



ORDINANCE NO. 4103-25

AN ORDINANCE relating to Ambulance and Emergency First Aid Services, adding a Section to Chapter 3.82 of the Everett Municipal Code.

WHEREAS,

- A.** Use of the 911 emergency system for non-emergency uses is a detriment to the efficiency of the emergency response system and imposes unnecessary costs on the system.
- B.** The purpose of this ordinance is to discourage the use of the 911 emergency system to dispatch personnel of the Everett Fire Department for non-emergency patient lift assistance at licensed care facilities.

NOW, THEREFORE, THE CITY OF EVERETT DOES ORDAIN:

Section 1. The following is added as a new to chapter 3.82 EMC, to be codified as EMC 3.82.110:

EMC 3.82.110

It shall be the policy and practice of the City to discourage the use of the 911 emergency system to dispatch personnel of the Everett Fire Department or its contractors and partners for non-emergency patient lift assistance at licensed care facilities.

A. Definitions

For the purpose of this section, the following terms, phrases, words, and their derivations shall have the meanings given:

“Lift assist” means a response by a fire department emergency response unit or the emergency response unit of a private contractor of the City or the unit of another public safety department providing automatic or mutual aid to the City to a state licensed care or nursing facility for the purpose of lifting a fallen patient to a pre-fall position.

“Non-emergent/emergency” means a determination, based upon an assessment by the incident commander of the emergency response unit, that there is not an emergent medical condition or medical necessity justifying the presence of the emergency unit at the facility.

“Licensed care facility” means a Washington State licensed care or nursing facility, such as a skilled nursing facility, or an assisted living facility. A registered adult family home is not included in the definition of a licensed care facility.

B. Determination of Non-Emergency Lift Assist

The incident commander of an emergency response unit dispatched to a licensed care facility will determine if an emergent medical condition or emergent medical necessity exists. If the commander determines that no emergent medical condition or emergent medical necessity

exists, but the staff of the facility desires that emergency response personnel complete a lift assist of a fallen patient, the commander shall declare the incident a non-emergency lift assist in the commander's incident report.

C. Assessment of Penalty

The Fire Chief or the Fire Chief's designee shall be authorized to issue a penalty charge to the licensed care facility for each incident determined to be non-emergency lift assist. The penalty charge may be based upon some or all of the cost to the City for response to the incident. The penalty charge may take into account mitigating circumstances. The Fire Chief or designee will as feasible consistently apply penalty amounts to licensed care facilities.

D. Administrative Decision

Notice of the imposition of penalty charge(s) under the provisions of this section shall be sent to the owner or management of the facility where the incident occurred. With respect to business premises, the owner, manager, or chief administrative agent regularly assigned and employed on the premises at the time of the incident shall be presumed to be the appropriate person to receive the notice, unless the Fire Department is previously notified otherwise in writing.

E. Appeal from Administrative Decision

1. Any party subject to a penalty under the provisions of this section shall have a right of appeal to the Fire Chief. A notice of appeal must be submitted in writing no later than ten days after issuance of the notice of the penalty and must be directed to the Fire Chief, at the address listed on the notice of penalty. The penalty is deemed final unless a notice of appeal is properly filed in accordance with this section within ten days after the issuance of notice of penalty.

2. The written notice of appeal should include the penalty reference number and must include the appellant's reasoning why the imposition of penalty charge(s) should be reconsidered.

3. Within 30 days after receipt of a written appeal (or such longer reasonable time as the Fire Chief may determine), an impartial review of the appeal shall be completed and a recommendation shall be presented to the Fire Chief for final decision, which will be reported to the appellant in writing.

4. The Fire Chief's final decision may take into account any errors in the non-emergency lift assist determination, any mitigating facts, and any other factor(s) determined relevant by the Fire Chief. The Fire Chief's final decision may affirm the appealed penalty, reverse the appealed penalty, or may waive some or all of the appealed penalty amount(s).

Section 2. The City Clerk and the codifiers of this Ordinance are authorized to make necessary corrections to this Ordinance including, but not limited to, the correction of scrivener's/clerical errors, references, ordinance numbering, section/subsection numbers, and any internal references.

Section 3. The City Council hereby declares that should any section, paragraph, sentence, clause or phrase of this ordinance be declared invalid for any reason, it is the intent of the City Council that it would have passed all portions of this ordinance independent of the elimination of any such portion as may be declared invalid.

Section 4. The enactment of this Ordinance shall not affect any case, proceeding, appeal or other matter currently pending in any court or in any way modify any right or liability, civil or criminal, which may be in existence on the effective date of this Ordinance.

Section 5. It is expressly the purpose of this Ordinance to provide for and promote the health, safety and welfare of the general public and not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Ordinance. It is the specific intent of this Ordinance that no provision or any term used in this Ordinance is intended to impose any duty whatsoever upon the City or any of its officers or employees. Nothing contained in this Ordinance is intended nor shall be construed to create or form the basis of any liability on the part of the City, or its officers, employees or agents, for any injury or damage resulting from any action or inaction on the part of the City related in any manner to the enforcement of this Ordinance by its officers, employees or agents.



Cassie Franklin, Mayor

ATTEST:



Marista Jorve, City Clerk

PASSED: 07/09/2025

VALID: 07/10/2025

PUBLISHED: 07/12/2025

EFFECTIVE DATE: 07/24/2025











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Final Audit Report

2025-07-10

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