

TOWN OF SOUTHWICK FLAG/BANNER POLICY

Purpose

This policy provides guidelines for the flying of flags and banners on Town of Southwick owned property. The decision of which flag(s) to raise on Town owned property is hereby declared to be governmental speech, communicating a message to the public, to which the strictures of the First Amendment do not apply. The Town does not, nor has it ever, intended to designate the flying of flags on Town owned property as a public forum by permitting a non-governmental party to raise a particular flag. For purposes of this policy, any reference to a “flag” or “flags” herein shall include banner(s), except when referring to a specified flag.

Accordingly, the Select Board’s choice of whether to raise, or decline to raise, a flag on Town owned property, the process for such a decision, and the adoption of this policy shall not be interpreted as designating any Town owned property as a public forum for the flying of flags. This policy shall not apply to the Southwick Regional School System Public Schools.

The Select Board will have primary discretion regarding decisions relating to the administration of this policy except in the absence of the Select Board. In such cases only the following authorized persons will have such authority: Chief Administrative Officer; Assistant Chief Administrative Officer; or designee previously decided on by the Select Board. Such persons shall ensure the proper execution of this policy, as it may be amended, when necessary and warranted by the Select Board.

Policy

It is the policy of the Town of Southwick that flags exhibited from Town owned property shall be displayed in conformance with applicable federal, state, and local policies, as stated in the Federal “Our Flag” publication of the Congress, House Document No. 96-144 and the Massachusetts statutes and regulations for flags, including without limitation G.L. c. 2, § 6A, G.L. c. 264, § 5, 950 CMR34.00 *et seq.* and this policy. If the President of the United States or the Governor of the Commonwealth of Massachusetts or other authority of competent jurisdiction orders that the United States or Commonwealth of Massachusetts flag be flown at half-staff, no other flag shall be flown higher.

Standards

Federal, State, and Local Flags

1. Outdoor flags may be flown from Town Hall property only, provided that such flags are flown in the following order of precedence: first, the United States Flag; second, the Commonwealth of Massachusetts flag; and third, any other flag as approved by the Select Board or designee.

2. Weather permitting, flags flown by the Town outdoors may be displayed daily between sunrise and sunset in front of Town Hall, as may be designated by the Select Board, or designee, from time to time. The Select Board, or designee, shall determine the number of days any Flag shall be flown. Flags shall not be displayed in inclement weather; provided, however, an all-weather flag may be flown on a 24-hour basis if illuminated during the night.
3. Flags displayed on or inside town owned property will consist of only the following:
 - United States Flag
 - Massachusetts State Flag
 - Flag of the Town of Southwick
 - Flags of any/all branches of the United States Military
 - P.O.W./MIA remembrance Flag
 - Flags of officially recognized veteran's organizations, such as DAV, Wounded Warrior and similar.

Any exception to the above shall be considered a "Guest Flag" and must be requested in writing on a Town of Southwick Guest Flag Application form www.southwickma.org/flag-app. There will be a fee assessed of \$25.00 that must be paid at the time the application is submitted. Said fee will not be refunded in the event of a denial. All applications will be reviewed and permitted at the sole discretion of the Select Board and any denials will include a written explanation as to why the request was denied.

Examples of Guest Flags that may be flown with approval include but are not limited to: Flags relating to special circumstances, holidays, Town based events, or recognized days of honor (*i.e.*, Autism Awareness, Armed Forces Day, Pearl Harbor Day, 911 Remembrance Day and flags supporting non-profit organizations).

Any Guest Flag provided to the Town shall be clean, serviceable and the proper size for the existing flagpole. Further, any Guest Flag approved and flown will become the property of the Town of Southwick.

Approved Guest Flags will be flown for a maximum of thirty (30) days. No commercial business or promotional flags or banners may be flown.

Only military flags are to be flown at our memorial to veterans.

The Town of Southwick reserves the right to remove any flag at any time without cause.

In the event of any conflict or inconsistency between any part of this policy with any state or federal law, or the United States Flag Code, the applicable law or code shall take precedence. If any provision of this policy is ruled invalid by a court of competent jurisdiction, the remainder of the policy will remain in full force and effect.

TOWN OF SOUTHWICK GUEST FLAG/BANNER APPLICATION

Date: ____/____/____

Contact Name: _____

Address: _____

Phone Number: _____

Contact Phone: _____

Email: _____

Requested Dates: Start: _____

End: _____ (30-day maximum)

Name/Description of Event:

Do not write below this line.

Approved: _____

Not Approved: _____

\$25.00 Fee Collected: _____

Date: _____

Signature: _____

The Flag has been provided Yes _____ No _____ Date: _____

The Flag has been retrieved Yes _____ No _____ Date: _____