



Legislation Text

File #: 14-0091, **Version:** 2

Ordinance No. 14-31 creating a new Part 11 (Funeral Escorts) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to funeral escorts

From:

Councilmember Jan Martin

Summary:

Funeral services are often followed by a procession of mourners from a funeral home, church or other facility to a location for interment of the deceased, usually a cemetery or mausoleum. Traditionally, the mourners travel as a procession, which can be facilitated by personnel, usually a police escort, whose role it is to control traffic affected by the procession.

Due to staffing constraints, the Colorado Springs Police Department is not always able to fulfill requests for sworn police officer overtime staffing for funeral escorts. Members of the private business community have expressed an interest in providing funeral escort services to funeral homes and cemeteries, which requires licensing in order to ensure that businesses are qualified to provide funeral escorts in a safe and responsible manner.

Previous Council Action:

City Council received a staff report in May 2013 summarizing the issue and recommending that, because of a lack of Council staff resources and the existence of other pressing priorities, the issue should not be taken up at that time. Subsequently, Councilmembers Martin and Gaebler offered to research the issue and have worked with stakeholders to produce the proposed ordinance.

Background:

Councilmember Martin has worked with representatives of the business community, funeral homes, cemeteries, the Colorado Springs Police Department, the City Clerk's office, and the City Attorney's office to develop proposed ordinances that balance the needs of businesses and those of public safety. The proposed ordinances track closely with existing City Code provisions that license and regulate private security firms and their employees/officers.

There are two separate proposed ordinances covering the same topics that were presented in the Council work session on May 12; the City Attorney's Office recommended splitting them into two separate ordinances because they affect two separate chapters of City Code. There are no substantive changes from the draft ordinance discussed on May 12.

Highlights of the proposed ordinances include:

- Licensing of funeral escort agencies and funeral escort officers;

- Exemption of full-time and reserve sworn law enforcement officers from the requirements of licensure in order to provide funeral escort services;
- Requirements that funeral escort agencies and officers be insured and trained appropriately; and
- Standard uniform and equipment requirements for licensees, including requirements that prevent licensees from being mistaken for law enforcement officials.

The first of the two proposed ordinances creates a new part of City Code that specifies the terms of the funeral escort licensing program to be administered by the City Clerk's office..

Financial Implications:

The assessment of license fees, if authorized, will be administered by the City Clerk's office.

Board/Commission Recommendation:

N/A

Stakeholder Process:

Ms. Leah Mondy, whose business, Federal Protection Agency and K9, provides funeral escort services in the Denver area through licenses with the City/County of Denver and the State of Colorado, spoke to Council in July 2012 and asked that Council revise the City Code to permit privately operated emergency vehicles to escort funeral processions. Currently, City Code Section 10-23-112 specifies that only Colorado Springs police officers may perform this activity

Alternatives:

City Council could decide not to implement licensing for funeral escort agencies and officers within the City, which would continue the current situation, in which only the Colorado Springs Police Department is available to provide those services.

Proposed Motion:

Approve the proposed ordinance as presented.

An ordinance creating a new Part 11 (Funeral Escorts) of Article 3 (Sales of Goods and Services) of Chapter 2 (Business Licensing, Liquor Regulations and Taxation) of the Code of the City of Colorado Springs 2001, as amended, pertaining to funeral escorts