

ORDINANCE NO. 018691

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.85 (EMERGENCY AND TRANSFER AMBULANCE SERVICES), SECTION 9.85.030 (CRUISING PROHIBITED) TO ALLOW FOR POSTING OF AMBULANCES WHERE NOT A SAFETY HAZARD; SUBSECTION 9.85.040 (DEFINITIONS) TO UPDATE THE TERMINOLOGY; SECTION 9.85.050 (FRANCHISE REQUIRED) TO CORRECT A GRAMMATICAL ERROR; SECTION 9.85.060 (FRANCHISE APPLICATION - CONTENTS) TO ALLOW FOR A LICENSE FROM NEW MEXICO; SECTION 9.85.080 (INSURANCE) TO UPDATE THE INSURANCE AMOUNTS; AND SECTION 9.85.090 (ATTENDANTS AND DRIVERS - REQUIREMENTS) TO UPDATE CERTAIN REQUIREMENTS AND TO ALLOW FOR A LICENSE FROM NEW MEXICO; SECTION 9.85.100 (AMBULANCE OPERATIONS) TO CLARIFY HOW PRIVATE AMBULANCES SHOULD BE MARKED IN ORDER TO DISTINGUISH THEM FROM THE CITY'S AMBULANCES; SECTION 9.85.110 (PERSONNEL; VEHICLES AND EQUIPMENT - STANDARDS AND REQUIREMENTS; INSPECTION) TO CLARIFY THE VEHICLE AND EQUIPMENT STANDARDS AND INSPECTION REQUIREMENTS; AND SECTION 9.85.120 (PRIVATE EMERGENCY SERVICE REGULATIONS) TO UPDATE THE TERMINOLOGY; THE PENALTY AS PROVIDED IN SECTION 9.85.130 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.030 (Cruising Prohibited), Subsection 9.85.030.A be amended to read as follows:

9.85.030 -Posting.

- A. Posting of ambulances to meet required response obligations will be allowed in areas that do not obstruct public convenience or pose a safety hazard.

Section 2. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.040 (Definitions), Subsections 9.85.040.A-E and 9.85.040.I be amended to read as follows:

9.85.040 - Definitions.

- A. "City" means the City of El Paso.
- B. "Emergency" means any circumstance that calls for immediate action and 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.

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- C. "Emergency ambulance" means any motor vehicle especially designed, constructed, equipped and used for transporting the injured or sick in answer to an emergency call.
- D. "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.
- E. "Emergency Dispatch System" means the facility from which EMS units are radio dispatched.
- I. "Transfer ambulance" means any ambulance meeting current Texas Department of State Health Services construction requirements, equipped and used for transferring the injured or sick under circumstances which do not constitute an emergency and which have not been represented as an emergency.

Section 3. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.050 (Franchise - Required), be amended to read as follows:

9.85.050 - Franchise—Required.

It is unlawful for any person, firm, corporation or operator to engage in furnishing a transfer service by operating, driving or causing to be operated or driven a transfer vehicle upon the streets of the city without first having obtained a franchise in accordance with the terms and provisions of this article.

Section 4. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.060 (Franchise Application - Contents), Subsection 9.85.060.A.4 be amended to read as follows:

9.85.060 - Franchise application—Contents.

- A. Application for a franchise shall be filed with the city clerk upon forms furnished by the city clerk. The applicant shall furnish the following information:
 - 4. A list of persons who will act as ambulance attendants and drivers, their current State of Texas Department of State Health Services certificate status, and their date of employment, current Texas or New Mexico driver's license and expiration date, defensive driving or current Emergency Vehicle Operators course certificate, and physician release;

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Section 5. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.080 (Insurance), Subsection 9.85.080.B be amended to read as follows:

9.85.080 - Insurance.

9.85.080B

1. Franchisee shall obtain and maintain in effect throughout the term of their franchise public liability insurance in an amount of not less than \$500,000.
2. Franchisee shall maintain comprehensive general and automobile liability coverage with limits of no less than five hundred thousand dollars (\$500,000) per occurrence and one million dollars (\$1,000,000) annual aggregate. Franchisee shall maintain medical professional liability coverage with limits of no less than five hundred thousand dollars (\$500,000) per occurrence and one million dollars (\$1,000,000) annual aggregate.

Section 6. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.090 (Attendants and Drivers - Requirements), Subsections 9.85.090.B-C be amended to read as follows:

9.85.090 – Attendants and Drivers – Requirements.

- B. No later than ninety days from the date of employment, must provide evidence showing completion of the Texas Department of License and Regulations approved defensive driving course or a current Emergency Vehicle Operators Course certificate provided by the El Paso Fire Department; and
- C. Possess a license valid to operate an emergency vehicle and transfer ambulance from the State of Texas or New Mexico; and

Section 7. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.100 (Ambulance Operations), Subsections 9.85.100.A-D be amended to read as follows:

9.85.100 - Ambulance operations.

- A. Ambulance service operators, their agents or employees, upon receipt of request for emergency service within the city limits, shall immediately relay the request to the EMS Emergency Dispatch System.
- B. Unless authorized to do so by the chief of the fire department or his designee, it is unlawful for ambulance service operators, their agents, or their employees to go to the scene of an emergency within the city limits with the intent to provide emergency service and transportation; provided, however, if persons operating a transfer or emergency vehicle discover an emergency

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situation within the city limits, they shall immediately notify the EMS Emergency Dispatch System and shall remain to render aid until an EMS vehicle arrives.

- C. Franchisee shall mark each ambulance distinctly with its company's name. Franchisee's name shall be marked with a minimum one inch wide and five inch tall lettering on at least three sides of the ambulance. The color of Franchisee's name must contrast with the color of the ambulance or the wrap. The Texas of Department of State Health Services provider's license number shall be displayed on the sides of the ambulance with "TX" appearing prior to said number in the width and height required by the State of Texas. Business phone numbers and logos are permissible; however, the words "Emergency Medical Services" or "EMS" shall not be used in any fashion.
- D. Ambulance service operators, their agents, or their employees, shall not hold out to the public in any manner that their personnel are trained EMTs or paramedics unless they have been so certified by the Texas Department of State Health Services.

Section 8. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.110 (Personnel, Vehicles and Equipment – Standards and Requirements; Inspection), Subsections 9.85.110.B-D be amended to read as follows:

9.85.110 - Personnel, vehicles and equipment—Standards and requirements; inspection.

- B. Each vehicle shall meet the following minimum requirements at all times:
 - 1. Each ambulance shall pass the Texas Department of Public Safety annual inspection and maintain a copy of the report indicating the result of of said inspection at all times;
 - 2. Each ambulance shall have a heater, complete with defrosters, and an air conditioner, both capable of maintaining comfortable temperature levels in the driver and patient compartments;
 - 3. Each ambulance shall meet the physical dimensions of the current Texas Department of State Health Services ambulance specifications; provided, however, that any ambulance currently used which does not meet these specifications may continue in use until it is replaced; and
 - 4. Each ambulance shall be kept clean and in good mechanical condition.
- C. In addition to other equipment which may be required by federal or state law, each ambulance shall carry all medical equipment that is listed on the Franchisee's mechanical equipment daily checklist and must be clean, ready for patient use and in good working order.
 - 1. The mechanical equipment daily checklist must be approved by the Fire Chief or designee.

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2. Changes to the mechanical equipment daily checklist must be submitted to the Fire Chief or designee within fifteen days prior to the change to be in effect.
- D. Prior to the commencement of Franchisee's operations, the Fire Chief or designee shall inspect at a reasonable time all ambulances used by Franchisee in operating the transfer service.
1. An ambulance must pass inspection and have a current valid permit sticker visible from the exterior of the vehicle at all times, which sticker shall be placed in the rear window prior to use for customer transportation or care.
 2. Subsequent to the initial inspection, all ambulances which are franchised under this chapter shall be inspected by the Fire Chief or designee every two years, except as described in the following paragraph.
 3. Ambulances may be inspected in the field at any hour by the Fire Chief or designee, and he may require any ambulance to proceed to a specified location for further inspection. If a Franchisee has three ambulance field inspection failures within a twelve-month period, then the City shall re-inspect Franchisee's entire ambulance fleet within thirty days of the last failed field inspection.
 4. Until the vehicle passes inspection, it cannot lawfully operate on the streets of the city.
 5. Any ambulance found not to be in compliance with this chapter shall be tagged, and the permit sticker removed.

Section 9. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.120 (Private Emergency Service Regulations), Subsection 9.85.120.A be amended to read as follows:

9.85.120 - Private emergency service regulations.

- A. It is unlawful for any person, either as owner, agent, or otherwise, other than a member of the El Paso EMS to furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the operation of an emergency ambulance service upon the streets, alleys or any public way or place within the city limits or to avail himself of the permission given ambulances by Section 12.12.010, or any other law or ordinance, to disregard traffic laws or ordinances, except in the following circumstances:
1. It shall not be unlawful for a person operating a transfer ambulance franchised by the city, upon responding to a direct call for nonemergency conditions, to use emergency equipment, after notifying the Emergency Dispatch System and receiving permission to make an emergency run, when a determination is made by the transfer

ambulance attendant that an emergency exists requiring the sick or injured person to be transported with all practical speed to a hospital.

2. It shall not be unlawful for any person operating a transfer ambulance franchised by the city, who is performing the service of maintaining an ambulance at a particular location for a sporting or contracted event, to operate such ambulance under emergency conditions, using emergency equipment, after notifying the Emergency Dispatch System and receiving permission to make an emergency run, when a determination is made by the transfer ambulance attendant that an emergency exists requiring the sick or injured person to be transported with all practical speed to the nearest appropriate hospital.
3. It shall not be unlawful for any person to operate an emergency ambulance to a hospital within the city, if the place of emergency at which the sick or injured person was picked up by such ambulance is outside the city limits and the ambulance making the emergency run is licensed and operated in accordance with all applicable state laws. On each emergency run into the city, ambulance personnel must notify the Emergency Dispatch System and receive permission to make an emergency run, unless otherwise notified by the section chief of the El Paso Fire Department or his designee.
4. It shall not be unlawful for any person to operate a transfer ambulance franchised by the city on an emergency run when EMS ambulances are not available, and the Emergency Dispatch System requests the backup emergency ambulance service for the EMS.

- B. Any person operating an ambulance franchised by the city who makes an emergency run under the provisions of subsections A.1 through A.4 of this section, shall, within ten days of each emergency run, submit to the section chief of the El Paso Fire Department a report on a form provided by the chief, which shall describe the circumstances requiring the emergency run.

Section 10. That except as expressly amended herein Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services) shall remain in full force and effect.

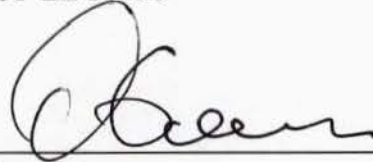
(Signatures appear on the following page)

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PASSED AND APPROVED this 13th day of June, 2017.

CITY OF EL PASO



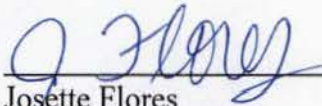
Oscar Leeser
Mayor

ATTEST:



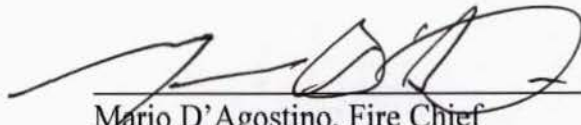
Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:



Josette Flores
Assistant City Attorney

APPROVED AS TO CONTENT:



Mario D'Agostino, Fire Chief
El Paso Fire Department

CITY CLERK DEPT.
2017 MAY 23 AM 8:00

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