

COUNTY OF WASHINGTON
LOCAL LAW 2 OF 2011
By Supervisors Henke, Hall, Lindsay, Watkins, Haff

A LAW AGAINST THE DISRUPTION OF FUNERAL RELATED EVENTS

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF WASHINGTON AS FOLLOWS:

SECTION 1: TITLE

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

SECTION 2: FINDINGS, PURPOSES AND DEFINITIONS

A. The Board of Supervisors finds that:

- i. it is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives;
- ii. the interests of families in privately and peacefully mourning the loss of deceased relatives are violated when funerals and related ceremonies are targeted for picketing and other public demonstrations;
- ii. 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 conclusion of funerals and related ceremonies;
- iv. public safety may be endangered by the disruption of funerals and funeral related activities.

B. The purposes of this section are to:

- i. protect the privacy of grieving families within one (1) hour prior to, during and one (1) hour following the conclusion of funerals and related ceremonies; and
- ii. preserve the peaceful character of cemeteries, mortuaries and churches within one (1) hour prior to, during and one (1) hour following the conclusion of funerals and related ceremonies.
- iii. protect the First Amendment Rights of individuals by placing restrictions only that are content neutral and are a reasonable time and place restriction.

C. As used in this section:

- a. "Funeral" means the ceremonies, processions, memorial services held in connection with the burial or cremation of the dead including those ceremonies or gatherings commonly known as calling hours or wakes;

- and
- b. "Picketing" means protest activities engaged in by a person or persons within seven hundred and fifty (750) feet of a cemetery, mortuary or church within one hour prior to, during and one (1) hour following the conclusion of a funeral.

SECTION 4: PROHIBITIONS AND SEVERABILITY

- A. It is unlawful for any person to engage in picketing within seven hundred and fifty (750) feet of any cemetery, church or mortuary within one hour prior to, during and one (1) hour following the conclusion of a funeral and/or related ceremony.
- B. 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 (\$1,000.00), and/or by imprisonment of up to (1) one year.
- C. 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 5: EFFECTIVE DATE

This local law shall take effect upon filing with the Secretary of State of the State of New York.

<http://www.co.washington.ny.us>