

ORDINANCE NO. 2008-26

AN ORDINANCE FOR THE PURPOSE OF REGULATING THE OPERATION OF PRIVATELY OWNED AMBULANCES ON THE PUBLIC STREETS OF THE CITY OF LEAGUE CITY; REQUIRING AN AMBULANCE PERMIT; REQUIRING AN ATTENDANT-DRIVER PERMIT; PROVIDING THAT APPLICATIONS FOR SUCH PERMITS BE MADE TO THE EMERGENCY MEDICAL SERVICE OF THE CITY OF LEAGUE CITY; PROVIDING THAT ANY PERSON VIOLATING THE TERMS OF THIS ORDINANCE SHALL BE DEEMED GUILTY OF A MISDEMEANOR AND UPON CONVICTION SHALL BE FINED IN ANY SUM NOT TO EXCEED FIVE HUNDRED DOLLARS (\$500.00) AND EACH DAY OF VIOLATION SHALL BE DEEMED A SEPARATE OFFENSE; CONTAINING A REPEALING PROVISION AND A SEVERABILITY PROVISION; AND PROVIDING AN EFFECTIVE DATE HEREOF.

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, as follows:

Section 1. Definitions

Unless otherwise specified, the term:

Ambulance means any privately owned motor vehicle that is specially designed or constructed and equipped and is intended to be used for and is maintained or operated for the transportation of patients.

Applicant means any person, partnership, corporation or other operator that makes application to obtain a permit to operate within the city limits of the city of League City. If the applicant is a corporation or partnership, this definition will include all officers or partners.

Attendant-Driver means any person who has the duty of performing or assisting in the performance of an ambulance call and is certified at the minimal level as an emergency medical technician by the Texas Department of State Health Services. The same certification shall be current and valid.

Emergency Medical Service (EMS) means the City of League City – Emergency Medical Service, League City, Texas.

Certification means that which meets the requirements of the Texas Department of State Health Services.

Chief EMS officer means the chief of emergency medical services, of the City of League City or his duly authorized representative.

City means the City of League City, Texas.

Driver's license means the license issued by the Department of Public Safety, State of Texas.

Emergency means any circumstance that calls for immediate response (emergency lights and siren) in which the element of time in transporting the sick, wounded or injured for medical treatment is essential to the health or life of the person. Said circumstances include, but are not limited to, accidents generally, traffic accidents, acts of violence resulting in personal injury and sudden illness.

Emergency call means any request for ambulance service that is made by telephone or other means of communication in circumstances which are, or have been represented to be, an emergency requiring immediate ambulance service.

Emergency medical technician means any person currently registered by the Texas Department of State Health Services as an EMT, EMT-Intermediate, EMT-Paramedic and/or Licensed Paramedic.

Emergency run means the emergency ambulance trip to the place where the emergency exists or from the place of such emergency to the emergency room of a receiving hospital.

License means a license or permit issued by the City of League City Emergency Medical Service pursuant to this chapter.

Medical director means any licensed physician who serves in an advisory capacity to any ambulance for the purpose of providing medical direction under the terms of the Medical Practice Act (Article 4495b, Vernon's Texas Civil Statutes) and rules promulgated by the Texas State Board of Medical Examiners pursuant to terms of the Medical Practice Act.

Non-emergency means any request for ambulance service response (no emergency lights and/or siren) that is made by telephone, or other means of communication in circumstances which are or have been represented to be of a non-emergent nature requiring non-emergent service.

Officer means the Chief EMS Officer, any Chief EMS Officer designee or a police officer of the City of League City, Texas.

Patient means any person desiring transportation to an appropriate medical facility either on an emergency or transfer (non-emergent basis) basis.

Person means an individual, corporation, organization, government or governmental subdivision or agency, business, trust, partnership, association or any other legal entity.

Protocol means written medical orders signed by a licensed physician serving as medical director for an ambulance giving medical direction to provide treatment for certain emergencies or other pre-hospital situations requiring physician's orders. These orders must conform to all applicable laws.

Transfer ambulance means any motor vehicle constructed, equipped and used for transferring the sick or injured under circumstances which do not constitute an emergency and which have not been represented as an emergency.

Transfer call means any request for ambulance service that is made by telephone, or other means of communication in circumstances which are or have been represented to be of a non-emergent nature requiring non-emergent service.

Section 2. Licenses Required

(a) **No person, either as owner, officer or medical employee shall operate, conduct, maintain or otherwise be engaged in or profess to be engaged in the business of ambulance service upon the streets, alleys or any public way in League City, Texas unless the company holds and displays a valid and current ambulance company license from the City of League City and the ambulance vehicle to be operated holds and displays a current valid City of League City license and unless the operator holds a currently valid license to drive such a vehicle.**

(b) Ambulance vehicle licenses, ambulance company licenses, and attendant-driver's licenses shall be issued for one (1) year or any part thereof during which an ambulance service is maintained. License fees of two hundred dollars (\$200.00) per company; fifty dollars (\$50.00) per ambulance unit or five hundred dollars (\$500.00) per fleet for fifteen (15) or more vehicles; ten dollars (\$10.00) per attendant-driver shall be due and payable at the time of application. The licensure period shall be from October 1st of each year to the 30th day of September of the subsequent year. Fees will not be prorated.

(c) No person shall act as an attendant-driver on any ambulance operated under this chapter unless he or she holds a valid attendant-driver license issued pursuant to this chapter. A twenty-one (21) day temporary permit may be issued at the time of application for license. It shall be the responsibility of the chief EMS officer to verify the applicant's certification status through the Texas Department of State Health Services.

(d) All licenses issued pursuant to this chapter are not assignable or transferable and remain the property of the city.

(e) No official entry made upon a license may be defaced, removed or obliterated.

(f) All licenses shall be available for inspection by any officer of the city at all times.

Section 3. Application for Ambulance License

(a) Application for an ambulance vehicle license and ambulance company license shall be made upon a form furnished by the chief EMS officer who shall issue such a license to an applicant only upon proof by the applicant that the applicant has satisfied all provisions and conditions provided for and has given complete and truthful information to all requirements stated herein.

The application shall contain the following information:

1. Name and address of the applicant and of the owner of the ambulance;
2. The trade or other fictitious name, if any, under which the applicant does business or proposes to do business;
3. Be in good standing with TDSHS;
4. A report that the applicant business has paid all city taxes if applicable;
5. Business address and medical license number of applicant services medical director;

6. A description of each ambulance, including the make, model, year of manufacture, VIN, motor vehicle registration, current TDSHS license number, and the color scheme, insignia, name, monogram, or other distinguishing characteristics to be used to designate applicant's ambulance;
7. Any such other information as may be applicable.
8. No application will be considered before it is complete.
9. Falsification of information on applications will be grounds for revocation of license.

Section 4. Standards for Ambulance License

- (a) Each ambulance shall, at all times when in use as such, be suitable for the transportation of patient from the standpoint of health, sanitation and safety.
- (b) Minimum equipment requirements for each ambulance shall be those established by the Texas Department of State Health Services.
- (c) When an ambulance permit is issued or renewed under provisions of this chapter, the chief EMS officer will affix to each vehicle two (2) decals, which indicate the vehicle meets all requirements established by this chapter. The color of such decals shall be changed annually.
- (d) The Chief EMS officer shall cause all ambulances to be inspected before being placed in service and shall thereafter inspect such ambulances no less than once each year. All permitted ambulances and or vehicles are subject to spot inspections with no notice. In the event an ambulance or vehicle fails to pass inspection, the chief EMS officer shall notify the ambulance operator to correct the defects noted in the inspection and, after such notification, the chief EMS officer shall cause such ambulance to be re-inspected within five (5) business days. If upon such re-inspection the defects noted in the original inspection have not been corrected, the permit decal shall be removed from the ambulance or vehicle and shall only be replaced upon such ambulance or vehicle after the defects have been corrected. The license fee shall be paid in full for the balance of current year of the original vehicle decal provided.
- (e) Every ambulance must be maintained in a clean and sanitary condition.
- (f) All emergency medical calls that originate in the City of League City will be responded to by the City of League City - Emergency Medical Service. In the event that a private ambulance service receives a direct call requesting an ambulance that originates within the City of League City, it will be the duty of the private ambulance service to immediately refer the emergency medical call to the City of League City – Emergency Medical Service (EMS).
- (g) Private ambulances will not run emergency traffic into the City of League City, unless they are driving through enroute to a emergency call in another city or delivering a Patient to the hospital ER that did not originate in the City of League City.

Section 5. Requirements for Business Location

- (a) 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 chapter, no such ambulance service, firm or organization can operate as its main place of business or a storage facility in a private residence. The chief EMS officer has the right to inspect such locations as often as he deems necessary to make sure all provisions of

this chapter are in effect. Refusal of any privately owned ambulance service provided with a business office located within the city limits to allow the chief EMS officer or Fire marshal to inspect such premises shall be considered a violation of this chapter.

Section 6. Insurance Requirements

(a) No ambulance license shall be issued under this chapter, nor shall such license be valid after issuance, nor shall any ambulance be operated for any reason in the city, unless there is at all times in force and effect insurance coverage, issued by an insurance company licensed to do business in the State of Texas, for each and every ambulance owned and/or operated by or for the applicant for license providing for the payment of damages:

1. For injury to or death of individuals in accident resulting from any cause for which the owner of said vehicle would be liable on account of liability imposed on him by law, regardless of whether the ambulance was being driven by the owner or his agent, under like circumstances, in the following sums: Not less than three hundred thousand dollars (\$300,000.00) for each person, one million dollars (\$1,000,000.00) for each occurrence. A written statement from an authorized agent of the ambulance operator(s) insurance carrier verifying the issuance of such insurance shall be filed with the chief EMS officer before any permit may be issued. All such verifications of insurance shall provide for a thirty-day cancellation notice to the chief EMS officer.

2. For the loss of or damages to the property of another, including personal property, under like circumstances, in the following sums: Not less than one hundred thousand dollars (\$100,000.00) for each person, three hundred thousand dollars (\$300,000.00) for each accident and ten thousand dollars (\$10,000.00) for property damage. A written statement from an authorized agent of the ambulance operator(s) insurance carrier verifying the issuance of such insurance shall be filed with the chief EMS officer before any permit may be issued. All such verifications of insurance shall provide for a thirty-day cancellation notice to the chief EMS officer.

3. Every insurance policy required hereunder shall contain a provision for a continuing liability there under to the full amount thereof notwithstanding any recovery thereon, that the liability of the insurer shall not be affected by the insolvency or the bankruptcy of the assured, in that until the policy is revoked the insurance company will not be relieved from liability on account of on payment of premium, failure to renew license at the end of the year, or any act or admission of the named assured. Such policy of insurance shall be further conditioned for the payment of any judgments up to the limits of said policy, recovered against any person other than the owner, by his agent or employee, who may operate the same with the consent or acquiescence of the owner.

Section 7. Application for Attendant-Driver License

(a) Applications for attendant-driver licenses hereunder shall be made upon such form as may be prepared by the chief EMS officer and shall contain the following information which is a requirement for the issuance of a license:

1. The applicant's full name, current address, how long he has lived at current address, previous address, how long he lived at previous address, home telephone number, and social security number.

2. The applicant's age, date of birth, height, place of birth, hair and eye color.

3. The applicant's valid Texas driver's license number, and expiration date.

4. The applicant's present EMS certification level, appropriate Texas Department of State Health Services registration number and expiration date.
5. Two (2) recent photographs of a size designated by the chief EMS officer, which shall be attached to the license application.
6. Such other information as the chief EMS officer shall deem reasonably necessary to a fair determination of compliance with this chapter.

(b) The chief EMS officer shall within twenty-one (21) business days of receipt of a completed application for an attendant-driver license investigate the application and issue the license or notify the applicant that the application is denied.

Section 8. Standards for Attendant-Driver License

- (a) All attendant-driver applicants must be able to read, write and speak the English language.
- (b) All drivers must have a valid Texas driver's license. (Class A, B, or C).
- (c) All attendant-drivers must hold current EMS certification from the Texas Department of State Health Services.
- (d) No attendant-driver shall have a final conviction for theft, robbery, state or Federal controlled substances acts, rape, sexual abuse, indecency with a child, or abuse of a corpse.
- (e) No attendant-driver shall have been convicted of three (3) or more moving violations within the preceding two-year period.

Section 9. Renewal of License

- (a) Renewal of any license hereunder, upon expiration or after revocation, shall require conformance with all requirements of this chapter as upon original licensing.

Section 10. Revocation of License

(a) The chief EMS officer may, and is hereby authorized to, suspend or revoke a license issued hereunder for failure of a licensee to comply and to maintain compliance with, or for his violation of, any applicable provisions, standards or requirements of this chapter, or of regulations promulgated hereunder, or of any other applicable laws or ordinances, but only after warning and such reasonable time for compliance as may be set by the chief EMS officer. Any applicant denied a license or any licensee whose license is suspended or revoked shall have the right of appeal to the Public Safety Director. Such appeal shall be submitted to the Public Safety Director in writing within ten (10) days of the action being appealed. The city manager shall, within ten (10) days after appeal is filed, consider all the evidence in support of or against the ruling appealed from and render a decision either sustaining, reversing, or modifying the determination of the chief EMS officer.

(b) If the Public Safety Director's decision is not acceptable to the applicant or licensee, he may, within ten (10) days of that decision, file an appeal in writing with the city secretary to the city council. Such a written appeal shall set forth the specific grounds therefore. The city secretary shall notify the appellant within ten (10) days after receipt of appeal as to the time and place of the hearing by the city council, which shall be within thirty (30) days of receipt of such appeal. The determination of the city council on any appeal pursuant to this chapter shall be final.

(c) Upon suspension, revocation or termination of an ambulance license hereunder, such ambulance shall cease operation as such and no person shall permit such ambulance to continue operations as such. Upon suspension, revocation or termination of attendant's or driver's license hereunder, such attendant or driver shall cease to drive or attend an ambulance and no person shall employ or permit such individual to drive or attend an ambulance.

Section 11. Medical Director to Serve in an Advisory Capacity

(a) Any ambulance whose attendant receives physicians' orders either by voice communications or written standing orders must have, in an advisory capacity, a physician, licensed in the State of Texas, to serve as medical director.

(b) Any ambulance licensed under this chapter must maintain with the chief EMS officer a statement of their current medical director including his or her name, business address, business telephone number, and Texas medical license number; and the federal narcotics license number if any drugs or supplies are prescribed by this physician.

Section 12. Inspection of Ambulances

(a) Subsequent to issuance of any ambulance or vehicle license hereunder, the chief EMS officer shall cause to be inspected each such licensed vehicle, its equipment, premises and personnel, whenever he deemed necessary. All licensed ambulances or vehicles shall be subject to unannounced spot inspections and in any event will be inspected at least once per year. The periodic inspection required hereunder shall be in addition to any other safety or motor vehicle inspection required to be made for ambulance or other motor vehicles in the State of Texas, or other inspections required to be made, under general laws and ordinances, and shall not excuse compliance with any requirements of law and ordinance to display any official certificate of motor vehicle inspection at all times.

(b) A copy of each initial, semiannual, spot or other ambulance, equipment, premises and personnel inspection report shall be promptly transmitted to the applicant or licensee to whom it refers.

(c) The chief EMS officer may immediately suspend any of the licenses issued under this chapter if an inspection reveals violations or deficiencies that might endanger a patient or the public.

Section 13. Central Emergency Dispatching System

(a) It shall be unlawful for any ambulance to respond to an emergency call within the City of League City.

(b) If any person receives any request for an ambulance service response on an emergency basis other than through the city's central dispatching system; it is the obligation of that person to immediately report the same request to the city's central dispatching system at which time a City of League City – Emergency Medical Service (EMS) unit will be dispatched to respond.

(c) It shall not be unlawful for a person operating a licensed ambulance in the city, upon responding to a direct call for non-emergency ambulance service, to operate such ambulance under non-emergency conditions. Notifying the city's central dispatching system is not required for non-emergency ambulance responses.

1. In the event that the senior ambulance attendant-driver makes the determination that a true emergency exists upon arrival, the senior ambulance attendant-driver may then proceed in an emergency status (lights and siren) to the closest appropriate hospital facility only upon notification to the city's central dispatching system.

Section 14. Penalty for Violation of Chapter

Any person who violates a provision of this chapter, upon conviction in the municipal court of the city, shall be subject to a fine in an amount established by the municipal code for the conviction of a Class C misdemeanor.

Section 15. Variances to Chapter Requirements

(a) An affected person or organization may request a variance from the licensure requirements of this chapter if the person satisfies one (1) or more of the specific criteria listed in subsection(d).

(b) It shall be the responsibility of the chief EMS officer to grant such a variance.

(c) The variance must specify the specific licensure requirements and/or fees being waived.

(d) The criteria for variance are as follows:

1. The person has transported a sick or injured person to medical care as an individual citizen not ordinarily engaged in that activity;

2. The person transports a sick or injured person in a multiple casualty situation that exceeds the capacity of the city's emergency medical services;

3. The person is a member of an organization and the person's function is to transport members of that same organization to an appropriate medical facility at no charge to the individual being transferred; and that same organization does not solicit business outside itself or provide service to any other organization except in a multiple casualty situation;

4. The vehicle or person is moving through the city on a call that neither originates nor ends within the city;

5. The organization is principally an air transport system;

6. The organization or vehicle is licensed by the state as a "specialized emergency medical services vehicle" and is designed to provide service patients with special needs not easily met by other transport services;

7. The organization is an agency or designated provider of a municipal government.

8. The attendant/driver is a volunteer member of League City EMS in good standing.

(e) A variance shall not be granted unless it is necessary to assure the availability of quality care to the citizens of the city.

(f) A variance shall not be granted unless all ambulance units and personnel meet the minimum standards set by the state health department.

(g) The city council reserves the right to reserve the decision of the chief EMS officer in granting or refusing a variance.

Section 16. All ordinances and agreements and parts of ordinances and agreements in conflict herewith are repealed to the extent of the conflict only.

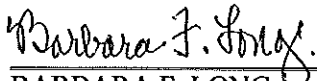
PASSED first reading the 8th day of July, 2008.

PASSED second reading the 22nd day of July, 2008.

PASSED AND ADOPTED the 22nd day of July, 2008.



TONI RANDALL
MAYOR



BARBARA F. LONG
City Secretary