

## **ORDINANCE NO. 2024-05**

**AN ORDINANCE OF THE CITY OF WYLIE, TEXAS, AMENDING WYLIE'S CODE OF ORDINANCES, ORDINANCE NO. 2021-17, AS AMENDED, REPEALING AND REPLACING IN ITS ENTIRETY CHAPTER 38 (EMERGENCY SERVICES), ARTICLE III (EMERGENCY MEDICAL SERVICES) OF THE WYLIE CODE OF ORDINANCES AND ADOPTING NEW EMERGENCY MEDICAL SERVICES; PROVIDING FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING REPEALING, SAVINGS AND SEVERABILITY CLAUSES, AN EFFECTIVE DATE AND FOR THE PUBLICATION OF THE CAPTION HEREOF.**

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") previously adopted Ordinance No. 2001-17 of the City of Wylie, Texas ("Wylie"), codified as Chapter 38 (Emergency Services), Article III (Emergency Medical Services) of the City's Code of Ordinances, Ordinance No. 2021-17, as amended ("Code of Ordinances"), which established Emergency Medical Services; and

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") has investigated and determined that the City of Wylie, Texas ("City") desires to establish ambulance service within the City and declare that City will be the sole provider of emergency ambulance response to emergency calls for service except as provided for herein; and

WHEREAS, the City Council of the City of Wylie, Texas ("City Council") has investigated and determined that the City of Wylie, Texas ("City") desires to establish regulations for private ambulance service within the City and declare that City will be the sole provider of emergency ambulance service except as provided for herein; and

WHEREAS, in order to safely and effectively manage the number of private ambulances within the City, the City Council has investigated and determined that it is in the best interests of the citizens of the City to adopt regulations governing ambulance service in the City; and

WHEREAS, the City Council has investigated and determined that it would be advantageous and beneficial to the citizens of Wylie to repeal Ordinance No. 2001-26, codified as Chapter 38 (Emergency Services), Article III (Emergency Medical Services) of the City's Code of Ordinances, Ordinance No. 2021-17, as amended ("Code of Ordinances") in its entirety, to replace the existing Emergency Medical Services; and

WHEREAS, the City Council has investigated and determined that the adoption of Emergency Medical Services will be advantageous and beneficial to the citizens of Wylie and will protect the public health, safety, and welfare.

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

SECTION 1: Findings Incorporated. The findings set forth above are incorporated into the body of this Ordinance as if fully set forth herein.

SECTION 2. Repeal of Ordinance No. 2001-26, codified as Chapter 38 (Emergency Services), Article III (Emergency Medical Services) of the City's Code of Ordinances, Ordinance No. 2021-17, as amended ("Code of Ordinances"). Ordinance No. 2001-26, codified as Chapter 38 (Emergency Services),

Article III (Emergency Medical Services) of the City’s Code of Ordinances, Ordinance No. 2021-17, as amended (“Code of Ordinances”), is hereby repealed and replaced in its entirety as follows:

...

### **“ARTICLE III. - EMERGENCY MEDICAL SERVICES<sup>2</sup>**

<sup>2</sup> State law reference(s)—Municipality may establish standards for emergency medical services provider stricter than state law, Texas Health and Safety Code § 773.051; emergency medical services, Texas Health and Safety Code § 773.001 et seq.

#### **Sec. 38-51. 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:

*Administrator* means that unit of local government designated in the interlocal agreement which has accepted responsibility for providing administrative and clerical services necessary to the orderly issuance, renewal, suspension, revocation, or restriction of licenses, certifications and permits pursuant to authorization by the medical control board, which licenses, certifications, and permits shall be accepted as valid throughout the regulated service area, including this jurisdiction.

*Advanced life support ambulance* means any vehicle which is equipped to provide treatment of life-threatening emergencies through the use of advanced airway management, intravenous therapy, and other advanced prehospital care procedures, and which is equipped to transport sick or injured persons to or from health care facilities.

*Ambulance* means any privately or publicly owned motor vehicle or helicopter that is specially designed or constructed and equipped and is intended to be used for and is maintained or operated for the transportation of the injured or sick in response to an emergency call or a nonemergency transfer call.

*Ambulance patient or patient* means any person being transported in a reclining position within the regulated service area to or from a healthcare facility except when the transportation originates outside the regulated service area.

*Ambulance personnel* means a person who has the duty of performing or assisting in the performance of an ambulance call, including driving or acting as an attendant on an ambulance.

*Ambulance service contractor* means that entity which is then currently under contract to provide ambulance and ambulance patient services within this jurisdiction and throughout the contracted service area, except those services specifically exempted by this article.

*Approved emergency room/department* means an emergency healthcare facility recognized by the Department of State Health Services.

*Attendant* means a person trained and qualified for the care of the patient or patients being transported in an ambulance.

*Approved user fee* means those membership fees, mileage charges, subsidy payments, if any, and total bill (exclusive of mileage charges) approved for this jurisdiction by the City council from the uniform schedule of price/subsidy options.

*Base station physician* means a physician licensed to practice medicine in the state, and knowledgeable of the prehospital emergency medical protocols, EMS radio procedures and the general

operating policies of the ambulance service contractor, and from whom ambulance personnel may take medical direction by radio or other remote communications device.

*City* means the City of Wylie, Texas.

*Contract* means any agreement by and between the City and the county and any municipality, hospital or governmental unit within the county or the area immediately surrounding said county for the purpose of providing ambulance service duly and legally approved by the City council and any other contracting body.

*Contract service area* means the geographic area encompassing the regulated service area plus unincorporated areas of the county and such counties as may choose to contract with the ambulance service contractor pursuant to a contract incorporating clinical standards required hereunder, and incorporating financial provisions with those contained in the contract with the ambulance service contractor.

*Critical care transport* means the provision of medical care by a critical care transport team to a patient requiring critical care transport by a critical care transport agency such that the failure to initiate on an urgent basis or maintain during transport acute medical interventions, pharmacological interventions, or technologies would likely result in sudden, clinically significant or life threatening deterioration in the patient's condition.

*Driver* means a person trained and qualified to drive an ambulance.

*Emergency* means any circumstance 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, acts of violence resulting in personal injury and sudden illnesses.

*Emergency call* means any request for an ambulance that is made by telephone or other means of communication which is, or has been reported to be, an emergency requiring immediate ambulance service.

*Emergency patient* means a person in whom a sickness or injury may cause a significant risk to the person's life or limb. Such sickness or injury may include, but is not limited to, trauma (major injury to the body, head, or extremities), chest pain, abdominal pain, unconsciousness, delirium, imminent delivery of a child, and serious infection.

*Emergency run* means an emergency ambulance trip, requiring the use of warning lights or sirens, to the place where an emergency exists or from the place of the emergency to a hospital, medical clinic or office, or other appropriate destination for the patient.

*EMS system* means a network of individuals, organizations, facilities and equipment whose participation is required to generate a clinically-appropriate, pre-planned system-wide response to each request for prehospital care and/or interfacility transport, so as to provide each patient the best possible chance of survival without disability, given available financial resources.

*Emergency Medical Technician (EMT)* means an individual who is a specially skilled emergency medical technician under Texas Health and Safety Code chapter 773, or its successor.

*Extraordinary adjustment* means that adjustment justified on the basis of either an increase in the system standard of care whose cost of implementation and ongoing compliance exceeds the then-remaining balance of the upgrade reserve, or on the basis of an unusual increase in the cost of a factor of production when such increase in cost is industry wide and the result of causes beyond the ambulance service contractor's reasonable control.

*Fee* means a predetermined monetary charge or payment required by the City of Wylie from individuals, businesses, or organizations for the use of ambulance services provided by the city or its designated ambulance service providers. This fee is typically established to cover the costs associated with

the provision of emergency medical services, including but not limited to personnel salaries, equipment maintenance, vehicle operation, and other related expenses.

*Fire Chief* means the fire chief of the City of Wylie or the Chief's duly authorized representative.

*Fire rescue department* means the fire rescue department of the City.

*First response, first responder, first response organization* means that service and those units (e.g., fire department, first responders) which provide initial stabilization and trained assistance on-scene and, when required, en route to medical facilities, as well as certain extrication and rescue services. In accordance with priority dispatch protocols, a first response unit is routinely sent to all presumptively-classified life-threatening calls within the service area.

*Health department* means the health department of Collin County.

*Helicopter rescue unit* means any rotary wing aircraft providing basic or advanced life support services and patient transportation originating from the scene of emergency incidents which occur within the contract service area.

*Interlocal agreement* means that a certain agreement between the City of Wylie and other jurisdictions which provide EMS services, pursuant to Texas Government Code § 791.001 et seq., annotated and known as the Interlocal Cooperation Act and called herein the Interlocal Agreement.

*Medical audit* means an official inquiry into the circumstances involving an ambulance run or request for ambulance service, conducted by the EMS program manager, medical director or a licensed physician designated by the medical director.

*Medical control* means that direction given to ambulance personnel by a base station physician through direct voice contact, with or without vital sign telemetry, as required by applicable medical protocols promulgated by the medical control board, and by Texas Health and Safety Code chapter 773, or its successors.

*Medical director* means an emergency physician, expert in the prehospital practice of emergency medicine, appointed by the City of Wylie.

*Medical protocol* means any diagnosis-specific or problem-oriented written statement of standard procedures, or algorithm, promulgated by the medical control board as the proper standard of prehospital care for a given clinical condition.

*Multiple patients* means not more than four and not less than two persons transported by ambulance between two or more points at the same time by the same ambulance.

*Mutual aid agreement* means a written agreement between one or more providers of ambulance service whereby the signing parties agree to provide backup ambulance service to one another under conditions and pursuant to terms specified in the agreement.

*Operate* means to drive or to be in control of an ambulance.

*Operator* means any individual, firm or corporation engaged in the business of transporting the injured, wounded, sick or dead and using the streets of the city for such purpose.

*Paramedic* means a person qualified as a certified paramedic emergency medical technician, as defined by Texas Health and Safety Code chapter 773, or its successor.

*Person* means any individual, corporation, business, trust, partnership, association, or other legal entity.

*Private ambulance* means an ambulance constructed, equipped, and used for transporting sick, injured, or deceased persons under circumstances that do not constitute an emergency and have not been represented as an emergency.

*Private ambulance service* means the business of transporting, for compensation, sick, injured, or deceased persons under circumstances that do not constitute an emergency and have not been represented as an emergency.

*Street* means any street, alley, avenue, boulevard, drive or highway commonly used for the purpose of travel within the corporate limits of the city.

*Registered Agency* means a person or entity authorized under this article to engage in private ambulance service. The term includes any owner, operator, driver, ambulance personnel, employee, or agent of the licensed business, but does not include a subcontractor.

*Regulated service area* means the combined corporate limits or legal boundaries of all jurisdictions which adopt this article.

*Special event* means any public event such as a parade, sporting event, concert, or other event or gathering requiring on-site standby medical personnel, located within the regulated or contracted service area, for which standby ambulance service is arranged in advance, and for which an ambulance (or ambulances) are hired by the sponsor of the event or other interested party.

*Specialized mobile intensive care unit* means a vehicle which is specially constructed, equipped, staffed, and employed in the interfacility transport of patients whose requirements for en route medical support are likely to exceed the clinical capabilities of a paramedic level ambulance.

*Specialized Emergency Medical Services vehicle* means a vehicle that is designed for responding to and transporting sick or injured persons by any means of transportation other than by standard automotive ground ambulance or rotor or fixed wing aircraft and that has sufficient staffing, equipment and supplies to provide for the specialized needs of the patient transported. This category includes, but is not limited to, water craft, off-road vehicles, and specially designed, configured or equipped vehicles used for transporting special care patients such as critical care or burn patients.

*Street* means any street, alley, avenue, boulevard, drive, highway or other surface commonly used for the purpose of travel within the corporate limits of the City.

*System standard of care* means the combined compilation of all priority dispatching protocols, pre-arrival instruction protocols (i.e., ambulances), protocols for selecting destination hospital, standards for certification of prehospital care personnel (i.e., telephone call takers, ambulance personnel, and online medical control physicians), as well as standards governing requirements for on-board medical equipment and supplies, and licensure of ambulance services and first responder agencies. The system standard of care shall simultaneously serve as both a regulatory and contractual standard.

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

*Transfer call* means any request for ambulance service that is made by telephone or other means of communication in circumstances which are, or have been reported to be, a nonemergency call and not requiring immediate service.

*Wylie Public Safety Communication Center* means the central communications center of the Wylie Police and Fire Department.

## **Sec. 38.52. Created.**

Thereby created the Wylie Fire Rescue Emergency Medical Services Division, service shall be operated within the city fire department, under the supervision of the fire chief.

**Sec. 38.53. Emergency service provided by fire rescue department; fee.**

- (a) Emergency ambulance service within the corporate limits of the City shall be provided by, supervised by and under the control and authority of the Wylie Fire Rescue department. The fire chief or his designee shall retain the right to refuse emergency ambulance transport to nonemergency medical facilities.
- (b) The Fire Department shall provide all special event emergency medical services (EMS) upon the streets, alleys or any public way or place within the City or its contracted service areas; provided, however, Wylie Fire Rescue may authorize private ambulance services to provide special event services when Fire Department ambulances are not available.

The following elements of a special event:

- (1) Any gathering of people which is required by federal or state law to have an emergency ambulance standing by on the premises where the event is being held; or
  - (2) Any gathering of people which is required by the regulations of a public or semi-public organization such as but not limited to the National Football League, the National Collegiate Athletic Association or the University Interscholastic League to have an emergency ambulance standing by on the premises where the event is being held; or
  - (3) Any concert, festival, theatrical performance, or athletic event at which more than five thousand (5,000) people are reasonably expected to gather or do gather to observe the event in person.
- (c) The City shall charge fees for emergency ambulance services in the City provided in response to a call received by the fire rescue department requesting the services, and such fees shall be established by the City council and on file in the office of the City secretary. The City may utilize a third party to collect these fees.
- (d) The person receiving emergency ambulance service 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.
- (e) The City does not regulate fees for non-emergency ambulance service or community healthcare programs not provided by the fire department. The City does not accept any responsibility for service or payments arising from nonemergency transfer ambulance service or the community healthcare program. The City may, however, charge a fee to a healthcare program that requests the fire department to provide community healthcare program outreach services to its patients, clients, or customers.

**Sec. 38.54. Availability of service.**

The ambulance service shall be and by the terms of this article is hereby available to all persons who live, work or visit within the corporate limits of the City, to persons residing within the corporate limits of other towns or municipalities within the county when provided for by contract, to other persons residing within the county when provided for by contract, and to persons not residing within the county when provided for by contract. For the purpose of defining resident and nonresident persons, those persons residing within the corporate city limits and the contracted service areas will be considered residents.

**Sec. 38.55. Authority to operate; exceptions.**

- (a) No person shall operate or cause to be operated an ambulance 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, or provide special events standby coverage, unless such person is the ambulance service provider. No person shall knowingly solicit ambulance services, as regulated herein, except the ambulance service contractor.
- (b) However, the prohibitions set forth in subsection (a) of this section shall not be applicable to an ambulance or ambulance service provider:
  - (1) Which is rendering assistance to patients in the case of a major catastrophe or emergency with which the contractor's ambulances are insufficient or unable to cope;
  - (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 area; or
  - (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 only incidentally passing through the regulated service area.
- (c) Wylie Fire Rescue may use another ambulance service provider for non-emergency transfers to and from the member jurisdictions if the Wylie Fire Rescue is unable to perform the service due to unavailability.
- (d) All emergency and non-emergency calls and requests for ambulance services originating within the City of Wylie or contracting jurisdictions will be dispatched through Wylie Public Safety Communications.
- (f) Violations of this article are hereby declared to be public nuisances and shall be prohibited and abated in actions at law or in equity.

**Sec. 38-56. Failure to pay charges, prohibited.**

- (a) It shall be unlawful for any person, with intent to defraud, to request or accept the service of any ambulance within the City, having no intention of paying for such service.
- (b) Failure, by the person requesting or accepting the services of an ambulance, to pay to the person furnishing such service the customary charge therefore within 90 days after demand for payment is made, shall be prima facie evidence of intent to defraud and prima facie evidence that such person had no intention of paying for such services when the same were requested or accepted.
- (c) Demand for payment, as used in this article, shall be written demand, sent by registered or certified mail addressed to the person requesting or accepting such services and to the address given by or on behalf of such person at the time the services were requested or accepted. Intent to defraud or intention not to pay for such services may be shown by direct evidence.

**Sec. 38.57 - Unlawful operations and prohibited activities.**

- (a) It shall be unlawful for any person to intentionally or knowingly:
  - (1) Follow any police car, ambulance, or fire apparatus that is responding to an emergency call on the streets of the City.
  - (2) Solicit on the streets of the City the business of transporting injured or sick persons.
  - (3) Intercept any communication concerning emergency incidents within the City and divulge or publish the existence, contents, substance, purpose, effect or meaning of such intercepted communication and no such solicitor, owner or person, not being entitled thereto, shall receive or assist in receiving any such message emanating through the radio

medium of the Police or Fire Department for his own benefit or for the benefit of another solicitor, owner, operator or person in the business of furnishing ambulance service.

- (4) Unless on an emergency run, use on a vehicle a siren and/or emergency warning light(s) without prior authorization by the Wylie Public Safety Communication Center.
- (5) Use a uniform, insignia, badge, title, identification card, or vehicle marking for the purpose of identification to the public or others as an authorized provider of emergency medical services without prior approval from the Fire Chief or his designee.
- (6) Operate or cause to be operated an ambulance on any street of the City or provide ambulance standby services at any location within the City without first having notified the Wylie Fire Rescue in accordance with this Ordinance or unless exempted therefrom by the provisions of this Ordinance.
- (7) Operate a private ambulance or uses any equipment in providing private ambulance service that fails to comply with all minimum safety and equipment standards required for a basic life support vehicle by the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended, or by any rule or regulation promulgated under that act.
- (8) Sell or attempt to sell any plan including subscription to provide any ground ambulance services within the City limits which are not allowed by this Ordinance or any applicable law.
- (9) Request the services of any ambulance which is not registered in accordance with the provisions of this Ordinance or exempted therefrom by the provisions of this Ordinance.
- (10) Give false information to induce the dispatch of an ambulance or helicopter rescue unit.

#### **Sec. 38-58. Private ambulance service regulations**

- (a) It shall be unlawful for any person, either as owner, agent or otherwise, other than a member of the Fire Department, or any town, county, state or agency of the United States, or duly appointed representative of the City, to furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the operation of emergency ambulance service or special event EMS service, upon the streets, alleys or any public way or place within the City, for the purpose of treating and/or transporting patients within the City, except in the following circumstances:
  - (1) A person shall operate an emergency ambulance within the City to render assistance during a catastrophe or major emergency, whether an emergency exists, if requested to do so by the Wylie Public Safety Communications Center or the Fire Chief, when Fire Department emergency ambulances are determined to be insufficient in number or inadequate for other reasons.
  - (2) An ambulance provider may operate a private ambulance within the City as a backup emergency ambulance if requested to do so by the Wylie Public Safety Communications Center or the Fire Chief when Fire Department emergency ambulances are not available.
  - (3) A person may operate a private ambulance on an emergency run to a hospital within the City, if:
    - (a) The emergency patient was picked up by the ambulance outside the City limits; and
    - (b) The ambulance making the emergency run is licensed and operated in accordance with the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended.



- (4) An agency may operate a private ambulance on an emergency run if, upon responding to a direct call for non-emergency private ambulance service within the City, the Registered Agency determines that an emergency exists requiring the sick or injured person to be transported with all practical speed to a hospital and notifies the Wylie Public Safety Communications Center of the emergency run.
- (5) An Agency may operate a private ambulance on an emergency run if, while performing the service of maintaining a private ambulance at a particular location for a special event within the City, the Registered Agency determines that an emergency exists requiring a sick or injured person to be transported with all practical speed to a hospital and notifies the Wylie Public Safety Communications of the emergency run.
- (6) An Agency may operate a private ambulance on an emergency run to transport vital organs, including, but not limited to, hearts, lungs, kidneys, and eyes, to or from a hospital within the City.
- (7) An Agency may operate a private ambulance, critical care transport ambulance, or other specialized emergency medical service vehicle on an emergency run to transport a newborn, pediatric or other critical care patient from a lower level skill facility to a higher level skill facility if:
  - (a) The patient's doctor has determined that an emergency exists; and
  - (b) The patient is accompanied by neonate, pediatric or critical care transport personnel.
- (b) This prohibition does not apply to the operation of an air ambulance that is regulated and certified by the U.S. Federal Aviation Administration and that is operating in compliance with state licensing requirements.
- (c) Any person who operates a private ambulance on an emergency run under this section shall, if requested in writing by the Fire Department, within 10 days of each emergency run, submit to the Fire Chief a report describing the circumstances requiring the emergency run.
- (d) In the event a patient dies while being transported from one place within the City to another place within or beyond its limits, the registrant of such ambulance shall:
  - (1) Immediately notify the Wylie Public Safety Communication Center of such death, by two-way radio or public telephone; and
  - (2) Within twenty four hours of the incident, file a written report with the police department upon such forms as he may provide or prescribe, giving all information therein required and any other relevant information which the Police department may require.
- (e) Vehicles and Equipment.
  - (1) Each private ambulance must be licensed as an emergency medical services vehicle with the Texas Department of State Health Services. Each private ambulance and all private ambulance equipment must comply with all applicable federal and state motor vehicle safety standards and with the standards for emergency medical services vehicles set forth in the Emergency Medical Services Act (Chapter 773, Texas Health and Safety Code), as amended. All safety mechanisms on each vehicle must be operative and in good repair, including, but not limited to, headlights, taillights, turn signals, brakes, brake lights, emergency lights, windshield wipers, wiper blades, handles opening doors and windows, tires, and spare tires.

- (2) Each private ambulance, while on an ambulance call, must be accompanied by at least two ambulance personnel. One of the ambulance personnel shall serve as the driver while the other remains in attendance on the sick or injured patient.
- (3) The Fire Chief, Police Chief, or their designee may inspect a private ambulance service operating in the City to determine whether the service complies with this ordinance, rules and regulations established by this ordinance, and other applicable law.

**Sec. 38-59. Private ambulance service registration requirements**

- (a) To obtain a private ambulance service registration, a person must make a written application to the Fire Department upon a form provided for that purpose. The application must be signed by an applicant who is the owner of the private ambulance service and notarized.
- (b) The application must be submitted annually and include the following:
  - (1) the name, address, telephone number and email address of the applicant, the trade name under which the applicant does business, and the street address and telephone number of the business establishment from which the private ambulance service will be operated;
  - (2) the form of business of the applicant and, if the business is a sole proprietorship, partnership, corporation, or association, a copy of the documents establishing the business and the name and address of each person with a direct interest in the business;
  - (3) a statement of the nature and character of the service that the applicant proposes to provide, the facts showing the demand for the service, the experience that the applicant has in providing such service, the fees charged for the service, and the time period, if any, that the applicant provided such service within the City;
  - (4) the number and description of vehicles to be operated in the proposed service, including the year, make, model, vehicle identification number, and state registration plate number and the class, size, design, and color scheme (including color photograph) of each ambulance;
  - (5) documentary evidence from an insurance company indicating the applicant has obtained liability insurance as required by this ordinance;
  - (6) a list, to be current at all times, of the owners and management personnel of the private ambulance service including names, addresses, dates of birth, state driver's registration numbers;
  - (7) a list of any claims or judgments against the applicant, other owners or management personnel, or employees for damages resulting from the negligent operation of an ambulance or any other vehicle;
  - (8) proof of registration from the Texas Department of State Health Services to operate as an emergency medical services provider;
  - (9) any other information determined by the fire chief or his designee to be necessary to the implementation and enforcement of this ordinance or protection of the public safety; and
  - (10) a nonrefundable application processing fee of \$250.

**Sec. 38-60. Expiration and renewal of private ambulance registration**

A private ambulance service registration expires one year from the date of issuance. A registrant shall apply for a renewal at least thirty (30) days before the expiration of the registration.

**Sec. 38-61. Private ambulance service insurance required**

- (a) A Registered Agency shall procure and keep in full force and effect automobile liability insurance, professional liability insurance, and commercial general liability insurance written by an insurance company approved by the State of Texas and acceptable to the City and issued in the standard form approved by the Texas Department of Insurance. All provisions of the policies must be acceptable to the City. The insured provisions of each policy must name the City and its officers and employees as additional insureds, and the coverage provisions must provide coverage for any loss or damage that may arise to any person or property by reason of the operation of a private ambulance service by the registrant.
- (b) Each registrant shall provide documentation meeting the following minimum requirements:
  - (1) Automobile Liability: Coverage for claims for damages resulting from an automobile accident resulting in property damage and/or personal injury or death in an amount of not less than One Million Dollars (\$1,000,000) per occurrence Combined Single Limit. Such coverage is to include Uninsured/Underinsured Motorist Coverage in an amount of not less than One Million Dollars (\$1,000,000) per occurrence; and
  - (2) Professional Liability: Coverage for claims for damages resulting from professional malpractice liability in an amount of not less than One Million Dollars (\$1,000,000.00) per occurrence and One Million Dollars (\$1,000,000.00) annual aggregate. If coverage is provided on a "claims made" basis, extended period or "tail" coverage shall be provided for a minimum of four years after the expiration date of the period the ambulance provider is authorized to operate in the City; and
  - (3) Commercial General Liability: Coverage for claims for damages because of bodily injury, sickness or disease or death of any person other than ambulance service provider's employees, claims insured by usual bodily injury liability coverages, and claims for damages because of injuries to or destruction of tangible property, including loss of use resulting therefrom in an amount of not less than One Million Dollars (\$1,000,000) per occurrence.
- (c) Insurance required under this section must include:
  - (1) a cancellation provision in which the insurance company is required to notify the Fire Department in writing not fewer than 10 days before canceling, failing to renew, or making a material change to the insurance policy; and
  - (2) a provision to cover all vehicles, whether or not owned by the registrant, operating under the private ambulance service registration.

#### **Sec. 38-62. False statement of emergency prohibited**

It shall be unlawful for any person to willfully inform the communications dispatcher or other fire or police official that an ambulance or more than one ambulance is needed at a location or address when such person knows that such statement is false. State Law reference— False alarm or report, V.T.C.A., Penal Code § 42.06.

#### **Sec. 38-63. Enforcement.**

Officers of the police department, the fire chief or his/her designee(s) may assist in the enforcement of this ordinance. Upon observing or investigating a violation of this ordinance or the rules and regulations established by this ordinance, necessary enforcement action may be taken to ensure effective regulation of private ambulance service.

#### **Sec. 38-64. Penalty**

Any person who shall violate any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined as provided in this Code. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Each offense shall be punishable by a fine not to exceed Five Hundred (\$500.00) Dollars. It shall not be necessary for the complaint to negate any exception contained in this article concerning any prohibited act, but any such exception made in this article may be urged as a defense by any person charged by such complaint.

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**SECTION 3: Emergency Medical Services Adopted.** The City Council hereby approves and adopts Emergency Medical Services and incorporated herein by reference for all purposes. Wylie commits to implement the requirements and procedures set forth in the adopted Emergency Medical Services Program.

**SECTION 4: Severability.** Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional and/or invalid by a court of competent jurisdiction, it is expressly provided that any and all remaining portions of this Ordinance shall remain in full force and effect. The City Council hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause and/or phrase thereof, regardless of whether any one or more sections, subsections, sentences, clauses and/or phrases is declared unconstitutional and/or invalid.

**SECTION 5: Effective Date.** This Ordinance shall become effective from and after its adoption and publication as required by law and the City Charter.

**DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF WYLIE, TEXAS** on this 27th day of February 2024.

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Matthew Porter, Mayor

**ATTESTED TO AND CORRECTLY  
RECORDED BY:**

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Stephanie Storm, City Secretary

Dates of Publication: *March 6, 2024, Wylie News*