

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

**FILED
STATE RECORDS**

JUN 28 2011

- County
- City of Saratoga
- Town
- Village

DEPARTMENT OF STATE

Local Law No. 4 of the year 20 11

A local law Prohibiting The disruption of
(Insert Title)
military Funerals and events
related thereto

Be it enacted by the Board of Supervisors of the
(Name of Legislative Body)

- County
- City of Saratoga as follows:
- Town
- Village

(Delete this line of text and enter text of local law here)

(Please see attached)

(If additional space is needed, attach pages the same size as this sheet, and number each.)

6/21/11

RESOLUTION 111 - 11

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

ADOPTING A LOCAL LAW IDENTIFIED AS INTRODUCTORY
NO. 2, PRINT NO. 1 OF 2011 PROHIBITING THE DISRUPTION
OF MILITARY FUNERALS

WHEREAS, Resolution 84 -11 introduced and presented a proposed Local Law identified as Introductory No. 2, Print No. 1 of 2011 to this Board of Supervisors and scheduled a public hearing thereon for June 15, 2011 at 4:45 P.M. in the Meeting Room of the Saratoga County Board of Supervisors, 40 McMaster Street, Ballston Spa, New York; and

WHEREAS, notice of that public hearing was duly published and posted as required by law; and

WHEREAS, the scheduled public hearing was held and all persons appearing or desiring to be heard have been heard by this Board; now, therefore, be it

RESOLVED, that this Board of Supervisors, on this 21th day of June, 2011 hereby adopts a Local Law identified as Introductory No. 2, Print No. 1 of 2011, as set forth in annexed Schedule A.

BUDGET IMPACT STATEMENT: No budget impact.

6/21/11

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RESOLVED, that this Board of Supervisors, on this 21th day of June, 2011 hereby adopts a Local Law identified as Introductory No. 2, Print No. 1 of 2011, as set forth in annexed Schedule A.

BUDGET IMPACT STATEMENT: No budget impact.

SCHEDULE A

**COUNTY OF SARATOGA
LOCAL LAW 4 - 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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 20 11 of the (County)(City)(Town)(Village) of Saratoga was duly passed by the Board of Supervisors on June 21 20 11, in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____.

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20 _____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20 _____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20 _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20 _____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.

Pamela A. Nargrave
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: *June 21, 2011*

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF *Saratoga*

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Stephen M. Dorsey
Signature _____
County Attorney
Title

County
City of *Saratoga*
Town
Village

Date: *6/23/11*