

**ORDINANCE NO. 68-2022**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ABILENE AMENDING CHAPTER 5, "AMBULANCE SERVICES," ARTICLE I. "IN GENERAL," OF THE ABILENE CODE OF ORDINANCES AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND CALLING FOR A PUBLIC HEARING.**

**WHEREAS**, the City has a duty to protect the health, safety, and welfare of the citizens of the City of Abilene; and

**WHEREAS**, to meet that duty, it is the policy of the City to promote efficient, safe, reliable, and quality ambulance service in the City of Abilene; and

**WHEREAS**, on October 8, 2015, the City of Abilene adopted an Ordinance regulating Emergency Medical Services within the city limits; and

**WHEREAS**, the City desires to amend Chapter 5 of the Code of Ordinance to provide for certain intra-agency transfers within the city limits; and

**WHEREAS**, this ambulance ordinance amendment provides for the regulations of ambulance services to be carried out in a manner that protects the public health and safety, promotes public convenience, and respects free enterprise.

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

- PART 1:** That Chapter 5, "Ambulance Services," Article I "In General," is hereby amended as set out in Exhibit A, attached and made a part of this ordinance for all purposes.
- PART 2:** That if the provisions of any section, subsection, paragraph, subdivision or clause of this amended ordinance shall be adjudged invalid by a court of competent jurisdiction, such judgment shall not effect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this ordinance.
- PART 3:** That any person, firm, or corporation violating the provisions of this Ordinance, shall be deemed to have committed a misdemeanor, and upon conviction thereof shall be fined in accordance with Chapter 1 (Section 1-9) of this Code

**PART 4:** 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, or as specifically provided for in this ordinance. That each day such violation shall continue, or be permitted to continue, shall be deemed a separate offense.

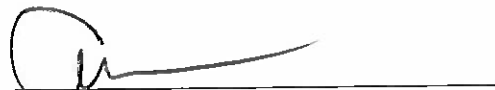
**PASSED ON FIRST READING this 1<sup>st</sup> day of December, 2022.**

A notice of the time and place, where and when said ordinance would be given a public hearing and considered for 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 11<sup>th</sup> day of December, 2022, the same being more than 24 hours prior to a public hearing being held in the Council Chamber of City Hall in Abilene, Texas, at 8:30 a.m. on the 15<sup>th</sup> day of December, 2022, to permit the public to be heard.


**PASSED ON SECOND AND FINAL READING this 15<sup>th</sup> day of December, 2022.**

ATTEST:

  
CITY SECRETARY

  
MAYOR



APPROVED  
  
CITY ATTORNEY

## Chapter 5 AMBULANCE SERVICES

### ARTICLE I. IN GENERAL

#### Sec. 5-1. Definitions.

For the purpose of this chapter, the words and phrases listed below shall have the following meanings:

*Emergency medical service (EMS).* The provision of basic or advanced life support and transportation of patients to an emergency room of a hospital for emergency pre-hospital care.

*Emergency pre-hospital care.* Care provided to the sick or injured either on the scene or during emergency transport to an emergency room at a hospital or a facility providing emergency medical care.

*EMS provider.* The entity under contract with the City that provides EMS services to residents of the City.

*First responder.* Members of the Fire Department who are assigned responsibility for responding to calls received from the City's 911 dispatch center for emergency medical service in cooperation with the City's EMS provider.

*Intra-Facility Transfer.* Emergency and non-emergency patient transfers between a medical facility to another medical facility owned, and operated, managed or affiliated by the same agency.

*Non-emergency ambulance transfer service.* The operation of a service to transport patients for non-emergency, previously scheduled, medical treatment from a point originating and terminating within the City limits. The transport of a patient for unscheduled medical treatment or evaluation at an emergency room at a hospital or a facility providing emergency medical care is not a non-emergency ambulance transfer service, but rather is the provision of EMS.

*Originates.* For purposes of this chapter, a call for EMS services "originates" within the City limits if the person in need of EMS service (emergency pre-hospital care or emergency ambulance transfer service) is physically located at an address within the City limits.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

#### Sec. 5-2. Use of emergency and transfer service.

All calls for EMS that originate within the City limits shall be directed to the City's 9-1-1 communication center and responded to solely by the City's first responders and the City's contracted EMS provider, except as provided herein.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

#### Sec. 5-3. EMS and non-emergency ambulance transfer service.

It shall be unlawful for any person or service to furnish, operate, advertise or otherwise engage or profess to be engaged in the service or operation of EMS or non-emergency ambulance transfer service that originates at an address within the City unless said person or entity is:

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- (1) Rendering assistance to patients in case of a major catastrophe or emergency with which the licensed ambulances of the City are unable to cope; or
  - (2) Transporting a patient who is picked up from a location beyond the limits of the City and transported to a location within the City; or
  - (3) Transporting a patient who is picked up from a location beyond the limits of the City and transported to a location beyond the limits of the City and only incidentally passing through the City; or
  - (4) Transporting a patient who is picked up from a location within the City limits and transported to a location beyond the limits of the City; or
  - (5) Operated by an agent or employee of the federal or state government if such service is done in performance of his official duties.
  - (6) Transporting a patient by intra-facility transfer between any of the following facilities: Hendrick Medical Center North, Hendrick Medical Center South, Texas Midwest Surgery Center, Hendrick Medical Plaza, Hendrick Surgery Center South, and Hendrick Center for Rehabilitation.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

#### **Sec. 5-4. Provision of EMS and first responder services.**

The City provides EMS to residents of the City through a contract with an EMS provider. The City provides first responder services for its residents through services provided by its Fire Department under a first responder agreement with its EMS provider.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

#### **Sec. 5-5. Stand-by and special events coverage.**

- (a) EMS or non-emergency ambulance transfer service shall not include any stand-by or special events coverage within the limits of the City, but only if said stand-by or special events coverage does not result in any patient transfer within the limits of the City. If any stand-by or special events coverage results in patient transfer within the limits of the City, it is considered EMS or non-emergency ambulance transfer service for purposes of this chapter and regulated herein.
- (b) Upon request by law enforcement and Fire Department officers, the EMS provider shall furnish ambulance stand-by coverage at emergency incidents involving a potential danger to the personnel of the requesting agency or the general public.

(Ord. No. 50-2015, pt. 1(Exh. A), 10-8-15)

#### **Secs. 5-6—5-20. Reserved.**