

TOWN OF HAMILTON
Select Board

POLICY NAME: Display of Flags on Town-owned Flagpoles

AFFECTED: () All employees () Boards () Committees () Elected ()
Appointed (X) Town Wide

DATE OF VOTE: 9/19/22

EFFECTIVE DATE: 9/19/22

POLICY TYPE: () New (X) Amendment

WHEREAS, the Select Board desires to establish clear guidelines regarding the display of all flags flown on Town-owned flagpoles, and

WHEREAS, in adopting this policy, the Select Board declares that flagpoles owned by the Town of Hamilton are not intended to serve as a forum for free expression by the public, but rather as a non-public forum for the display of any governmental and non-governmental flag authorized by the Select Board either required by law or as an expression of the Select Board's official government speech, communicating a message from the Town of Hamilton to the public.

NOW, THEREFORE, BE IT RESOLVED by the Town of Hamilton Select Board that:

SECTION 1: Flags shall be displayed in accordance with Federal and State statutes and regulations, including but not limited to, United States Code, Title 4, Chapter 1, M.G.L. c. 2, secs. 6 and 6A, M.G.L. c. 264, sec. 5, and 950 C.M.R. secs 34.00 et seq., and the National League of Families Prisoner of War/Missing in Action ("POW/MIA") commemorative flag shall be displayed daily and indefinitely at Town Hall and Patton Park, If the Governor of the Commonwealth or other authority of competent jurisdiction orders that the United States or Commonwealth flag be flown at half-staff, no other flag shall be flown higher. The Select Board or the Town Manager as its designee shall ensure the proper execution of this policy, as it may be amended from time to time by the Select Board in its sole discretion.

SECTION 2: Commemorative Flag.

1. As an expression of the Town's official government speech, the Select Board may authorize the display of a commemorative flag to fly on Town-owned flagpoles. A "commemorative flag" as defined in this Policy shall mean a flag that is displayed in conjunction with official actions, ceremonial items, or proclamations of the Select Board, and may be related a specific historical event, recognized holiday, cause, or group that the Select Board chooses to honor or commemorate consistent with the Town's mission and priorities.
2. The Select Board shall only consider a request to display a commemorative flag if the request is made by a member of the Select Board, and is voted on by the Select Board as an official act or declaration.
3. The decision to approve or deny a request to display a commemorative flag shall be made at a publicly noticed Select Board meeting. The decision to raise, or decline to raise, a commemorative flag is within the sole discretion of the Select Board.
4. Commemorative flags shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, which determination shall be made by the Select

Board.

5. Commemorative flags must be either purchased by the Town or temporarily donated for the Town's use and must be clean, without holes and tears, and be made of an all-weather fabric. Commemorative flags must be the same size or smaller than the United States and Massachusetts flags that are flown.

SECTION 3: This Policy is effective immediately upon passage