

No. 546

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF WEST COLUMBIA, TEXAS, BY ADDING ARTICLE IX ENTITLED "AMBULANCE SERVICES"; REGULATING THE OPERATION OF AMBULANCE BUSINESSES WITHIN THE CITY OF WEST COLUMBIA; ESTABLISHING PERSONNEL, LICENSING, EQUIPMENT AND OPERATIONAL STANDARDS; REGULATING MEDICAL TRANSFER SERVICES; PROVIDING FOR INSURANCE AND INSPECTION; PROVIDING THAT ANY VIOLATION OF THIS ARTICLE IS A MISDEMEANOR PUNISHABLE BY A FINE OF NOT TO EXCEED \$500.00, WITH EACH DAYS VIOLATION CONSTITUTING A SEPARATE AND DISTINCT OFFENSE; PROVIDING FOR JOINT AND SEVERAL LIABILITY BY THE OFFICERS, MANAGERS, AGENTS AND EMPLOYEES OF ANY CORPORATION WHICH IS OPERATING AN AMBULANCE VEHICLE WITHIN THE CITY OF WEST COLUMBIA; PROVIDING FOR THE REPEAL OF ALL ORDINANCES, RESOLUTIONS, OR POLICIES OF THE CITY OF WEST COLUMBIA TO THE EXTENT THAT THEY ARE INCONSISTENT OR IN CONFLICT WITH THIS ORDINANCE; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF WEST COLUMBIA, TEXAS:

Section One

Chapter 10 of the Code of Ordinances of the City of West Columbia, Texas, shall be and is hereby amended by the addition of Article IX entitled AMBULANCE SERVICES as follows:

ARTICLE IX. AMBULANCE SERVICES

DIVISION 1. GENERALLY

Sec. 10-220. Definitions

For the purposes of this Article, certain words and phrases are defined as follows:

Ambulance: A motor vehicle used, designed or redesigned and equipped for the primary purpose of the transportation of the sick or injured persons, whether functioning

as a basic life support, advanced life support, or mobile intensive care unit service level as provided by state law.

City: The City of West Columbia, Texas

City Limits: The area in the City within the corporate City limits.

Department: The designated "Emergency Medical Service" for the City of West Columbia, presently Central Emergency Medical Services, Inc.

DSHS: The Texas Department of State Health Services as presently constituted, or a successor agency.

Direct Call: A request for ambulance service made by telephone or other means directly to an ambulance operator, his agents or employees.

EMS Director: The Director of the City's designated emergency medical services.

Emergency Ambulance: An ambulance used, designed, redesigned or equipped for the purpose of transporting sick or injured persons under emergency circumstances, and the rendering of first aid.

Emergency Circumstance: The existence of circumstances in which the element of time in expeditiously transporting a sick or injured person for medical or surgical treatment is essential to the health or life of such person, and in which rescue operations or competent first aid or both, at the place of emergency, may be essential to the health or life of such person.

ETJ: The City's extra-territorial jurisdiction.

Medical Transfer Service: A response made by an ambulance for the transportation of individuals to or from a medical facility, a nursing home, an assisted living facility, dialysis center, or residence under circumstances, which do not constitute an emergency.

Medical Transfer Service Permit: A certificate of authorization issued by the City to the owner allowing such owner to operate an ambulance for medical transfer services within the City limits.

Medical Transfer Service Provider: a person providing medical transfer services and holding a valid medical transfer services permit.

Sec. 10-221. Prohibitions - Interference with Department personnel, equipment

It shall be unlawful for any person to physically obstruct any Department personnel proceeding to the scene or reported scene of any accident or emergency call, or to physically obstruct any Department personnel in the course of treating the sick or injured at any such scene. It shall be unlawful for any person to fail or refuse to surrender any sick or injured person to the care of any Department personnel at the scene of any accident or emergency call. It shall be unlawful for any person to damage, destroy or deface any attached or unattached apparatus or equipment belonging to the Department or any structure used to house or protect such apparatus or equipment.

DIVISION 2. AMBULANCES

Sec. 10-230. Personnel required during operation of emergency ambulance

It shall be unlawful to operate or drive or cause to be operated or driven an emergency ambulance on a public street of the City when furnishing emergency ambulance service, including emergency ambulances operated by the emergency medical service Department of the City, unless there are available to such emergency ambulance on each trip the minimum staffing requirements as set out in Section 157.67 (a) of Emergency Medical Services rules adopted by the DSHS under Section 773.050 of the Texas Emergency Medical Services Act, V.T.C.A., Health and Safety Code, ch. 773.

Sec. 10-231. Licensing and operating condition requirements for emergency ambulances

No emergency ambulance shall be operated upon the streets of the City for the purpose of furnishing emergency ambulance service unless and until such ambulance has a valid license issued by the DSHS.

Sec. 10-232. Safety and first-aid equipment required

No ambulance shall be operated upon the streets of the City for the purpose of furnishing ambulance service unless such ambulance is equipped as set out in Section 157.67 of Emergency Medical Services Rules adopted by the DSHS under Section 773.050 of the Texas Emergency Medical Services Act, V.T.C.A., Health and Safety Code, ch. 773.

Sec. 10-233. Operation of emergency ambulances, generally

The operation of any emergency ambulance or emergency ambulance service within the ETJ of the City is hereby declared to be a governmental function of the City, to be performed in accordance with the terms and provisions of this Article.

Sec. 10-234. Certain operations unlawful; exceptions

It shall be unlawful for any person, other than a member of the Department, while driving an ambulance as defined herein, to furnish or attempt to furnish emergency ambulance service, or to drive or operate, or to cause to be driven or operated, any ambulance within the territorial limits of the City for the purpose of furnishing emergency ambulance service, except as otherwise provided herein.

- (a) A person may operate an ambulance in emergency ambulance service to a hospital when such person at the time has an established place of business at a permanent address outside the City and when:
 - (1) The place of emergency at which the sick or injured patient was picked up by such ambulance is outside the City; and
 - (2) The ambulance performing such emergency ambulance service is, at the time of such performance, duly licensed and being operated in accordance with the Texas Emergency Medical Services Act, V.T.C.A., Health and Safety Code, ch. 773.
- (b) A person may operate an ambulance in emergency ambulance service when, by reason of Department ambulances not being available, the Department calls upon such person to furnish standby or backup emergency ambulance service within the City.
- (c) A person may operate an ambulance in emergency ambulance service when, in the course of a non-emergency transport allowed in (a) above, a medical emergency arises in which the individual being transported requires emergency medical service.

In each instance set out in subsections (a) through (c) above, the driver or operator of such ambulance shall notify the police dispatcher of the conditions requiring the operation of his vehicle in emergency ambulance service, the location from which he is proceeding and the location to which he is proceeding under emergency ambulance service. Each ambulance being operated under the provisions of this section shall comply with all general requirements of this Article regarding emergency ambulances of every nature. Upon arriving at his destination, the ambulance driver or ambulance operator will again notify the dispatcher that he has arrived and is no longer in emergency ambulance service. When the driver or operator of an ambulance is responding to a direct call for ambulance service, either under emergency conditions or otherwise, he shall inform the police department dispatcher of the location of such call and such information as he may have concerning the circumstances surrounding the request for service, and if the police department dispatcher reports that a City designated ambulance is either en route to the same location or has arrived there, and instructs such ambulance driver or operator not to respond to such call, it shall be

unlawful for such driver or operator to so respond when instructed not to do so by the police dispatcher.

Sec.10-235. Duty to render aid and transport

It shall be the duty of the driver or the attendant of any emergency ambulance to render first aid and assistance to the sick or injured at the place of emergency. It shall further be the duty of an emergency ambulance operator to carry or transport any sick or injured person from the place of emergency to a medical facility as may be necessary without regard to the ability of the person requiring transport to pay for the service.

Sec. 10-236. Solicitation unlawful

It shall be unlawful for any person, other than a member, officer or employee of the Department, while operating or accompanying an ambulance within the ETJ of the City, to solicit the business of providing emergency medical service or transporting the sick or injured.

DIVISION 3. MEDICAL TRANSFER SERVICES

Sec. 10-250. Permit required; exception

- (a) **Required.** No person shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in the operation of medical transfer services upon or over any public street within the City limits without having first obtained a medical transfer services permit.
- (b) **Exception.** A medical transfer services permit shall not be required for:
 - (1) Emergency Medical Service vehicles or ambulances owned or operated by or designated by a governmental entity; or
 - (2) Emergency Medical Service vehicles of ambulances operating at the request of the City or the designated Emergency Medical Service provider for the City in cases of a mutual aid, disaster, or system overload.

An application for license to operate an ambulance on the public streets of the City for the purpose of providing ordinary and/or non-emergency ambulance service within the City shall be made by the owner thereof for each ambulance so used or to be so used, or an agent authorized in writing by such owner to make such application, on forms prepared by the EMS Director which shall contain:

- 1) the name, address and telephone number of the owner;

- 2) any trade or other fictitious name used or to be used by the owner when providing ambulance service;
- 3) the make, model, year of manufacture, motor and chassis number, and current state license number of each ambulance;
- 4) the length of time each ambulance has been in service;
- 5) the color scheme, insignia, name, monogram or other distinguishing characteristics used or to be used by the owner to designate such ambulance;
- 6) Each application for a permit required by the City shall be accompanied by a non-refundable permit fee, payable to the City of West Columbia, as listed below, to cover the expense of carrying out the provisions of the article:

Application Fee, per year: \$250.00
Each ambulance, per year: \$100.00
There shall be no prorating of fees.

Sec. 10-251. Insurance Requirements

- (a) Any applicant for a permit under this division shall, before the permit can be issued, procure, maintain, and furnish proof of financial responsibility as required by law and as prescribed in this section. The applicant shall keep in full force and effect during the entire term of this permit, the following insurance coverage in the minimum limits listed:
 - (1) Not less than one hundred thousand dollars (\$100,000.00) for each person and three hundred thousand dollars (\$300,000.00) for each accident for personal injuries, and one hundred thousand dollars (\$100,000.00) for property damage. This automobile liability insurance shall not contain passenger liability exclusion. A written statement from an authorized agent of the ambulance operator's insurance carrier shall provide for a thirty day cancellation notice to the City of West Columbia.
 - (2) Commercial general liability insurance with a minimum aggregate of one million dollars (\$1,000,000.00) and a minimum per occurrence of five hundred thousand dollars (\$500,000.00).
 - (3) Applicant must agree to indemnify and hold harmless the City for any and all claims arising from applicant's operations in the City.

- (b) The insurance company shall be of sufficient assets, with an agent in the State of Texas upon whom service of the process may be made, and shall be approved by the City Attorney. Every insurance policy and certificate of insurance must contain a provision or an endorsement requiring that the policy will not be cancelled, suspended, voided, or reduced until at least thirty days (30) days prior written notice has been given to the City via certified mail, return receipt requested. Additionally, the City shall be added as an additional insured on the policies, and the coverage shall contain no special limitation on the scope of protection afforded to the City. If the policy does not provide coverage for "any auto" then a schedule of the covered autos is required to be submitted and filed with the City Secretary. Only those covered autos will be permitted to operate within the City.
- (c) If the City Attorney determines that the insurance coverage required in subsection (a) of this section becomes so impaired so as to require new and additional insurance, the City Attorney shall require such additional insurance in such company as he may feel is necessary to ensure faithful performance by the operator of ambulances, his agents, servants, and employees.
- (d) If the insurance policy is cancelled and no insurance policy is filed by the owner or ambulance operators before the cancellation, the permit to operate ambulances granted to such person shall be immediately and automatically revoked.

Sec. 10-252. Inspection

- (a) The EMS Director, or designee, shall have the right to inspect, at any time, all ambulances permitted or to be permitted under this division to determine if such vehicles meet the following minimum standards:
 - (1) Each vehicle shall be equipped according to the Texas DSHS equipment standards, and as determined by the ambulance service Medical Director;
 - (2) Each vehicle shall be free from dirt or rubbish and shall be otherwise clean and sanitary;
 - (3) Each vehicle shall meet the general standards and requirements of this article;
 - (4) Each vehicle shall have the company name displayed on each side of the vehicle and on the rear; and

- (5) Each vehicle shall be inspected each year by a person authorized to conduct vehicle safety inspections by the State of Texas.

- (b) At no time shall any ambulance that is found to be unsafe by the EMS Director, or designee, or the police department be operated on the streets of the City. Nothing in this section, however, shall prevent the EMS Director, or designee, from inspecting any ambulance at any time. If the inspector finds that any ambulance is in defective condition, the EMS Director, or designee, shall order the use of the ambulance discontinued until the ambulance is re-inspected and approved.

- (c) At no time shall a person operating a permitted transfer ambulance in the City, respond to or from a direct call for a medical transfer service, operate such ambulance under emergency conditions, using emergency equipment, until notifying the Dispatch Officer at West Columbia Police Department. The operator of the ambulance shall notify dispatch of the reason for emergency traffic, where responding from and destination.

Sec. 10-253. Payment of Ad valorem taxes

It shall be the duty of every medical transfer services provider to pay all ad valorem taxes assessed by the City against such vehicle and all other personal and real property used in such business. The failure to pay such ad valorem taxes before they become ninety (90) days delinquent shall result in revocation of the permit issued in accordance with this Article.

Sec. 10-254. Issuance of permits

- (a) The EMS Director shall issue to each applicant a permit for each vehicle upon the applicant's filing of written proof of insurance as required in this division, upon ensuring that all City taxes on each vehicle and all other personal and real property used in such business have been paid and upon determination that all requirements of this Article and all applicable state and federal statutes and regulations have been satisfied.

- (b) Permits shall be issued for a twelve-month period. Such period shall run from January 1 to December 31 of each year. Any new permit issued during the year shall begin on the date of issuance and shall end on December 31 of that year. The permit shall state the period for which the permit is issued, the name of the owner, the make of the vehicle(s), the vehicle identification number(s), and the current license number(s).

Sec. 10-255. Renewal

- (a) An application for renewal of an existing permit shall be filed on or before December 1 for the renewal period covering the following calendar year.

The application process shall be the same as specified in this Article for initial permits.

- (b) The EMS Director shall issue a medical transfer service permit for each ambulance for which it has received a renewal application upon the applicant's filing of written proof of insurance as required in this Article, upon ensuring that all City taxes on each vehicle and on all other personal and real property used in such business have been paid and upon determination that all requirements of this Article and all applicable state and federal statutes and regulations have been satisfied.
- (c) If a permit has been suspended during the permit year, re-issuance of such permit will be reviewed by the EMS Director and a designated City representative during December of the same year. The re-issuance of such permit shall be denied if the EMS Director or City designee determines that the health, general public safety and welfare of the citizens of the City would not be protected by re-issuance of said permit.

Sec. 10-256. Transferability

A permit issued under this Article shall be personal to the permittee and shall not be transferable.

Sec. 10-257. Alterations of terms by City Council

The City Council expressly reserves the right to modify, amend, change, or eliminate any of the provisions of any permit issued under this Article, during the life of the permit, to:

- (a) Eliminate or modify any conditions that might prove obsolete or impractical; or
- (b) Impose any additional conditions upon any owner as may be just and reasonable, and which are deemed necessary for the purpose of promoting adequate, efficient, and safe ambulance service to the public.

Sec. 10-258. Requirements for business location

If the business location of the ambulance service, firm or organization is located within the City limits, the building must be in compliance with all City ordinances, state and federal laws. Pursuant to this specific Article, no such ambulance service, firm or organization can operate as its main place of business or a storage supply facility in a private residence. The EMS Director or designee has the right to inspect such locations as often as deemed necessary to ensure compliance with all provisions of this Article. The refusal of any ambulance operator with a business office located within the City limits to allow the EMS Director or designee, or City appointee to inspect such premises shall be considered a violation of this Article.

Sec. 10-259. Revocation

- (a) In addition to the penalties as provided in the Code for violations of this article, a medical transfer service provider or any of its officers, agents and/or employees who violate any section of this Article, including allowing drivers to operate or drive any vehicle while not properly licensed, is subject to immediate revocation of its medical transfer service permit to operate within the City limits by the EMS Director, designee or City appointee. However, not less than ten (10) days before such revocation, the owner shall give written notice, by either personal delivery or certified mail to the permittee's address as shown on the permit application, and an opportunity to be heard before the EMS Director and the City appointee as to why the permit should not be canceled. No such notice or hearing shall be deemed necessary prior to the revocation of a permit for failure to maintain proper insurance as required.
- (b) If the Director's decision is not acceptable to applicant or permittee he may, within ten (10) days of that decision, file an appeal in writing with the City Manager. Such a written appeal shall set forth the specific grounds therefor. The City Manager shall notify the appellant within ten (10) days after the receipt of appeal as to the time and place of the hearing, which shall be within thirty (30) days of receipt of such appeal. The determination of the City Manager on any appeal pursuant to this Article shall be final.
- (c) Upon suspension, revocation, or termination of an ambulance permit, such ambulance shall cease operations in the City and no person shall permit such ambulance to continue such operations.

DIVISION 4. PENALTY

Sec. 10-270. Penalty

Any person, firm or corporation who violates or fails to comply with the requirements or provisions of this Article shall be deemed guilty of a misdemeanor and shall, upon conviction by a court of competent jurisdiction, be punished by assessment of a fine of not less than one dollar (\$1.00) nor more than five hundred dollars (\$500.00), and each day such violation or failure to comply is allowed to exist shall constitute a separate and distinct offense. In addition, the City Attorney is authorized to file suit in any court of competent jurisdiction to enjoin any person from violating or causing to be violated any of the sections of this Article.

Section Two

It is hereby declared to be the intention of the City Council that the several provisions of this ordinance are severable, and if any court of competent jurisdiction enters a final order which holds that any section, sub-section, sentence, clause, phrase, or other portion of this ordinance is invalid, illegal, or otherwise unenforceable, then any such

portion shall be deemed a separate, distinct and independent provision, and any such ruling shall not affect any other provision of this ordinance which is not specifically designated as being illegal, invalid or unenforceable.

Section Three

Any rules, ordinances, police regulations, resolutions, and/or policies of the City of West Columbia, whether written, or otherwise, which are in any manner in conflict with or inconsistent with this ordinance, shall be and are hereby repealed to the extent of such conflict and/or inconsistency.

Section Four

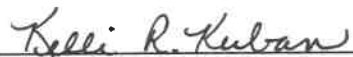
This ordinance shall be effective and applicable immediately from and after the date of its passage and approval by the City Council of the City of West Columbia, and the publication of its caption as provided by law.

PASSED AND APPROVED this the 10th day of September, 2007.



DAVID FOSTER, Mayor

ATTEST:



KELLI KUBAN,
City Secretary