

## **ORDINANCE**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF BURLESON, TEXAS, AMENDING CHAPTER 30 OF THE CODE OF ORDINANCES OF THE CITY OF BURLESON, BY REPEALING ARTICLE II “EMERGENCY MEDICAL SERVICES” AND ENACTING A NEW ARTICLE II “EMERGENCY MEDICAL SERVICES”; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Council of the City of Burleson ("City Council") seeks to protect the public safety, preserve the quality of life, and promote efficiency within the City; and

**WHEREAS**, it is in the best interests of the public health and welfare of the people of the City of Burleson to have available to them a regulated prehospital emergency medical services and medical transportation system which can provide quality clinical care with performance measures and standards, with the goal of facilitating the best possible outcomes for each patient; and

**WHEREAS**, the City Council finds that the regulations set forth in this ordinance are necessary for the purpose of promoting the health, safety and general welfare of the community; that such regulations have been designed to lessen congestion by emergency vehicles on the public streets and to secure safety to pedestrians and vehicles using the public streets and thoroughfares; that such regulations are necessary to protect health, life and property; that such regulations apply to all operators of ambulances as a whole, operating for hire under emergency conditions or otherwise on the streets and public thoroughfares, in such a manner as to minimize the hazards and dangers inherent in the operations of ambulances under emergency conditions; and that public necessity requires that such regulations be adopted to preserve and enforce the health, safety and welfare and the good order and security of the City and its inhabitants; and

**WHEREAS**, the City Council finds that the regulations set forth in this ordinance are adopted pursuant to Texas Health and Safety Code § 773.051, which provides that local governments may establish standards for ambulances; and

**WHEREAS**, the City Council finds this ordinance to be reasonable and necessary;

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

### **SECTION 1.**

Chapter 30 “Emergency Services” of the Code of Ordinances of the City of Burleson is hereby amended by repealing Article II “Emergency Medical Services” and enacting a new

Article II "Emergency Medical Services," the text of which shall read as follows:

**"ARTICLE II: EMERGENCY MEDICAL SERVICES**

**§ 13-31 STATUTORY AUTHORITY.**

This article is enacted by the City of Burleson, pursuant to Texas Health and Safety Code § 773.051, which provides that local governments may establish standards for ambulances.

**§ 13-32 DEFINITIONS.**

For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them by this section:

**ADVANCED LIFE SUPPORT** - Out-of-hospital care that uses invasive medical acts (as defined in V.T.C.A., Health and Safety Code § 773.003(1)).

**AEROMEDICAL TRANSPORTATION UNIT** - Any rotary or fixed wing aircraft providing basic or advanced life support services and patient transportation that originates within the service area.

**AMBULANCE MUTUAL AID AGREEMENT** - A written agreement between the City and one or more entities whereby the signing parties agree to provide backup ambulance service to one another under the terms and conditions specified in the agreement.

**AMBULANCE SERVICE** - The transportation of patients by emergency or non-emergency ambulance.

**BASIC LIFE SUPPORT** - Out-of-hospital care that uses noninvasive medical acts (as defined in V.T.C.A., Health and Safety Code § 773.003(2)).

**CITY** – The City of Burleson, Texas.

**CITY MANAGER** – The city manager of the City of Burleson, Texas.

**CITY SECRETARY** – The city secretary of the City of Burleson, Texas.

**EMERGENCY CARE ATTENDANT** - A person certified as an "emergency care attendant" under V.T.C.A. Health and Safety Code § 773.046.

**EMERGENCY MEDICAL TECHNICIAN (EMT)** - A person certified as an "emergency medical technician" under V.T.C.A., Health and Safety Code § 773.047 or an "advanced emergency medical technician" under V.T.C.A., Health and Safety Code § 773.048, and any other class of EMT recognized

by state law or regulation.

**EMS COMMUNICATIONS CENTER** - The facility designated by the City as the central communications center from which all services offered by the City shall be dispatched and controlled.

**FIRE CHIEF** – The chief of the fire department of the City of Burleson, Texas.

**FIRST RESPONDER** - Any agency that provides first response to requests for emergency medical services and, in cooperation with the ambulance service, provides immediate on-scene care to ill or injured persons but does not transport those persons to healthcare facilities.

**MEDICAL DIRECTOR** - The licensed physician retained through a contract with or employed by the City who is responsible for carrying out his or her duties under this article.

**MEDICAL TRANSPORTATION** - The transportation of patients by ambulance, specialized mobile intensive care unit, specialty care transport, or aeromedical transportation unit, including both emergency and non-emergency transports, where such transportation originates within the service area.

**MOBILE INTEGRATED HEALTHCARE (MIH)** - Services provided by the City that are designed to enhance, coordinate, effectively manage, and integrate out of hospital care, in order to improve outcomes, enhance the client's experience of care, and improve the efficiency and effectiveness of healthcare services provided to the enrolled clients.

**PARAMEDIC** - A person qualified as a certified or licensed "paramedic" as defined by V.T.C.A., Health and Safety Code §§ 773.049 and 773.0495.

**PATIENT** - An individual who is ill, sick, injured, wounded, or otherwise incapacitated, and in need of or at risk of needing medical care at the scene of a medical emergency or during transport to or from a healthcare facility.

**PERSON** - Any individual, firm, association, partnership, corporation, governmental entity, or other group, or a combination of the same acting as a unit.

**SERVICE AREA** - That geographical area which is contained within the corporate limits of the City.

**SPECIAL EVENT** - Any public event located within the service area for

which standby ambulance service is arranged in advance, and for which an ambulance is hired by the sponsor of the event or other interested party.

**SPECIALTY CARE TRANSPORT** - The transportation of a critically injured or ill patient at a level of service beyond the scope of the EMT-paramedic when the patient's condition requires ongoing care that must be furnished by one or more health professionals in an appropriate specialty area; for example, emergency or critical care nursing, emergency medicine, respiratory care, cardiovascular care, or a paramedic with additional training.

**SPECIALIZED MOBILE INTENSIVE CARE UNIT** - A vehicle which is specially constructed, equipped, staffed, and employed in the inter-facility transport of patients whose requirements for en route medical support are likely to exceed the clinical capabilities of an advanced life support ambulance.

**§ 13-33 PURPOSE AND INTENT OF ARTICLE.**

It is the purpose of this article:

- (1) To establish a regulated prehospital emergency medical services and medical transportation system which can provide quality clinical care with performance measures and standards, with the goal of facilitating the best possible outcomes for each patient;
- (2) To establish a mobile integrated healthcare program with effective medical direction and quality assurance and review;
- (3) To administer and operate the prehospital emergency medical services and medical transportation system in the service area and to administer and operate the mobile integrated healthcare program; and
- (4) To designate City as the sole-provider of emergency and non-emergency ambulance service including interfaculty transfers and special event stand-by services within this jurisdiction to maintain consistent, high-quality service while controlling costs through efficiencies and economies of scale.

**§ 13-34 FEES FOR AMBULANCE SERVICE.**

- (a) The fees and charges for the use of the city ambulance service, along with specified collection standards, shall be established by the City Council annually as part of the budget process. Upon final budget approval by the City Council, the ambulance fee schedule shall be posted on the city's website and the emergency ambulance service fees shall be in effect until such time as a new emergency ambulance service fee schedule is approved.
- (b) Any person(s) receiving ambulance services shall be responsible to remit payment to the City based upon the then-current schedule of fees and charges in effect on the date of receipt of services. In the case of ambulance services being received by a minor, the parent or legal guardian shall be responsible to remit payment to the city.

- (c) The City may contract with a billing service entity for the collection of ambulance service fees.

**§ 13-35 POWERS OF THE CITY.**

The City shall have the following powers and duties:

- (1) The City is hereby designated as the sole provider of ambulance service and special event ambulance standby service within the service area, whether directly or indirectly through contractors, pursuant to the terms, conditions, and provisions of this Article.
- (2) The City shall provide basic and advanced life support ambulance service in accordance with all applicable law, rules and regulations, as well as all patient care standards that the medical director may from time to time promulgate.
- (3) The City is authorized to operate an MIH program on a non-exclusive basis in the service area.
- (4) The City may issue, suspend, revoke, and renew permits for the delivery of first responder services in this jurisdiction by other agencies, subject to the credentialing process by the medical director and subject to rights of appeal to the City Manager or City Manager's designee.
- (5) The City may adopt standards approved by the medical director governing the operation of specialized mobile intensive care units and for specialty care transport within the service area, including standards limiting the types of patients which may be transported thereby, and, subject to the credentialing process by the medical director, may issue, suspend, revoke, and renew permits for the operation of such units as required by this Article.
- (6) The City may adopt standards approved by the medical director governing the operation of aeromedical transportation units within the service area, including standards defining the circumstances under which such units may be deployed to emergency scenes and, subject to the credentialing process by the medical director, may issue, suspend, revoke, and renew permits for the operation of such units as required by this Article.
- (7) The City may adopt standards approved by the medical director governing the provision of special event ambulance standby service within the service area, and, subject to the credentialing process by the medical director, may issue, suspend, revoke, and renew permits for the provision of such ambulance standby service.

**§ 13-36 VIOLATIONS.**

- (a) It shall be unlawful:
  - (1) To knowingly give false information to induce the dispatch of an ambulance or aeromedical transportation unit.
  - (2) To perform duties as an ECA, EMT, paramedic or emergency ambulance dispatcher without current credentials issued by the

- medical director, unless participating in a training program approved by the medical director;
- (3) To permit a person to work as an ECA, EMT, paramedic or emergency ambulance dispatcher without current credentials issued by the medical director, unless participating in a training program approved by office of the medical director;
  - (4) To use, or cause to be used, any ambulance service other than the City, except as permitted in subsection (b) below;
  - (5) For any person or entity other than the City to provide ambulance service within this jurisdiction, unless pursuant to a written agreement with the City;
  - (6) For any person to provide medical transportation originating in the service area without a permit issued by the City;
  - (7) For any agency to provide first responder services without a first responder permit issued by the City, unless pursuant to a first responder agreement with the City or without a written automatic aid or ambulance mutual aid agreement with the City of Burleson;
  - (8) To use an ambulance for the transportation of persons other than in connection with the transportation of a patient.
- (b) It shall be a defense to any alleged violation of this section that a vehicle is being used or service is provided solely in any of the following manners:
- (1) As a privately owned vehicle not ordinarily used in the business of transporting persons who are sick, injured, wounded, incapacitated or helpless;
  - (2) Rendering service as an ambulance at the request of the EMS communications center upon the declaration of a disaster by this jurisdiction, the state of Texas, or the United States; or a declaration of a major catastrophe or extreme system overload by the Fire Chief;
  - (3) Any ambulance owned or operated by the federal or state government;
  - (4) Ambulance mutual aid calls when rendered pursuant to an ambulance mutual aid agreement approved by the City;
  - (5) Special event ambulance standby coverage, so long as such service is provided without charge by an emergency medical services volunteer provider, as defined in V.T.C.A., Health and Safety Code § 773.003(13), or the City has first declined to provide coverage and the entity providing coverage has been issued a permit by the City and is providing services in accordance with Section 13-39;
  - (6) Wheelchair transport services for persons other than patients, when the service is not provided by ambulance; and
  - (7) Medical transportation of a patient where the transport originates outside the service area.

### **§ 13-37 PENALTIES.**

- (a) Any person convicted of violating the provisions of section 30-37 shall be guilty of a class C misdemeanor and shall be punished by a fine not to exceed \$500.00 (V.T.C.A., Penal Code§ 12.23).
- (b) This section does not serve to limit any other remedies available to the jurisdiction in law or equity.
- (c) Each violation of this article shall constitute a separate offense.

**§ 13-38 TAFFIC LAWS; EXEMPTION.**

When the driver of an emergency medical response vehicle has reasonable grounds to believe that an emergency exists, as determined by the City, the vehicle shall be treated as an "authorized emergency vehicle" within the meaning of V.T.C.A., Transportation Code ch. 546 and shall be exempt from traffic laws as provided therein.

**§ 13-39 PERMIT FOR SPECIAL EVENT AMBULANCE STANDBY SERVICES.**

Application for a permit for special event ambulance standby services shall be in written form prescribed by the city, signed and sworn to by the applicant, and shall be filed with the City Secretary. The application fee, if any, shall be set forth in the City fee schedule. The City shall not issue a permit to an applicant unless the Fire Chief has declined in writing to provide ambulance standby services at the special event. In addition to the above, to be eligible for a permit under this section, the applicant must: (1) demonstrate it meets the standards approved by the medical director, if any; (2) agree to abide by the standards approved by the medical director, if any, and the regulations set forth in this article; (3) demonstrate and agree that the persons operating the standby ambulance have in their possession both an appropriate, valid driver's license issued by the State of Texas and a current Texas Department of Health EMS certification; (4) demonstrate and agree that the standby ambulance is capable of communicating with the EMS Communications Center via assigned two-way radio frequency; and (5) demonstrate and agree to keep in full force and effect public liability insurance in the amount of not less than \$1,000,000 for each person, \$3,000,000 for each accident, and \$100,000 for property damage, to secure payment of all lawful and proper claims arising out of the operations of the ambulance service authorized by this Section. Any permit issued hereunder shall be subject to revocation, alteration or suspension by the City where it shall appear that one or more of the following conditions exist: (1) the permit was obtained by an application in which any material fact was intentionally omitted or falsely stated; (2) the permit holder has willfully and knowingly violated or failed to comply with any of the provisions of this article; or (3) the permit holder's insurance, as required herein, has been cancelled, withdrawn or terminated.

**§ 13-40 - § 13-69 Reserved.”**

## **SECTION 2.**

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of Burleson, Texas, as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

## **SECTION 3.**

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 4.**

All rights and remedies of the City of Burleson, Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Burleson, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

## **SECTION 5.**

Any person convicted of violating the provisions of the Code of the City of Burleson as enacted by this Ordinance shall be guilty of a Class C misdemeanor and shall be punished by a fine not to exceed \$500. This Section does not serve to limit any other remedies available to the City of Burleson in law or equity. Each violation of this ordinance shall constitute a separate offense.

## **SECTION 6.**

The City Secretary of the City of Burleson is hereby directed to give notice of the passage of this ordinance by causing the caption or title and penalty clause of this ordinance to be published as required by Section 36 of the Charter of the City of Burleson.

## **SECTION 7.**

All other provisions of the Code of the City of Burleson, as amended, shall remain in full force and effect, save and except as amended by this ordinance.



**SECTION 8.**

This ordinance shall take effect upon adoption and publication as required by law, but no earlier than October 1, 2023, and it is so ordained.

**PASSED AND APPROVED** the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**First Reading:** the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

**Final Reading:** the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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Chris Fletcher, Mayor  
City of Burleson, Texas

ATTEST:

APPROVED AS TO FORM:

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Amanda Campos, City Secretary

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E. Allen Taylor, Jr., City Attorney