

ORDINANCE 10-2979

AN ORDINANCE AMENDING THE CITY OF BEDFORD CODE OF ORDINANCES, CHAPTER 50 – EMERGENCY SERVICES, ARTICLE III - AMBULANCES; PROVIDING FOR A PENALTY; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Bedford has determined that it is in the best interest of the citizens of Bedford to provide emergency ambulance services by the City to its citizens; and,

WHEREAS, the City Council wishes to provide a subscription program for emergency ambulance services provided by the Bedford Fire Department.

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

SECTION 1. That Chapter 50 – Emergency Services, Article III - Ambulances of the City of Bedford Code of Ordinances, is hereby amended to read as follows:

Sec. 50-66. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Ambulance* means any vehicle equipped for the transportation of the wounded, injured, sick or deceased, and shall include transfer vehicles, invalid coaches and funeral coaches when used as an emergency vehicle.

*DSHS* means the Texas Department of State Health Services.

*Emergency* means any circumstances 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. Such circumstances include, but are not limited to, accidents generally, traffic accidents and acts of violence resulting in personal injury, or sudden illness.

*Emergency call* means any request for emergency medical service that is made by telephone or other means of communication in circumstances which are, or have been represented to be, or determined by personnel of the Fire Department, an emergency and requiring immediate emergency medical service.

*Transfer ambulance* means any motor vehicle used for transferring the injured or sick under circumstances which do not constitute an emergency and which have not been represented as an emergency.

*Fire Alarm Dispatcher* means the city's 911 dispatcher.

*Fire Chief* means the chief of the fire department or duly authorized representative.

*Fire Department* means the fire department of the city.

Sec. 50-67. Provision for emergency ambulance services.

The city Fire Department shall provide advanced life support emergency ambulance service within the city. Ambulance service shall be governed by the rules and regulations set forth in this chapter, by state law, and by regulations of the DSHS. Emergency medical services and ambulance service shall further be subject to any rules and regulations which may hereafter be established by ordinance, resolution, or order of the city, and subject to the guidelines herein

established, and subject to rules and regulations as the fire chief may promulgate for the proper and safe operation of the system.

**Sec. 50-68. Requests for emergency and nonemergency service.**

Requests for emergency ambulance service shall be made to the city Fire Department or by utilizing 911. Emergency ambulance calls only will be answered and responded to by the emergency ambulance service of the City of Bedford. Requests for nonemergency transport may be referred to a private, licensed ambulance provider operating with a valid DSHS EMS provider's license.

**Sec. 50-69. Authorization for treatment and transport.**

City Fire Department personnel shall have the authority to treat and transport any injured or sick person(s) found on public or private property whenever the need arises, or when requested by some person responsible for the sick or injured person when that person is a minor child or of other incompetence such that they are unable to express their desire for treatment and transportation regarding emergency medical services.

**Sec. 50-70. Service outside city limits.**

Service may be provided outside the corporate limits pursuant to agreements between the City and other cities or governmental entities or by emergency authorization of the Fire Chief or his designee.

**Sec. 50-71. Determination of destination emergency medical facility.**

It shall be the sole responsibility of the city Fire Department medical personnel on the scene as to which emergency medical facility the patient will be transported to, based on the capability of the emergency medical facility, the severity of the patient condition, road conditions, inclement weather, or any other factor that may influence on-scene medical personnel in determining the appropriate destination emergency medical facility.

**Sec. 50-72. Requirement to notify Fire Alarm Dispatcher.**

It shall be required of any ambulance or emergency medical services engaged in treating or transporting patients at or from any location within the city under emergency conditions including the use of emergency warning devices, to advise the Fire Alarm Dispatcher. This notification must inform the Fire Alarm Dispatcher of their destination or location and the nature of the call or situation at the time of the emergency. This shall include any first responder or medical standby organizations with the purpose of providing emergency medical services within the city limits.

**Sec. 50-73 Fee schedule and subscription program.**

The fees and charges for the use of the city ambulance service along with specified collection standards shall be established by the city council. Bedford residents may purchase an annual subscription for ambulance service fees which are not paid or reimbursed by medical insurance coverage. Annual subscription memberships shall provide benefits for the member, his/her spouse, unmarried children under twenty-five (25) years of age and other qualified dependents, as determined by the Internal Revenue Service, and who live at the same address as the member. Memberships shall provide emergency ambulance services within the city, and no coverage for non-emergency transfer ambulance services shall be provided. Membership fees shall be non-refundable, and memberships shall not be transferable. Membership enrollment periods shall be October 1 through December 31 of each calendar year for the coverage period beginning January 1 and ending December 31 of the following calendar year. The annual membership fee shall be established by the city council and shall be payable with each membership application and renewal.

**Sec. 50-74. Responsibility for fee payment.**

The person receiving emergency medical services 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. Such fees or charges shall be payable to the City of Bedford, 2000 Forest Ridge, Bedford, Texas 76021.

**Sec. 50-75. Exclusivity.**

No person, firm, or corporation shall provide ambulance service for the transport of persons from locations within the corporate limits of the city, except as may be specifically authorized under agreements of the city, or by helicopter medical transport, or upon the determination of an emergency as authorized by the fire chief or his designee, or for the transport of deceased persons, or for nonemergency transports. All ambulances or transfer ambulances operating in the city must be currently licensed by DSHS to the level of services being performed.

**Sec. 50-76. Nonemergency transport.**

Any ambulance service not operating under the authority of the Fire Department that comes upon an emergency incident in the City or operating a nonemergency transfer call that escalates into an emergency call beyond their capability, shall immediately notify Fire Alarm Dispatch. Personnel from the ambulance service shall maintain management of this incident until such time as Fire Department personnel arrive on location. At such time, management of the incident will become the responsibility of Fire Department personnel.

**Sec. 50-77. False reports.**

It shall be unlawful for any person to willfully inform the 9-1-1 public safety dispatcher, or other police or fire official that an ambulance is needed at a location or address when such person knows that such statement is false.

**Sec. 50-78. Hindrance, interference or obstruction of emergency medical personnel prohibited.**

No person shall, with intent, hinder, interfere or obstruct personnel of the Fire Department in providing emergency medical care or transport for any person.

**Sec. 50-79. Right to refuse service.**

The Fire Chief or his designated representative retains the right to refuse ambulance transportation to nonemergency hospital or medical facility patients, when conditions are not in compliance with this article.

**Sec. 50-80. Governmental function.**

The operation and regulation of emergency medical service and ambulance service by the city and regulation of private ambulance service is hereby expressly deemed to constitute a governmental function pursuant to V.T.C.A., Civil Practice and Remedies Code Ch. 101, as now or hereafter amended.

**Sec. 50-81. Violations and Penalties**

Any ambulance service found operating in violation of this article shall be guilty of a misdemeanor and shall be fined not to exceed the amount allowed to be imposed under state law for each offense under this article.

**SECTION 2.** That all other ordinances in conflict herewith are hereby repealed.

**SECTION 3.** That if any section, paragraph, clause, phrase, or provision of this ordinance, shall for any reason be held to be invalid or unenforceable, the validity or unenforceability of such section, paragraph, clause, phrase, or provision shall not affect any of the remaining provisions of this ordinance.

**SECTION 4.** That this ordinance shall be in full force and effect from and after its passage and publication as required by law.

**PRESENTED AND PASSED** this 12th day of October 2010, by a vote of 5 ayes, 1 nays and 0 abstentions, at a regular meeting of the City Council of the City of Bedford, Texas.

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**Jim Story, Mayor**

**ATTEST:**

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**Michael Wells, City Secretary**

**APPROVED AS TO FORM:**

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**Stan Lowry, City Attorney**