

Board of Supervisors
WAYNE COUNTY

RESOLUTION NO. 526-11: ADOPT A LOCAL LAW PREVENTING DISRUPTION OF FUNERAL RELATED EVENTS

Mrs. Collier presented the following:

WHEREAS, a proposed local law relating to the disruptions of funeral related events was presented to the Board of Supervisors on July 19, 2011; and

WHEREAS, a public hearing on the proposed local law was held by the Board of Supervisors on August 8, 2011 at 10:05 a.m., in accordance with the notice of hearing duly posted and published in the manner prescribed by law; now, therefore, be it

RESOLVED, that said local law is hereby adopted to read as follows:

COUNTY OF WAYNE – STATE OF NEW YORK

A Local Law Preventing Disruption of Funeral Related Events.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WAYNE, as follows:

SECTION 1. LEGISLATIVE INTENT

This section shall be known and may be cited as the "The Law Against the Disruption of Funeral Related Events".

1. The Legislature finds that:
 - a. it is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives;
 - b. the interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals are targeted for picketing and other public demonstrations;
 - c. full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights at times other than within one (1) hour prior to, during and one (1) hour following the commencement of funerals.
2. The purposes of this section are to:
 - a. Protect the privacy of grieving families within one (1) hour prior to, and one (1) hour following the commencement of funerals; and
 - b. Preserve the peaceful character of cemeteries, mortuaries and churches within one (1) hour prior to, during and one (1) hour following the commencement of funerals; and
 - c. Protect the First Amendment Rights of individuals by placing only restrictions that are content neutral and contain a reasonable time and place limitation.
3. As used in this section:
 - a. "Funeral" means the ceremonies, processions and memorial services held in connection with the burial or cremation of the dead; and
 - b. "Picketing" means protest activities engaged in by a person or persons within one thousand (1,000) feet of a cemetery, mortuary or church within one (1) hour prior to, during and one (1) hour following the commencement of a funeral.
 - c. It is unlawful for any person to engage in picketing within one thousand (1,000) feet of any cemetery, burial plot, mortuary, crematorium, church, synagogue, mosque or temple within one (1) hour prior to, during and one (1) hour following the commencement of a funeral.
 - d. Any person knowingly violating the provisions of this section shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than One Thousand dollars (\$1,000.00), and/or by imprisonment of up to (1) one year.

SECTION 2. 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 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 3. EFFECTIVE DATE

This local law shall take effect upon filing in the Office of the Secretary of State as provided by Section 27 of the Municipal Home Rule Law.

and be it further

RESOLVED, that the Clerk of the Board of Supervisors is hereby directed to number the local law in conformance the filing requirements of the Secretary of State and to file the local law with the Secretary of

State in accordance with the provisions of the Municipal Home Rule Law of the State of New York.

Mr. Manktelow moved the adoption of the resolution. Seconded by Mr. LeRoy. Upon roll call, adopted.

WAYNE COUNTY
Board of Supervisors
LYONS, NEW YORK

This is to Certify that I, the undersigned, Clerk of the Board of Supervisors of the County of Wayne, have compared the foregoing copy of resolution with the original resolution now on file in this office and which was duly adopted by the Board of Supervisors of said County at a session held on the 8th day of August 2011 and that the same is a true copy of said original and of the whole thereof.

In Witness Whereof, I have hereunto subscribed my name and affixed the official seal of the Board of Supervisors of the County of Wayne, this 8th day of August 2011.

Clerk of the Board

