

CITY OF KEMPNER, TEXAS

ORDINANCE NO. 2012-01-10-001

AN ORDINANCE OF THE CITY OF KEMPNER, TEXAS AUTHORIZING THE IMPOSITION AND COLLECTION OF AN EMERGENCY SERVICES FEE; PROVIDING FOR CONFLICTING ORDINANCES, SEVERABILITY, EFFECTIVE DATE AND OPEN MEETINGS CLAUSES; AND PROVIDING FOR RELATED MATTERS.

WHEREAS, there is a need for providers of emergency medical services and emergency firefighting services to provide such emergency response services within the City of Kempner;

WHEREAS, providers of such emergency services utilize certain apparatus, emergency tools, equipment, and materials as a means of saving lives and property and must assess a fee to recover costs for such services; and

WHEREAS, the purchase, repair and replacement of said tools, equipment, and materials associated with and attributable to the provision of emergency medical services and emergency firefighting services is necessary to enable the providers to provide of such services to continue to provide these services within the City of Kempner; and

WHEREAS, the City Council for the City of Kempner has determined that is necessary to authorize the imposition and collection of an emergency services fee for those emergency services that are provided within the City limits;

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

Section 1. Findings of Fact. The above and foregoing recitals are hereby found to be true and correct and are incorporated herein as findings of fact. The City Council hereby further finds and determines that the provisions and requirements of this ordinance are reasonable and necessary to protect the public health, safety and quality of life.

Section 2. Definitions. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Emergency Medical Services shall mean and refer to services used to respond to an individual's perceived need for immediate medical care and to prevent death or aggravation of physiological or psychological illness or injury.

Emergency Firefighting Services shall mean and refer to services used for immediate response to the actual threat or perceived threat of fire to prevent death, injury or property loss or damage.

Section 3. Emergency Services Fee Authorized. An emergency services fee is authorized to be assessed for the provision of emergency medical services and emergency firefighting services provided by a provider of such services within the City Limits of Kempner. The current approved emergency services fee is established in accordance with the fee schedule attached as Appendix A.

Section 4. Assessment and Collection of Emergency Services Fee. An emergency services fee may be imposed and collected for emergency medical services or emergency firefighting services provided by a provider of emergency medical services or emergency fire services within the City Limits of Kempner as authorized by this ordinance and in accordance with the fee schedule attached at Appendix A.

Section 5: Collection of Emergency Services Fee. The emergency services provider that assesses the emergency services fee authorized in this ordinance, or their authorized agent, shall submit an invoice to the person, entity or relevant insurance company covering the particular loss for the emergency services rendered. If it can be determined that there is no insurance coverage for a particular response which causes the provider of the emergency services to incur loss, damage, and wear and tear to apparatuses, tools, equipment, and materials, the provider of the emergency medical services or emergency firefighting services may collect the emergency services fee from either the person or entity that received the emergency medical services or emergency firefighting services, the person or entity responsible for the debts and/or obligations of the person or entity that received such emergency services, or the person or entity deemed or found responsible for the need for the emergency services.

Section 6. Repeal of Conflicting Ordinances. All ordinances or parts of ordinances and sections thereof in conflict with this ordinance are hereby repealed to the extent of such conflict.

Section 7. Severability. Should any section or part of this Ordinance be held unconstitutional, illegal or invalid, or the application to any person or circumstance for any reasons thereof ineffective or inapplicable, such unconstitutionality, illegality, invalidity or ineffectiveness of such section or part shall in no way affect, impair or invalidate the remaining portion or portions thereof; but as to such remaining portion or portions, the same shall be and remain in full force and effect and to this end the provisions of this Ordinance are declared to be severable.

Section 8. Effective Date. This ordinance shall be effective upon its passage and publication in accordance with the Local Government Code.

Section 10. Open Meetings. It is officially found and determined that the meeting at which this Ordinance is passed was open to the public as required and that public notice of the time, place, and purpose of said meeting was given as required *Chapt. 551, Tex. Gov't. Code.*

PASSED AND APPROVED BY ORDER OF THE CITY COUNCIL OF THE CITY OF KEMPNER, TEXAS ON THIS THE 10TH DAY OF JANUARY, 2012.

AYE _____ **NAY** _____ **ABSTAIN** _____

ATTEST:

APPROVED:

City Secretary

Mayor