

ORDINANCE NO. 82-017

ADOPTED BY THE SACRAMENTO CITY COUNCIL ON DATE OF

MAR - 2 1982

AN ORDINANCE AMENDING SECTION 25.8 AND ADDING ARTICLE XI TO CHAPTER 25 OF THE SACRAMENTO CITY CODE RELATING TO THE ESCORTING OF VEHICULAR FUNERAL PROCESSIONS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1

Section 25.8 of the Sacramento City Code is hereby amended to read as follows:

Sec. 25.8 Unauthorized Persons Shall Not Direct Traffic.

No person other than an officer of the police department or members of the fire department or a person authorized by Article XI of this chapter or other law shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate, when and as herein provided, any mechanical pushbutton signal erected by order of the city traffic engineer.

SECTION 2

Article XI is hereby added to Chapter 25 of the Sacramento City Code to read as follows:

ARTICLE XI Funeral Escort Services

Sec. 25.190 Purpose.

It is the purpose of this article to use the power conferred to local agencies by Section 21100(e) of the Vehicle Code which authorizes the appointment of persons other than traffic officers to direct traffic in such prescribed situations and locations as may require traffic direction for orderly traffic flow.

Sec. 25.192 Permit Required.

No person shall stop traffic at intersections or otherwise violate Section 25.8 of this code while leading or escorting a vehicular funeral procession without first obtaining a permit pursuant to this article.

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Sec. 25.193 Authorized Traffic Direction.

(a) Any person issued a valid funeral escort permit pursuant to this article and leading or otherwise escorting a vehicular funeral procession shall obey all traffic laws, including all speed laws, except that such person is authorized to stop cross-traffic, to enable all vehicles in the funeral procession to proceed together as an unbroken chain, at intersections controlled by:

1. Stop signs, providing that the permittee remains in the intersection until all funeral procession vehicles have cleared the intersection, and

2. Signal lights, providing that the lead vehicle in the procession enters the intersection with a green light and the permittee remains in the intersection at all times when the light is not green.

(b) A permittee is authorized to direct traffic in the manner specified in this section only while wearing an official insignia issued by the chief of police, and carrying a valid permit issued to him or her as an individual pursuant to this article.

(c) The chief of police may order the revocation of a funeral escort permit, in accordance with the procedure specified in Section 25.199, if the permittee has directed traffic in a manner contrary to that specified in this section.

Sec. 25.194 Permit Procedure.

Applications for a funeral escort permit shall be filed with the chief of police, and shall contain the following:

(a) Name and address of applicant.

(b) Proof of insurance in compliance with Section 25.198.

(c) Proof of satisfactory completion of a traffic safety program of instruction, as described in Section 25.200.

(d) Proof that the applicant holds a valid California vehicle operator's license, properly endorsed for the type of vehicle the applicant intends to use while directing vehicular funeral processions.

(e) Permit and insignia fees, as established by resolution of the city council.

(f) Such other information as may be required by the chief of police or director of finance.

Sec. 25.195 Denial of Permit.

Permits authorized by this article may be denied by the chief of police upon original or renewal application upon the following grounds:

(a) The application is incomplete, or

(b) Applicant has been convicted of a crime, and the time for appeal has elapsed, or when an order granting probation is made suspending the imposition of sentence, irrespective of the entry of a subsequent order under Penal Code Section 1203.4, provided, however, that the permit may be denied upon this ground only if the crime is substantially related to the qualifications, functions or duties associated with leading or otherwise escorting a vehicular funeral procession.

Sec. 25.196 Permit Issuance.

Funeral escort permits shall be issued by the revenue and collections officer, and shall expire on September 30 of the calendar year following the date of issuance unless sooner revoked. Permits shall not be transferable.

Sec. 25.197 Indemnity and Hold Harmless.

The funeral escort permittee or his or her funeral escort service employer shall assume all responsibility for his or her activity and operation, shall bear all losses and damages directly or indirectly resulting to him or her, any subcontractor, the city or city employees that are the result of the performance or character of the operation, unforeseen difficulties, accidents, occurrences or other causes not predicated on active negligence of the city. The permittee or his or her funeral escort service employer shall assume the defense of and indemnify and save harmless the city and its officers and employees from all claims, loss, damage, injury and liability of every kind, nature and description, including punitive damages, directly or indirectly arising from the escorting of a vehicular funeral procession.

Sec. 25.198 Liability Insurance.

During the term of a permit issued pursuant to this article, the permittee or his or her funeral escort service employer shall maintain in full force and effect at the permittee's or his or her employer's own cost a comprehensive auto and general liability insurance policy:

(a) In an amount no less than \$500,000 single limit per occurrence; and

(b) Issued by an admitted insurer or insurers as defined by the California Insurance Code; and

(c) Providing that the City of Sacramento, its officers, employees and agents are to be named as insureds under the policy; and

(d) Covering all losses and damages as specified in Section 25.197 of this article; and

(e) Stipulating that the policy will operate as primary insurance and that no other insurance effected by the city or other named insured will be called on to contribute to a loss covered thereunder; and

(f) Providing that no cancellation, change in coverage, or expiration by the insurance company or the insured shall occur during the term of the funeral escort service permit, without 30 days' written notice to the city prior to the effective date of such cancellation or change in coverage.

In the event of failure of any permittee or his or her funeral escort employer to maintain in effect such insurance policy, the director of finance shall order the cancellation of the permit as provided in this section and Section 25.199.

Sec. 25.199 Procedure for Permit Denial and Revocation.

(a) The director of finance or the chief of police may refuse to issue or renew or revoke a funeral escort service permit only after a hearing granted upon three days' written notice to the permittee. Such notice shall specify the specific grounds for the proposed action. At the hearing, to be held by the director of finance or his designee, the permittee shall be given the opportunity to present witnesses and documentary evidence, to be represented by counsel and to examine all witnesses presented. Issuance of a written notice of cancellation by an insurance company shall be conclusive proof at the hearing of the effective cancellation of an insurance policy. A decision of the director of finance revoking or denying the permit shall be effective upon the effective date of the cancellation of said insurance or the date when the written decision is signed by the director of finance, whichever is earlier. The taking or pendency of an appeal under subsection (b) shall not stay the effectiveness of such decision.

(b) If the permittee is dissatisfied with the decision of the director of finance in ordering the revocation or denial of the permit, such person may appeal to the city manager by filing a notice of appeal in writing with the city manager within two days of the date of the order of the director of finance. The city manager or his designee shall hold a hearing within three days of the receipt of the notice of appeal. The permittee shall be accorded the same hearing rights provided in subsection (a) hereof. The city manager may sustain, reverse or modify the order of the director of finance. The decision of the city manager shall be final.

Sec. 25.200 Traffic Safety Instruction Program.

Each applicant shall submit to the chief of police evidence of the curriculum, including instructional materials and skills taught and practiced, of an instructional program of traffic safety which the applicant has satisfactorily completed. The chief of police shall review and approve each submitted instructional program if the chief reasonably believes that the program provided the applicant sufficient training to direct traffic as specified in Section 25.193 in a safe and lawful manner.

Sec. 25.201 Official Insignia.

The chief of police shall approve an official insignia which must be worn by all permittees while directing traffic in the manner specified in Section 25.193.

Sec. 25.202 Permissible Guidelines.

The chief of police shall prepare written guidelines for distribution to permittees. Such guidelines shall be advisory to permittees and recommend procedures to insure safe vehicular funeral processions.

PASSED FOR PUBLICATION: **FEB 23 1982**

ENACTED: **MAR - 2 1982**

EFFECTIVE: **APR 1 - 1982**

Chief J. Bentley

MAYOR

ATTEST:

Arraine Magana
CITY CLERK