



Monroe County Legislature

RICHARD A. BEEBE

LEGISLATOR - DISTRICT 6

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March 17, 2011

To the Honorable
Monroe County Legislature
39 West Main Street
Rochester, New York 14614

Re: Restricting Inappropriate Funeral Protesting Activities at Funeral Related Events

Honorable Legislators:

Last month, the U.S. Supreme Court upheld the Westboro Baptist Church's ability to protest military funerals under their first amendment rights. While the right to free speech is one of the fundamentals of our democracy we believe that the privacy of a grief stricken family and community, especially military families, must also be protected from hateful and derogatory speech.

In a 8-1 ruling the Church has been allowed to continue picketing military funerals, often displaying pickets and signs including language such as "Thank God for dead soldiers" and "Thank God for IED's." In the written decision by the eight in the majority, Chief Justice Roberts encouraged municipalities to enact reasonable buffers.

In order to maintain a fair balance between these rights of individuals, we propose adopting a local law, prohibiting any demonstration or protests within 500 feet of a place of worship or cemetery. Violators of this law will be guilty of a violation punishable by a fine up to \$1,000.

The specific legislative action required:

1. Schedule and hold a public hearing on the attached proposed local law.
2. Enact the local law amending the Monroe County Code & Charter, as attached.

This proposal has no impact on the revenues/expenditures of the 2011 Monroe County Budget.

Sincerely,

Richard A. Beebe

Richard A. Beebe
Legislator – District 6

Ted O'Brien

Ted O'Brien
Democratic Minority Leader

Carrie M. Andrews

Carrie M. Andrews
Assistant Minority Leader

Travis R. Heider

Travis R. Heider
Legislator – District 14

Vincent Esposito

Vincent Esposito
Legislator – District 16

Glenn J. Gamble

Glenn J. Gamble
Legislator – District 22

Paul E. Haney

Paul E. Haney
Legislator - District 23

C. Stephen Ecke

C. Stephen Ecke
Legislator – District 26

Willie Joe Lightfoot

Willie Joe Lightfoot
Legislator – District 27

Cynthia W. Kaleh

Cynthia W. Kaleh
Legislator – District 28

Saul A. Maneiro

Saul A. Maneiro
Legislator – District 29

By Legislators _____ and _____

Intro. No. _____

LOCAL LAW NO. _____ OF 2011

A LOCAL LAW ENTITLED "RESTRICTING INAPPROPRIATE PROTESTING ACTIVITIES AT FUNERAL RELATED EVENTS"

BE IT ENACTED BY THE LEGISLATURE OF THE COUNTY OF MONROE, as follows:

Section 1. Part IV, General Local Laws of the Administrative Code and Charter of Monroe County, is hereby amended to include the following Local Law:

§381-1. Title.

This chapter shall be known as the law "Restricting Inappropriate Protesting Activities at Funeral Related Events"

§381-2. Definitions.

- A. **Demonstration:** Picketing and other protest conduct, 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.
- B. **Funeral Related Event:** Ceremonies, wakes, funerals, burials, Shiva, and other memorial services held in connection with the deceased person.

§381-3. Prohibitions.

No person in the Monroe County shall 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 Funeral Related Event is being held within one hour prior to the commencement of any Funeral Related Event, during any Funeral Related Event, or until one hour following the completion of any Funeral Related Event.

§381-4. Enforcement and Penalties

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

- A. Any person violating Section 381-3 of this law shall be guilty of a violation punishable by a fine not to exceed \$1,000.00 for each violation. Each such violation shall constitute a separate and distinct offense.
- B. This chapter shall be enforced by any law enforcement agency having jurisdiction.

§381-5. Severability

If any clause, sentence, paragraph, section or article of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such determination shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or article thereof directly involved in the proceeding in which such adjudication shall have been rendered.

Section 2. This local law shall take effect immediately upon filing with the Secretary of State pursuant to Section 27 of the New York State Municipal Home Rule Law.

File No. 11-0_____ .LL

ADOPTION: Date: _____ Vote: _____

ACTION BY THE COUNTY EXECUTIVE

APPROVED: _____ VETOED: _____

SIGNATURE: _____ DATE: _____

EFFECTIVE DATE OF LOCAL LAW: _____

Added Language is underlined
Deleted Language is ~~stricken~~