

5/17/11

RESOLUTION 84 - 11

Introduced by Supervisors M. Johnson, Barrett, Collyer, Lucia, Thompson, Wright and Yepsen

INTRODUCING A PROPOSED LOCAL LAW IDENTIFIED AS INTRODUCTORY NO. 2, PRINT NO. 1 OF 2011 PROHIBITING THE DISRUPTION OF MILITARY FUNERALS AND EVENTS RELATED THERETO, AND SETTING A DATE FOR A PUBLIC HEARING

WHEREAS, families of deceased members and former members of the United States Armed Forces have a substantial interest in organizing and attending funerals for their deceased relatives who served in the Armed Forces; and

WHEREAS, surviving family members participating in such military funerals and related events have a significant interest in quietly mourning the loss of their loved ones without being disrupted by those who are not mourning that loss; and

WHEREAS, this Board believes that protests and demonstrations at military funerals and funeral related events prevent grieving family members from mourning their loved ones in peace, and cause such family members to frequently suffer emotional stress; and

WHEREAS, federal legislation prohibits demonstrations during, and immediately before and after, funerals conducted at cemeteries under the control of the National Cemetery Administration; and

WHEREAS, this Board believes that it is necessary and appropriate that the County of Saratoga enact similar legislation to preserve dignity and respect at military funerals and funeral related events held in Saratoga County at locations other than cemeteries that are under the control of the National Cemetery Administration; now, therefore, be it

RESOLVED, that a proposed Local Law, identified as Introductory No. 2, Print No. 1 of 2011, entitled "A LOCAL LAW PROHIBITING THE DISRUPTION OF MILITARY FUNERALS AND EVENTS RELATED THERETO", is hereby introduced before this Saratoga County Board of Supervisors, and this Board of Supervisors shall hold a Public Hearing thereon on June 15, 2011 at 4:45 P.M. at the Meeting Room of the Saratoga County Board of Supervisors at 40 McMaster Street, Ballston Spa, New York 12020, on the matter of the adoption of such proposed Local Law, and the Clerk of this Board of Supervisors be and she hereby is directed to give notice of such Public Hearing in the manner prescribed by law.

BUDGET IMPACT STATEMENT: No budget impact.

INTRODUCTORY NO. 2 OF 2011

PRINT NO. 1

INTRODUCED BY: Supervisors M. Johnson, Barrett, Collyer, Lucia, Thompson,
Wright and Yepsen

COUNTY OF SARATOGA
LOCAL LAW - 2011

A LOCAL LAW PROHIBITING THE DISRUPTION OF
MILITARY FUNERALS AND EVENTS RELATED THERETO

BE IT ENACTED by the Saratoga County Board of Supervisors as follows:

SECTION 1. Legislative Intent and Purpose.

- A. This Board of Supervisors finds and determines that families of deceased members and former members of the United States Armed Forces have a substantial interest in organizing and attending funerals for their deceased relatives who served in the Armed Forces.
- B. This Board of Supervisors further finds and determines that surviving family members participating in such military funerals and related events have a significant interest in quietly mourning the loss of their loved ones without being disrupted by those who are not mourning that loss.
- C. This Board of Supervisors further finds and determines that protests and demonstrations at military funerals and funeral related events prevent grieving family members from mourning their loved ones in peace, and cause such family members to frequently suffer emotional distress.
- D. This Board of Supervisors further finds and determines that a full opportunity exists under the terms and provisions of this law for the exercise of free speech and other constitutional rights at times other than the period from two hours before the start of military funerals and funeral related events until two hours after the completion of the same.
- E. This Board of Supervisors also finds that the United States Congress has enacted legislation prohibiting demonstrations during, and immediately before and after, funerals conducted at cemeteries under the control of the National Cemetery Administration.
- F. This Board of Supervisors finds and determines that the County of Saratoga should enact similar legislation to preserve dignity and respect at military funerals and funeral related events held in Saratoga County at locations other than cemeteries that are under the control of the National Cemetery Administration.

- G. Therefore, the purpose of this law is to protect the privacy of grieving military families and prevent the disruption of military funerals and related events, and to maintain the peaceful nature of cemeteries, funeral homes, mortuaries, churches, synagogues, or other place of worship, or other locations at which a funeral or funeral related event is being held. This law shall not apply to demonstrations at funerals or funeral related events held at cemeteries under the control of the National Cemetery Administration, the prohibition of which demonstrations are governed by federal law.

SECTION 2. Definitions. As used in this Local Law, the following terms shall have the meanings indicated:

- A. "Military Funeral" means the ceremonies, processions, and memorial services held in connection with the burial of members or former members of the United States Armed Forces.
- B. "Funeral Related Event" means ceremonies, wakes, funerals, burials, Shiva, processions, and other memorial services held in connection with the deceased member or former member of the United States Armed Forces.
- C. "United States Armed Forces" means the United States Army, Navy, Air Force, Marine Corps and Coast Guard, and includes members and former members of the National Guard who were employed in service of the United States.
- D. "Demonstration" means picketing and other protest conduct, including but not limited to oration and speech with or without the use of sound amplification equipment or devices, the display of signs with or without verbal accompaniment, and the distribution of any handbill, pamphlet, leaflet or other written or printed matter, which are not part of the funeral, memorial service or ceremony.

SECTION 3. Prohibitions. It shall be unlawful for any person in the County of Saratoga to engage in a demonstration within five hundred (500) feet of any church, synagogue, or other place of worship, mortuary, funeral home, cemetery, or other location at which a Military Funeral or Funeral Related Event is being held within two hours immediately prior to the commencement of any Military Funeral or Funeral Related Event, during any Military Funeral or Funeral Related Event, and until two hours immediately following the completion of any Military Funeral or Funeral Related Event. The foregoing prohibitions shall not apply to demonstrations at funerals or funeral related events held at cemeteries under the control of the National Cemetery Administration, the prohibition of which demonstrations are governed by federal law.

SECTION 4. Penalties for Offenses. Any person who knowingly violates the provisions of this law shall be guilty of a misdemeanor punishable by a fine of up to \$1,000.00 and/or up to one year's imprisonment.

SECTION 5. Severability. If any clause, sentence, paragraph, subdivision, section or part of this local law or the 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 in 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 6. Incorporation into Code of Saratoga County. Upon its effective date as provided in Section 7 herein, this Local Law shall be incorporated into the Code of Saratoga County and made a part thereof.

SECTION 7. Effective Date. This local law shall take effect upon its filing as provided in Section 27 of the Municipal Home Rule Law.