

**ORDINANCE NO. 2017-25**

**AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF TOMBALL, TEXAS, BY AMENDING SECTION 16-100, DEFINITIONS, OF DIVISION 1, GENERALLY, OF ARTICLE III, EMERGENCY MEDICAL SERVICES AND AMBULANCE REGULATIONS, OF CHAPTER 16, EMERGENCY SERVICES, TO ADD A DEFINITION OF *PARATRANSIT VEHICLE*; AMENDING SECTION 16-162, PERMIT REQUIRED; EXCEPTION, OF DIVISION 3, NONEMERGENCY TRANSFER SERVICES, OF ARTICLE III, EMERGENCY MEDICAL SERVICES AND AMBULANCE REGULATIONS, OF CHAPTER 16, EMERGENCY SERVICES; TO INCORPORATE PARATRANSIT VEHICLES IN THE EXCEPTION TO THE PERMIT REQUIREMENT; PROVIDING A PENALTY IN AN AMOUNT NOT TO EXCEED \$2,000.00 FOR ANY VIOLATION OF ANY PROVISION OF THIS ORDINANCE; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES INCONSISTENT OR IN CONFLICT HEREWITH; AND PROVIDING FOR SEVERABILITY.**

\* \* \* \* \*

**WHEREAS**, the City Council of the City of Tomball, Texas finds it to be in the best interest of the health, safety and welfare of the citizens to add a definition of paratransit vehicles to its regulations governing nonemergency transfer services; now, therefore,

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF TOMBALL, TEXAS:**

**Section 1.** The facts and matters contained in the preamble to this ordinance are hereby found to be true and correct.

**Section 2.** The Code of Ordinances of the City of Tomball, Texas is hereby amended by adding to Section 16-100, Definitions, of Division 1, Generally, of Article III, Emergency Medical Services and Ambulance Regulations, of Chapter 16, Emergency Services, the language underscored below:

**“Section 16-100. Definitions.**

For the purposes of this chapter, certain words and phrases are defined as follows:

*Ambulance* shall mean any privately or publicly-owned motor vehicle used, designed or redesigned and equipped for the primary purpose of the transportation of the sick or injured persons, whether functioning as a basic life support, advanced life support, or mobile intensive care unit service level as provided by state law.

*City* shall mean the “City of Tomball, Texas.”

*City Limits* shall mean the area in the City within the corporate City limits.

*Department* shall mean the designated Emergency Medical Service for the City of Tomball, as authorized by Harris County Emergency Services District 8.

*DSHS* shall mean the Texas Department of State Health Services as presently constituted, or a successor agency.

*Direct Call* shall mean a request for ambulance service made by telephone or other means directly to an ambulance operator, his agents or employees.

*EMS Chief* shall mean the Department Head of the Emergency Medical Service, as authorized by Harris County Emergency Services District 8.

*Emergency Ambulance* shall mean an ambulance used, designed, redesigned or equipped for the purpose of transporting sick or injured persons under emergency circumstances, and the rendering of first aid.

*Emergency Circumstance* shall mean the existence of circumstances in which the element of time in expeditiously transporting a sick or injured person for medical or surgical treatment is essential to the health or life of such person, and in which rescue operations or competent first aid or both, at the place of emergency, may be essential to the health or life of such person.

*ETJ* shall mean the City’s extra-territorial jurisdiction.

*Non-Emergency Transfer Services* shall mean a pre-scheduled response made by an ambulance for the transportation of individuals to or from a medical facility, a nursing home, an assisted living facility, dialysis center, or residence under circumstances, which do not constitute an emergency.

*Non-Emergency Transfer Service Permit* shall mean a certificate of authorization issued by the City to the owner allowing such owner to operate an ambulance [or paratransit vehicle](#) for Non-Emergency medical transfer services within the City limits.

*Non-Emergency Transfer Service Provider* shall mean a person providing Non-Emergency medical transfer services and holding a valid Non-Emergency Transfer Service Permit.

[\*Paratransit Vehicle\* shall mean a special transportation vehicle specifically designed to transport people with disabilities or medical conditions requiring physical assistance at the point of pickup or drop-off.](#)”

**Section 3.** The Code of Ordinances is further amended by adding to Section 16-162, Permit Required; Exception, of Division 3, Nonemergency Transfer Services, of Article III, Emergency Medical

Services and Ambulance Regulations, of Chapter 16, Emergency Services, the language underscored below and deleting from Section 16-162 the language struckthrough below:

**“Section 16-162. Permit required; exception.**

(a) *Required.* No person shall furnish, operate, conduct, maintain, advertise or otherwise be engaged in the operation of medical transfer services upon or over any public street within the City limits without having first obtained a transfer services permit.

(b) *Exception.* A transfer services permit shall not be required for:

(1) Emergency medical service vehicles, ~~or~~ ambulances or paratransit vehicles owned or operated by or designated by a governmental entity; or

(2) Emergency Medical Service vehicles or ambulances operating at the request of the City or the designated Emergency Medical Service provider for the City or in cases of a mutual aid, disaster, or system overload; or

(3) Emergency Medical Service vehicles or ambulances operating from a location outside the city limits and who are transporting patients from a location outside the limits of the city to a location within the city or through the city to some other location.

An application for license to operate an ambulance on the public streets of the City for the purpose of providing ordinary and/or non-emergency ambulance service within the City shall be made by the owner thereof for each ambulance so used or to be so used, or an agent authorized in writing by such owner to make such application, on forms obtained from the City Secretary, which shall contain at minimum the following:

- a. the name, address and telephone number of the owner;
- b. any trade or other fictitious name used or to be used by the owner when providing ambulance service;
- c. the make, model, year of manufacture, motor and chassis number, and current state license number of each ambulance;
- d. the length of time each ambulance has been in service;
- e. the color scheme, insignia, name, monogram or other distinguishing characteristics used or to be used by the owner to designate such ambulance together with an accurate photograph of each ambulance to be permitted;
- f. A list of all current employees of the ambulance service including name and date of birth for each employee; and
- g. Each application for a permit required by the City shall be accompanied by a non-refundable permit fee, payable to the City Of Tomball, as established by resolution of City Council.”

**Section 4.** **Penalty.** Any person who violates any provision of this chapter shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in an amount not to exceed \$2,000.00. Each violation occurrence shall constitute a separate offense.

**Section 5.** **Repealer.** All ordinances or parts of ordinances inconsistent or in conflict herewith, are, to the extent of such inconsistency or conflict, hereby repealed.

**Section 6.** **Severability.** In the event any clause, phrase, provision, sentence, or part of this Ordinance or the application of the same to any person or circumstance shall for any reason be adjudged invalid or held unconstitutional by a court of competent jurisdiction, it shall not affect, impair, or invalidate this Ordinance as a whole or any part or provision hereof other than the part declared to be invalid or unconstitutional; and the City Council of the City of Tomball, Texas, declares that it would have passed each and every part of the same notwithstanding the omission of any such part thus declared to be invalid or unconstitutional, whether there be one or more parts.

**Section 7.** This Ordinance shall take effect fourteen (14) days from and after its passage and the publication of the caption hereof, as provided by law and the City's Home Rule Charter.

FIRST READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 7TH DAY OF AUGUST 2017.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

SECOND READING:

READ, PASSED AND APPROVED AS SET OUT BELOW AT THE MEETING OF THE CITY COUNCIL OF THE CITY OF TOMBALL HELD ON THE 21ST DAY OF AUGUST 2017.

COUNCILMAN FORD	<u>AYE</u>
COUNCILMAN STOLL	<u>AYE</u>
COUNCILMAN DEGGES	<u>AYE</u>
COUNCILMAN TOWNSEND	<u>AYE</u>
COUNCILMAN KLEIN QUINN	<u>AYE</u>

*Gretchen Fagan*  
Gretchen Fagan, Mayor

ATTEST:

*Doris Speer*  
Doris Speer, City Secretary