

AN ORDINANCE AMENDING CHAPTER 5, "AMBULANCES", OF THE ABILENE CITY CODE, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING A PUBLIC HEARING.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ABILENE, TEXAS:

PART 1: That Chapter 5, "Ambulances", of the Abilene City Code be amended as set out in Exhibit "A", attached hereto and made a part of this Ordinance for all purposes.

PART 2: That if any provision or any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED ON FIRST READING this 28 day of February, A.D., 2002.

After said passage on first reading, a notice of time and place, where and when said ordinance would be given a public hearing and considered for second and final passage, was published in the Abilene Reporter-News, a daily newspaper of general circulation in the City of Abilene, said publication being on the 10 day of March, 2002, the same being more than twenty-four (24) hours prior to the time designated for said hearing. After such opportunity for the public to be heard, said ordinance was passed on second and final reading.

Said ordinance, being a penal ordinance, becomes effective ten (10) days after its publication in the newspaper, as provided by Section 19 of the Charter of the City of Abilene.

PASSED ON SECOND AND FINAL READING this 14 day of March, A.D. 2002.

ATTEST:

[Signature]
City Secretary

[Signature]
Mayor

APPROVED:

[Signature]
City Attorney

Exhibit "A"

Replace Chapter 5, Section 5-30, titled "Performance bond" with the following:

Sec. 5-30. Performance Security

An applicant shall provide performance security valued at \$825,000 dollars. The performance security may be fulfilled by any one of the following or combination thereof, as determined by City in its sole reasonable discretion: letter of credit, bond, escrowed assets, corporate guaranty, note or other assurances. Said performance security shall be forfeited for any of the following conditions:

- (a) Failure to give ninety (90) days advance written notice of termination of business.
- (b) Failure to correct a material breach of the terms and conditions of this ordinance within a ten (10) day period, after receiving written notice of same. A material breach is one that is one of urgent public necessity (i.e., applicant's license permitting it to conduct its business has been fully and finally adjudicated revoked by the Texas Department of Health, failing to provide the proper number of or properly operating units, failing to provide liability insurance, engaging in discriminatory practices, any unsafe or illegal activity that might affect the citizens of Abilene).

Replace Chapter 5, Section 5-34(k), titled "Revocation or suspension of license" with the following:

Sec. 5-34. Revocation or suspension of license

- (k) Performance security as outlined in Sec. 5-30 has not been secured or is allowed to be revoked or canceled.