

ORDINANCE NO. 2019-33

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF LEAGUE CITY BY AMENDING CHAPTER 38, ENTITLED "EMERGENCY SERVICES," REGARDING ARTICLE III, DIVISION 3 ENTITLED "PRIVATELY-OWNED AMBULANCES" TO REFLECT CURRENT TECHNOLOGY APPLICATIONS AND OPERATIONS STANDARDS FOR PRIVATELY-OWNED AMBULANCES OPERATING WITHIN THE CITY OF LEAGUE CITY; PROVIDING FOR CODIFICATION, PUBLICATION, AND AN EFFECTIVE DATE

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF LEAGUE CITY, TEXAS, as follows:

Section 1. That the Code of Ordinances is hereby amended to AMEND Section 38-142 entitled "*Licenses required*" by deleting subsection 38-142(b) in its entirety and replace it as follows:

(b) Ambulance vehicle licenses, ambulance company licenses, and attendant-driver's licenses shall be issued for one (1) year or any part thereof during which an ambulance service is maintained. License fees of two hundred dollars (\$200.00) per company; fifty dollars (\$50.00) per ambulance unit or five hundred dollars (\$500.00) per fleet for fifteen (15) or more vehicles; ten dollars (\$10.00) per attendant-driver shall be due and payable at the time of application. The licensure period shall be from February 1st of each year to the 31st of January of the subsequent year. Fees will not be prorated.

Section 2. That the Code of Ordinances is hereby amended to AMEND Section 38-142 entitled "*Licenses required*" by deleting subsection 38-142(c) in its entirety and replace it as follows:

(c) No person shall act as an attendant-driver on any ambulance operated under this chapter unless he or she holds a valid attendant-driver license issued pursuant to this chapter. It shall be the responsibility of the chief EMS officer to verify the applicant's certification status through the Texas Department of State Health Services.

Section 3. That the Code of Ordinances is hereby amended to AMEND section 38-143 Entitled "*Application for Ambulance License*" by deleting subsection 38-143 (a) in its entirety and replace it as follows:

(a) Application for an ambulance vehicle license and ambulance company license shall be made upon separate forms furnished by the chief EMS officer who shall issue such a license to an applicant only upon proof by the applicant that the applicant has satisfied all provisions and conditions provided for and has given complete and truthful information to all requirements stated herein.

The applications shall contain the following information:

1. Name and address of the applicant and of the owner of the ambulance;
2. The trade, DBA or other fictitious name, if any, under which the applicant does business or proposes to do business;
3. Be in good standing with TDSHS;
4. A report that the applicant's business has paid all city taxes if applicable;
5. Business address and medical license number of applicant services medical director;
6. A description of each ambulance, including the make, model, year of manufacture, VIN, motor vehicle registration, and current TDSHS license number;
7. The unit number, color, scheme, insignia, name, monogram, and any other distinguishing characteristics to be used to designate applicant's ambulance shall be produced by furnishing a color photo attached to the Ambulance Application and Inspection Report when submitting the permitting packet;
8. Any such other information as may be applicable.
9. No application will be considered before it is complete.
10. Falsification of information on applications will be grounds for revocation of license.

Section 4. That the Code of Ordinances is hereby amended to AMEND Section 38-144 entitled "*Standards for Ambulance License*" by deleting subsection 38-144(b) in its entirety and replace it as follows:

(b) Minimum equipment requirements for each ambulance shall be those established by the Texas Department of State Health Services as well as a list published, and updated as needed, by League City EMS on the Ambulance Application and Inspection Report.

Section 5. That the Code of Ordinances is hereby amended to AMEND Section 38-144 entitled "*Standards for Ambulance License*" by deleting subsection 38-144(c) in its entirety and replace it as follows:

(c) When an ambulance license is issued or renewed under provisions of this chapter, the chief EMS officer shall affix to each vehicle up to two (2) decals, which indicate the vehicle meets all requirements established by this chapter. The color of such decals shall be changed annually.

Section 6. That the Code of Ordinances is hereby amended to AMEND Section 38-144 entitled “*Standards for Ambulance License*” by deleting subsection 38-144(d) in its entirety and replace it as follows:

(d) The Chief EMS officer shall cause all ambulances to be inspected before being permitted and shall thereafter inspect such ambulances no less than once each year with the submission of a renewal permit application packet. All permitted and unpermitted ambulances and or vehicles are subject to spot inspections without notice, anywhere inside the city limits of the City of League City. In the event an ambulance or vehicle fails to pass inspection or is not compliant with the city ordinance regulating the operation of privately-owned ambulances, the chief EMS officer shall notify the ambulance operator to correct the defects noted in the inspection or become compliant with the ordinance. After such notification, the chief EMS officer shall cause such ambulance to be re-inspected or attempt to schedule an initial inspection within thirty (30) days, if the company complies with the ordinance. If upon such re-inspection the defects noted in the original inspection have not been corrected, the permit decal shall be removed from the ambulance or vehicle and shall only be replaced upon such ambulance or vehicle after the defects have been corrected. The license fee shall be paid in full for the balance of current year of the original vehicle decal provided.

Section 7. That the Code of Ordinances is hereby amended to AMEND Section 39-144 entitled “*Standards for Ambulance License*” by adding subsection 38-144(h) as follows:

(h) No ambulance that has been substantially damaged, altered, or has inoperable components that could prohibit the safe operation affecting in or around the patient compartment, shall be placed in service until it has been repaired and re-inspected by the chief EMS officer. There will be no charge for a re-inspection.

Section 8. That the Code of Ordinances is hereby amended to AMEND Section 38-147 entitled “*Application for Attendant-Driver License*” by deleting subsection 38-147(a) in its entirety and replace it as follows:

(a) Applications for attendant-driver licenses hereunder shall be made upon such form as may be prepared by the chief EMS officer and shall contain the following information which is a requirement for the issuance of a license:

- (1) The applicant's full name, current address and home telephone number.
- (2) The applicant's age, date of birth, height, place of birth, hair and eye color.
- (3) The applicant's valid Texas driver's license number, and expiration date.
- (4) The applicant's present EMS certification level, appropriate Texas Department of State Health Services registration number and expiration date.

(5) A digital photo in jpeg, or compatible format, that is a close up of the head and face of the applicant, can be submitted electronically to the chief EMS officer, or the applicant can make an appointment with the chief EMS officer to have the photo taken digitally.

(6) The applicant will furnish along with the application, a legible copy, front and back, of a valid Texas driver's license and a legible copy, front and back, of the present EMS certification showing the certification number and expiration date.

(7) The applicant will attach with the application, an affidavit supplied by the chief EMS officer, to be notarized and signed by the applicant's employer. The application and affidavit must have been completed and notarized within thirty (30) days of the submission of the application.

(8) Such other information as the chief EMS officer shall deem reasonably necessary to a fair determination of compliance with this chapter.

Section 9. That the Code of Ordinances is hereby amended to AMEND Section 38-147 entitled "*Application for Attendant-Driver License*" by deleting subsection 38-147(b) in its entirety and replace it as follows:

(b) The chief EMS officer shall within thirty (30) days of receipt of a completed application for an attendant-driver license ID card, investigate the application and issue the license ID card or notify the applicant that the application is denied. No attendant-driver license ID card will be issued unless a privately-owned ambulance company has previously applied for and received a current company permit, which includes the employee on an employee roster, as well as a current ambulance permit or one that is in the process of being permitted.

Section 10. That the Code of Ordinances is hereby amended to AMEND Section 38-148 entitled "*Standards for Attendant-Driver License*" by deleting subsection 38-148(b) in its entirety and replace it as follows:

(b) All attendant-drivers must have a valid Texas Driver's license. (Class A, B, or C).

Section 11. That the Code of Ordinances is hereby amended to AMEND Section 38-148 entitled "*Standards for Attendant-Driver License*" by deleting subsection 38-148 (c) in its entirety and replace it as follows:

(c) All attendant-drivers must hold current EMS certifications, of EMT Basic or higher, issued from the Texas Department of State Health Services.

Section 12. That the Code of Ordinances is hereby amended to AMEND Section 38-148 entitled “*Standards for Attendant-Driver License*” by deleting subsection 38-148(d) in its entirety and replace it as follows:

(d) No attendant-driver shall have a final conviction for State or Federal controlled substances acts, assault, sexual assault, indecent assault, indecency with a child, aggravated assault, aggravated sexual assault, injury to a child, elderly individual or disabled individual, deadly conduct, abuse of corpse, theft, robbery or burglary.

Section 13. That the Code of Ordinances is hereby amended to AMEND Section 38-150 entitled “*Revocation of License*” by deleting subsection 38-150 (a) in its entirety and replace it as follows:

(a) The chief EMS officer may, and is hereby authorized to, suspend or revoke a license issued hereunder for failure of a licensee to comply and to maintain compliance with, or for his violation of, any applicable provisions, standards or requirements of this chapter, or of regulations promulgated hereunder, or of any other applicable laws or ordinances, but only after warning and such reasonable time for compliances as may be set by the chief EMS officer. Any applicant denied a license or any licensee whose license is suspended or revoked shall have the right of appeal to the chief EMS officer. Such appeal shall be submitted to the chief EMS officer in writing within ten (10) days of the action being appealed. The chief EMS officer shall, within ten (10) days after appeal is filed, consider all the evidence in support of or against the ruling appealed from and render a decision either sustaining, reversing, or modifying the determination of the chief EMS officer.

Section 14. That the Code of Ordinances is hereby amended to AMEND Section 38-150 entitled “*Revocation of License*” by deleting subsection 38-150 (b) in its entirety and replace it as follows:

(b) If the chief EMS officer’s decision is not acceptable to the applicant or licensee, he may within ten (10) days of that decision, file an appeal in writing with the Emergency Services Director. Such a written appeal shall set forth the specific grounds therefore. The Emergency Services Director shall notify the appellant within ten (10) days after appeal is filed, consider all the evidence in support of or against the ruling appealed from and render a decision either sustaining, reversing, or modifying the determination of the chief EMS

officer. The determination of the Emergency Services Director on any appeal pursuant to this chapter shall be final.

Section 15. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 16. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 17. Repealer. Ordinance 2008-26 is hereby repealed and replaced with this Ordinance. All other ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 18. Codification. It is the intent of the City Council of the City of League City, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 19. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of League City, upon passage of such Ordinance. The Ordinance shall become effective immediately upon passage.

PASSED first reading the 17th day of December, 2019.

PASSED second reading the ____ day of _____, 2020.

PASSED AND ADOPTED the ____ day of _____, 2020.

PAT HALLISEY
Mayor

ATTEST:

DIANA M. STAPP
City Secretary

APPROVED AS TO FORM:

NGHIEM V. DOAN
City Attorney