

**CITY OF EL PASO, TEXAS
AGENDA ITEM
DEPARTMENT HEAD'S SUMMARY FORM**

DEPARTMENT: Fire
AGENDA DATE: May 30, 2017
CONTACT PERSON/PHONE: Mario D'Agostino, Fire Chief, 915-485-5605
DISTRICT(S) AFFECTED: All

STRATEGIC GOAL: NO. 2 Set the Standard for a Safe and Secure City

SUBJECT:

An ordinance amending title 9 (Health and Safety), chapter 9.85 (Emergency and Transfer Ambulance Services), section 9.85.030 (Cruising Prohibited) to allow for posting of ambulances where not a safety hazard; subsection 9.85.040 (Definitions) to update the terminology; section 9.85.050 (Franchise Required) to correct a grammatical error; section 9.85.060 (Franchise Application – contents) to allow for a license from New Mexico; section 9.85.080 (Insurance) to update the insurance amounts; and section 9.85.090 (Attendants and Drivers – requirements) to update certain requirements and to allow for a license from New Mexico; section 9.85.100 (Ambulance Operations) to clarify how private ambulances should be marked in order to distinguish them from the city's ambulances; section 9.85.110 (Personnel; Vehicles and Equipment – Standards and Requirements; Inspection) to clarify the vehicle and equipment standards and inspection requirements; and section 9.85.120 (Private Emergency Service Regulations) to update the terminology; the penalty as provided in section 9.85.130 of the El Paso city code.

BACKGROUND / DISCUSSION:

Updates to Title 9 including language to match the Ambulance Franchise agreements for liability insurance amounts and driver license requirements as approved by City Council on May 2, 2017.

COUNCIL REPRESENTATIVE BRIEFING:

Was a briefing provided? Yes or No

PRIOR COUNCIL ACTION:

On 8-9-2016 council approved Ordinance 018547. This Ordinance moved Chapter 6.40 (Emergency and Transfer Ambulance Services) to Chapter 9.85 (Emergency and Transfer Ambulance Services) and modified some of the associated paragraphs.

AMOUNT AND SOURCE OF FUNDING:

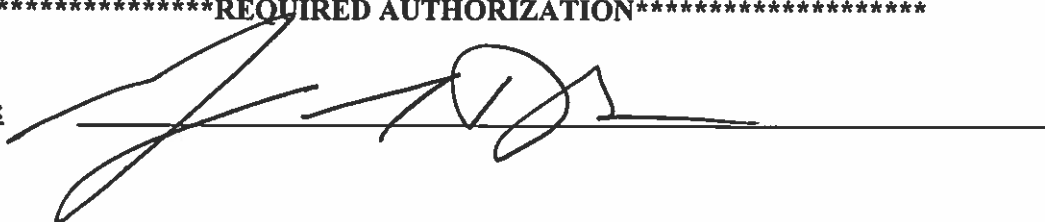
Total Amount: Revenue Generating
Funding Source: Dept: 999; Division: 99999; Fund: 1000; Account: 431200

BOARD / COMMISSION ACTION:

N/A

*****REQUIRED AUTHORIZATION*****

DEPARTMENT HEAD:



ORDINANCE NO. _____

AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.85 (EMERGENCY AND TRANSFER AMBULANCE SERVICES), SECTION 9.85.030 (CRUISING PROHIBITED) TO ALLOW FOR POSTING OF AMBULANCES WHERE NOT A SAFETY HAZARD; SUBSECTION 9.85.040 (DEFINITIONS) TO UPDATE THE TERMINOLOGY; SECTION 9.85.050 (FRANCHISE REQUIRED) TO CORRECT A GRAMMATICAL ERROR; SECTION 9.85.060 (FRANCHISE APPLICATION - CONTENTS) TO ALLOW FOR A LICENSE FROM NEW MEXICO; SECTION 9.85.080 (INSURANCE) TO UPDATE THE INSURANCE AMOUNTS; AND SECTION 9.85.090 (ATTENDANTS AND DRIVERS - REQUIREMENTS) TO UPDATE CERTAIN REQUIREMENTS AND TO ALLOW FOR A LICENSE FROM NEW MEXICO; SECTION 9.85.100 (AMBULANCE OPERATIONS) TO CLARIFY HOW PRIVATE AMBULANCES SHOULD BE MARKED IN ORDER TO DISTINGUISH THEM FROM THE CITY'S AMBULANCES; SECTION 9.85.110 (PERSONNEL; VEHICLES AND EQUIPMENT - STANDARDS AND REQUIREMENTS; INSPECTION) TO CLARIFY THE VEHICLE AND EQUIPMENT STANDARDS AND INSPECTION REQUIREMENTS; AND SECTION 9.85.120 (PRIVATE EMERGENCY SERVICE REGULATIONS) TO UPDATE THE TERMINOLOGY; THE PENALTY AS PROVIDED IN SECTION 9.85.130 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.030 (Cruising Prohibited), Subsection 9.85.030.A be amended to read as follows:

9.85.030 -Posting.

- A. Posting of ambulances to meet required response obligations will be allowed in areas that do not obstruct public convenience or pose a safety hazard.

Section 2. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.040 (Definitions), Subsections 9.85.040.A-E and 9.85.040.I be amended to read as follows:

9.85.040 - Definitions.

- A. "City" means the City of El Paso.
- B. "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.

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- C. "Emergency ambulance" means any motor vehicle especially designed, constructed, equipped and used for transporting the injured or sick in answer to an emergency call.
- D. "Emergency call" means any request for ambulance service that is made by telephone or other means of communication in circumstances which are, or have been represented to be, an emergency requiring immediate ambulance service.
- E. "Emergency Dispatch System" means the facility from which EMS units are radio dispatched.
- I. "Transfer ambulance" means any ambulance meeting current Texas Department of State Health Services construction requirements, 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.

Section 3. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.050 (Franchise - Required), be amended to read as follows:

9.85.050 - Franchise—Required.

It is unlawful for any person, firm, corporation or operator to engage in furnishing a transfer service by operating, driving or causing to be operated or driven a transfer vehicle upon the streets of the city without first having obtained a franchise in accordance with the terms and provisions of this article.

Section 4. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.060 (Franchise Application - Contents), Subsection 9.85.060.A.4 be amended to read as follows:

9.85.060 - Franchise application—Contents.

- A. Application for a franchise shall be filed with the city clerk upon forms furnished by the city clerk. The applicant shall furnish the following information:
 - 4. A list of persons who will act as ambulance attendants and drivers, their current State of Texas Department of State Health Services certificate status, and their date of employment, current Texas or New Mexico driver's license and expiration date, defensive driving or current Emergency Vehicle Operators course certificate, and physician release;

Section 5. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.080 (Insurance), Subsection 9.85.080.B be amended to read as follows:

9.85.080 - Insurance.

9.85.080B

1. Franchisee shall obtain and maintain in effect throughout the term of their franchise public liability insurance in an amount of not less than \$500,000.
2. Franchisee shall maintain comprehensive general and automobile liability coverage with limits of no less than five hundred thousand dollars (\$500,000) per occurrence and one million dollars (\$1,000,000) annual aggregate. Franchisee shall maintain medical professional liability coverage with limits of no less than five hundred thousand dollars (\$500,000) per occurrence and one million dollars (\$1,000,000) annual aggregate.

Section 6. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.090 (Attendants and Drivers - Requirements), Subsections 9.85.090.B-C be amended to read as follows:

9.85.090 – Attendants and Drivers – Requirements.

- B. No later than ninety days from the date of employment, must provide evidence showing completion of the Texas Department of License and Regulations approved defensive driving course or a current Emergency Vehicle Operators Course certificate provided by the El Paso Fire Department; and
- C. Possess a license valid to operate an emergency vehicle and transfer ambulance from the State of Texas or New Mexico; and

Section 7. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.100 (Ambulance Operations), Subsections 9.85.100.A-D be amended to read as follows:

9.85.100 - Ambulance operations.

- A. Ambulance service operators, their agents or employees, upon receipt of request for emergency service within the city limits, shall immediately relay the request to the EMS Emergency Dispatch System.
- B. Unless authorized to do so by the chief of the fire department or his designee, it is unlawful for ambulance service operators, their agents, or their employees to go to the scene of an emergency within the city limits with the intent to provide emergency service and transportation; provided, however, if persons operating a transfer or emergency vehicle discover an emergency

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situation within the city limits, they shall immediately notify the EMS Emergency Dispatch System and shall remain to render aid until an EMS vehicle arrives.

- C. Franchisee shall mark each ambulance distinctly with its company's name. Franchisee's name shall be marked with a minimum one inch wide and five inch tall lettering on at least three sides of the ambulance. The color of Franchisee's name must contrast with the color of the ambulance or the wrap. The Texas of Department of State Health Services provider's license number shall be displayed on the sides of the ambulance with "TX" appearing prior to said number in the width and height required by the State of Texas. Business phone numbers and logos are permissible; however, the words "Emergency Medical Services" or "EMS" shall not be used in any fashion.
- D. Ambulance service operators, their agents, or their employees, shall not hold out to the public in any manner that their personnel are trained EMTs or paramedics unless they have been so certified by the Texas Department of State Health Services.

Section 8. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.110 (Personnel, Vehicles and Equipment – Standards and Requirements; Inspection), Subsections 9.85.110.B-D be amended to read as follows:

9.85.110 - Personnel, vehicles and equipment—Standards and requirements; inspection.

- B. Each vehicle shall meet the following minimum requirements at all times:
 - 1. Each ambulance shall pass the Texas Department of Public Safety annual inspection and maintain a copy of the report indicating the result of of said inspection at all times;
 - 2. Each ambulance shall have a heater, complete with defrosters, and an air conditioner, both capable of maintaining comfortable temperature levels in the driver and patient compartments;
 - 3. Each ambulance shall meet the physical dimensions of the current Texas Department of State Health Services ambulance specifications; provided, however, that any ambulance currently used which does not meet these specifications may continue in use until it is replaced; and
 - 4. Each ambulance shall be kept clean and in good mechanical condition.
- C. In addition to other equipment which may be required by federal or state law, each ambulance shall carry all medical equipment that is listed on the Franchisee's mechanical equipment daily checklist and must be clean, ready for patient use and in good working order.
 - 1. The mechanical equipment daily checklist must be approved by the Fire Chief or designee.

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2. Changes to the mechanical equipment daily checklist must be submitted to the Fire Chief or designee within fifteen days prior to the change to be in effect.
- D. Prior to the commencement of Franchisee's operations, the Fire Chief or designee shall inspect at a reasonable time all ambulances used by Franchisee in operating the transfer service.
1. An ambulance must pass inspection and have a current valid permit sticker visible from the exterior of the vehicle at all times, which sticker shall be placed in the rear window prior to use for customer transportation or care.
 2. Subsequent to the initial inspection, all ambulances which are franchised under this chapter shall be inspected by the Fire Chief or designee every two years, except as described in the following paragraph.
 3. Ambulances may be inspected in the field at any hour by the Fire Chief or designee, and he may require any ambulance to proceed to a specified location for further inspection. If a Franchisee has three ambulance field inspection failures within a twelve-month period, then the City shall re-inspect Franchisee's entire ambulance fleet within thirty days of the last failed field inspection.
 4. Until the vehicle passes inspection, it cannot lawfully operate on the streets of the city.
 5. Any ambulance found not to be in compliance with this chapter shall be tagged, and the permit sticker removed.

Section 9. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.120 (Private Emergency Service Regulations), Subsection 9.85.120.A be amended to read as follows:

9.85.120 - Private emergency service regulations.

- A. It is unlawful for any person, either as owner, agent, or otherwise, other than a member of the El Paso EMS to furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the operation of an emergency ambulance service upon the streets, alleys or any public way or place within the city limits or to avail himself of the permission given ambulances by Section 12.12.010, or any other law or ordinance, to disregard traffic laws or ordinances, except in the following circumstances:
1. It shall not be unlawful for a person operating a transfer ambulance franchised by the city, upon responding to a direct call for nonemergency conditions, to use emergency equipment, after notifying the Emergency Dispatch System and receiving permission to make an emergency run, when a determination is made by the transfer

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ambulance attendant that an emergency exists requiring the sick or injured person to be transported with all practical speed to a hospital.

2. It shall not be unlawful for any person operating a transfer ambulance franchised by the city, who is performing the service of maintaining an ambulance at a particular location for a sporting or contracted event, to operate such ambulance under emergency conditions, using emergency equipment, after notifying the Emergency Dispatch System and receiving permission to make an emergency run, when a determination is made by the transfer ambulance attendant that an emergency exists requiring the sick or injured person to be transported with all practical speed to the nearest appropriate hospital.
 3. It shall not be unlawful for any person to operate an emergency ambulance to a hospital within the city, if the place of emergency at which the sick or injured person was picked up by such ambulance is outside the city limits and the ambulance making the emergency run is licensed and operated in accordance with all applicable state laws. On each emergency run into the city, ambulance personnel must notify the Emergency Dispatch System and receive permission to make an emergency run, unless otherwise notified by the section chief of the El Paso Fire Department or his designee.
 4. It shall not be unlawful for any person to operate a transfer ambulance franchised by the city on an emergency run when EMS ambulances are not available, and the Emergency Dispatch System requests the backup emergency ambulance service for the EMS.
- B. Any person operating an ambulance franchised by the city who makes an emergency run under the provisions of subsections A.1 through A.4 of this section, shall, within ten days of each emergency run, submit to the section chief of the El Paso Fire Department a report on a form provided by the chief, which shall describe the circumstances requiring the emergency run.

Section 10. That except as expressly amended herein Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services) shall remain in full force and effect.

(Signatures appear on the following page)

ORDINANCE NO. _____

PASSED AND APPROVED this _____ day of _____, 2017.

CITY OF EL PASO

Oscar Leeser
Mayor

ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:



Josette Flores
Assistant City Attorney



Mario D'Agostino, Fire Chief
El Paso Fire Department

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AN ORDINANCE AMENDING TITLE 9 (HEALTH AND SAFETY), CHAPTER 9.85 (EMERGENCY AND TRANSFER AMBULANCE SERVICES), SECTION 9.85.030 (CRUISING PROHIBITED) TO ALLOW FOR POSTING OF AMBULANCES WHERE NOT A SAFETY HAZARD; SUBSECTION 9.85.040 (DEFINITIONS) TO UPDATE THE TERMINOLOGY; SECTION 9.85.050 (FRANCHISE REQUIRED) TO CORRECT A GRAMMATICAL ERROR; SECTION 9.85.060 (FRANCHISE APPLICATION - CONTENTS) TO ALLOW FOR A LICENSE FROM NEW MEXICO; SECTION 9.85.080 (INSURANCE) TO UPDATE THE INSURANCE AMOUNTS; AND SECTION 9.85.090 (ATTENDANTS AND DRIVERS - REQUIREMENTS) TO UPDATE CERTAIN REQUIREMENTS AND TO ALLOW FOR A LICENSE FROM NEW MEXICO; SECTION 9.85.100 (AMBULANCE OPERATIONS) TO CLARIFY HOW PRIVATE AMBULANCES SHOULD BE MARKED IN ORDER TO DISTINGUISH THEM FROM THE CITY'S AMBULANCES; SECTION 9.85.110 (PERSONNEL; VEHICLES AND EQUIPMENT - STANDARDS AND REQUIREMENTS; INSPECTION) TO CLARIFY THE VEHICLE AND EQUIPMENT STANDARDS AND INSPECTION REQUIREMENTS; AND SECTION 9.85.120 (PRIVATE EMERGENCY SERVICE REGULATIONS) TO UPDATE THE TERMINOLOGY; THE PENALTY AS PROVIDED IN SECTION 9.85.130 OF THE EL PASO CITY CODE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF EL PASO:

Section 1. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.030 (Cruising Prohibited), Subsection 9.85.030.A be amended to read as follows:

9.85.030 - Cruising prohibited Posting.

A. Posting of ambulances to meet required response obligations will be allowed in areas that do not obstruct public convenience or pose a safety hazard. No ambulance shall be driven in any public street, public alley or public park, or be parked or stand therein, except while going to or from the scene of a call for ambulance service, or a place where the ambulance is to be repaired, or delivered to a purchaser, or inspected by public authorities, or other similar lawful and necessary purpose not related to the seeking of business or the mere convenience of the driver or crew.

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Section 2. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.040 (Definitions), Subsections 9.85.040.A-E and 9.85.040.I be amended to read as follows:

9.85.040 - Definitions.

A. ~~"Central dispatch or communications center" means the facility from which the EMS units are radio dispatched.~~

~~B.~~ "City" means the City of El Paso.

~~C.~~ "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.

~~D.~~ "Emergency ambulance" means any motor vehicle especially designed, constructed, equipped and used for transporting the injured or sick in answer to an emergency call.

~~E.~~ "Emergency call" means any request for ambulance service that is made by telephone or other means of communication in circumstances which are, or have been represented to be, an emergency requiring immediate ambulance service.

E. "Emergency Dispatch System" means the facility from which EMS units are radio dispatched.

I. "Transfer ambulance" means any ambulance meeting current Texas Department of State Health Services ~~DSHS~~ construction requirements, 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.

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Section 3. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.050 (Franchise - Required), Subsection 9.85.050 be amended to read as follows:

9.85.050 - Franchise—Required.

It is unlawful for any person, firm, corporation or operator to engage in furnishing a transfer service by operating, driving or causing to be operated or driven a transfer vehicle upon the streets of the city without first having obtained a franchise in accordance with the terms and provisions of this article.

Section 4. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.060 (Franchise Application - Contents), Subsection 9.85.060.A.4 be amended to read as follows:

9.85.060 - Franchise application—Contents.

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17-1006-752/PL Doc#676585/ORD/AMD 9.85/JF

A. Application for a franchise shall be filed with the city clerk upon forms furnished by the city clerk. The applicant shall furnish the following information:

4. A list of persons who will act as ambulance attendants and drivers, their current State of Texas Department of State Health Services certificate status, and their date of employment, current Texas or New Mexico driver's license and expiration date, defensive driving or current Emergency Vehicle Operators course certificate, and physician release;

Section 5. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.080 (Insurance), Subsection 9.85.080.B be amended to read as follows:

9.85.080 - Insurance.

9.85.080B ~~Each insurance policy shall provide that each vehicle be covered by not less than one hundred thousand dollars per individual, three hundred thousand dollars per incident and one hundred thousand dollars property damage insurance.~~

1. Franchisee shall obtain and maintain in effect throughout the term of their franchise public liability insurance in an amount of not less than \$500,000.

2. Franchisee shall maintain comprehensive general and automobile liability coverage with limits of no less than five hundred thousand dollars (\$500,000) per occurrence and one million dollars (\$1,000,000) annual aggregate. Franchisee shall maintain medical professional liability coverage with limits of no less than five hundred thousand dollars (\$500,000) per occurrence and one million dollars (\$1,000,000) annual aggregate.

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Section 6. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.090 (Attendants and Drivers - Requirements), Subsections 9.85.090.B-C be amended to read as follows:

9.85.090 – Attendants and Drivers – Requirements.

B. No later than ninety days from the date of employment, must provide evidence showing completion of the Texas Department of License and Regulations National Safety Council-approved defensive driving course or a current Emergency Vehicle Operators Course certificate provided by the El Paso Fire Department; and

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C. Possess a license valid to operate an emergency vehicle and transfer ambulance from the State of Texas or New Mexico; and

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17-1006-752/PL Doc#676385/ORD/AMD 9 85/JF

Section 7. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.100 (Ambulance Operations), Subsections 9.85.100.A-D be amended to read as follows:

9.85.100 - Ambulance operations.

A. Ambulance service operators, their agents or employees, upon receipt of request for emergency service within the city limits, shall immediately relay the request to the EMS ~~Emergency~~~~entral-d~~ Dispatcher System.

B. Unless authorized to do so by the chief of the fire department or his designee, it is unlawful for ambulance service operators, their agents, or their employees to go to the scene of an emergency within the city limits with the intent to provide emergency service and transportation; provided, however, if persons operating a transfer or emergency vehicle discover an emergency situation within the city limits, they shall immediately notify the EMS ~~Emergency~~~~entral-dispatcher~~ System and shall remain to render aid until an EMS vehicle arrives.

C. ~~Franchisee shall mark each ambulance distinctly with its company's name. Franchisee's name shall be marked with a minimum one inch wide and five inch tall lettering on at least three sides of the ambulance. The color of Franchisee's name must contrast with the color of the ambulance or the wrap. The Texas of Department of State Health Services provider's license number shall be displayed on the sides of the ambulance with "TX" appearing prior to said number in the width and height required by the State of Texas. Business phone numbers and logos are permissible; however, the words "Emergency Medical Services" or "EMS" shall not be used in any fashion. Ambulance service operators shall mark each vehicle distinctly with the name of the company providing ambulance service. The words "Emergency Medical Services," or "EMS" shall not be written on any vehicle, and vehicle shall not be marked in any way which might cause confusion with city EMS vehicles. It is unlawful for any person to mark his vehicles in any way, other than to place the name of the company on the vehicles.~~

D. Ambulance service operators, their agents, or their employees, shall not hold out to the public in any manner that their personnel are trained EMTs or paramedics unless they have been so certified by the Texas Department of State Health Services; ~~Emergency Services Medical Division.~~

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Section 8. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.110 (Personnel, Vehicles and Equipment – Standards and Requirements; Inspection), Subsections 9.85.110.B-D be amended to read as follows:

9.85.110 - Personnel, vehicles and equipment—Standards and requirements; inspection.

B. Each ~~vehicle shall meet the ambulance shall pass the Texas Department of~~

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17-1006-752/PL Doc#676585/ORD/AMD 9 85/JF

~~Public Safety annual inspection to ensure compliance with the following minimum requirements at all times safety standards:~~

- ~~1. Each ambulance shall pass the Texas Department of Public Safety annual inspection and maintain a copy of the report receipt indicating the result of said the Texas Department of Public Safety vehicle inspection shall be in each ambulance at all times;~~
- ~~2. Each ambulance shall have a heater, complete with defrosters, and an air conditioner, both capable of maintaining comfortable temperature levels in the driver and patient compartments;~~
- ~~3. Each ambulance shall meet the physical dimensions of the current Texas Department of State Health Services ambulance specifications; provided, however, that any ambulance currently used which does not meet these specifications may continue in use until it is replaced; and~~
- ~~4. Each ambulance shall be kept clean and in good mechanical condition;~~
- ~~5. Each ambulance shall annually be required to pass the El Paso fire department field inspection to be permitted to operate on city streets. Prior to th~~

C. ~~In addition to other equipment which may be required by federal or state law, each ambulance shall carry all medical equipment that is listed on the Franchisee's mechanical equipment daily checklist city's private franchise ambulance field inspection report, as amended and must be clean, ready for patient use and in good working order.~~

- ~~1. The mechanical equipment daily checklist must be approved by the Fire Chief or designee.~~
- ~~2. Changes to the mechanical equipment daily checklist must be submitted to the Fire Chief or designee within fifteen days prior to the change to be in effect.~~

D. ~~Prior to the commencement of Franchisee's operations, the Fire Chief or designee shall inspect at a reasonable time all ambulances used by Franchisee in operating the transfer service.~~

- ~~1. An ambulance must pass inspection and have a current valid permit sticker visible from the exterior of the vehicle at all times, which sticker shall be placed in the rear window prior to use for customer transportation or care.~~
- ~~2. Subsequent to the initial inspection, all ambulances which are franchised under this chapter shall be inspected by the Fire Chief or designee every two years, except as described in the following paragraph of the fire department or designee annually. Those ambulances which have passed inspection shall have a sticker in rear window that is visible from the exterior of the vehicle at all times. Any ambulance found not to be in compliance with this chapter shall be tagged, and the sticker removed.~~

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3. Ambulances may be inspected in the field at any hour by the Fire Chief or designee, and he may require any ambulance to proceed to a specified location for further inspection. If a Franchisee has three ambulance field inspection failures within a twelve-month period, then the City shall re-inspect Franchisee's entire ambulance fleet within thirty days of the last failed field inspection.

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4. ~~U~~Thereafter, until the vehicle passes inspection, it cannot lawfully operate on the streets of the city. ~~Ambulances may be inspected at any hour by the chief of the fire department or designee, and he or his designate may require ambulances to proceed to a specified location for further inspection.~~

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5. Any ambulance found not to be in compliance with this chapter shall be tagged, and the permit sticker removed.

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Section 9. That Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services), Section 9.85.120 (Private Emergency Service Regulations), Subsection 9.85.120.A be amended to read as follows:

9.85.120 - Private emergency service regulations.

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A. It is unlawful for any person, either as owner, agent, or otherwise, other than a member of the El Paso EMS to furnish, operate, conduct, maintain, advertise or otherwise be engaged in or profess to be engaged in the operation of an emergency ambulance service upon the streets, alleys or any public way or place within the city limits or to avail himself of the permission given ambulances by Section 12.12.010, or any other law or ordinance, to disregard traffic laws or ordinances, except in the following circumstances:

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1. It shall not be unlawful for a person operating a transfer ambulance franchised by the city, upon responding to a direct call for nonemergency conditions, to use emergency equipment, after notifying the Emergency Deentral dispatcher System and receiving permission to make an emergency run, when a determination is made by the transfer ambulance attendant that an emergency exists requiring the sick or injured person to be transported with all practical speed to a hospital.

2. It shall not be unlawful for any person operating a transfer ambulance franchised by the city, who is performing the service of maintaining an ambulance at a particular location for a sporting or contracted event, to operate such ambulance under emergency conditions, using emergency equipment, after notifying the Emergencyentral-d Dispatcher System and receiving permission to make an emergency run, when a determination is made by the transfer ambulance

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attendant that an emergency exists requiring the sick or injured person to be transported with all practical speed to the nearest appropriate a hospital.

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3. It shall not be unlawful for any person to operate an emergency ambulance to a hospital within the city, if the place of emergency at which the sick or injured person was picked up by such ambulance is outside the city limits and the ambulance making the emergency run is licensed and operated in accordance with all applicable state laws. On each emergency run into the city, ambulance personnel must notify the Emergencyentral d Dispatcher System and receive permission to make an emergency run, unless otherwise notified by the section chief of the El Paso Fire DepartmentEMS or his designee.

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4. It shall not be unlawful for any person to operate a transfer ambulance franchised by the city on an emergency run when EMS ambulances are not available, and the Emergencyentral Dispatcher System requests the backup emergency ambulance service for the EMS.

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B. Any person operating an ambulance franchised by the city who makes an emergency run under the provisions of subsections A.1 through A.4 of this section, shall, within ten days of each emergency run, submit to the section chief of the El Paso Fire DepartmentEMS a report on a form provided by the chief, which shall describe the circumstances requiring the emergency run.

Section 10. That except as expressly amended herein Title 9 (Health and Safety), Chapter 9.85 (Emergency and Transfer Ambulance Services) shall remain in full force and effect.

(Signatures appear on the following page)

PASSED AND APPROVED this _____ day of _____, 2017.

CITY OF EL PASO

Oscar Leeser
Mayor
ATTEST:

Richarda Duffy Momsen
City Clerk

APPROVED AS TO FORM:

APPROVED AS TO CONTENT:

Josette Flores
Assistant City Attorney

Mario D'Agostino, Fire Chief
El Paso Fire Department

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