

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 33, “FIRE DEPARTMENT” OF THE CODE OF ORDINANCES OF THE CITY OF MANSFIELD, TEXAS BY AMENDING SECTIONS 33.35, “PROVISION FOR EMERGENCY AMBULANCE SERVICES”, 33.36 “FEES FOR AMBULANCE SERVICE,” 33.37 “SERVICE BOUNDARIES,” AND 33.38 “SERVICE AREA DEFINED” TO ALLOW CITY MANAGER TO DELEGATE RULEMAKING AUTHORITY REGARDING AMBULANCES, ALLOW MORE STREAMLINED UPDATING OF SERVICE FEES, PROVISION OF SERVICES IN AREAS OUTSIDE CITY LIMITS, AND ALLOWING EMERGENCY MEDICAL FACILITY ON SCENE OF AN INJURY TO DETERMINE APPROPRIATE EMERGENCY MEDICAL FACILITIES FOR TRANSPORT; PROVIDING A CUMULATIVE CLAUSE; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE**

**WHEREAS**, the City of Mansfield is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and,

**WHEREAS**, the City of Mansfield desires to amend the Code of Ordinances to allow a more agile and streamlined approach to provision of ambulance service; and,

**WHEREAS**, the City Council has determined that the amendments to the Code of Ordinances as set forth herein are in the best interest of the health, safety and general welfare of the citizens of the City of Mansfield and the public.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS:**

**SECTION 1.**

That Chapter 33 of the Code of Ordinances of the City of Mansfield, Section 33.35 is hereby amended by to read as follows:

**“§33.35        Ambulance Service Established.**

There is established an emergency ambulance service in the city under the supervision of the City Manager or designee who shall have the authority to promulgate and publish necessary rules and regulations governing the establishment of funding, operations and management of the necessary emergency ambulance services.”

**SECTION 2.**

That Chapter 33 of the Code of Ordinances of the City of Mansfield, Section 33.36 is hereby amended by to read as follows:

**“§33.36 Fees for Ambulance Service.**

(A) The fees and charges for the use of the city ambulance service, along with specified collection standards, shall be established by the city council and city manager annually as part of the budget process. Upon final budget approval by the city council, the ambulance fee schedule shall be posted on the city’s website and the emergency ambulance service fees shall be in effect until such time as a new emergency ambulance service fee schedule is approved.

(B) Any person(s) receiving emergency ambulance services shall be responsible to remit payment to the city based upon the then-current schedule of fees and charges in effect on the date of receipt of services. In the case of emergency ambulance services being received by a minor, the parent or legal guardian shall be responsible to remit payment to the city.

**SECTION 3.**

That Chapter 33 of the Code of Ordinances of the City of Mansfield, Section 33.37 is hereby amended by to read as follows:

**“§33.37 Service Boundaries.**

Service may be provided outside the corporate limits of the city pursuant to agreements between the city and other cities or governmental entities or by emergency authorization of the fire chief or his designee.

**SECTION 4.**

That Chapter 33 of the Code of Ordinances of the City of Mansfield, Section 33.38 is hereby amended by to read as follows:

**“§33.38 Service Area Defined.**

It shall be the sole responsibility of the city fire department medical personnel on the scene as to which emergency medical facility a patient will be transported to, based on the capability of the emergency medical facility, the severity of the patient condition, road conditions, inclement weather, available units, or any other factor that may influence on-scene medical personnel in determining the appropriate destination emergency medical facility.

**SECTION 5.**

That this ordinance shall and does amend and/or repeal every prior Ordinance or rule or regulation or policy in conflict herewith, but as to all other Ordinances or rules or regulations or policies or sections of ordinances or rules or regulations or policies not in conflict herewith, this ordinance shall be and is hereby made cumulative.

**SECTION 6.**

That it is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this ordinance are severable, and if any phrase,

clause, sentence, paragraph or section of this ordinance shall be declared void, ineffective, or unconstitutional by the valid judgment or final decree of a court of competent jurisdiction, such voiding, ineffectiveness, or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections hereof, since the same would have been enacted by the City Council without the incorporation of any such void, ineffective or unconstitutional phrase, clause, sentence, paragraph or section.

#### **SECTION 7.**

That any person, firm, or corporation violating any of the provisions of this ordinance, shall be deemed guilty of a misdemeanor and, upon the conviction, in the Municipal Court of the City of Mansfield, Texas, shall be punished by a fine not to exceed the sum of \$500 for each offense, and each and every day any such violation shall continue shall be deemed to constitute a separate offense.

#### **SECTION 8.**

That this ordinance shall take effect immediately from and after its passage on third and final reading and the publication of the caption, as the law and charter in such cases provide.

**DULY PASSED ON THE FIRST AND FINAL READING BY THE CITY COUNCIL OF THE CITY OF MANSFIELD, TEXAS, THIS 9TH DAY OF MAY, 2022.**

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**Michael Evans**, Mayor

**ATTEST:**

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**Susana Marin**, City Secretary

**APPROVED AS TO FORM AND LEGALITY:**

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**Allen Taylor**, City Attorney