

AN ORDINANCE OF THE CITY OF GRAND PRAIRIE, TEXAS, AMENDING THE CODE OF ORDINANCES, CHAPTER 12 TITLE TO "FIRE PROTECTION, EMERGENCY MANAGEMENT, EMERGENCY MEDICAL SERVICES AND AMBULANCE SERVICES", ARTICLE I - GENERAL, SECT. 12-2 - THIRD PARTY REVIEW: CONSTRUCTION DOCUMENTS; SECT. 12-4 - LOCATION OF FIRE HYDRANTS; SECT. 12-5 - REWARD FOR ARSON INFORMATION; SECT. 12-7 - OUTDOOR BURNING; PERMITS; EXCEPTIONS; SECT. 12-14 - HAZARDOUS MATERIALS EMERGENCY RESPONSE COST RECOVERY; ARTICLE IV - "EMERGENCY MEDICAL SERVICES AND AMBULANCE SERVICES"; AND CHAPTER 27, ARTICLE III - EMERGENCY MEDICAL SERVICES AND AMBULANCE SERVICES" TO BECOME EFFECTIVE UPON ITS PASSAGE AND APPROVAL

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE, TEXAS:

SECTION 1. THAT Article I of Chapter 12, of the Code of Ordinances of the City of Grand Prairie, Texas, Sect. 12-2 Third Party Review: Construction Documents is amended to read in its entirety as follows:

Sec. 12-2 - Third Party Review: Construction Documents, International Fire Code Section 105.4.1.1 Examination of Documents to read as follows:

(a) International Fire Code Section 105.4.1.1 Examination of Documents.

- (1) The fire code official shall examine or cause to be examined, including by independent third party review as described in the succeeding paragraph, the accompanying construction documents and shall ascertain by such password examinations whether the work indicated and described is in accordance with the requirements of this code.
- (2) Fire sprinkler plans, fire alarm plans, hazardous materials plans, and other plans as determined by the fire code official shall be submitted to a third party licensed fire protection engineer for review to ensure compliance with all relevant codes and standards. A list of approved engineers shall be designated by the fire code official. Plan review fees shall be paid directly to the third party fire protection engineer by the applicant.

SECTION 2. THAT Article I of Chapter 12, of the Code of Ordinances of the City of Grand Prairie, Texas, Sect. 12-4 Location of fire hydrants (a)(2) only, be repealed and replaced to read in its entirety as follows:

Sec 12-4 - Location of Fire Hydrants

(a) *[Criteria required prior to grant of building permit]* No person shall be granted a building permit from the city unless the following fire hydrant location criteria have been met:

(2) Land use districts relating to multiple-family dwelling, retail, commercial, central business or industrial structures. Fire hydrants shall be located at a maximum spacing of three hundred (300) feet as measured along the length of the roadway, and no part of any structure will be farther than four hundred

(400) feet from the fire hydrants as measured by the route that a fire hose is laid according to the fire chief or his designee.

Exceptions:

- a. For Group R3 and Group U occupancies, the distance requirement shall be six hundred (600) feet.
- b. For building equipped with an approved automatic sprinkler system installed in accordance with the International Fire Code the distance requirement shall be six hundred (600) feet.

SECTION 3. THAT Article I of Chapter 12, of the Code of Ordinances of the City of Grand Prairie, Texas, Sect. 12-5 Reward for arson information to be repealed and replaced to read in its entirety as follows:

Sec 12-5 - Report for Arson Information is hereby repealed and replaced to read in its entirety as follows:

- (a) A reward of up to one thousand dollars (\$1,000) may be paid to any person who shall voluntarily report information to the proper officials of the city which leads to the arrest and indictment for any unsolved arson offense within the City of Grand Prairie, Texas.

SECTION 4. THAT Article I of Chapter 12, of the Code of Ordinances of the City of Grand Prairie, Texas, Sect. 12-7 Outdoor burning; permits; exceptions to repeal and replace and to read in its entirety as follows:

Sec 12-7 - Outdoor Burning; Permits; Exceptions; Prohibited Burning; Extinguishment Authority

- (a) Outdoor Burning for Commercial Land Clearing Purposes;

No person may conduct any outdoor burning for commercial land clearing purposes within the city unless and until such person has obtained from the fire marshal's office an outdoor burning permit. Outdoor burning for commercial land clearing purposes shall comply with the International Fire Code in effect at the time of permit application, as well as the requirements within this ordinance, and shall only be allowed when no practical alternative to burning exists. An outdoor burn permit may only be granted with the approval of the fire chief and only under the following conditions:

- (1) Outdoor burning for commercial land clearing purposes shall be conducted within a trench by means of air curtain incineration (ACI) in accordance with the following guidelines:
 - a. at all times trench dimensions must not exceed twelve (12') feet in width, thirty-five (35') feet in length, and be no less than ten (10) feet in depth, such that the combustion of the materials within the trench is maintained
 - b. the length of the trench must be maintained such that they remain sufficiently vertical to maintain the air curtain
 - c. the length of the trench must not exceed the length of the air blower manifold

- d. the walls of the trench must be maintained such that they remain sufficiently vertical to maintain the air curtain
 - e. upon removal of the ACI from the burn site the trench must be completely filled and covered with soil
- (2) Outdoor burning for commercial land clearing purposes shall require a non-refundable permit fee of one thousand dollars (\$1,000.00) for each application. The permit shall be valid for thirty (30) days, but may be extended for an additional thirty (30) days if warranted by weather conditions or other reasons deemed valid by the fire marshal.
- (3) Outdoor burning shall be commenced only when the wind direction is such as to carry smoke and other pollutants away from any residential, recreational, commercial or industrial area, public road or landing strip which is or might be affected by the smoke produced from the outdoor burning.
- (4) Outdoor burning shall only commence when the surface wind speed is predicted to be greater than six (6) miles per hour and less than twenty-three (23) miles per hour.
- (5) Outdoor burning for commercial land clearing purposes shall not be conducted when significant shift in wind direction is predicted if such wind shift could produce or result in adverse effects to persons, animals or property during the burning period.
- (6) Outdoor burning for commercial land clearing purposes shall be conducted at least three hundred (300') feet away from any residential, commercial or industrial area.
- (7) Outdoor burning for commercial land clearing purposes shall be confined to trees, brush, grass, leaves, branch trimmings, or other plant growth, provided that the material was generated from the property on which the burning will occur.
- (8) Outdoor burning for commercial land clearing purposes shall be allowed Monday through Friday only. The burning shall commence no earlier than one hour after sunrise and shall be completed on the same day no later than one hour before sunset.
- (9) The holder of a burn permit for commercial land clearing purposes shall seek approval from the fire marshal's office on a daily basis prior to initiating burning.
- (10) Outdoor burning permits may be revoked by the fire chief, or his designee, if at any time:
- a. the outdoor burning causes nuisance conditions to exist
 - b. the outdoor burning is not conducted in accordance with the terms and conditions of this section
 - c. the outdoor burning violates any provision of an applicable permit
 - d. the outdoor burning causes a violation of any air quality standard or fire department regulation, or

e. the outdoor burning causes a hazardous condition to exist

(11) The existence of an outdoor burn permit does not exempt the permit holder from any damages or injuries resulting from the burning nor excuse the permit holder from complying with all other applicable laws, ordinances, regulations and orders.

(a) Other Outdoor Burning: Bonfires, Recreational Fires, Portable Outdoor Fireplaces;

Outdoor burning for approved Bonfires and Recreational Fires, as well as fires in Portable Outdoor Fireplaces shall comply with the International Fire Code in effect at the time of permit application. (See item #10 exception below for fires in Portable Outdoor Fireplaces at One and Two-Family Dwellings). A fee for this category of burn permit is not required. Bonfires, Recreational Fires, and those in Portable Outdoor Fireplaces are permissible only under the following conditions;

- (1) Written approval has been obtained from the fire marshal's office (not required for use of portable outdoor fireplaces at one and two-family dwellings).
- (2) The fire is being conducted at an approved site or within an approved container including portable outdoor fireplaces and fire pits, site built fireplaces and barbecues, and portable or site built barbecue grills and pits.
- (3) The fire is only for pleasure, religious, ceremonial, cooking, warmth, or similar purposes.
- (4) The fire is not for disposal of waste, rubbish, trash, brush, leaves, or similar materials.
- (5) The fuel being burned shall be limited to wood prepared for use in such fires.

Exception; authorized United States military veterans or other recognized service organizations may ceremoniously burn discarded United States flags with the approval of the fire marshall.

- (6) The fire shall be constantly attended by a responsible person until the fire is completely extinguished.
- (7) There shall be onsite a working fire extinguisher, garden hose, dirt, sand, or similar extinguishing agent to immediately extinguish the fire.
- (8) Approved recreational fires shall not be conducted within twenty-five (25') feet of a structure or combustible material. Conditions that could cause a fire to spread within twenty-five (25') feet of a structure shall be eliminated prior to ignition. The amount of fuel (wood) being burned for recreational fires shall be limited to no more than three (3') feet in diameter and two (2') feet in height.
- (9) Approved bonfires shall not be conducted within fifty (50') feet of a structure or combustible material unless the fire is contained within a barbecue pit. Conditions that could cause a fire to spread within fifty (50') feet of a structure shall be eliminated prior to ignition.
- (10) Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within fifteen (15') feet of a structure or combustible material.

Exception: A permit from the fire marshal's office for the use of portable outdoor fireplaces at one and two-family dwellings is not required and these devices are therefore not subject to the fifteen (15') feet restriction.

(b) Prohibited Outdoor Burning:

All Outdoor and/or open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous, or when it is determined by the fire marshal, or his designee, that the fire is producing offensive or objectionable smoke.

(c) Extinguishment Authority:

Where outdoor burning creates or adds to a hazardous situation, or a required permit for outdoor burning has not been obtained, the fire marshal, or his designee, is authorized to order the extinguishment of the outdoor burning operation or activity.

SECTION 5. THAT Article I of Chapter 12, of the Code of Ordinances of the City of Grand Prairie, Texas, by adding Sec. 12-14 - "Hazardous Materials Emergency Response Cost Recovery" to read in its entirety as follows:

Sec. 12-14 - Hazardous Materials Emergency Response Cost Recovery

This article is intended to provide for recovery by The City of Grand Prairie, State of Texas, its agencies or agents [and, if applicable, the municipalities within its counties] of costs incurred in emergency response, incident assessment, control, containment, and abatement efforts directly related to hazardous material Emergency Response at the fire chief's, or his designee, discretion.

Jurisdiction:

This article shall apply to the City of Grand Prairie, Texas, contracted, obligated or mutual response municipalities.

(a) Definitions:

As used in this article, the following words and phrases shall have the meaning indicated unless the context otherwise requires:

Costs means all reasonable and necessary expenses that are incurred by The City of Grand Prairie as a direct result of the hazardous materials emergency response. In general, allowable costs are response costs, that are eligible, reasonable, necessary and allocable to the emergency response. Costs allowable for reimbursement may include, but are not limited to:

- (1) Emergency response, incident assessment, control, containment and abatement of a hazardous materials incident, to include costs associated with transportation and temporary storage of hazardous materials if such transportation and temporary storage is necessary to control and contain the hazardous materials incident.

- (2) Ensuring the safety of the public, both on and off the site of the hazardous materials incident.
- (3) Repairing or replacing equipment if said equipment was damaged or destroyed as a direct result of the hazardous materials incident.
- (4) Equipment, including rental equipment, utilized by The City of Grand Prairie to the extent such labor and equipment is necessary for emergency response, incident assessment, control, containment and abatement of the hazard.
- (5) Contract labor and equipment utilized by The City of Grand Prairie for emergency response, incident assessment, control, containment and abatement of the hazard.
- (6) Compensation for unbudgeted wages of employees for the time and efforts devoted specifically to the response that are not otherwise provided for in the applicants operating budget.
- (7) Labor and equipment utilized by The City of Grand Prairie via a mutual aid agreement for emergency response, incident assessment, control, containment and abatement and mitigation of the hazard.
- (8) Disposable materials and supplies consumed and expended as a result of the hazardous materials incident, including but not limited to, absorbents, foams, neutralization agents, over pack drums or containers.
- (9) Decontamination of equipment that is contaminated during the hazardous materials incident.
- (10) Laboratory costs for purposes of analyzing samples taken during the release.
- (11) Special technical services specifically required for the response (e.g., costs associated with the time and efforts of technical experts/specialists not otherwise provided for by the local government);
- (12) Evacuation costs associated with the services, supplies, and equipment procured for a specific evacuation

Hazardous material means a substance, pollutant, contaminant or material that the United States Secretary of Transportation has determined is capable of posing an unreasonable risk to health, safety, and property when transported in commerce, and has designated as hazardous under section 5103 of Federal hazardous materials transportation law (49 U.S.C. 5103). The term includes hazardous substances, hazardous wastes, marine pollutants, elevated temperature materials, materials designated as hazardous in the Hazardous Materials Table (see 49 C.F.R. 172.101), and materials that meet the defining criteria for hazard classes and divisions in 49 C.F.R. 173.

Pollutant or contaminant, as defined by section 104(a)(2) of CERCLA, includes, but is not limited to, any element, substance, compound, or mixture, including disease-causing agents, which after release into the environment and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will

or may reasonably be anticipated to cause death, disease, behavioral abnormalities, cancer, genetic mutation, physiological malfunctions (including malfunctions in reproduction or physical deformations, in such organisms or their offspring. This term also includes petroleum, crude oil and any fraction thereof that is not otherwise specifically listed or designated as a hazardous substance under section 101(14)(A) through (F) of CERCLA.

Hazardous material incident means actual or threatened release of a hazardous substance or material, including hazardous waste, which poses an imminent threat to the environment and/or to the health, safety or welfare of the population and requires emergency response, incident assessment, control, containment and abatement of the immediate hazard. It is further defined as:

Release, as defined by section 101(22) of CERCLA, means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injection, escaping, leaching, dumping, or disposing into the environment, but excludes: any release that results in exposure to persons solely within a workplace, with respect to a claim that such persons may assert against the employer of such persons; emissions from the engine exhaust of a motor vehicle, rolling stock, aircraft, vessel, or pipeline pumping station engine; release of source, by-product or special nuclear materials from a nuclear incident, as those terms are defined in the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.), if such release is subject to requirements with respect to financial protection established by the Nuclear Regulatory Commission under section 170 of such act, or, for the purpose of section 104 of CERCLA or any other response action, any release of source, by-product, or special nuclear material from any processing site designated under section 122(a)(1) or 302(a) of the Uranium Mill Tailings Radiation Control Act of 1978 (Pub. L. 95-604, 42 U.S.C. 2014 et seq.); and the normal application of fertilizer. For purposes of this part, release also means the threat of release.

Person means an individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, governmental entity, or any other legal entity.

Release means the accidental or intentional, sudden or gradual spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment (including the abandonment or discarding of barrels, containers and other receptacles containing any hazardous material or substance or waste or pollutant or contaminant) whether such release occurs from a fixed facility or while the materials are being transported.

Responder means any person authorized to participate in the City of Grand Prairie's coordinated emergency response to a hazardous material incident.

Emergency response means the provision of authorized assistance during and following a hazardous material incident and to reduce the likelihood of secondary damage, and may include incident assessment, control, containment and abatement of the immediate hazard.

Responsible party means the person or persons who cause or allow a release of a hazardous material or substance or who had custody or control of the hazardous material or substance at the time of such release.

Potentially responsible party (PRP) means any person who may be liable under section 107 of CERCLA for a release or threatened release of hazardous substances or pollutants or contaminants.

(b) Hazardous materials incidents--Liability for costs:

Any responsible party shall be liable for the payment of all reasonable and necessary costs incurred by the City of Grand Prairie, or its agents, for emergency response, incident assessment, control, containment, mitigation and abatement of the immediate hazard as a direct result of the hazardous material incident.

(c) Hazardous materials incidents-Exceptions:

The authority to recover costs under this article shall not include costs incurred for actual fire suppression service which is normally or usually provided within the municipality by its fire department or its authorized agents.

(d) Collection and disbursement of funds for cost recovery:

- (1) Agent for collection. The City of Grand Prairie, through the Fire Department, shall be responsible for collecting invoices from responders to a hazardous material incident and presenting a bill to the responsible party for costs.
- (2) Procedure for responders. When responding to a hazardous material incident, the emergency response units of The City of Grand Prairie, Fire Department, shall keep a detailed record of the costs attributable thereto.
- (3) Procedure for responders submittal of invoices to The City of Grand Prairie, Fire Department. An invoice identifying eligible costs under this article shall be submitted by responders to the City of Grand Prairie, Fire Department, within 10 days after the cost was incurred or identified. Submitted invoices must include sufficient documentation for cost reimbursement (i.e. copies of time sheets for specific personnel, copies of bills for the materials, equipment and supplies procured or used, etc.). Accepting invoices from agencies outside the City of Grand Prairie shall not incur liability to the City of Grand Prairie to pay costs from such agencies until payment is received by the City of Grand Prairie, Fire Department, from the responsible party.
- (4) Method of billing and payment. The City of Grand Prairie, Fire Department, shall submit one or a series of consolidated invoices to the responsible party, identifying their specific costs for reimbursements. The responsible party shall issue a certified check, money order, credit card or cash payment made payable to the City of Grand Prairie. The checks will be sent to Fire Administration at 1525 Arkansas Ln, 3rd Floor, Grand Prairie 75052 within 60 days of receiving a consolidated invoice.

(5) Determination of costs. Eligible costs under this article will be in accordance with the most current active Hazardous Materials Billing and Fee Schedule set forth by the City of Grand Prairie at the time of incident occurrence. Any and all other fees not specifically stated in the Hazardous Materials Billing and Fee Schedule will be billed at the costs eligible under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121. Information regarding the use of the Federal Emergency Management Schedule of Equipment Rates is contained in 44 CFR 206.228. Rates for equipment not listed will be requested from FEMA upon request.

(e) Methods of enforcement:

(1) Civil action. The City of Grand Prairie may enforce these provisions by civil action in a court of competent jurisdiction for the collection of any amounts due hereunder plus administrative collection costs, attorneys' fees, or for any other relief that may be appropriate. A certified copy of a judgment in favor of the City of Grand Prairie may be recorded in the public records and thereafter shall constitute a lien upon any real or personal property owned by such person(s) and such lien shall be coequal with the lien of all state, district and municipal taxes superior in dignity to all other liens, titles, and claims until paid or extinguished.

(2) Remedies at law. The City of Grand Prairie may seek any or all available remedies at law, to include the provisions of this article, against any parties responsible for any hazardous materials incident, to include those actions and remedies available under the U.S. Bankruptcy Code relating to such matters.

(3) Federal law/State law. The City of Grand Prairie may seek any or all available remedies afforded through the Environmental Protection Agency Local Government Reimbursement Program and Protection of the Environment, 40 CFR part 310 and the State of Texas Oil and Hazardous Substances Spill Contingency Plan.

(f) Conflict with other laws:

(1) Whenever the requirements or provisions of this article are in conflict with the requirements or provisions of any other lawfully adopted ordinance, the more restrictive requirements shall apply as to the matters in conflict, and all provisions of this ordinance not in conflict shall remain in full force and effect.

(2) This article shall not restrict or replace cost recovery from funding sources available under state and federal regulations including but not limited to the revolving fund established under section 311(K) of the Federal Water Pollution Trust Fund established under Comprehensive Environmental Response, Compensation and Liability Act (42 U.S.C. 9611); the Hazardous Materials account of the Texas Division of Emergency Management Operating Trust Fund and the Texas Coastal Protection Trust Fund.

(3) This article shall not restrict or replace any legal remedy or cause of action otherwise available to the City of Grand Prairie or Responsible Party.

SECTION 6. THAT Article IV of Chapter 12 of the Code of Ordinances of the City of Grand Prairie, Texas, by transferring Chapter 27 - Vehicles for Hire; Transportation, Article III - Emergency Medical Services and Ambulance Services to Chapter 12, Article IV - Emergency Medical Services and Ambulance Services and by repealing and replacing the new Chapter 12, Article IV - Emergency Medical Services and Ambulance Services to read in its entirety as follows:

ARTICLE IV - EMERGENCY MEDICAL SERVICES AND AMBULANCE SERVICES

Sec. 12-40 - Definitions

The following words, terms and phrases shall have the meanings respectively ascribed to them in this section:

Ambulance means any privately or publicly owned motor vehicle, airplane or helicopter designed, constructed, repaired and equipped for use in transporting and providing emergency care for persons who are ill or injured.

Ambulance service means any organization operated for the purpose of transporting sick or injured persons to or from a place where medical care is furnished, whether or not such persons may be in need of emergency care in transient.

Auxiliary ambulance means any motor vehicle constructed, equipped and used for transferring the injured, sick or deceased under circumstances which do not constitute an emergency and which have not been represented as an emergency, or which does provide emergency ambulance service to a participant, spectator or other person present on the premises where a special event is being held.

Emergency call means any request for ambulance services which may be of a life- or limb-threatening nature, and which apparently requires immediate response by an ambulance. Such calls may be designated priority 1 or priority 2.

Emergency Medical Services (EMS) means the effective and coordinated delivery of such care as may be required by an emergency, including services provided by first responders, care and transportation of individuals by ambulance service and the performance of authorized emergency care by a person licensed to practice medicine and surgery; a licensed professional nurse; or an emergency care attendant, emergency medical technician, emergency medical technician-intermediate, or emergency medical technician-paramedic, as those terms are defined by V.T.C.A., Health and Safety Code Ch. 773.

Fee means any assessment, license, charge, fee levy of general application to persons doing business imposed by any governmental body (but excluding any franchise fees, telecommunications tax, or similar tax or fee).

First responder means a person who is a part of a first responder organization, as that term is defined by V.T.C.A., Health and Safety Code § 773.003(16).

Patient means a person who is either ill, sick, injured, wounded, helpless or otherwise incapacitated, and who is in need of, or is at risk of needing, medical care or assessment

during transportation to or from a health care facility, and who is reclining or should be transported in a reclining position under applicable medical protocols.

Permit means that document required to be obtained by the city's ambulance service, or any other provider, under this article, or under state law.

Person includes any individual, firm, association, partnership, corporation, joint-stock company, provider, or other group or combination acting as a unit.

Responsibility for Payment of fees, the person receiving emergency ambulance service and any person contracting for the service shall be responsible for payment of the fee. In the case of service received by a minor, the parent or guardian of the minor shall be responsible for payment of the fee.

Routine transport means any request for nonemergency ambulance service for a patient. Such calls may be designated priority 3 or priority 4.

Service area means that area which is contained within the boundaries of the municipal limits of the city and of those jurisdictions participating in an inter-local cooperation agreement with the city.

Sec. 12-41 - False statement of emergency prohibited

It shall be unlawful for any person to willfully inform the fire alarm dispatcher, police dispatcher, or other fire or police official, that an ambulance or more than one (1) ambulance is needed at a location or address when such person knows that such statement is false.

Sec. 12-42 Provision of Emergency Services; Fees; Payments and Exceptions; Subscription Program; Auxiliary Ambulances; EMS Standby; Penalty

- (a) Ambulance and EMS services provided by the fire department The fire department of the city shall provide emergency ambulance service within the city. It shall be unlawful for any person not employed by the City of Grand Prairie Fire Department to provide an emergency ambulance pick-up of any person in the City of Grand Prairie. It shall be an affirmative defense to prosecution under this subsection if the ambulance service is provided:
- (1) By another governmentally-owned ambulance service operating pursuant to an inter-local agreement for mutual assistance;
 - (2) By a private firm operating under a contract with the City of Grand Prairie which specifically allows in writing the provision of ambulance service at the request of the Grand Prairie Fire Chief;
 - (3) By a firm operating an auxiliary ambulance licensed by the City of Grand Prairie and providing such service to a special event as required by this chapter; or

(4) By a firm operating an auxiliary ambulance licensed by the City of Grand Prairie, which firm was requested to provide emergency ambulance in a specific instance by the fire chief or his designee.

(b) Fees. The following fees shall be assessed for emergency medical services:

(1) Base rate. A base fee for emergency medical transportation for residents of seven hundred dollars (\$700.00) and for nonresidents eight hundred dollars (\$800.00) shall be assessed per person per transport. Shared transports, where multiple patients share one (1) ambulance the total base rate fee assessed shall be divided equally per patient.

(2) Mileage A mileage rate of \$10.00 per loaded mile shall be assessed per person per transport. Shared transports, where multiple patients share one (1) ambulance the loaded mileage fee assessed shall be divided equally per patient.

(3) Returned check fee. A fee of twenty-five dollars (\$25.00) shall be assessed for all checks returned to the city unpaid.

(c) Medicare and Medicaid payments. Medicare and Medicaid payments shall be accepted with any remaining balance due, less Medicare/Medicaid disallowable charges, shall be the responsibility of the patient or guardian or secondary insurance.

(d) Medical Indigence Program. The City of Grand Prairie will not unduly enforce payment from patients who legitimately cannot pay for emergency medical services, transport, medications and supplies when the responsible party completes and submits the city's financial hardship application along with required documentation and it is determined by the city that payment is not possible based on the federal poverty level at the time of the application.

(e) Subscription Membership Program. A fee of seventy five dollars (\$75.00) shall be assessed per year for eligible members per household residing in the City of Grand Prairie for emergency medical services, transport, medications and supplies. This program is available to all residents of Grand Prairie, Texas, head of household, spouse, unmarried children under twenty-five (26) years of age, other residents of the household with court documented guardianship. Participation by Medicaid recipients in this program is not permitted by the State of Texas.

(f) Auxiliary ambulances. No person shall operate for patient pick-up in the city or permit to be operated for patient pick-up in the city an auxiliary ambulance without having first obtained a license to operate such ambulance issued pursuant to this chapter.

(1) Issuance of license.

a. Any person desiring to operate one (1) or more auxiliary ambulances within the city shall submit to the City of Grand Prairie, Fire Department, an annual non-proratable license fee of two hundred fifty dollars (\$250.00) and an application containing the following information:

1. Name of the applicant;
 2. Whether the applicant is an individual, corporation, partnership or association;
 3. The number, kind and type of vehicles proposed to be operated by applicant as auxiliary ambulances, the manner in which same are to be equipped and an identifying number of each; and
 4. Such other information as may be necessary to administer this article.
- b. Upon receipt of the license fee and a proper application, the fire department shall either cause an inspection to be made of each vehicle proposed for operation in the city or require the applicant to provide evidence of from the State of Texas, Department of Health and Human Services, license to operate such auxiliary ambulance, and upon such proof that each ambulance meets the requirements of this article shall issue to applicant for a license for operating such auxiliary ambulance for the period of time beginning with the date of issuance of the license and ending on the next thirty-first day of December.
- (2) Vehicle requirements and inspection.
- a. Each auxiliary ambulance shall be equipped so that as a minimum it is in conformance with those requirements contained in V.A.C.S. art. 4590b.
 1. Safety mechanisms of the auxiliary ambulance must be operative and in good repair, including, but not limited to, headlights, taillights, turn signals, brakes, brake lights, emergency lights, windshield wipers, wiper blades, handles opening doors and windows, tires and spare tire.
 2. The fire chief, or his duly authorized agent, may inspect an auxiliary ambulance at any hour and he may require such auxiliary ambulance to proceed to a specific location for such inspection.
 3. Any auxiliary ambulance not meeting the safety requirements, or any equipment not meeting the standards required for the use of such equipment, shall be tagged by the fire chief, or his duly authorized agent, and shall not be used until the deficiencies are corrected. Use of such auxiliary ambulance or such equipment while tagged shall constitute a violation of this article.
- (3) Emergency ambulance service by auxiliary ambulance license holders. A person operating an auxiliary ambulance licensed under this article may, upon the request of the fire chief or his duly authorized representative, operate such ambulance on an emergency basis and

upon so operating such ambulance and after submission of the name, address, telephone number of the patient and

- (4) Incident management. Auxiliary ambulance services shall maintain management of an incident until such time as fire department personnel arrive on location. At such time, management will become responsibility of fire department personnel and auxiliary ambulance service will be responsible to senior fire department personnel on location.
- (5) Revocation of license. A license may be revoked by the city for violation of the terms of the license or permit; or for violation of this chapter.
- (6) Notice and hearing on revocation.
 - a. The hearing on revocation shall not be held until at least ten (10) days' notice of the hearing has been given to the holder of the auxiliary ambulance license in question by delivery to the holder's principle place of business in the city. Such notice shall specify the time and place of the hearing and list the reasons why the general welfare of the city requires revocation and cancellation of such operating authority.
 - b. The holder in question shall be allowed to be present at such hearing, represented by counsel and have full opportunity to disprove any charges and allegations set out against him in the notice.
 - c. Such hearing may be conducted by the city council or any agent, employee or representative designated by it. If conducted by an agent, employee or representative, then upon approval and adoption of the city council of findings of fact made by the person conducting such hearing, such findings of fact so approved and adopted shall be and become the findings of the city council. If the findings of fact made after such hearing show that the operator is not a fit and proper person to conduct such business, or is unable to pay in full reasonable claims for damages which might be asserted, or for any reason the general welfare of the citizens of the city or the best interest of the city will be served best by such action, then the city council shall revoke and cancel the operating authority in question, and there shall be no appeal of any nature from such action.
- (7) Insurance. It shall be unlawful for the holder of an auxiliary ambulance license to operate an auxiliary ambulance unless said holder shall maintain in force during the authorized period of its license the amount and character of insurance coverage for all motor vehicles used in the auxiliary ambulance service as follows:
 - a. A three hundred thousand dollar (\$300,000.00) per occurrence, combined single-limit liability policy with a deductible not to exceed one thousand dollars (\$1,000.00), which shall pay on behalf of the insured named therein and any other person, as insured, using any such motor vehicle or motor vehicles with the express or implied permission of such named insured, all sums which the insured shall become legally obtained to pay as damage arising out of the operation of the auxiliary ambulance

service or the ownership, maintenance or use of such motor vehicle or motor vehicles operated by independent contractors or vehicles operated for or on behalf of the license holder;

- b.** Be carried with an insurance company authorized to do business in the State of Texas and rated by Best's Key Rating Guide as "A", or an insurance company licensed and authorized to do business in the State of Texas in the form prescribed or approved by the state board of insurance, which is a subscriber to the state guaranty fund established by the state board of insurance or if the required insurance is not reasonably available from a company so qualified, the applicable rating and specific company shall be approved by the City of Grand Prairie Human Resource Manager and City Attorney;
- c.** Include a cancellation rider under which the insurance company is required to notify the city in writing not fewer than thirty (30) days before canceling or making a material change to the insurance policy;
- d.** Provides that the city is an additional named insured;
- e.** Provides coverage for all ambulances operating under the name of the license holder, whether said ambulances are owned, leased, hired or contracted and liability coverage for the drivers operating said ambulances, whether on- or off-duty;
- f.** Contains a provision for a continuing liability thereon up to the full amount thereof, notwithstanding any recovery thereon;
- g.** The insurance policy required by this chapter shall be filed with the fire chief five (5) working days prior to the time any of the ambulances operated by the license holder may be operated upon city streets; and
- h.** Prior to the time the license holder may operate any ambulance upon the streets of the city, the holder must secure written confirmation from the city that the policy meets the requirements of this section.
- (i)** EMS Stand-by fees shall be at the discretion of the fire chief and paid by those individuals and/or organizations making use of the city's fire department ambulance service for EMS standby at special events, games, and/or gatherings. Ambulances are subject to vehicle and personnel availability. Patient or responsible party for patient, transported to the hospital will be billed at the established rate.

SECTION 7. That Article III of Chapter 27 of the Code of Ordinances of the City of Grand Prairie, Texas is amended to transfer to Chapter 12, as new Article IV and removed from Chapter 27.

SECTION 8. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 9. This ordinance shall be effective upon its passage and approval.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF GRAND PRAIRIE,
TEXAS, ON THIS THE 11TH DAY OF OCTOBER, 2016.**

APPROVED:



Ron Jensen, Mayor

ATTEST:

APPROVED AS TO FORM:

City Secretary

City Attorney