

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 5 (AMBULANCES/EMERGENCY MEDICAL SERVICES) OF THE CODE OF THE CITY OF FORT WORTH, TEXAS (2015), AS AMENDED, BY AMENDING ARTICLE IV “AUTOMATED EXTERNAL DEFIBRILLATORS” AND ENACTING A NEW ARTICLE V “SPECIAL EVENTS AND STANDBY SERVICE” AND A NEW ARTICLE VI “EMS FEES”; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL PRIOR ORDINANCES AND REPEAL CONFLICTING ORDINANCES; PROVIDING FOR A SEVERABILITY CLAUSE; PROVIDING FOR A SAVINGS CLAUSE; PROVIDING A PENALTY CLAUSE; PROVIDING FOR PUBLICATION IN THE OFFICIAL NEWSPAPER OF THE CITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of Fort Worth (“City Council”) seeks to protect the public safety, preserve the quality of life, and promote efficiency within the City of Fort Worth (“Fort Worth”);

WHEREAS, the City Council finds that it is in the best interests of the public health and welfare of the people of Fort Worth to have available to them a regulated system for the provision of emergency medical services (“EMS”), including standby services, at certain events;

WHEREAS, Fort Worth, as a state licensed EMS Provider, has engaged a physician who is licensed in Texas and board certified in emergency medicine to serve as the Chief Medical Officer and Medical Director for Fort Worth’s EMS operations (the “Medical Director”);

WHEREAS, the Medical Director sets the clinical standards for Fort Worth’s exclusive EMS operations within Fort Worth and those other cities who have entered into EMS Interlocal Agreements with Fort Worth to exclusively receive emergency ambulance service from Fort Worth;

WHEREAS, although Fort Worth is not the exclusive provider of standby or special event EMS operations, the City Council finds that it is in the best interests of the public health and welfare that only properly qualified and authorized providers furnish special event and standby EMS services within the City in order to ensure clinical standards are met and public safety is preserved;

WHEREAS, pursuant to Chapter 773.051 of the Texas Health and Safety Code, Fort Worth finds it is necessary to set standards for special event and standby EMS operations within its jurisdiction;

WHEREAS, the City Council finds this Ordinance to be reasonable and necessary.

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

SECTION 1.

Chapter 5 “Ambulances/Emergency Medical Services” of the Code of the City of Fort Worth is hereby amended by amending Article IV “EXTERNAL AUTOMATED DEFIBRILLATORS” and enacting a new Article V “SPECIAL EVENTS AND STANDBY SERVICE” and a new Article VI “EMS FEES” the text of which shall read as follows:

“ARTICLE IV: AUTOMATED EXTERNAL DEFIBRILLATORS

§ 5-46-5-49 Reserved

ARTICLE V: SPECIAL EVENTS AND STANDBY SERVICE

§ 5-50 DEFINITIONS

For the purposes of this article, the definitions in Section 5-2 of the City Code shall apply. In addition, in this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

(a) **Fire Code Official.** The individual designated by the chief of the city’s fire department to evaluate whether a gathering constitutes a Special Event.

(b) **Special Event.** Any planned gathering, event, or activity occurring within the corporate limits of the City of Fort Worth that, due to size, location, or complexity, may impact public safety and requires emergency services, resources, or planning beyond routine public safety operations. The determination of whether an event constitutes a Special Event shall be made by the Fire Code Official in coordination with other City public safety officials. In making this determination, the Fire Code Official shall consider one or more of the following non-exclusive criteria:

1. Whether the event requires a permit from the City in accordance with the City’s Outdoor Events Ordinance identified as Article XII, Chapter 20 of the Fort Worth City Code (the “Outdoor Events Ordinance”);
2. Whether the event involves full or partial closure of a public street or sidewalk;
3. Whether the event uses fencing or barriers that restrict ingress, egress, or attendee movement;
4. Whether the anticipated attendance exceeds 2,000 persons;

5. Whether the event requires pre-planned coordination of fire, EMS, law enforcement, or other emergency resources; and
6. Whether the event involves elevated risk factors, such as:
 - Use of pyrotechnics or open flames;
 - Temporary stages or structures;
 - Alcohol service or sales;
 - High heat or weather risk; or
 - Activities involving significant physical exertion or crowd density.

Nothing in this definition shall be interpreted to regulate or restrict constitutionally protected activity based on the content of the event, its purpose, or the identity of the organizer.

(b) Standby Service. The non-transport EMS provided by a Texas DSHS licensed EMS Provider or agency that is present on-site at a Special Event for the primary purpose of delivering immediate emergency medical care to event participants, staff, or attendees in the event of illness or injury. Standby service may include Basic Life Support (BLS) or Advanced Life Support (ALS) care and may involve ambulances, medical teams, or first responder units positioned exclusively for the duration of the event. Such service is not part of the Fort Worth 9-1-1 response system and is distinct from routine emergency response and transport.

(c) Special Event Standby Service Provider. Any entity or person that has registered with the City of Fort Worth and received a permit to provide Standby Service at a Special Event.

§ 5-51 SPECIAL EVENTS AND STANDBY SERVICE

(a) Any person or entity who wishes to provide Standby Service or related EMS for Special Events must be registered with and permitted by Fort Worth and the Medical Director to provide such services as a Special Event Standby Service Provider.

(b) Any Special Event Standby Service Provider who obtains a permit from Fort Worth to provide Standby Service must comply with the provisions of this ordinance, Fort Worth Fire Department Standard Operating Procedure S7500 concerning Special Events and Standby Service; and the directives of the Medical Director.

§ 5-52 VIOLATIONS

(a) It shall be unlawful to:

(1) Provide EMS for a Special Event or otherwise provide Standby Service, as defined by Fort Worth, without a permit issued by Fort Worth as required by Section 5-51.

(2) Provide EMS for a Special Event or otherwise provide Standby Service in a manner that violates Fort Worth Fire Department Standard Operating Procedure S7500 concerning Special Events and Standby Service.

§ 5-53 PENALTIES

(a) Any person convicted of violating the provisions of Section 5-51 shall be guilty of a Class C misdemeanor and shall be punished by a fine not to exceed \$500 (Tex. Penal Code §12.23).

(b) This section does not serve to limit any other remedies available to Fort Worth in law or equity.

(c) Each violation of this Ordinance shall constitute a separate offense.

ARTICLE VI: EMS FEES

§ 5-54 Emergency Medical Service Fees

The City will charge fees for the provision of emergency medical services, including Standby Service, in an amount and manner as approved by the Fort Worth City Council.”

SECTION 2.

This ordinance shall be cumulative of all provisions of ordinances of the Code of the City of Fort Worth, Texas (2015), as amended, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances and such Code, in which event conflicting provisions of such ordinances and such Code are hereby repealed.

SECTION 3.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and, if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted

by the City Council without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SECTION 4.

All rights and remedies of the City of Fort Worth Texas, are expressly saved as to any and all violations of the provisions of the Code of the City of Fort Worth, or any other ordinances of the City, that have accrued at the time of the effective date of this ordinance; and, as to such accrued violations and all pending litigation, both civil and criminal, whether pending in court or not, under such ordinances, same shall not be affected by this ordinance, but may be prosecuted until final disposition by the courts.

SECTION 5.

Any person convicted of violating the provisions of the Code of the City of Fort Worth Section 5-51 as enacted by this Ordinance shall be guilty of a Class C misdemeanor and shall be punished by a fine not to exceed \$500 (Tex. Penal Code §.12.23). This Section does not serve to limit any other remedies available to the City of Fort Worth in law or equity. Each violation of this Ordinance shall constitute a separate offense.

SECTION 6.

The City Secretary of the City of Fort Worth, Texas is hereby directed to publish the caption, penalty clause and effective date of this ordinance for two (2) days in the official newspaper of the City of Fort Worth, Texas, as authorized by Texas Local Government Code, Section 52.013.

SECTION 7.

All other provisions of Chapter 5 of the Code of the City of Fort Worth, Texas, as amended, shall remain in full force and effect, save and except as amended by this ordinance.

SECTION 8.

This ordinance shall take effect upon adoption and publication as required by law, and it is so ordained.

APPROVED AS TO FORM AND LEGALITY:

ATTEST:

Assistant City Attorney

[NAME], City Secretary

Date: _____

ADOPTED: _____

EFFECTIVE: _____