

Warren County Board of Supervisors

RESOLUTION NO. 330 OF 2011

Resolution introduced by Supervisors Bentley, Thomas, Monroe, Girard, Sokol, McCoy and Wood

TO ENACT LOCAL LAW NO. 2 OF 2011

WHEREAS, a proposed local law was duly presented to the Board of Supervisors and considered by them, said proposed local law being entitled “A Local Law Limiting Protest Activities Before, During and After Funeral Services in the County of Warren”, and

WHEREAS, the Board of Supervisors adopted Resolution No. 250 of 2011 on April 15, 2011, authorizing a public hearing to be held by the Board of Supervisors on the 20th day of May, 2011, at 10:00 a.m., in the Supervisors' Rooms in the Warren County Municipal Center on the matter of the proposed local law, and notice of such public hearing having been duly published and posted as required by law, and said public hearing having been held and all persons appearing at said public hearing desiring to be heard, having been heard, now, therefore, be it

RESOLVED, that the Board of Supervisors of the County of Warren, New York, on this 20th day of May, 2011, does hereby enact and adopt Local Law No. 2 of 2011 as set forth in Schedule "A" annexed hereto.

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**COUNTY OF WARREN
LOCAL LAW NO. 2 OF 2011**

**“A LOCAL LAW LIMITING PROTEST ACTIVITIES BEFORE, DURING AND AFTER
FUNERAL SERVICES IN THE COUNTY OF WARREN”**

BE IT ENACTED, by the Board of Supervisors of the County of Warren, New York, as follows:

SECTION 1. Title: This Local Law shall be known and may be cited as “A Local Law Limiting Protest Activities Before, During and After Funeral Services in the County of Warren”.

SECTION 2. Legislative Findings:

- a. it is generally recognized that families have a substantial interest in organizing and attending funeral services for deceased relatives,
- b. the right to protecting the interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals are targeted for protest activities and other public demonstrations,
- c. First Amendment rights of individuals are important but restrictions that are content neutral and contain a reasonable time and place limitation are appropriate to protect the aforesaid rights of families.

SECTION 3. Purpose: The purposes of this Local Law are to:

- a. Protect the privacy of grieving families within one (1) hour prior to, during and one (1) hour following the commencement of funerals; and
- b. Preserve the peaceful character of cemeteries, mortuaries, funeral homes and places of worship within one (1) hour prior to, during and one (1) hour following the commencement of funerals;
- c. Not violate the First Amendment Rights of individuals, but apply restrictions that are content neutral and contain a reasonable time and place limitations.

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SECTION 4. Definitions: Used in this section:

- a. “Funeral service” means ceremonies, processions and/or memorial services held in connection with the burial or cremation of the dead at cemeteries, mortuaries, funeral homes, places of worship or along processional routes; and
- b. “Protest Activities” means those activities engaged in by a person or persons, including but not limited to 1) that which disturbs or disrupts a funeral service or procession and/or 2) singing, chanting, whistling, yelling, or honking of a motor vehicle horn, display of visual images or signs that convey messages of fighting words or threats of harm or which is likely to incite or produce an imminent breach of peace.

SECTION 5. Prohibition: It is unlawful for any person to engage in protest activities within seven hundred and fifty (750) feet of a funeral service within one (1) hour prior to, during and one (1) hour following the funeral service.

SECTION 6. Penalties: Any person knowingly violating the provisions of this section shall be guilty of an unclassified misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Thousand Dollars (\$1,000), and/or by imprisonment of up to one (1) year.

SECTION 7. Severability: If any clause, sentence, paragraph, subdivision, section or part of this local law or application thereof to any person, individual, corporation, firm, partnership, entity or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this law or its

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application to the person, individual, corporation, firm, partnership, entity or circumstance directly involved in the controversy in which order or judgment shall be rendered.

SECTION 8. Effective Date: This act shall take effect immediately upon filing with the New York State Secretary of State as prescribed by the Municipal Home Rule of the State of New York.