



STATE OF NEW YORK
DEPARTMENT OF STATE
ONE COMMERCE PLAZA
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ALBANY, NY 12231-0001

ANDREW M. CUOMO
GOVERNOR

CESAR A. PERALES
SECRETARY OF STATE

September 27, 2011

John F Leyden
Sullivan & Leyden
PO Box 396
Wayland NY 14572

RE: Village of Cohocton, Local Law 1 2011, filed on September 27, 2011

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.state.ny.us.

Sincerely,
State Records and Law Bureau
(518) 474-2755

Village of Cohocton

Local Law Numbered 1 of the year 2011

A Local Law entitled “Restricting Disruptive Protesting Activities at Funeral Related Events”.

Be it enacted by the Board of Trustees of the Village of Cohocton as follows:

A. TITLE

This Local Law shall be known as the law “Restricting Disruptive Protesting Activities at Funeral Related Events”.

B. LEGISLATIVE INTENT

The Board of Trustees finds that:

1. It is generally recognized that families have a substantial interest in organizing and attending funerals for deceased relatives.
2. 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.
3. Full opportunity exists under the terms and provisions of this section for the exercise of freedom of speech and other constitutional rights (a) at times other than within one (1) hour prior to the commencement of any funeral, during any funeral, or until one (1) hour following the completion of any funeral; and (2) at locations other than within seven hundred and fifty (750) feet of a funeral.

C. PURPOSE

The purposes of this section are to:

1. Protect the privacy of grieving families within one (1) hour prior to the commencement of any funeral, during any funeral, or until one (1) hour following the completion of any funeral;
2. Preserve the peaceful character of cemeteries, mortuaries and churches within one (1) hour prior to the commencement of any funeral, during any funeral or until one (1) hour following the completion of any funeral; and
3. Protect the First Amendment Rights of individuals by placing only restrictions that are content neutral and contain a reasonable time and place limitation.

D. DEFINITIONS

As used in this section:

1. Demonstration: Picketing and other protest conduct directed at a Funeral Related Event, including but not limited to, oration and speech with or without the use of sound amplification equipment or devices and display of signs with or without verbal accompaniment;
2. Funeral Related Event: Ceremonies, wakes, funerals, burials, Shiva, and other memorial services held in connection with a deceased person.

E. PROHIBITION

No person shall knowingly engage in a demonstration within seven hundred and fifty (750) feet of any church, synagogue or other place of worship, mortuary, funeral home, cemetery or other location at which a Funeral Related Event is being held within one (1) hour prior to the commencement of any Funeral Related Event, during any Funeral Related Event, or until one (1) hour following the completion of any Funeral Related Event.

F. ENFORCEMENT AND PENALTIES

A violation of any provision of this Local Law shall constitute an offense and be punishable as follows:

1. Any person violating the provisions of this Local Law shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed One Thousand Dollars (\$1,000.00) and/or by imprisonment of up to one (1) year. Each such violation shall constitute a separate and distinct offense.
2. This Local Law shall be enforced by any law enforcement agency having jurisdiction.

G. SEVERABILITY

If any clause, sentence, paragraph, subdivision, section or part of this Local Law or application thereof to any person, individual, corporation, firm, partnership or entity shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such determination 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 Local Law, or its application, to the person, individual, corporation, firm, partnership or entity directly involved in the proceeding in which such adjudication shall have been rendered.

H. EFFECTIVE DATE

This local law shall take effect immediately upon its filing as provided by law.