

INTRODUCED: 09/21/2009

REFERRED TO: Public Safety and Criminal Justice Committee

SPONSOR: Councillors Hunter and McQuillen

DIGEST: amends the Code to adopt a new chapter requiring permits for funeral and other escorted vehicular processions

SOURCE:

Initiated by: Councillor Hunter

Drafted by: Robert G. Elrod, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____ Date: September 17, 2009

CITY-COUNTY GENERAL ORDINANCE NO. , 2009

A PROPOSAL FOR A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County by adopting a new chapter 891 requiring permits for funeral and other escorted vehicular processions.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Revised Code of the Consolidated City and County be, and is hereby, amended by adopting a new chapter 891, to read as follows:

CHAPTER 891- FUNERAL AND OTHER ESCORTED VEHICULAR PROCESSIONS

Sec. 891-1. Defined terms. For purposes of this chapter, the following terms shall be defined as stated in this section:

A funeral escort service means the conducting of a funeral procession pursuant to IC. 9-21-13-03.

A police escort means as any official city or county law enforcement agency utilizing emergency equipment to escort personal, business, commercial, or private vehicles from one point to another on public streets.

A private funeral escort service means any organization that is contracted or is employed by churches or funeral, burial or interment companies to escort funeral processions in compliance with IC. 9-21-13-4.

A professional sports team means any organization that compensates employees/players/athletes in the following sports: football, basketball, soccer, and hockey.

Sec. 891-2. Funeral Escort Permits.

(a) It shall be unlawful to engage in the funeral escort business unless pursuant to a valid an annual permit from the department of public safety to conduct funeral procession escort services within Marion County. This chapter shall not apply to processions or the services that originate outside of Marion County proceeding within the county to a burial site or place of service.

(b) The permit fee for Funeral Escorts shall be \$250.00 annually. The permitted use for funeral escort businesses shall be valid for one-year upon issuance. The revenue from this fee shall be dedicated to the public safety training fund.

(c) All permitted funeral escort services, businesses and/or corporations will clearly mark any of their vehicles used for escort processions by placing the words "Funeral Escort Service" in not less than two-inch lettering on both sides of the vehicle.

(d) Funeral escort services can utilize emergency equipment pursuant to Indiana Code while conducting processions. No business or corporation conducting such a service shall have an insignia in the same shape or design representing their business which is similar to the Marion County Sheriff and/or The Indianapolis Metropolitan Police Department badge, seal or insignia.

(e) This section does not apply to when certified law enforcement agencies lead funeral processions at the discretion of their director, chief and/or sheriff.

Sec. 891-3. Police escorts for professional sports teams.

(a) It shall be unlawful for any Indiana Law Enforcement Board certified agency to provide police escorts on city/county funded streets for professional sports team without the issuance of a permit by the department of public safety. This chapter does not apply to streets within the excluded cities of Marion County.

(b) City and county agencies within the consolidated county shall not conduct police escorts for professional sports teams on city/county funded streets unless a permit is issued by the department of public safety.

(c) The fee for the professional sports escort permit shall be \$2,000 (two-thousand dollars) for each issuance. The issuance of the professional sports team permit shall be valid for twenty-four hours. The revenue from this fee shall be dedicated to the public safety training fund.

(d) Any professional sports team securing a police escort permit shall enter into an agreement to hold harmless the city of Indianapolis, County of Marion, their employees, agents, and elected officials. No professional sports team can pay to have issued permits with any portions of tax revenue. The Capital Improvements Board (CIB) is forbidden from paying for any police escort permit or reimbursement of said permit.

(e) This chapter does not apply to special events for non-profits, IHSAA, parades, and police escorts approved by the Chief of the Indianapolis Metropolitan Police Department or the Sheriff of Marion County or their designees when deemed necessary for event protection and management. This section does not permit either the chief or sheriff to circumvent the intended purpose of this chapter.

Sec. 891-4 Exceptions. This chapter shall not apply to federal, state, county, or local agencies charged with protecting dignitaries, political appointees, or elected officials.

SECTION 2. This resolution shall be in full force and effect upon adoption and compliance with IC 36-3-4-14.

The foregoing was passed by the City-County Council this ____ day of _____, 2009, at ____ p.m.

ATTEST:

Bob Cockrum
President, City-County Council

Melissa Thompson
Clerk, City-County Council

Presented by me to the Mayor this ____ day of _____, 2009, at 10:00 a.m.

Melissa Thompson

Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2009.

Gregory A. Ballard, Mayor