



To: Mayor & City Council

From: Jon Thatcher, City Attorney

Date: November 30, 2022

Agenda Item & Caption: Consider approval of an Ordinance amending the Code of Ordinances of the City of Fate, Chapter 12 – Emergency Services, by adding Article V, “Ambulance Service,” providing for the regulation of emergency and non-emergency ambulance services in the City of Fate, Texas.

Action Requested: Consider approval of the Ordinance

Overview and Background:

The City of Fate recently took action to direct staff to prepare an ordinance including certain regulations for non-emergency ambulance transfers in the City of Fate. The ordinance is being requested of the City by the Rockwall County Emergency Services Corporation (“ESC”) in order to improve emergency ambulance services throughout Rockwall County.

The proposed ordinance provides that only the ambulance service provider contracted with the ESC for emergency ambulance services can provide non-emergency ambulance services in the City of Fate.

It does provide specific exceptions that include transfers that are initiated outside of Rockwall County.

Violation of the ordinance is punishable by a fine of not more than \$500 for each violation.

Supporting Documents:

- Ordinance

ORDINANCE NO. O-2022- _____

AN ORDINANCE OF THE CITY OF FATE, TEXAS, AMENDING CHAPTER 12, “EMERGENCY SERVICES,” OF THE CITY OF FATE CODE OF ORDINANCES BY ADDING ARTICLE V, “AMBULANCE SERVICE,” REGULATING AMBULANCE SERVICES IN THE CITY; PROVIDING FOR A REPEALER CLAUSE; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A PENALTY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Fate, Texas (the “City”) is a home-rule municipality under the laws of the State of Texas and the City’s home-rule charter and is permitted to adopt ordinances to protect the health, safety and general welfare of the residents of the City of Fate; and

WHEREAS, the City is a member of the Emergency Services Corporation of Rockwall County (“ESC”) that contracts with a provider to provide exclusive emergency ambulance service; and

WHEREAS, the City desires to establish exclusive use by the ESC contractor for non-emergency ambulance transports in the City of Fate to ensure and maintain quality service for both emergency and non-emergency ambulance service and to protect the health, safety and general welfare of the residents of the City of Fate.

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

Section 1. All of the above premises are found to be true and correct factual and legislative determinations of the City of Fate and are hereby approved and incorporated into the body of this Ordinance as if copied in their entirety.

Section 2. From and after the effective date of this Ordinance, Chapter 12 “Emergency Services,” of the City of Fate Code of Ordinances is hereby amended by adding Article 5, “Ambulance Service,” to read in its entirety as follows:

ARTICLE V. AMBULANCE SERVICE

Sec. 12-206. Definitions.

- (a) *Ambulance* – Any privately or publicly owned motor vehicle that is specially designed, constructed, or modified and equipped; and is intended to be used for an is maintained or operated, for the transportation, on the streets or highways of this state; of persons who are sick, injured, wounded, or otherwise incapacitated or helpless.
- (b) *Emergency Ambulance Services* – The operation of an ambulance for transportation in response to a 9-1-1 call to transport a sick or injured person in an ambulance after the sudden onset of a medical condition manifesting itself by acute symptoms of such severity that the absence of immediate medical attention could reasonably be expected

to result in placing the patient’s health in serious jeopardy, serious impairment to bodily functions, or serious dysfunction of any bodily organ.

- (c) *Non-Emergency Ambulance Services* – The operation of an ambulance for any purpose other than providing emergency ambulance services.

Sec. 12-207. Contract Required.

- (a) No person shall operate or cause to be operated a vehicle for emergency ambulance purposes nor furnish, conduct, maintain, advertise, or otherwise be engaged in the business or service of the transportation of emergency ambulance patients within the city unless such person is the emergency ambulance service provider currently under contract with the County of Rockwall Emergency Services Corporation to provide emergency ambulance service within Rockwall County.
- (b) No person shall operate or cause to be operated a vehicle for non-emergency ambulance purposes nor furnish, conduct, maintain, advertise, or otherwise be engaged in the business or service of the transportation of emergency ambulance patients within the city unless such person is the emergency ambulance service provider currently under contract with the County of Rockwall Emergency Services Corporation to provide emergency ambulance service within Rockwall County.
- (c) No person shall knowingly solicit ambulance services contrary to the regulations in this article.

Sec. 12-208. Applicability.

The provisions of section 12-207 shall not apply to:

- (a) Rendering assistance to patients in the case of a major catastrophe or emergency with which the contractor’s ambulances or approved franchises are insufficient or unable to cope with the major catastrophe or emergency.
- (b) Transporting a patient picked up outside of the county, traveling through the city to a destination inside or outside the city.

Secs. 12-209 – 12-225. – Reserved.

Section 3. All rights and remedies of the City of Fate, Texas, are expressly saved as to any and all violations of the provisions of the Ordinance or any other ordinance which 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 4. 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 of this Ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

Section 5. Any provision of any prior ordinance of the City, whether codified or uncodified, which is in conflict with any provision of this Ordinance, is hereby repealed to the extent of the conflict, but all other provisions of the ordinances of the City, whether codified or uncodified, which are not in conflict with the provisions of this Ordinance shall remain in full force and effect.

Section 6. Any person, firm or corporation violating any provisions or terms of this ordinance shall be subject to a penalty as provided by section 1-14 of the code of ordinances of the City of Fate.

Section 7. This Ordinance shall become effective immediately upon its passage and publication as required by law.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Fate, Texas, on this the _____ day of _____, 2022.

David Billings, Mayor

ATTEST:

Victoria Raduechel, TRMC, City Secretary

APPROVED AS TO FORM AND LEGALITY:

Jon Thatcher, City Attorney