

AN ORDINANCE OF THE CITY OF FRISCO, TEXAS, ESTABLISHING ARTICLE VI (EMERGENCY MEDICAL SERVICES AND PRIVATE AMBULANCES) OF CHAPTER 38 (FIRE PREVENTION AND EMERGENCY SERVICES) OF THE CODE OF ORDINANCES, ORDINANCE NO. 06-03-31, AS AMENDED, TO CREATE REGULATIONS FOR PRIVATE AMBULANCE SERVICE TO BE ADMINISTERED IN A MANNER THAT PROTECTS THE PUBLIC HEALTH AND SAFETY AND PROMOTES THE PUBLIC CONVENIENCE AND NECESSITY; PROVIDING DEFINITIONS; REQUIRING REGISTRATION; REQUIRING INSURANCE; PROVIDING FOR REGULATIONS; PROVIDING FOR VEHICLES AND EQUIPMENT; PROVIDING FOR UNLAWFUL OPERATIONS AND PROHIBITED ACTS; PROVIDING FOR AUTHORITY TO INSPECT; PROVIDING FOR ENFORCEMENT BY POLICE DEPARTMENT; PROVIDING FOR PENALTIES; PROVIDING FOR OTHER STATE LAWS AND REGULATIONS; PROVIDING FOR REPEALING, SAVINGS AND SEVERABILITY CLAUSES; PROVIDING FOR A PENALTY FOR THE VIOLATION OF THIS ORDINANCE; PROVIDING FOR AN EFFECTIVE DATE OF THIS ORDINANCE; AND PROVIDING FOR THE PUBLICATION OF THE CAPTION HEREOF.

WHEREAS, the City Council of the City of Frisco, Texas ("City Council") has investigated and determined that the City of Frisco, 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 therefore desires to amend the City's Code of Ordinances, Ordinance No. 06-03-31, as amended, by establishing a new Article VI (Emergency Medical Services and Private Ambulances) of Chapter 38 (Fire Prevention and Emergency Services) as set forth herein.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRISCO, 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: Purpose. The purpose of this Ordinance is to declare that the City of Frisco Fire Department is the sole provider of emergency ambulance response to emergency calls for service and to regulate private ambulance service within the City.

SECTION 3: Definitions. The following words and phrases, when used in this ordinance, shall, for the purpose of this ordinance, have the meanings respectively ascribed to them in this section:

- A. **Ambulance** means any motor vehicle constructed, reconstructed, arranged, equipped, or used for the purpose of transporting sick or injured persons.
- B. **Ambulance call** means the act of responding with an ambulance to a request for transportation of a sick or injured person.
- C. **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.
- D. **City** means the City of Frisco, Texas.
- E. **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.
- F. **Director** means the director of the department designated by the City manager to enforce and administer this article, or the director's authorized representative.
- G. **Emergency** means any circumstance that calls for immediate action and in which the element of time in transporting the sick or injured for medical treatment is essential to the health, life, or limb of the person. Such circumstances include, but are not limited to, accidents generally, acts of violence resulting in personal injury, and illnesses.
- H. **Emergency ambulance** means an ambulance operated or approved to operate by a member of the Fire Department, or any town, county, state, or agency of the United States, specially designed, constructed, equipped, and used for transporting the sick or injured in answer to an emergency call.
- I. **Emergency care** means care provided to the sick or injured during emergency transportation to a medical facility and includes any necessary stabilization of the sick or injured in connection with that transportation.
- J. **Emergency call** means any request for ambulance service that is made by telephone or other means of communication in circumstances that are, or have been represented to be, an emergency.

- K. **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.
- L. **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.
- M. **Frisco Public Safety Communication Center** means the central communications center of the Frisco Police and Fire Department.
- N. **Fire Chief** means the chief of the Fire Department of the City of Frisco or the chief's duly authorized representative.
- O. **Fire Department** means the fire department of the City of Frisco, Texas.
- P. **Neonate/Pediatric Transport Personnel** means a registered nurse, physician, or respiratory therapist specially trained in the emergency and transport care of newborn and pediatric patients.
- Q. **Operate** means to drive or to be in control of an ambulance.
- R. **Operator** means the driver of an ambulance, the owner of an ambulance, or the holder of a private ambulance service license.
- S. **Owner** means the person to whom state license plates for a vehicle were issued.
- T. **Person** means any individual, corporation, business, trust, partnership, association, or other legal entity.
- U. **Police Chief** means the chief of police of the City of Frisco or the chief's duly authorized representative.
- V. **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.
- W. **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.
- X. **Private Ambulance Service Registration** means a permit issued by the City to allow a private ambulance service to operate within the City. A private ambulance

service becomes registered when it applies, meets the requirements specified in this ordinance, and has been approved by the City.

- Y. **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.
- Z. **Special event** means any parade, sporting event, concert, or other event or gathering requiring on-site standby medical personnel.
- AA. **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 air craft 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.
- BB. **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.

SECTION 4: Emergency Ambulance Service Provided By Fire Department.

- A. The Fire Department shall provide all emergency ambulance response to emergency calls for service within the City except as provided herein.
- 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; provided, however, the Fire Department may authorize registered private ambulance services to provide special event services when Fire Department ambulances are not available.
- C. The City shall charge fees for emergency ambulance services in the City provided in response to a call received by the Fire Department requesting the services.
- D. The person receiving emergency ambulance service, whether transported by ambulance or treated without being transported by ambulance and any person contracting for the service shall be responsible for payment of all fees. In the case of service received by a minor, the parent or guardian of the minor shall be responsible for payment of all fees.

SECTION 5: Private Ambulance Service Registration Required.

- A. A person commits an offense if he operates a private ambulance service within the City without a valid private ambulance service registration issued by the Fire Department or operates or attempts to operate a private emergency ambulance service within the City in violation of this Ordinance.
- B. A person commits an offense if he advertises or causes to be advertised the operation of a private ambulance service that does not have a valid private ambulance service registration granted under this ordinance when the advertisement is reasonably calculated to be seen by persons seeking private ambulance service in the City.
- C. A person commits an offense if he transports or offers to transport, for compensation, a sick, injured, or deceased person by private ambulance from a location within the City to a location either inside or outside the City without holding or being employed by a person holding a valid private ambulance service registration issued under this ordinance.
- D. A person commits an offense if he hires or employs a private ambulance service to pick up a sick, injured, or deceased person in the City when he knows the private ambulance service does not have a valid private ambulance service registration under this ordinance.
- E. No person shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in the operation of medical transfer services upon the streets of the City without having first registered in accordance with the terms and provisions of this ordinance.

SECTION 6: Private Ambulance Service Registration Requirements.

- A. To obtain a private ambulance service registration, a person must make 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 had 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. documentary evidence of payment of ad valorem taxes owed on the real and personal property to be used in connection with the operation of the proposed service if the business establishment is located in the City;
7. 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;
8. 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;
9. proof of a registration from the Texas Department of State Health Services to operate as an emergency medical services provider;
10. any other information determined by the director to be necessary to the implementation and enforcement of this ordinance or to the protection of the public safety; and
11. a nonrefundable application processing fee of \$250.

SECTION 7: Expiration and Renewal of 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.

SECTION 8: 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.

SECTION 9: 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 Frisco 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. A Registered Agency may operate a private ambulance within the City as a backup emergency ambulance if requested to do so by the Frisco Public Safety Communications Center 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. A Registered 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 Frisco Public Safety Communications Center of the emergency run.
5. A Registered 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 Frisco Public Safety Communications of the emergency run.

6. A Registered 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. A Registered 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 registered 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 Frisco 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 chief of police upon such forms as he may provide or prescribe, giving all information therein required and any other relevant information which the Police Chief may require.

SECTION 10: Vehicles and Equipment.

- A. 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.

- B. 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.
- C. Clean and sanitary bed linens must be provided on each private ambulance for each patient carried. Bed linens must be changed as soon as practical after the discharge of a patient, but before picking up another patient.

SECTION 11: Unlawful Operations and Prohibited Acts. It shall be unlawful for any person to intentionally or knowingly:

- A. Follow any police car, ambulance or fire apparatus which is responding to an emergency call on the streets of the City.
- B. Solicit on the streets of the City the business of transporting injured or sick persons.
- C. 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.
- D. Unless on an emergency run, use on a vehicle a siren and/or emergency warning light(s) without prior authorization by the Frisco Public Safety Communication Center.
- E. 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.
- F. 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 registered in accordance with this Ordinance or unless exempted therefrom by the provisions of this Ordinance.
- G. 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.

- H. 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.
- I. 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.
- J. Give false information to induce the dispatch of an ambulance or helicopter rescue unit.
- K. Give false information on applications for private ambulance registration.

SECTION 12: Authority to Inspect. 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.

SECTION 13: Enforcement by Police Department. Officers of the police department may assist in the enforcement of this ordinance. A police officer, upon observing a violation of this ordinance or the rules and regulations established by this ordinance, may take necessary enforcement action to ensure effective regulation of private ambulance service.

SECTION 14: Penalties.

- A. Any person who violates any of the provisions of this Ordinance shall be guilty of a misdemeanor and each day the violation continues shall be a separate offense. Each offense shall be punishable by a fine not to exceed Five Hundred (\$500.00) Dollars.
- B. Each day that any violation of this Ordinance is committed or permitted to continue shall constitute a separate offense.
- C. This section shall not serve to limit any other remedies available to the City in law or equity.

SECTION 15: Other Laws and Regulations. No portion of this Ordinance shall be construed in a manner inconsistent with state laws and regulations, including but not limited to Chapter 773 of the Texas Health and Safety Code and any other relevant state and federal law.

SECTION 16: Savings/Repealing Clause. All provisions of any ordinance in conflict with this Ordinance are hereby repealed to the extent they are in conflict; but such repeal shall not abate any pending prosecution for violation of the repealed ordinance, nor shall the repeal

prevent a prosecution from being commenced for any violation if occurring prior to the repeal of the ordinance. Any remaining portions of said ordinances shall remain in full force and effect.

SECTION 17: Severability. Should any section, subsection, sentence, clause or phrase of this Ordinance be declared unconstitutional 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. Frisco hereby declares that it would have passed this Ordinance, and each section, subsection, sentence, clause or phrase thereof regardless of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional or invalid.

SECTION 18: Effective Date. This Ordinance shall become effective from and after its adoption and publication as required by the City Charter and by law.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF FRISCO, TEXAS on this 19th day of January 2015.



Maher Maso, Mayor


ATTESTED TO AND

CORRECTLY RECORDED



Jenny Page, City Secretary

APPROVED AS TO FORM:



Abernathy, Roeder, Boyd & Joplin, P.C.
for Richard M. Abernathy, City Attorneys

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