

ORDINANCE GOVERNING THE FLYING OF COMMEMORATIVE OR ORGANIZATIONAL FLAGS ON THE WAPPING COMMUNITY HOUSE DESIGNATED FLAGPOLE

1. Purpose

- A. The Town of South Windsor establishes the following rules and procedures regarding the display of privately owned Commemorative or Organizational Flags only on the one designated Town flagpole located at Town Center (Wapping Community House) southeast of the American flagpole and situated closest to Ellington Road. No other privately owned Commemorative or Organizational Flags shall be displayed on any other Town-owned or Town-maintained facility. The Town flags found on the Town of South Windsor Flag List are excluded from this ordinance.
- B. In adopting this ordinance, the Town Council declares that flagpoles owned or maintained by the Town of South Windsor 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 Commemorative or Organizational Flags authorized by the Town Council as an expression of the Town Council's official sentiments which shall constitute government speech.

2. Process; Eligible Flags

- A. As expression of the Town's official government speech, the Town Council may authorize the display of a Commemorative or Organizational Flag only on the one designated flagpole located at Town Center (Wapping Community House).
- B. The Town Council shall only consider a request to display a Commemorative or Organizational Flag if the request is made by a member of the South Windsor Town Council at a regular or special Town Council meeting. All requests must be supplied to the Clerk of the Council by the close of the business day (4:30 p.m.) on the day of the Agenda Meeting for that meeting and in accordance with the procedural requirements outlined in Section III.
- C. At a noticed and agendized Town Council meeting, a two thirds plus one (supermajority plus one) of Council members present and voting would need to agree to fly the Commemorative or Organizational Flag. The necessary votes needed depends upon the number of members present, as shown below:

<u>Members Present and Voting</u>	<u>Two Thirds Plus One Vote</u>
9	7
8	7
7	6
6	5
5	5

- D. Each Commemorative or Organizational Flag cannot be flown more than once a year and will be displayed for a period of time that is reasonable or customary for duration of the event or fourteen (14) continuous days. Only one Commemorative or Organizational Flag will be allowed to be displayed during any time period. Commemorative and Organizational Flags must be temporarily donated for the Town's use and be clean, without holes and tears, and be made of an all-weather fabric. Commemorative or Organizational Flags must be the same size or smaller than the United States and Connecticut flags that are flown. The Town will not be responsible for the condition of the Commemorative or Organizational Flag once flown and may dispose of any such flag not picked up within thirty (30) days after it has been flown. The Town will not purchase the Commemorative or Organizational Flags. If any other flag is flown at half-staff, the Commemorative or Organizational Flag will also be flown at half-staff. All flags shall be flown in accordance with the U.S. Flag Code.
- E. A Commemorative or Organizational Flag as defined in this Policy shall mean a flag that is owned by a private individual, group or organization and that identifies with a specific historical event, cause, nation or group of people that the Town Council chooses to honor or commemorate consistent with the Town's mission and priorities. The following are not allowed as Commemorative or Organizational Flags and will not be considered by the Town Council:
- a. Flags of a particular religious movement or creed to avoid the appearance of Town government endorsing religion or a particular religious movement or creed;
 - b. Flags of a political party to avoid the appearance of Town government, endorsing a political party;
 - c. Flags advocating a certain outcome in an election to avoid the appearance of Town government endorsing an electoral outcome;
 - d. Flags of a commercial organization, to avoid the appearance of Town government endorsing any particular business; and
 - e. Flags that enable violence, discrimination, prejudice, or racism, to avoid the appearance of Town government endorsing such actions.

3. Procedure

A. Application Process:

An individual, group or organization who would like Town Council members to request a Commemorative or Organizational Flag be adopted by the Town shall make application through the Town Manager's Office as follows:

- Obtain an application from the Town's website or request an application from the Town Manager's Office.

- A completed application has to be submitted to the Town Manager's Office no less than 30 days prior to the request of when the flag is to be flown. An application must be completed in its entirety or will not be accepted.
- After the request is reviewed and signed by the Town Manager, the application shall be distributed to all members of the Town Council.

B. Town Council Process:

Any Town Council member can choose in his or her own sole discretion to request that the flying of the proposed flag be adopted by the Town Council as the Town's government speech and that it become a discussion item placed on a regular or special meeting agenda as follows:

- The request must be supplied to the Clerk of the Council by the close of the business day (4:30 p.m.) on the day of the Agenda Meeting.
- Such request will be considered pursuant to Section II and only if a two thirds plus one (supermajority plus one) of the Town Council members present and voting approve of the request, shall the request be placed on the Town Council agenda for its next regular or special meeting as an action item for resolution by the Town Council. The necessary votes are shown in a table above.