

ORDINANCE NO. \_\_\_\_\_

**ORDINANCE AMENDING THE CITY CODE OF ORDINANCES CHAPTER 34 “EMERGENCY SERVICES”; ARTICLE II (“AMBULANCE SERVICES”); ADDING TO SECTION 34-19 DEFINITIONS AND 34-20 AUTHORITY TO OPERATE; EXCEPTIONS; PROVIDING FOR A CUMULATIVE & CONFLICTS CLAUSE, PROVIDING FOR A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.**

Be it Ordained by the City Council of the City of Bay City that the following amendments are adopted as Amendments to Chapter 34; Article II of the Code of Ordinances.

**Section One.** The following additions are to be made to Chapter 34, Article II of the Code of Ordinances. All additions are shown as such.

**Sec. 34-19. 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 motor vehicle that is specially designed or constructed and equipped or used for the transportation of patients, excluding a helicopter, aircraft or wheelchair van.

*Ambulance service contractor* means that entity which is currently under contract with the county and which the city agrees to allow to be the exclusive provider of **emergency** ambulance services within its regulated service area, pursuant to the interlocal agreement to provide ambulance services in the area covered by the interlocal agreement.

**Ambulatory care service** means a non-emergent medical service performed on an outpatient basis.

*Person* means any individual, firm, partnership, association, corporation, governmental entity, or other group or combination acting as a unit.

**Sec. 34-20. Authority to operate; exceptions.**

- (a) No person shall operate or cause to be operated a motor vehicle for ambulance purposes nor furnish, conduct, maintain, advertise or otherwise be engaged in the business or service of the transportation of ambulance patients within the regulated service area unless such person is the ambulance service contractor **or an ambulatory care service** as defined in section 34-19. No person shall knowingly solicit ambulance services regulated herein except from the ambulance service contractor.

- (b) This article shall not apply to any ambulance or ambulance service provider which is:
  - (1) Rendering assistance to patients in the case of a major catastrophe or emergency in which the contractor's ambulances are insufficient or unable to handle;
  - (2) Transporting a patient who is picked up from a location beyond the regulated service area and transported to a location within the regulated service;
  - (3) Transporting a patient who is picked up from a location beyond the regulated service area and transported to a location beyond the limits of the regulated service area and is only incidentally passing through the regulated service area;
  - (4) Transporting a patient who is picked up from a location within the regulated service area and transported to a location beyond the regulated service area, providing said ambulance or ambulance service initially transported said patient in the regulated service area and is making the return trip; or
  - (5) Transporting a patient who is picked up from a location within the regulated service area and transported by a non-emergent EMS Company operating as a BLS Non-911.
- (~~5~~ 6) Providing stand-by special events coverage without receiving compensation

**Section Two. Cumulative and Conflicts.** This Ordinance shall be cumulative of all provisions of ordinances of the City of Bay City, Texas, except where the provisions of the Ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed. Any and all previous versions of this Ordinance to the extent that they are in conflict herewith are repealed.

**Section Three. Severability.** It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs, and sections of this Ordinance are severable, and if any phrase, clause sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, since the same would have been enacted by the City Council without the incorporation in this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

**Section Four. Effective Date.** This Ordinance shall become effective immediately upon its passage, approval and publication as provided by law.

**PASSED AND APPROVED** on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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Robert K. Nelson, Mayor  
City of Bay City

**ATTEST:**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
Jeanna Thompson, City Secretary  
City of Bay City

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Anne Marie Odefey, City Attorney

<b><u>Council Member:</u></b>	<b><u>Voted Aye</u></b>	<b><u>Voted No</u></b>	<b><u>Absent</u></b>
Robert K. Nelson Mayor	_____	_____	_____
Floyce Brown	_____	_____	_____
James Folse	_____	_____	_____
Bradley Westmoreland	_____	_____	_____
Becca Sitz	_____	_____	_____
Jason Childers, Mayor Pro Tem	_____	_____	_____