

ORDINANCE NO. 2012-07-____

AN ORDINANCE OF THE CITY OF MCKINNEY, TEXAS, AMENDING ARTICLE 1 OF CHAPTER 18, "AMBULANCES" BY ESTABLISHING THE CITY FIRE DEPARTMENT AS THE SOLE PROVIDER OF EMERGENCY AMBULANCE SERVICE; REMOVING THE PERMITTING PROCESS FOR PRIVATE EMERGENCY AND NONEMERGENCY AMBULANCE SERVICE; REMOVING FEES FOR PRIVATE EMERGENCY AND NONEMERGENCY AMBULANCE SERVICE; PROVIDING A PENALTY NOT TO EXCEED \$500.00; PROVIDING A SAVINGS CLAUSE; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE

WHEREAS, the City of McKinney, Texas (the "City") is a Home Rule City possessing the full power of local self-government pursuant to Article 11, Section 5 of the Texas Constitution, Section 51.072 of Texas Local Government Code and its Home Rule Charter; and

WHEREAS, the City Council of the City of McKinney, Texas ("City Council"), possesses, pursuant to Chapter 311 of the Texas Transportation Code, as amended, the exclusive control over and under the public highways, streets, and alleys of the municipality; and

WHEREAS, the City Council has determined that the City fire department shall be the sole provider of emergency ambulance services within the City; and

WHEREAS, the City Council has determined that the City fire department may provide nonemergency ambulance services within the City, if the fire department has sufficient resources to provide such service, but that the fire department is under no obligation to provide such nonemergency ambulance service; and

WHEREAS, the City Council has determined that private entities may provide nonemergency ambulance services without a permit within the City; and

WHEREAS, the City Council has determined that it is in the best interest of the health and welfare of the citizens of the City of McKinney to revise the ordinances of the City to reflect these determinations.

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

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

Section 2. Sections 18-2, 18-3, and 18-28 of Article I, "In General," of Chapter 18, "Ambulances," are hereby amended to hereinafter read as follows:

"Sec. 18-2. - General duty of fire department.

The fire department shall provide all emergency ambulance service within the corporate limits of the city. The city fire department may provide nonemergency transfer ambulance service.

Sec. 18-3. - Fees charged for service.

- (a) The fees charged by the city ambulance service shall be as set forth in Sec. 18-28.
- (b) The city does not regulate fees for nonemergency ambulance service not provided by the fire department. The city does not

accept any responsibility for service or payments arising from nonemergency transfer ambulance service.

Section 18-28. Amounts of Charges

Ambulance Service Charges

Patient charges:

(6) Such costs as charged for medical supplies (fees set to cover City’s cost) and drugs (at two times the City’s cost) not covered by the receiving hospital/facility.

a. Routine ALS Supplies...100.00

b. Routine BLS Supplies ... 50.00”

Section 3. If any section, article, paragraph, sentence, clause, phrase or word in this Ordinance or application thereto to any person or circumstance is held invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining portions of this Ordinance despite such invalidity, which remaining portions shall remain in full force and effect.

Section 4. The fact that present Ordinances and regulations of the City of McKinney, Texas, are inadequate to properly safeguard the health, safety, peace and general welfare of the inhabitants of the City of McKinney, Texas, creates an emergency for the immediate preservation of public business, property, health, safety and general welfare of the public that requires that this Ordinance shall become effective from and after the date of its passage and it is accordingly so ordained.

DULY PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MCKINNEY, TEXAS ON THE 17th DAY OF JULY, 2012.

CITY OF MCKINNEY, TEXAS

BRIAN LOUGHMILLER
Mayor

CORRECTLY ENROLLED:

SANDY HART, TRMC, MMC
City Secretary
BLANCA I. GARCIA
Assistant City Secretary

DATE: _____

APPROVED AS TO FORM:

MARK S. HOUSER
City Attorney