

ORDINANCE NO. 46-202

AN ORDINANCE CREATING CHAPTER 11.37 OF THE CODE OF THE CITY OF WICHITA, KANSAS, PERTAINING TO TRAFFIC REGULATIONS FOR FUNERAL PROCESSIONS; REPEALING SECTIONS 11.38.130 AND -- 11.38.140, PERTAINING TO FUNERAL PROCESSIONS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF WICHITA, KANSAS:

SECTION 1. Section 11.37.010 of the Code of the City of Wichita, Kansas shall read as follows: **“Funeral procession – definition.** For the purposes of this chapter, a funeral procession is defined as a group of vehicles moving along the roadway in an orderly manner in connection with funeral ceremonies.”

SECTION 2. Section 11.37.020 of the Code of the City of Wichita, Kansas shall read follows: **“Funeral escort vehicle – designation as emergency vehicle required.** No person shall engage in the operation of a vehicle while escorting a funeral procession within the corporate limits of the city unless such vehicle has been designated as an authorized emergency vehicle pursuant to the statutes of the State of Kansas, and unless such vehicle is equipped with the appropriate lighting and other equipment mandated for authorized emergency vehicles by state law. For the purposes of this chapter, a person will be deemed to be escorting a funeral procession if the person is hired to direct or control traffic for a funeral procession while escorting or accompanying the procession through the streets and highways of the city.”

SECTION 3. Section 11.37.030 of the Code of the City of Wichita, Kansas shall read follows: **“Funeral escort vehicles and operators.** (a) Any vehicle being operated as a funeral

escort vehicle shall be clearly and visibly marked with the words “Funeral Escort” in letters at least four (4) inches in height on both the driver’s and passenger’s side of said vehicle.

(b) No funeral escort vehicle shall be equipped with any decal, placard, sign or any insignia which is similar to, or which could be confused with, official police insignia, nor shall any such vehicle display the word “Police,” “Official” or “Officer”. Any vehicle used as a funeral escort vehicle shall be subject to inspection at any time by the chief of police or the chief’s authorized designee.

(c) No operator or passenger of a vehicle which is escorting a funeral procession shall wear any uniform that is the same color or design as those worn by officers of the Wichita Police Department, nor any badge or cap that resembles an official police officer badge or cap, or displays the word “Police,” “Official” or “Officer.” Further, operators of funeral escort vehicles shall not carry firearms of any kind.”

SECTION 4. Section 11.37.040 of the Code of the City of Wichita, Kansas shall read follows: “**Funeral processions – number of escort vehicles required.** Every funeral procession shall have no less than three (3) funeral escort vehicles accompanying the procession through the streets and highways of the city.”

SECTION 5. Section 11.37.050 of the Code of the City of Wichita, Kansas shall read as follows: “**Funeral processions – lights and hazard warning lamps required.** The driver of every vehicle in a funeral procession shall maintain lighted headlights and shall turn on the vehicle hazard warning lamps on such driver’s vehicle at all times the vehicle is being operated as a part of a funeral procession.”

SECTION 6. Section 11.37.060 of the Code of the City of Wichita, Kansas shall read as follows: “**Funeral processions – other drivers to yield right of way.** A funeral escort vehicle

which is operating as an emergency vehicle pursuant to state law and as required by this code shall have the right-of-way over all other vehicles as set forth in Section 11.16.100 of this code and any amendments thereto. Upon the immediate approach of a funeral procession, the driver of every other vehicle shall yield the right-of-way, immediately drive to a position parallel to and as close as possible to the right-hand edge or curb of the roadway clear of any intersection and shall stop and remain in such position until the funeral procession has passed. No driver shall drive between, alongside nor pass the vehicles comprising a funeral procession while they are in motion, except as otherwise directed by a police officer. This provision shall not apply to authorized emergency vehicles as designated by state law, nor shall the passing prohibited in this subsection apply to limited access highways. ”

SECTION 7. Section 11.37.070 of the Code of the City of Wichita, Kansas shall read as follows: “**Funeral processions – right of way, exceptions.** (a) Each vehicle which is participating in a lawfully escorted funeral procession and is identified by lighted headlamps and flashing vehicle hazard warning lamps as required by this chapter shall have the right-of-way over all other vehicles at any intersection, regardless of official traffic control devices. However, no driver in a funeral procession shall proceed through a red light or operate contrary to any traffic control device unless directed to do so by the authorized funeral escort(s).

(b) Drivers of vehicles in funeral processions shall yield the right-of-way to all other emergency vehicles as required by law, and further, shall at all times be subject to and obey the lawful order of any police officer.”

SECTION 8. Section 11.37.080 of the Code of the City of Wichita, Kansas shall read follows: “**Duty of drivers leaving a funeral procession.** The driver of any vehicle leaving a funeral procession shall do so only by making a right hand turn, and only when such turn can be

made safely. At no time shall a driver of a vehicle in a funeral procession leave such procession by making a left hand turn, unless directed to do so by any police officer or authorized funeral escort.”

SECTION 9. Section 11.37.090 of the Code of the City of Wichita, Kansas shall read follows: **“Funeral processions – speed.** Vehicles in a funeral procession shall proceed at a maximum speed of 10 miles per hour below the posted speed limit on any public street or highway, however, if a funeral procession is traveling on a highway or interstate with a posted minimum speed limit, the funeral procession shall proceed at the posted minimum speed limit.”

SECTION 10. Section 11.37.100 of the Code of the City of Wichita, Kansas shall read follows: **“Funeral processions prohibited during certain hours.** Funeral processions using any arterial street shall not start between the hours of 7:00 a.m. and 9:00 a.m. or between the hours of 4:30 p.m. and 6:30 p.m. on Monday through Friday of any week.”

SECTION 11. Section 11.37.110 of the Code of the City of Wichita, Kansas shall read follows: **“Funeral escort vehicles – reckless operation.** No driver of a funeral escort vehicle shall operate said vehicle in a reckless or negligent manner, which operation unreasonably endangers the safety of any person or the public at large, or causes an unreasonable risk of damage to either public or private property.”

SECTION 12. Sections 11.38.130 and 11.38.140 of the Code of the City of Wichita, Kansas, are hereby repealed.

SECTION 13. This ordinance shall be included in the Code of the City of Wichita, Kansas, and shall be effective upon adoption and publication in the official city newspaper.

PASSED by the governing body of the City of Wichita, Kansas, this 20th day
of July, 2004.

Carlos Mayans, Mayor

ATTEST:

Karen Sublett, City Clerk

Approved as to Form:

Gary E. Rebenstorf, Director of Law