

ORDINANCE NO. 25-10

OF THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA IMPLEMENTING A FEE FOR NON-EMERGENCY RESPONSES AND LIFT ASSISTANCE AT RESIDENTIAL CARE FACILITIES

WHEREAS, the City of Franklin, Indiana (the "City") is a duly formed municipal corporation within the State of Indiana, governed by its duly elected Mayor and Common Council ("Council"); and

WHEREAS, the City's fire and emergency response personnel must always be prepared and available for emergencies within and throughout the City; and

WHEREAS, utilization of Fire Department emergency response personnel for non-emergency calls to residential care facilities that are compensated to maintain staff to assist their residents places an unreasonable and unwarranted demand on City resources, and impedes emergency responder's ability to respond to emergencies; and

WHEREAS, non-emergency responses and lift assists are regularly being provided by the City's emergency responders at such residential care facilities for multiple residents, and the City's residents should not bear those costs; and

WHEREAS, to promote the health, safety, and general welfare of City residents, and to provide a disincentive for the practice of using publicly-funded emergency services to provide non-emergency assistance to residential care facilities, the City shall assess a fee upon residential care facilities for non-emergency responses and/or patient lift assists for their residents; and

WHEREAS, the City will continue to provide non-emergency lift assist and other appropriate assistance at no cost to residents and businesses that are not considered to be residential care facilities.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF FRANKLIN, INDIANA, THAT:

Section 1. The foregoing recitals are fully incorporated herein by reference.

Section 2. Definitions. For purposes of this Ordinance, the terms below shall be defined as follows:

(a) **Lift assist:** A response by the City's fire department emergency response unit(s) to a residential care facility for the purposes of lifting an uninjured fallen person, who does not require emergency medical treatment or transportation, to a pre-fall position, or otherwise physically moving the uninjured person who does not require emergency medical treatment or transportation.

(b) **Non-emergency response:** A response by the City's fire department

emergency response unit(s) to a residential care facility when there is not an emergency medical condition or medical necessity justifying the presence of the emergency unit at the facility, based upon an assessment by the officer in charge or lead paramedic of the emergency unit response unit. This term shall include, but not be limited to, responses to calls for personal physical assistance that do not require professional medical attention on an emergency basis, such as calls for transportation to a medical facility or care center for non-emergency medical treatment, or other health care calls more appropriately addressed to a nurse, personal care attendant, or facility employee.

- (c) Residential care facility: a facility that is required by state law to maintain a license to operate a skilled nursing home, skilled nursing facility, nursing home, assisted living facility, long-term care facility, or extended cared facility.

Section 3. Determination of non-emergency response or lift assist. Based upon the assessment undertaken by the officer in charge or lead paramedic of an emergency response unit(s) dispatched to a residential care facility and their determination that no emergency medical condition or emergency medical necessity exists and that the response qualifies as a non-emergency lift assist or non-emergency response, the officer in charge or lead paramedic shall declare the incident a non-emergency lift assist or a non-emergency response in their incident report.

Section 4. Assessment of fee. The Fire Chief, or designee, shall be authorized to issue a fee, to be billed to the residential care facility, for each incident determined to be a non-emergency response or a lift assist at a residential care facility. For a first, second, or third offense per calendar year, the fee shall be \$500.00 per non-emergency response or non-emergency lift assist. For a fourth or subsequent offense per calendar year, the fee shall be \$1,000.00 per non-emergency response or non-emergency lift assist.

Section 5. Administrative decision. Notice of the imposition of fees under the provisions of this section shall be sent to the owner or management of the residential care facility where the incident occurred. The owner, manager, or chief administrative agent regularly assigned and employed on the premises at the time of the occurrence shall be presumed to be the appropriate person at the residential care facility to receive the notice, unless the City is notified, in writing, by the owner or management of another person designated to receive such notices.

Section 6. Waiver of imposition. In the event the Fire Chief, or designee, determines that the City's assessment or determination of a response as a non-emergency response or lift assist was in error or there were other mitigating factors of which the commanding officer was unaware at the time of the incident, the Fire Chief, or designee, may waive the imposition of the applicable fee(s).

Section 7. Appeal from administrative decision. Any party subject to a fee under this Ordinance shall have a right of appeal to the City's Board of Public

Works and Safety. A notice of appeal must be submitted in writing no later than 10 days after issuance of the notice of the fee and must be directed to the City Clerk Treasurer at 70 E. Monroe St., Franklin, IN 46131. The written appeal should include the fee reference number and the party's reasoning why the determination of notice of non-emergency response or lift assist should be reconsidered. After receipt of a written appeal and at a subsequent meeting, the Board of Public Works and Safety shall make its final determination, which it shall report to the appellant in writing. Unless a notice of appeal is properly filed in accordance with this section within 10 days of the issuance of the notice of fee, the fee shall be deemed final.

Section 8. Should any parts of this Ordinance be found unconstitutional or illegal, the remaining parts shall survive and be in full effect.

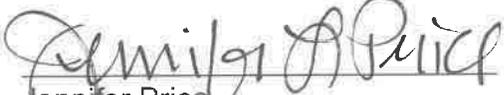
Section 9. This Ordinance shall be in full force and effect on the 20th day of October, 2025, after passage by the Council and approval by the Mayor, and in accordance with Indiana law.

INTRODUCED & APPROVED by the Common Council of the City of Franklin, Johnson County, Indiana, this 20 day of October, 2025.

City of Franklin, Indiana, By its Common Council:

Voting Affirmative:


Kenneth Austin, President


Jennifer Price


Todd Shuck


Anne McGuinness


Irene Nalley


Josh Prine


Shawn Taylor

Voting Opposed:

Kenneth Austin, President

Jennifer Price

Todd Shuck

Anne McGuinness

Irene Nalley

Josh Prine

Shawn Taylor

Attest:

Jan Jones
Jan Jones,
City Clerk Treasurer

Presented by me to the Mayor of the City of Franklin for his approval or veto pursuant to Indiana §36-4-6-15, 16 this 20th day of October, 2025 at 4:20 o'clock P.M.

Jan Jones
Jan Jones,
City Clerk Treasurer

This Ordinance having been passed by the legislative body and presented to me was Approved by me and duly adopted, pursuant to Indiana Code §36-4-6-16(a)(1) Vetoed pursuant to Indiana Code § 36-4-6-16(a)(2), this 20th day of October, 2025 at 4:20 o'clock P.M.

Steve Barnett
Steve Barnett, Mayor

Attest:

Jan Jones
Jan Jones,
City Clerk Treasurer

Prepared by:
Lynnette Gray
Attorney, City of Franklin
JOHNSON GRAY & JOHNSON
63 E. Court St.
Franklin, IN 46131