall be deemed a violation of this article and a misdemeanor. (Ord. 2649, sec. 13, 7-7-98; Ord. 2329, sec. 13, 12-5-89)

Sec. 18-39. Transfer of registration permit.

No owner or operator with a Non-Preference wrecker shall transfer such registration permit. (Ord. 2649, sec. 14, 7-7-98; Ord. 2329, sec. 14, 12-5-89)

Sec. 18-40. Suspension or revocation of registration permit.

Any registration permit issued under the provisions of this article may be suspended or revoked by the Chief of Police or the Assistant Chief of Police, upon reasonable proof of violation by the permittee of any applicable provisions of this Code, State law or City Ordinance. (Ord. 2649, sec. 15, 7-7-98; Ord. 2329, sec. 15, 12-5-89)

Sec. 18-41. Appeals by persons aggrieved by judgment or decision.

Any person aggrieved by a judgment or decision rendered by the Chief of Police in the interpretation or enforcement of any provision or requirement of this Code, State law, or City Ordinance, rule or regulation, may appeal such judgment or decision within ten (10) days from the date thereof to the City Council. (Ord. 2649, sec. 16, 7-7-98; Ord. 2329, sec. 16, 12-5-89)

Sec. 18-42. Service requirements.

A. Rates and charges are to be reasonable and be no more than the average rates of wreckers doing business in the State of Mississippi and if any such rates or charges should be found excessive or unreasonable, the said Chief of Police or the Assistant Chief of Police may per-

manently revoke the permit of such wrecker owner or operator. Initial rates are to be furnished to the Chief of Police, or his/her designee and any changes thereto must be submitted to the Chief of Police or his/her designee in advance of implementation, and must continue to be responsible and be no more than the average rates of wreckers doing business in the State of Mississippi, and if any such rates or charges should be found excessive or unreasonable, the said Chief of Police or the Assistant Chief of Police may permanently revoke the permit of such wrecker owner or operator. (Ord. 2649, sec.17, 7-7-98)

B. All wreckers must be available twenty-four (24) hours of every day and must promptly answer all calls for service from the Hattiesburg Police Department and respond to the call location within twenty (20) minutes.

C. All wrecker drivers must have a current State of Mississippi commercial drivers license and every wrecker must bear a current Mississippi inspection sticker and license plate. (Ord. 2649, sec. 17, 7-7-98; Ord. 2329, sec. 17, 12-5-89)

Sec. 18-43. Tow-in charges to be posted, duty to furnish receipt for vehicle.

All wrecker owners or operators must post a "tow-in" charges as described in Section 18-42 for towing vehicles which have not been involved in an accident and post charges and hourly rates for towing, hauling, and any necessary handling of a wrecked or damaged vehicle. Said bulletin must be posted in the wrecker and storage facility, and said wrecker operators must not exceed said charges and, further, must furnish owner of a towed vehicle a receipt for such vehicle upon request by the owner or Police; it is hereby declared to be a violation of this chapter to charge an amount in excess of said posted sum and failure to give a receipt upon request.. (Ord. 2649, sec. 18, 7-7-98; Ord. 2329, sec. 18, 12-5-89)

Sec. 18-44. Accessory equipment for wreckers specified.

All wreckers operating hereunder shall have attached thereto, and contained therein, factory-made equipment necessary or expedient to the towing and handling of any vehicle damage-free; such equipment including, but not necessarily limited to two (2) five (5) pound fire extinguishers; auxiliary air hoses, factory-made hydraulic wheel lifts; hydraulic jacks matched to truck and wrecker tonnage; brooms, shovels, and buckets for cleaning debris from accident scenes; a "dolly" or similar mode of conveyance, capable of transporting vehicles safely and damage-free, that cannot be moved in a customary way of towing; and amber rotating or flashing emergency lights attached to the truck or wrecker in such a way as to be visible in all directions upon approaching said wrecker from a minimum of five hundred (500) feet.

It shall be the duty of the Chief of Police, or his/her designee to inventory and inspect for serviceability the accessory equipment of each permitted Non-Preference wrecker a minimum of one (1) time per year. The Chief of Police shall require the said wrecker service to update obsolete equipment and accessories and/or provide additional equipment and accessories as the towing industry standards advance year-to-year in the ever-changing field of motor vehicle manufacturing and the factory recommended modes of towing such vehicles damage-free; and to enforce compliance as to any future federal, state, and City regulations pertaining to towing services and highway safety. (Ord. 2649, sec. 20, 7-7-98; Ord. 2339, sec. 2, 3-20-90; Ord. 2329, sec. 19, 12-5-89)

Sec. 18-45. Police Authority, officially held vehicles.

When the Hattiesburg Police Department has an official "hold" on a towed or impounded vehicle, the owner or owner's agent shall secure a release from the Hattiesburg Police Department and present such release to the wrecker owner or operator, or, if stored at the City compound, to the City compound manager. The towing cost shall be borne by the owner of said vehicle and the City may, at the direction of the Mayor, charge a daily storage fee for vehicles stored in the City Compound. The fee shall not exceed the maximum daily cost of private storage yards. (Ord. 2649, sec. 20, 7-7-98; Ord. 2329, sec. 20, 12-5-89)

Sec. 18-46. Soliciting and stopping at accident scenes prohibited; exceptions.

No wrecker owner or operator or driver shall stop at an accident scene or near a disabled vehicle for the express purpose of soliciting an engagement for towing service, unless such wrecker service has been summoned to the scene by the owner or operator of any disabled vehicle or has been summoned by the Hattiesburg Police Department; provided, however, that any authorized operator who comes upon a disabled vehicle (not a wreck or accident) may stop and help the owner obtain assistance.

Wrecker operators shall not, without the express authorization of the investigating police officer, move any vehicle from a public highway, street, or from any public property, when such vehicle is abandoned, stolen, or damaged as a result of an accident.

EXCEPTION: Notwithstanding the conditions imposed in these rules and regulations, operators may in emergency cases slide left, right, or otherwise move a vehicle damaged as a result of an accident, if the removal is for the purpose of extracting a person from the wreckage or to remove an immediate hazard to life and/or property. In no such event shall the movement be more than reasonable and necessary. (Ord. 2649, sec 21, 7-7-98; Ord. 2329, sec. 21, 12-5-89)

Sec. 18-47. Application fee.

The application fee provided hereunder shall be twenty-five (\$25.00) dollars, payable to the City of Hattiesburg, and purchased from the City Tax Collector, or his/her designee, at the time of obtaining or renewing business privilege license. (Ord. 2649, sec. 22, 7-7-98; Ord. 2329, sec. 22, 12-5-89)

Sec. 18-48. Penalty for violation of ordinance - Misdemeanor.

Any person, firm or corporation who shall own, operate, or cause to be operated in or upon the streets, avenues, alleys, or highways of the City of Hattiesburg, Mississippi, any wrecker for servicing the public through the Non-Preference Call List of the Hattiesburg Police Department, without first having complied with each and every pertinent Section of this article, having obtained the permit required by Sec. 18-30 and 18-31 of this article, and without having first filed with the Chief of Police or his/her designee such insurance policy or bond as provided for in Sec. 18-32 (A through C) of this article, and any person, firm, or corporation who shall violate any provision or section of this article shall, upon conviction, be subject to a fine not to exceed five hundred dollars (\$500.00) or imprisonment not to exceed ninety (90) days or both such fine and imprisonment. (Ord. 2649, sec23, 7-7-98; Ord. 2506, sec. 7, 11-8-94; Ord. 2329, sec. 23, 12-5-89)

Sec.18-49 -- 18-54. Reserved.

Article IV. Private Security Services, Private Security Guards and Private Investigators

Sec. 18-55. Short Title.

This article shall be known and may be cited as the "Private Security Ordinance of the City of Hattiesburg". (Ord. 2380, sec. 1, 8-6-91)

Sec. 18-56. Terms.

For the purpose of this article the following terms shall be construed as follows:

Chief of Police is the Chief of Police, or his official designee, of the City of Hattiesburg Police Department, Hattiesburg, Mississippi.

Permit is a permit as required by this article.

Private Investigator is any person employed by or as a private security service, in uniform or in plain clothes, who for a consideration, or otherwise, guards or watches any property, or performs any service usually and customarily performed by the regular patrolmen of the City, or conducts any such criminal or civil investigations.

Private Security Guard is any person employed by or as a private security service, in uniform or in plain clothes, who for a consideration, or otherwise, guards or watches any property, or performs any service usually and customarily performed by the regular patrolmen of the City or conducts any such criminal or civil investigations.

Private Security Service is any person who, for a consideration, or otherwise, provides to others, any security patrol, or guards or watches any property, or performs any service usually and customarily performed by the regular patrolmen of the City, or conducts any such criminal or civil investigations. (Ord. 2380, sec. 2, 8-6-91)

Sec. 18-57. Permit required.

It shall be unlawful for any person to engage in, participate in, or otherwise perform any services as a Private Security Service, Private Security Guard, or Private Investigator, unless a Private Security Permit shall have been issued by the City, and upon proof of all appropriate taxes, licenses and fees being paid. (Ord. 2380, sec. 3, 8-6-91)

Sec. 18-58. Exclusion from article.

This article shall not apply to the following:

- A. Duly sworn, full-time law enforcement officers employed by any City, County, State, or Federal law enforcement agency.
- B. Loss prevention employees employed specifically for in-house security (i.e. utility company investigators, retail investigators, etc.) (Ord. 2380, sec. 4, 8-6-91)

Sec. 18-59. Application requirements for permit.

Any person seeking the issuance of a Private Security Permit to perform services as a Private Security Service, Private Security Guard, or a Private Investigator shall file an application with the Chief of Police on forms provided by the Chief of Police and containing the following information:

- A. The name, date of birth, social security number, driver's license number, residence address and telephone number of the person(s) seeking to engage in such private security business;
- B. Description of the services(s) to be performed;
- C. The legal name of the business under which the applicant is applying for said permit and the business address and phone number of such person;
- D. The name, address, and phone number of at least three reputable citizens of the State, County, or community in which the applicant resides who can attest to the applicant's good reputation in the community;
- E. Complete criminal history check;
- F. Complete set of the applicant's fingerprints;
- G. Recent photograph of the applicant;
- H. Copy of any State issued firearm permit provided applicant shall carry a firearm in the performance of such private security business;
- I. Complete description of any and all vehicles, to include any distinguishing markings, to be used by applicant in such private security business; and
- J. Any other such information as the Chief of Police may require. (Ord. 2380, sec. 5, 8-6-91)

Sec. 18-60. Terms, fees and other requirements for permit.

The issuance of a Private Security Permit, its terms, fees and other requirements are as follows:

A. When any such permit is granted, the applicant therefor shall be furnished a written certificate of such permit, which said permit shall have a number thereon, to be signed by the Chief of Police of said City, but every such permit shall be issued subject to all the provisions of this article and effective for one year from date of issuance.

B. The applicant, upon the granting of such permit, shall also be furnished by the Chief of Police an identification card to be kept on applicant's person at all times when performing such private security duties, and which shall remain the property of the City and shall be returned to the City upon the expiration of such permit and identification card or upon cancellation for cause.

C. To cover the cost of the records check, fingerprinting, photograph and the printing and issuing of the permit and identification card, the City may collect from the applicant a fee of fifty dollars (\$50.00) which shall be retained by it.

D. In the event the Chief of Police orders that the application for any such permit be refused and denied, any such applicant may prosecute an appeal, before the governing authorities, from said order in the manner provided by law for prosecuting appeals.

E. The instances below constitute re-application following the complete application procedure, including the fee specified under the provisions of this article:

1. Upon the expiration of permit and identification card.
2. When the applicant loses a permit or identification card. (Ord. 2380, sec. 6, 8-6-91)

Sec. 18-61. Person prohibited from receiving permit.

No permit to engage in the business of a Private Security Service, or as a Private Security Guard or a Private Investigator shall be issued to any applicant who is:

- A. A fugitive from justice;
- B. Under twenty-one (21) years of age;
- C. Under indictment or has been convicted in any court of any felony;
- D. A habitual violator of the traffic laws of the City or of the State of Mississippi or any other State, being five (5) offenses within a five (5) year period of time; and all other criminal offenses of the City or of the State of Mississippi or any other State, being three (3) offenses within a three (3) year period of time; or any combination thereof. (Ord. 2380, sec. 7, 8-6-91)

Sec. 18-62. Transferability of permit.

It shall be unlawful for any person who secures a permit and identification card under the provisions of Section 18-60 hereof to transfer such permit and/or identification card to any other person whatsoever, and it shall likewise be unlawful for any person to use the permit and/or identification card of any other person. (Ord. 2380, sec. 8, 8-6-91)

Sec. 18-63. Suspension or revocation of permit.

The Chief of Police may revoke or suspend any permit, and may demand and require the return of any identification card issued under the provisions of Section 18-60 hereof, upon proof satisfactory to the Chief of Police that the holder of such permit and identification card has violated any of the following:

- A. Was intoxicated, or noticeably under the influence of intoxicating liquor;
- B. Had carried concealed weapons in violation of law;

- C. Had violated any one (1) or more of the provisions of this article;
- D. Had violated any one (1) or more of the criminal laws of the City of Hattiesburg or of the State of Mississippi. (Ord. 2380, sec. 9, 8-6-91)

Sec. 18-64. Appeals of same.

In the event proof is submitted to the Chief of Police that a violation of Section 18-63 hereof has been committed causing him to believe that good cause exists for the revocation or suspension of any permit and the return of any identification card, the Chief of Police shall give notice, in writing, to the person to whom said permit and identification card were issued, directing him to appear before the Chief of Police within five (5) days from the date of such notice and the service or mailing thereof and show cause, if any he can, why said permit should not be revoked or suspended, and said identification card ordered returned. If the person to whom said permit and identification card was issued cannot be located so as to be personally served with such notice, the same may be served by sending a copy thereof by registered mail to the last known address of such person, and the address, if any, stated in the application for such permit and identification card, may be relied upon as being the last known address of the applicant therefor. In the event such applicant can be found within the corporate limits of the City of Hattiesburg, the Chief of Police or any policeman of the City of Hattiesburg may personally serve said notice.

A. In the event such person fails to appear before the Chief of Police within the time therein provided, or in the event he appears but fails to show cause as aforesaid, the Chief of Police may in either of said events, five (5) days after the service or mailing of such notice, revoke or suspend the permit and order the return of said identification card.

B. The failure, neglect or refusal to surrender any permit which has been revoked or suspended, or any identification card that has been ordered returned, to the Chief of Police within five (5) days from the date of such revocation, suspension or order to return, shall constitute and be a violation of this article.

C. Any person whose permit has been revoked or suspended, or whose identification card has been ordered returned as herein provided, may prosecute an appeal from any such order of revocation, suspension or for the return of said identification card in the manner provided by law for prosecuting appeals before the governing authorities, but any such appeal shall not operate as a supersedes of said order. (Ord. 2380, sec. 10, 8-6-91)

Sec. 18-65. Insurance requirements; cancellation notice.

The following liability insurance requirements must be meet, prior to issuance of permit:

A. Private Security Service - No permit shall be issued to any private security service unless there is in full force and effect a liability insurance policy in the amount of three hundred thousand dollars (\$300,000.00) as combined single limit coverage for bodily injury and property damage resulting from any one incident. Said policy shall inure to the benefit of any party who shall be injured or who shall sustain damage to property proximately caused by the negligence or wrongful conduct of a permittee, his servants, or agents. Said policy, or proof thereon, shall be filed with the City of Hattiesburg and said policy shall be issued by an insurance company authorized to do business in this state.

B. Private Security Guards and Private Investigators - No permit shall be issued to any private security guard or private investigator where that person is not employed by a private security service unless there is in full force and effect a liability insurance policy in the amount of fifty thousand dollars (\$50,000.00) as combined single limit coverage for bodily injury and property damage resulting from any one incident. Said policy shall inure to the benefit of any party who shall be injured or who shall sustain damage to property proximately caused by the negligence or wrongful conduct of a permittee, his servants, or agents. Said policy, or proof thereon, shall be filed with the City of Hattiesburg and said policy shall be issued by an insurance company authorized to do business in this state.

C. The insurance policy, or proof thereof, filed with the City of Hattiesburg as required by this article, shall contain a provision or endorsement to the effect that the same shall not be canceled for any cause by either party thereto unless and until thirty (30) days written notice is given to the City Clerk and that such thirty (30) days notice, when given, shall commence to run from date notice is actually received at the City Clerk's Office.

D. Failure of any private security service or private investigator or private security guard when that person is not employed by a private security service to have liability insurance in force is cause for revocation and cancellation of the permit and identification card issued under the terms of this article. (Ord. 2380, sec. 11, 8-6-91)

Sec. 18-66. Violation, penalties.

It shall be unlawful for any person, firm, partnership, association, corporation, company or organization to violate any provision of this article. Such violation(s) shall be a misdemeanor and is punishable by a fine of not less than two hundred fifty dollars (\$250.00) and not more than one thousand dollars (\$1,000.00) and/or ninety (90) days imprisonment. (Ord. 2380, sec. 12, 8-6-91)

Sec. 18-67 -- 18-75. Reserved.

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Article V. Parking Violation Officers

Sec. 18-76. Definitions.

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

"Authorized emergency vehicle" shall be construed to mean every vehicle of the fire department, every police or law enforcement vehicle, and every such ambulance and emergency vehicle operated, or authorized to operate, in the City of Hattiesburg, during the performance of their duties in an emergency.

"Operator" shall be construed to mean the owner of a vehicle or any person designated by the owner to operate a vehicle.

"Owner" shall be construed to be the legal owner of the vehicle.

"Parking Violation Officer" shall be construed to mean any Police Officer, Parking Violation Officer (Meter Maid) or other designee of the City for the purposes of the administration of this article.

"Vehicle" shall mean every device in, upon or by which any person or property is or may be transported or drawn upon a highway, which is self-propelled and has at least two wheels in contact with the ground, and may also be known as a "Motor Vehicle" or a "Motorcycle," except devices used exclusively upon stationary rails or tracks. (Ord. 2385, sec. 1, 10-22-91)

Sec. 18-77. Application and requirements for officers.

Parking Violation Officers shall be required to complete all of the following, prior to serving as a Parking Violation Officer:

- A. Complete an application of the City and sign a release for a criminal history check performed by the Police Department.
- B. Attend and pass all requirements of a four (4) hour minimum training session sponsored by the Parking Operations Office.
- C. Sign oath of office after being sworn in by the City Clerk. (Ord. 2385, sec. 2, 10-22-91)

Sec. 18-78. Duties.

The duties of the Parking Violation Officers shall be as follows:

A. Issue citations to all owners or operators of vehicles violating the Disabled Persons' Parking Ordinance, parking meters, or parking in alleyways, fire lanes, or any other place posted, for any vehicle except authorized emergency vehicles during an emergency.

B. Assist with traffic and parking problems in the downtown area, during parades, funerals, Brown Bag Concerts, various events at the Saenger Theater, Jackie Dole Community Center or City Hall, and other events and/or occasions as assigned. (Ord. 2385, sec. 3, 10-22-91)

C. It shall be the duty of the Parking Violation Officers to report:

1. the number of the parking meter which indicates that the vehicle occupying the parking space adjacent to such parking meter is or has been parking in violation of any of the provisions of chapter 25 of the Code of Ordinances;
2. the license tag number, state and county of such vehicle;
3. the time when such vehicle is in violation of any of the provisions of this chapter; and
4. Other facts, the knowledge of which may be necessary for a thorough understanding of the circumstance attending such violation. (Ord. 2637, sec. 1, 5-19-98)

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Article VI. Crime Prevention and Drug Education Cost

Sec. 18-79. Definitions.

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

“Police Forfeiture Fund” shall mean that fund whereby from the costs of court placed on all misdemeanor convictions in the Municipal Court of the City of Hattiesburg, Mississippi, which are assessed to fund the program of Crime Prevention and Drug Education in the City of Hattiesburg, Mississippi, are deposited.

“Program of Crime Prevention and Drug Education” shall mean such programs of education of all manner of crime prevention (including the apprehension of criminals) and on drug issues that are carried on by the City of Hattiesburg Police Department in the City of Hattiesburg and in the schools located in the City of Hattiesburg, Mississippi, whether that program goes specifically by the name of “D.A.R.E.” or any other name, so long as the objectives of such program is the education and training of young citizens regarding crime prevention or of the hazards and addictive qualities of any kind and nature of drugs.

“Accounting” shall mean a written listing of all receipts from whatsoever source, and all disbursements for items qualified under the ordinance, the dates of said receipts and disbursements, the source of receipts, the payee of disbursements and balances by calendar year end.(Ord. 2685, sec. 1, 4-20-99)

Sec. 18-80. Crime Prevention and Drug Education Costs.

A. The Municipal Judge may establish and order on the Court Docket, for the collection of \$2.00 as a court assessment to be specifically allocated for deposit in the Police Forfeiture Fund of the City of Hattiesburg, Mississippi, which fund shall be a fund on deposit of a local financial institution. Upon entry of said order, the Municipal Judge shall impose and the Clerk shall collect said cost as a cost of court on each and every misdemeanor conviction (including traffic offenses), unless said cost is specifically waived by the Municipal Judge.

B. The costs so collected shall be paid into the municipal treasury and shall be subject to budget and appropriation for lawful purposes by the Mayor and City Council; however, these funds, as accumulated, shall be budgeted only for the promotion and funding of the program of Crime Prevention and Drug Education of the Hattiesburg Police Department and for no other purpose. Further, no funds accumulated for purpose of crime prevention and drug education shall be utilized to budget for any fund items other than those covered in Paragraph D below and shall not be budgeted for salary for any officer associated with the program of Crime Prevention or Drug Education.

C. The funds collected shall be transferred monthly into the Police Forfeiture Fund with disbursement only upon a requisition of the Chief of Police, or his designee, of the City of Hattiesburg, Mississippi, whose signature shall be required on such requisition.

D. Disbursement shall be made only for those items which would impact favorably on the program of Crime Prevention and Drug Education promoted by the Hattiesburg Police Department, whether those items be equipment, expenses for further education and training of the officers engaged in such programs, training education materials, promotional materials or the like.(Ord. 2685, sec. 2, 4-20-99)

Sec. 18.81. Accounting.

The City Clerk shall account for all receipts and disbursements in the same manner as is provided by law for receipts and disbursements of other City funds and shall provide same to the Chief of Police and Mayor and City Council. The Chief of Police may appear before the Mayor and City Council at the request of the Mayor and Council or upon his own initiative to discuss the accounting. It will not be necessary for any action to be taken by the Mayor and Council to approve said accounting.(Ord. 2685, sec. 3, 4-20-99)

Sec. 18.82. Construction.

Nothing in this article shall be construed to affect any suit of proceeding now pending in Court, nor any rights acquired thereby, or liability incurred, nor any cause or causes of action now existing under any act or ordinance repealed hereby, conflicting herewith, or currently logged in the Ordinances of the City of Hattiesburg. No right or remedy of any character shall be lost, impaired, or affected by this article.(Ord. 2685, sec. 4, 4-20-99)

Sec. 18.83. Invalidation.

The invalidation of any section or provision of this article shall not invalidate other sections or provisions hereof. (Ord. 2685, sec. 5, 04-20-99)

Cross reference--see section 2-76 - Fees - Crime Prevention and Drug Education Costs

Secs. 18-84 -- 18-85. Reserved.

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Article VII. Ambulance Service

Sec. 18.86. Definitions.

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

Advanced Life Support (ALS) Ambulance Service: The level of service attained when (1) the Ambulance Service Provider is licensed as an advanced life support ambulance service by the Mississippi State Department of Health and (2) the Ambulance Service Provider's vehicles are permitted as advanced life support vehicles by the Mississippi State Department of Health and each Ambulance is occupied by at least one person certified as an EMT Paramedic by the Mississippi State Department of Health, or by one person licensed as a pre-hospital registered nurse by the Mississippi State Board of Nursing or one person licensed as a physician by the Mississippi State Department of Health.

Ambulance: Any vehicle which is designated and equipped to transfer ill or injured persons in a reclining position to or from health care facilities.

Ambulance Service Provider: A person or organization, governmental or private agency, which operates one or more Ambulances and provides ALS Ambulance Service to the City in response to Emergency Transport Calls and Routine/Non-emergency Transport Calls within the City.

Emergency Transport Call: A call for ambulance service that is presumptively classified, in accordance with the current edition of "Emergency Medical Services Dispatcher: National Standard Curriculum" as developed by the U.S. Department of Transportation, National Highway Traffic Safety Administration, as an emergency call requiring the least amount of time practicably attainable to respond to such call.

Emergency Medical Condition: A medical condition manifesting itself by acute symptoms of sufficient severity (including severe pain) such that the absence of immediate medical attention could reasonably be expected to result in (1) placing the health of the individual (or, with respect to a pregnant woman, the health of the woman or her unborn child) in serious jeopardy, (2) serious impairment of bodily functions, or (3) serious dysfunction of any bodily organ or part.

Emergency Medical Services: (EMS) is the following pre-hospital and inter-hospital services:

- (1) *Access and Coordination* - The answering and processing of telephone requests from the public for Ambulance or First Responder Services, including EMS dispatching, emergency and routine; the providing of medical pre-arrival instructions to callers by telephone, but excluding the process of 911 complaint taking when the caller is immediately transferred to the EMS Control Center.
- (2) *First Responder Services* - Those emergency services, excluding transportation, which are performed by a First Responder.
- (3) *Medical Transportation* - Ambulance services, both emergency and routine, including Patient Assessment, transportation and medical procedures performed on

the scene, in route, during inter-facility transport, or at an emergency receiving facility when performed at the request of the receiving physician.

- (4) *On-line Medical Direction* - Instructions given by a Communications Resource facility as defined in the Rules and Regulations issued by the Division of EMS, Mississippi State Department of Health, to First Responders or ambulance personnel at the scene of an emergency, while in route to a hospital, or during an inter-facility patient transfer. On-line Medical Direction in the City shall be sanctioned and coordinated by the EMS Lead Agency.
- (5) *Off-line Medical Direction* - The Administrative Medical Director appointed by the EMS Lead Agency. His/her duties are as defined in the Mississippi Law Rules and Regulations published by the State Board of Health.

EMS Control Center - The facility operated by the EMS Lead Agency which serves as the central EMS communications center for the City.

EMS Lead Agency: The organization delegated the responsibility for coordinating all components and care aspects for the entire EMS system in the City. It will have the ultimate responsibility of providing this care alone or delegating part of this responsibility. It shall further be the responsibility of the EMS Lead Agency to constantly evaluate the response of all EMS support services in areas of appropriateness of pre-hospital care and control. The EMS Lead Agency shall also be authorized to develop and implement patient transportation and destination policies and guidelines. It shall sanction EMS continuing education activities, establish infection control standards for all pre-hospital EMS personnel, direct patient refusal procedures, and other EMS related activities. The EMS Lead Agency is authorized to enter into mutual aid agreements with other EMS, public safety and ancillary support agencies. All communications between the City and the EMS Lead Agency shall take place through the Licensing Officer.

First Responder: Any person, fire department unit, law enforcement unit or non-transporting rescue unit capable of providing appropriate First Responder Services, excluding transportation.

Licensing Officer: The individual designated and empowered by the City to issue permits, as defined in this article, in accordance with policies and procedures governing such issuance as set forth herein, and shall be the liaison officer between the City and Ambulance Service Provider and the EMS Lead Agency.

Patient: An individual who is ill, sick, injured, wounded or incapacitated, and who is in need, or is at risk of needing medical care or assessment at the scene of a call and during transportation to or from a health care facility and who is or should be transported in a reclining position

Permit: Any of the permitting documents required to be obtained pursuant to this article, including the following:

- (1) *Ambulance Service License (Emergency and Non-Emergency)* - Ambulance Service Providers responding to Emergency Transport Calls originating in the City shall be required to obtain an Ambulance Service License pursuant to this article. Ambulance Service Providers responding to Routine/Non-Emergency Transport

Calls that originate and terminate within the City shall be required to obtain an Ambulance Service License pursuant to this article.

- (2) *First Responder Certification* - Certification issued to a First Responder and sanctioned by the EMS Lead Agency pursuant to this article.

Routine/Non-Emergency Transport Call: A call for ambulance service which is not an Emergency Transport Call.

System Standard of Care: The federal, state and local laws, policies, rules, regulations and protocols of the EMS Lead Agency which establish standards governing all clinical and operational aspects of the EMS system in the City.

System Status Controller (SSC): An employee of the EMS Lead Agency and a person trained and competent as an EMS dispatcher. The minimum standard of training shall be the current edition on "Emergency Medical Services Dispatcher: National Standard Curriculum" as developed by the U.S. Department of Transportation, National Highway Traffic Safety Administration. The SSC must demonstrate competency in (a) receipt and processing of calls for ambulance service, (b) dispatch and coordination of EMS resources, (c) provision of medical information, and (d) coordination with other public safety services. Only qualified SSC's shall be permitted to work in the EMS Control Center.

System Status Plan: The plan and protocols for staffing, deployment and redeployment of Ambulances which is developed and utilized by an Ambulance Service Provider, and which specifies how many ambulances will be staffed and available within the City each hour of the day, each day of the week, including the locations of available ambulances (not assigned to calls) within the City, specified separately for each hour of the day, for each day of the week and the remaining number of ambulances then available in the system, and including protocols for even-driven redeployment of those remaining ambulances.(Ord. 2727, sec. 2, 8-22-00)

Section 18.86.1 Establishing an Emergency Medical Service District

Authority:

The City of Hattiesburg, Mississippi has been vested by Section 41-59-51, of the Mississippi Code of 1972, as amended, with the authority to establish an emergency medical service district for the purpose of providing emergency hospital care and ambulance services within the geographic area under its jurisdiction.(Ord. 3087, sec.1, 6/5/12)

Intent:

The City has determined that in order to insure that its citizens are provided with access to the most timely and appropriate emergency response it is necessary for the City to establish this emergency medical service district to be known as the City of Hattiesburg, Mississippi Emergency Medical Service District.(Ord.3087, sec. 2, 6/5/12)

Service Area:

The City of Hattiesburg, Mississippi Emergency Medical Service District shall encompass all areas within the corporate limits of the City of Hattiesburg, Mississippi. (Ord. 3087, sec. 3, 6/5/12)

Services:

The City of Hattiesburg, Mississippi Emergency Medical Service District shall provide or coordinate the provision of pre-hospital emergency medical services by duly authorized ambulance service providers and first responders and emergency hospital care sufficient to handle emergency medical conditions including those patients triaged as part of the trauma care system established with the State of Mississippi. (Ord. 3087, sec. 4, 6/5/12)

Administration:

The City hereby appoints the ambulance service provider servicing as Lead Agency under the City's Ambulance Ordinance as the manager of the emergency medical services district with full authority over the operation of the district. The City's Ambulance Ordinance shall be enforced throughout the emergency medical services district. (Ord. 3087, sec 5, 6/5/12)

Funding:

The City hereby authorizes the emergency medical services district to receive funds from all sources and expend such funds as may be available for any necessary and proper purpose in the manner provided by law of municipalities. (Ord. 3087, sec. 6, 6/5/12)

Section 18.87. Mandatory Centralized Emergency Transport Call Processing.

1. All 911 telephone requests for ambulance services, both emergency and routine/non-emergency, originating within the City shall terminate at the EMS Control Center, where a System Status Controller shall establish the call's classification, determine the Patient's location, and if appropriate, deliver pre-arrival instructions. The System Status Controller shall also determine the need for the First Responder Services, alert the First Responder if appropriate, and dispatch the appropriate ambulance.
2. It shall be unlawful for anyone other than the EMS Lead Agency to publish or advertise any telephone number for the purposes of soliciting request for Emergency Transport and Routine/Non-Emergency Calls in the City.
3. During times of disaster or severe EMS System overload, the EMS Control Center shall, at all times, have full authority to direct the positioning, movements, and run responses of all ambulances, Ambulance Service Providers, EMS public safety providers, and other EMS personnel in the City until such time as the disaster or system overload has lapsed.

4. All call requests processed by the EMS Control Center shall be recorded to facilitate subsequent auditing of the System Status Controller's actions and decisions by the Licensing Officer, and all such recordings shall be safely stored and shall not be erased for a period of six (6) months.

5. The City 911 Commission shall be responsible for the installation and maintenance of the 911 equipment in the EMS Control Center. Funds from the 911 surcharge may be used to purchase equipment, provide technical support and training for the EMS Control Center. (Ord. 2727, sec. 3, 8-22-00)

Section 18.88. Other Call Processing.

All other call requests for ambulance service, Emergency or Routine/Non-Emergency, which may be received by parties other than the EMS Lead Agency, shall be transferred immediately to the EMS Control Center which will determine the appropriate EMS response.

Section 18.89. Insurance Requirements.

A. Each Ambulance Service Provider shall keep in full force and effect, a policy or policies of public liability and property damage insurance issued by an insurance company authorized to do business in the State of Mississippi, with coverage provisions insuring the public from any loss or damages that may arise to any person or property by reason of the negligent operation by such Ambulance Service Provider, and providing amounts of recovery in limits of not less than the following sums:

1. For the damages arising out of bodily injury to or death of one or more persons in any one accident, not less than \$1,000,000.
2. For any injury to or destruction of property in any one accident, not less than \$1,000,000.
3. For any combination of damages not to exceed \$1,000,000.

B. Each Ambulance Service Provider shall keep in full force and effect a general comprehensive liability and professional liability policy or policies issued by an insurance company authorized to do business in the State of Mississippi, with coverage provisions insuring the public from any loss or damage that may arise to any person or property by reason on the negligent actions of the Ambulance Service Provider or any of its employees, and providing that the amount of recovery shall be in limits of not less than \$1,000,000, with annual aggregate of not less than \$1,000,000.

C. Insurance companies providing this coverage shall be licensed to operate in the State of Mississippi.

D. Cancellation or material alteration of any required insurance policy or coverage shall result in the automatic revocation of any Ambulance Service License issued hereunder, and the Ambulance Service Provider shall thereupon cease and desist from further ambulance service operations in the City.(Ord. 2727, sec. 5, 8-22-00)

Section 18.90. Certificate of Necessity for Ambulance Service License.

A. Any entity desiring to obtain an Ambulance Service License to operate in the City shall first make an application for a Certificate of Necessity for an all ALS Ambulance Service License to the Licensing Officer or his designee for a Certificate of Necessity.

B. The criteria for consideration of an application shall be as follows, and applications for such Certificate of Necessity shall include the following information, verified under oath:

1. *Name*: The name and address of the applicant seeking the Certificate of Necessity, and, in the event the applicant is a corporation, a certified copy of the articles of incorporation.
2. *Equipment & Ambulances*: Applicant must have equipment and ambulances adequate to comply with the System Standard of Care and also adequate to fully, safely and reliably perform the services for which the Certificate of Necessity is requested. Applicant shall provide the make, type, year of manufacture, serial number, license tag number and equipment therein for each ambulance owned or operated or proposed to be operated by the applicant.
3. *Personnel*: Applicant must employ personnel who are qualified by training, experience and work history to comply with the System Standard of Care and to fully, safely and reliably perform the services for which the Certificate of Necessity is requested. Personnel must meet federal, state and local certification requirements. Principals and employees of an applicant shall be subject to criminal record checks and background investigations.
4. *Applicant's EMS History*: Complete listing of the applicant's relevant EMS experience. A favorable recommendation on an application shall not be made unless this history shows that the applicant is able to comply with the System Standard of Care and fully, safely and reliably perform the services for which the Certificate of Necessity is requested.
5. *Plans*: (1) A Proforma Internal Medical Quality Assurance Plan, which shall describe applicant's medical quality assurance program, demonstrating a reasonable probability that the applicant, if licensed, will deliver medical care meeting the System Standard for Care, including, without limitation, the clinical quality for ambulance services set forth in Section 12 hereof, (2) A Proforma System Status Plan demonstrating that all Ambulances operating within the City will be equipped and staffed to operate in accordance with the System Standard of Care, including without limitation, the clinical quality for ambulance services set forth in Section 12 hereof.
6. *Proof of Financial Capability*: Financial statements and a statement as to whether there are any unsatisfied judgments of record against such applicant, and if so, the style of all actions and the amounts of all judgments unsatisfied. No Certificate of Necessity shall be granted to any applicant unless it is financially stable and financially capable of complying with the System Standard of Care and providing competent services for the entire period for which a license is requested and for the full scope of service proposed to be authorized. An applicant's failure to have paid

any federal, state or local tax, including business license tax and personal property tax, shall be evidence of a lack of financial capability.

7. *Acceptance of Terms and Conditions*: A statement of compliance with all applicable federal, state and local laws, rules and regulations.
8. *Proof of Public Necessity for Services*: A statement of the public necessity for the services to be provided. No favorable recommendation shall be made for a Certificate of Necessity and no Certificate of Necessity shall be issued, unless the applicant proves by clear and convincing evidence that there is a public necessity for the services which are not being met by the existing Ambulance Service License holders, or which shall not be met within a reasonable period of time by such existing Ambulance Service License holders. The effect of any application on the ability of existing Ambulance Service License holders to continue providing services shall be a factor for consideration.

3. No favorable recommendation shall be made, and no Certificate of Necessity shall be granted, unless an applicant meets all the foregoing criteria, without exception. Failure of an applicant to do so shall indicate the applicant poses an unacceptable degree of risk to the public safety.

4. All existing Ambulance Service License holders pursuant to this article will be given notice of any application for a Certificate of Necessity and such Ambulance Service License holders will have twenty (20) working days from the date of notice to respond in writing to the Licensing Officer, or his designee, to oppose, object to or request modification of the application, and to state whether the application, if granted, would negatively affect the ability of existing Ambulance Service License holders to continue providing services.

E. The Licensing Officer, or his designee, will make his recommendations in writing to the City Council to grant or deny the application for the Certificate of Necessity. The recommendation, if favorable, shall designate a specific number of ambulances.

F. The City Council will vote to grant or deny the application for a Certificate of Necessity after consideration is given to the recommendation by the Licensing Officer, or his designee, and any responses received by existing Ambulance Service License holders. If granted, the Certificate of Necessity shall designate a specific number of Ambulances for which the applicant may seek a permit pursuant to Section 18.92 hereof.

G. Any applicant who is dissatisfied with the decision of the City Council shall have the right to a hearing before the council at a regularly scheduled meeting, if written notice of appeal is filed with the City Council within ten (10) days after such decision. All Ambulance Service License holders under this article shall have an opportunity to be present and to oppose, object to or request modification of the application. This hearing shall be informal, but the applicant shall have the right to council, the right to present evidence and argument in support of the application and the right to know prior to the hearing the reasons for denial or modification of the request. A written decision on any such appeal shall be mailed to the applicant within ten (10) working days of the hearing.

H. No applicant denied a Certificate of Necessity shall make application for a Certificate of Necessity for the same type of Ambulance Service License within one (1) year

from final denial by the City Council or final denial of appeal thereof.(Ord. 2727, sec. 6, 8-22-00)

Section 18.91. Ambulance Service License.

1. No entity may provide emergency ambulance services originating within the City or routine non-emergency ambulance service which originates and terminates with the City without (1) first obtaining an Ambulance Service License issued pursuant to this section, or (2) being sanctioned by the EMS Lead Agency.

2. No Ambulance Service License issued pursuant to this section shall be assignable or transferable by the entity to whom issued. Any transfer of controlling interest or any delegation of responsibility for the management or delivery of ambulance services to another entity by management agreement, subcontract or other arrangement shall be deemed a transfer or assignment.

3. An Ambulance Service License shall be issued by the Licensing Officer upon presentment of the following:

1. A Certificate of Necessity issued to the applicant pursuant to Section 18.90 hereof; and,
2. A valid ambulance service license issued by the Mississippi State Department of Health; and,
3. Evidence of insurance as required by section 18.89 herein, including original and duplicate certificates of insurance which shall indicate the types of insurance, the amount of insurance, the expiration dates of all policies carried by the applicant, name the City as an additional named insured, and contain a statement by the issuer issuing the certificate that the policies of insurance listed thereon will not be cancelled or materially altered by said insurer without thirty (30) days prior written notice received by the City; and
4. Evidence of compliance with the clinical quality of ambulance services required by section 18.96 hereof.

4. Ambulance Service Licenses shall be renewable annually upon continued compliance with this article.

5. No Ambulance Service License required by this article shall be issued or continued in operation unless the Ambulance Service License holder has paid an annual license fee of fifty dollars (\$50.00). Such license fee shall become due on the first day of January each year, and shall be in addition to any other license fees or charges established by proper authority and applicable to such Ambulance Service License holder or the ambulances under its operation and control. The purpose of this license fee is not to raise revenue, but to defray expenses incurred in enforcement of this article.

6. The application for and acceptance of an Ambulance Service License shall comprise

an agreement by the Ambulance Service License holder to comply with all federal, state and local laws, rules and regulations and also any subsequent federal, state and local laws, rules and regulations.(Ord. 2727, sec. 7, 8-22-00)

Section 18.92. Ambulance Permit Required.

A. No Ambulance Service Provider may provide ambulance services hereunder without first obtaining an Ambulance Permit issued pursuant to the provisions of this section.

2. No Ambulance Permit shall be assignable or transferable by the Ambulance Service Provider to which it is issued.

C. The Licensing Officer shall issue Ambulance Permits for Ambulances operated by Ambulance Service Providers upon presentment of the following:

1. An Ambulance Service License issued pursuant to this article; and
2. For each Ambulance to be permitted, a valid ambulance vehicle permit issued by the Mississippi State Department of Health, in compliance with section 18.96 hereof; and
3. A Certificate of Necessity issued to the applicant pursuant to Section 18.90 hereof, if such Ambulance Permit is for Ambulances designated in such Certificate of Necessity; and
4. A Certificate of Necessity issued to the applicant pursuant to Section 18.93 hereof, if such permit is for an additional ambulance authorized by Section 18.93 hereof.(Ord. 2727, sec.8, 8-22-00)

Section 18.93. Certificate of Necessity for Additional Ambulance Permits.

A. Any entity issued an Ambulance Service License pursuant to this article and desiring to obtain Ambulance Permits to operate additional ambulances shall make an application for a Certificate of Necessity for additional ambulances to the Licensing Officer, or his designee.

2. The criteria for consideration of an application for a Certificate of Necessity for additional ambulances shall be as follows, and the application for such Certificate of Necessity shall include the following information, verified under oath:

1. Name: The name and address of the applicant seeking the Certificate of Necessity, and , in the event that the applicant is a corporation, a certified copy of its articles of incorporation.
2. Equipment & Ambulances: Equipment and ambulance adequate to comply with the System Standard of Care and also adequate to fully, safely and reliably perform the services for which the Certificate of Necessity is requested. Applicant shall provide the make, type, year of manufacture, serial number, license tag number and equipment to be carried therein for each ambulance

proposed to be operated.

3. *Proof of Public Necessity for Additional Ambulances:* A statement of the public necessity for the additional ambulances to be provided. No favorable recommendation shall be made for a Certificate of Necessity and no Certificate of Necessity shall be issued, unless the applicant proves by clear and convincing evidence that there is a public necessity for the additional ambulances requested which is not being met by the existing Ambulance Service License holders, or which shall not be met within a reasonable period of time by such existing Ambulance Service License holders to continue providing services shall be a factor for consideration.

3. No favorable recommendation shall be made, and no Certificate of Necessity shall be granted, unless an applicant meets all of the foregoing criteria, without exception.

4. All existing Ambulance Service License holders will be given notice of the application for the Certificate of Necessity for additional ambulances, and such Ambulance Service License holders will have twenty (20) working days from the date of notice to respond in writing to the Licensing Officer or his designee to oppose, object to or request modification of the application and to state whether the application, if granted, would negatively affect the ability of the existing Ambulance Service License holders to continue providing services.

5. The Licensing Officer, or his designee, will make a recommendation, in writing, to the City Council to grant or deny the application for the Certificate of Necessity. The recommendation, if favorable, shall designate a specific number of ambulances.

6. The City Council will vote to grant or deny the application after consideration is given to the recommendation of the Licensing Officer, or his designee, and any responses received by the existing Ambulance Service License holders. If granted, the Certificate of Necessity shall designate a specific number of ambulances for which the applicant may seek an ambulance permit pursuant to Section 18.92 hereof.

7. Any applicant who is dissatisfied with the decision of the City Council's recommendation shall have the right to a hearing before the council at a regularly scheduled meeting, if written notice of appeal is filed with the City Council within ten (10) days after such decision. All Ambulance Service License holders, under this article, shall have an opportunity to be present and to oppose, object to or request modification of the application. This hearing shall be informal, but the applicant shall have the right to counsel, the right to present evidence and argument in support of the application and the right to know prior to the hearing the reasons for denial or modification of the request. A written decision on any such appeal shall be mailed to the applicant within ten (10) working days of the hearing.(Ord. 2727, sec. 9, 8-22-00)

Section 18.94. Maintenance of Ambulances; Inspection.

A. All ambulances shall be maintained in compliance with applicable federal, state and local laws, rules and regulations.

2. Each Ambulance Service Provider must inspect each ambulance every day to ascertain cleanliness and mechanical and operational worthiness for transporting patients. Each ambulance shall be subject to inspection at all times by the Licensing Officer. Any ambulance found, upon inspection, to be unsafe for ambulance services, or not to be in compliance with

any federal, state and local laws, rules and regulations, shall have such repairs and alterations made as may be required, and no Ambulance Service Provider shall operate or cause to be operated any such ambulances until all such repairs and alterations have been completed.(Ord. 2727, sec. 10, 8-22-00)

Section 18.95. Coloring and Marking.

Each ambulance authorized to operated within the City pursuant to this article shall bear the name of the Ambulance Service Provider and a unit number and bear coloring and marking in compliance with applicable federal, state, and local laws, rules and regulations. (Ord. 2727, sec. 11, 8-22-00)

Section 18.96. Clinical Quality of Ambulance Services.

Upon the effective date of this article, every response to an Emergency Transport Call or Routine/Non-emergency Transport Call at any location within the City shall be made in an ALS Ambulance by an ALS Ambulance Service.(Ord. 2727, sec. 12, 8-22-00)

Section 18.97. Prohibition Against Refusal to Transport.

It shall be a violation of this article for the EMS Lead Agency, or any other Ambulance Service Provider at the request of the EMS Lead Agency, to fail to respond to any Emergency Transport Call originating within the City where there is a medical necessity for the service. (Ord. 2727, sec. 13, 8-22-00)

Section 18.98. First Responder Sanction.

The EMS Lead Agency is authorized to coordinate the response of all EMS First Responders and EMS public safety personnel in the City. Training and certification of said EMS First Responders and EMS public safety personnel must be sanctioned by the EMS Lead Agency.(Ord. 2727, sec. 14, 8-22-00)

Section 18.99. Violations.

A. It shall be unlawful and an offense for any person or any Ambulance Service Provider to commit any of the following acts:

1. To perform duties as an EMS driver attendant, (EMT-Basic, EMT-Intermediate, EMT-Paramedic or pre-hospital RN or licensed physician), without a current valid certification issued by the Mississippi State Department of Health.
2. To allow any person to work as an ambulance driver or attendant, without current valid certification issued by the Mississippi State Department of Health.
3. To use, or cause to be used, an ambulance service, other than an Ambulance Service Provider, holding a valid Ambulance Service License pursuant to this article.
4. For any person, firm or organization to respond to emergency ambulance calls

originating within the City or routine/non-emergency calls which originate and terminate within the City, other than an Ambulance Service Provider which is the holder of a valid Emergency Service License issued pursuant to this article or with the express authorization of the EMS Lead Agency.

5. To knowingly give false information to induce the dispatch of an ambulance or first responder.
2. Notwithstanding anything herein, it shall not be a violation of this article, and no Ambulance Service License shall be required if the vehicle or ambulance is:
1. Responding to an emergency or routing/non-emergency transport call at the request of the EMS Lead Agency.
 2. A privately owned vehicle not used in the business of transporting patients who are sick, injured, wounded, incapacitated or helpless.
 3. A vehicle rendering services as an ambulance in the event of a major catastrophe or emergency when ambulance with permits based in the locality of the catastrophe or emergency are incapacitated or insufficient in number to render the services needed.
 4. An ambulance transporting a routine/non-emergency patient whose point of origin and destination are not both located within the City.
 5. A vehicle engaged in the interstate or intercounty transport of a patient.
3. Any person convicted of violating any provisions of this article shall be punished by fine and costs not to exceed the sum of \$1,000.00
4. Each day any violation of the provisions of this article is committed or permitted to continue, shall constitute a separate offense.(Ord. 2727, sec. 15, 8-22-00)

Section 18.100. Suspension and Revocation.

- A. Any Ambulance Service License issued under the provisions of this article may be revoked or suspended by the City upon a finding of any one of the following:
1. Breach of violation of any of the provision of this article, specifically including this section.
 2. Discontinuance of operations for more than thirty (30) days.
 3. Discrimination in providing services pursuant to this article to any person on the basis of race, creed, color, nationality or religious beliefs.
 4. Violation of any federal, state or local law, rule or regulation which violation reflects unfavorable on the fitness of the Ambulance Service License holder to offer and deliver ambulance services hereunder.

2. Prior to the suspension or revocation of an Ambulance Service License hereunder, the Ambulance Service License holder shall be given thirty (30) days written notice of the proposed action to be taken by the City and shall, upon written request within ten (10) days of such notice, be entitled to a hearing before the City. If upon such hearing, the City shall find the Ambulance Service License holder has corrected the alleged deficiencies and brought itself in compliance with the provisions of this article, such Ambulance Service License shall not be suspended or revoked.(Ord. 2727, sec. 16, 8-22-00).

Section 18.101. Status of Existing Ambulance Services.

Any Ambulance Service Provider that has been located and operating in the City of Hattiesburg, Mississippi for at least the past twelve (12) consecutive months prior to the effective date of this article shall be automatically issued all necessary Certificates of Necessity, Ambulance Service Licenses and Ambulance Permits required by and provided for in this article, provided such Ambulance Service Provider complies with all professional and operating standards required by this article. Such certificates, licenses and permits are renewable only as provided for in this article. (Ord. 2727, sec. 17, 8-22-00).

Section 18.102. Severability.

If any section, subsection, sentence, clause, phrase or portion of this article is, for any reason, held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of this article. (Ord. 2727, sec. 18, 8-22-00)

