

ORDINANCE NO. 14-06

AN ORDINANCE AMENDING CHAPTER 10 OF THE CODE OF ORDINANCES OF THE CITY OF SOUTH PADRE ISLAND, TEXAS BY ADDING A NEW ARTICLE IV REGULATING THE OPERATION OF PRIVATELY OWNED AMBULANCES ON THE PUBLIC STREETS OF THE CITY OF SOUTH PADRE ISLAND, TEXAS; REQUIRING AN AMBULANCE PERMIT; REQUIRING AN ATTENDANT-DRIVER PERMIT; PROVIDING THAT APPLICATIONS FOR SUCH PERMITS BE MADE TO THE FIRE DEPARTMENT OF THE CITY OF SOUTH PADRE ISLAND, TEXAS; DISPENSING WITH A CULPABLE MENTAL STATE; REPEALING ALL ORDINANCES IN CONFLICT; PROVIDING FOR A PENALTY FOR VIOLATION NOT TO EXCEED TWO THOUSAND DOLLARS (\$2,000.00); PROVIDING FOR SEVERABILITY; AND AUTHORIZING PUBLICATION IN CAPTION FORM

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SOUTH PADRE ISLAND, TEXAS:

Section 1. A new Article IV is added to Chapter 10 of the Code of Ordinances, City of South Padre Island is regarding regulating the operation of privately owned ambulances on the public streets of the City of South Padre Island, Texas, which said Article IV shall read as follows:

“ARTICLE IV

REGULATION OF PRIVATE AMBULANCES

Sec. 10-60. 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 South Padre Island. 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 certification shall be current and valid.

Emergency Medical Service means the City of South Padre Island - Emergency Medical Services.

Certification means an official designation that meets the requirements of the Texas Department of State Health Services at the level of Emergency Care attendant, Emergency Medical

Technician Basic Level, Emergency Medical Technician Intermediate Level, Emergency Medical Technician Paramedic Level, and Emergency Medical Technician Licensed Paramedic Level.

Fire Chief means the chief of the fire department and emergency medical services, for the City of South Padre Island or a duly authorized representative.

City means the City of South Padre Island, Texas.

City council means the South Padre Island City Council.

Driver's license means the license issued by the Department of Public Safety, State of Texas to operate a motor vehicle.

Emergency means any circumstance that calls for immediate response (emergency lights and/or 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 response.

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

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 South Padre Island Fire Department pursuant to this Article IV.

Mayor means the mayor of the City of South Padre Island, Texas.

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 (Chapter 151, Texas Occupations Code) 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-emergency nature requiring non- emergency service.

Officer means a Chief Fire Department officer, any Fire Department Officer designee or a police officer of the City of South Padre Island, Texas.

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

Person means an individual, corporation, organization, government or governmental subdivision

or agency, business, trust, partnership, association or other legal entity.

Police means any peace officer of the City of South Padre Island, Texas, Police Department.

Protocol means written medical orders signed by a licensed physician serving as medical director 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.

Street means any street, alley, avenue, boulevard, drive or highway commonly used for the purpose of travel within the corporate limits of the city.

Transfer ambulance means any motor vehicle constructed, equipped and/or 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-emergency nature requiring non-emergency service.

Sec. 10-61. Licenses Required

- (a) No person, either as owner, agent or otherwise shall operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the business of ambulance service upon the streets, alleys or public ways or places of South Padre Island, Texas, unless he or she holds a currently valid license for an ambulance vehicle and an ambulance company, issued pursuant to this Article IV.
- (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; fifty dollars (\$50.00) 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 Article IV unless he or she holds a valid attendant-driver license issued pursuant to this Article IV. A twenty-one (21) day temporary permit may be issued at the time of application for license. It shall be the responsibility of the Fire Chief or Designated officer to verify the applicant's certification status through the Texas Department of State Health Services.
- (d) All licenses issued pursuant to this Article IV 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.

Sec.10-62. Application for Ambulance License

- (a) Application for an ambulance vehicle license and ambulance company license shall be made

upon a form furnished by the Fire Chief or designated 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 assumed name, if any, under which the applicant does business or proposes to do business;
3. A complete report on whether or not the applicant has any claims or judgments against him.
4. A report that the applicant business has paid all city taxes if applicable;
5. Business address, medical license number and DEA 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, the length of time the ambulance has been in use, 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 until it is complete.
9. Falsification of information on applications will be grounds for revocation of license.

Sec. 10-63. 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 Article IV, the Fire Chief or designated officer will affix to each vehicle two (2) decals one applied on the front windshield passenger side, and one applied on the back window. Which indicate the vehicle meets all requirements established by this Article IV. The color of such decals shall be changed annually.
- (d) An ambulance involved in any collision or accident shall be promptly inspected.
- (e) The Fire Chief or designated 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 Fire Chief or designated officer shall notify the ambulance operator to correct the defects noted in the inspection and, after such notification, the Fire Chief or designated officer shall cause such ambulance to be re-inspected within forty-eight (48) hours. 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.

- (f) No ambulance that has been substantially damaged or altered, or has received damage where the repair costs exceeds One Thousand Dollars (\$1,000.00), shall be again placed in service until it has been repaired and re-inspected by the Fire Chief or designated officer. There will be no charge for re-inspection.
- (g) Every ambulance must be maintained in a clean and sanitary condition.
- (h) All emergency medical calls that originate in the City of South Padre Island will be responded to by the City of South Padre Island Fire Department - Emergency Medical Service, or Mutual Aid Resource. In the event that a private ambulance service receives a direct call requesting an ambulance that originates within the City of South Padre Island, it will be the duty of the private ambulance service to immediately refer the emergency medical call to the City of South Padre Island Fire Department - Emergency Medical Service (EMS) Communication Center.

Sec.10-64. 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 or regulations. Pursuant to this specific Article IV, no such ambulance service, firm or organization may operate as its main place of business or storage facility in a private residence. The Fire Chief or designated officer has the right to inspect such locations as often as he or she deems necessary to make sure all provisions of this Article IV are in effect. Refusal of any privately owned ambulance service to allow the Fire Chief or designated officer to inspect business office premises in the City of South Padre Island, Texas shall be considered a violation of this Article IV.

Sec.10-65. Insurance Requirements

- (a) No ambulance license shall be issued under this Article IV, 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.
 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 Fire Chief or designated officer before any permit may be issued. All such verifications of insurance shall provide for a thirty-day cancellation notice to the Fire Chief or designated officer.

3. Every insurance policy required hereunder shall contain a provision for a continuing liability thereunder 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 nonpayment 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.

Expiration or cancellation of such insurance coverage shall automatically terminate any ambulance license. Proof of insurance shall be provided on demand and proof shall at all times be on board any licensed ambulance.

- (b) Each attendant-driver involved in the operation of an ambulance within the city limits shall be required to carry at all times professional liability insurance. This policy may be provided by the applicant company for all its employees or individual policies issued to all personnel employed by the company.

1. This coverage must be from an insurance company licensed to do business in the State of Texas for each and every person operating within the city limits of South Padre Island.

2. The limits of liability required are no less than five hundred thousand dollars (\$500,000.00) per claim and a one million dollar (\$1,000,000.00) aggregate umbrella policy.

3. It shall be the responsibility of each person to provide to the Fire Chief or designated officer proof of such insurance upon demand by any authorized fire department officer or peace officer.

4. Failure to promptly provide proof of insurance will be justification to suspend and/or not issue any attendant-driver and/or ambulance permit.

5. The Fire Chief or designated officer must be notified within twenty-four (24) hours of any cancellation of insurance coverage.

Sec.10-66. Application for Attendant-Driver License

(a) Applications for attendant-driver licenses hereunder shall be made upon such form as may be prepared by the Fire Chief or designated 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 the expiration date of his/her certification.

5. Two (2) recent photographs of a size designated by the Fire Chief or designated officer, which shall be attached to the license application.

6. Such other information as the Fire Chief or designated officer shall deem reasonably necessary to a fair determination of compliance with this chapter.

(b) The Fire Chief or designated officer shall, within twenty-one (21) 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.

Sec.10-67. 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 certification from the Texas Department of State Health Services as an emergency medical technician.

(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 any crime involving moral turpitude.

(e) No attendant-driver shall have been convicted of three (3) or more moving violations within the preceding two-year period.

(f) All attendant-drivers shall be able to pass the vision test as prescribed by the Texas Department of Public Safety.

Sec.10-68. Renewal of License

Renewal of any license hereunder, upon expiration or after revocation, shall require conformance with all requirements of this Article IV as if an original license was being sought.

Sec.10-69. Revocation of License

(a) The Fire Chief or designated officer may, and is hereby authorized to, suspend or revoke a license to operate within the City of South Padre Island 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, regulations or ordinances, but only after warning and a reasonable time for compliance as may be set by the Fire Chief or designated officer. Any applicant denied a license or any licensee whose license is suspended or revoked shall have the right of appeal to the city manager. Such appeal shall be submitted to the city manager 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 Fire Chief or designated officer.

- (b) If the city manager'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 Article IV 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 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 to an ambulance.

Sec.10-70. 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 before such physician's orders may be carried out.
- (b) Any ambulance licensed under this Article IV must maintain with the Fire Chief or designated 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.

Sec.10-71. Inspection of Ambulances

- (a) Subsequent to issuance of any ambulance or vehicle license hereunder, the Fire Chief or designated officer shall cause to be inspected each such licensed vehicle, its equipment, premises and personnel, whenever he/she deems it 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. Compliance with this Article IV shall not excuse compliance with any requirements of law to display any other 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 Fire Chief or designated officer may immediately suspend any of the licenses issued under this Article IV if an inspection reveals violations or deficiencies that might endanger a patient or the public.

Sec.10-72. Central Emergency Dispatching System

- (a) It shall be unlawful for any private ambulance to respond to an emergency call within the city limits of South Padre Island.

- (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 South Padre Island Fire Department 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.
- (d). 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.

Sec.10-73. Exemptions from Chapter Requirements

- (a) The following are exemptions from this Article IV:
 - 1. A person who 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 to patients with special needs not easily met by other transport services;
 - 7. The organization is an agency or designated provider of a municipal government.

Sec. 10-74. Penalties for Violation.

(a) Any person, firm, partnership or corporation who violates any provision of this Article IV shall be guilty of a Class "C" Misdemeanor and upon conviction thereof shall be fined an amount not less than Twenty-Five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day that violation is permitted to exist shall constitute a separate offense.

(b) It is hereby declared that the culpable mental state required by Chapter 6.02 of the Texas Penal Code is specifically negated and clearly dispensed with, and such offense is declared to be a strict liability offense.

Sec. 10-75. Other Applicable Laws

(a) This Article shall be and is hereby declared to be cumulative of all other ordinances of the City of South Padre Island, and this Article shall not operate or repeal or affect any of such other ordinances except insofar as the provisions thereof might be inconsistent or in conflict with the provisions of this Ordinance, in which event such conflicting provision, if any, in such other ordinance or ordinances are hereby repealed.

(b) All of the regulations provided by this Article IV are hereby declared to be governmental and for the health, safety and welfare of the general public. Any City Official or employee charged with the enforcement of this Ordinance, acting for the City of South Padre Island in the discharge of his duties, shall not thereby render himself personally liable; and he is hereby relieved from all personal liability for any damage that might accrue to persons or property as a result of any act required or permitted in the discharge of said duties.

(c) Any violation of this Article IV can be enjoined by a suit filed in the name of the City of South Padre Island in a court of competent jurisdiction, and this remedy shall be in addition to any penal provision in this Ordinance or in the Code of Ordinances of the City of South Padre Island.”

Section 2. This Ordinance repeals all portions of any prior ordinances or parts of ordinances of the Code of Ordinances in conflict herewith.

Section 3. Any violation of this Ordinance may be punished by a fine not to exceed Two Thousand Dollars (\$2,000.00) for each offense or for each day such offense shall continue and the penalty provisions of Section 21-1 of the Code of Ordinances is hereby adopted and incorporated for all purposes.

Section 4. If for any reason any section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance shall be held invalid or unconstitutional by final judgment of a court of competent jurisdiction, it shall not affect any other section, paragraph, subdivision, clause, phrase, word or provision of this Ordinance for it is the definite intent of this City Council that every section, paragraph, subdivision, clause, phrase, word or provision hereof be given full force and effect for its purpose.

Section 5. This Ordinance shall become effective when it is published in caption form.


PASSED, APPROVED AND ADOPTED on First Reading, this 16th day of April 2014.
PASSED, APPROVED AND ADOPTED on Second Reading, this 7th day of May 2014.

ATTEST:



Susan Hill, City Secretary

CITY OF SOUTH PADRE ISLAND, TEXAS



Robert N. Pinkerton, Mayor

