

## **City of South Portland Display of Flags Policy**

### **Section 1. Purpose.**

The purpose of this Policy is to establish clear guidelines regarding (a) the display of the United States of America flag, the State of Maine flag, and the City of South Portland flag at City Hall and at City facilities, and (b) the display of ceremonial or commemorative flags.

### **Section 2. Definitions.**

*Ceremonial flag* means a flag associated with a special observance, public ceremony, or other similar event.

*Commemorative flag* means a flag that honors or celebrates an event, group, or cause.

*Flag* means a piece of cloth or similar material, typically rectangular or square, attachable by one edge to a pole or rope and used as the symbol or emblem of a country, state, municipality, institution, or in honor of an event or memorial to a person or group.

*Third party* means anyone other than a currently serving South Portland City Councilor.

### **Section 3. Policy.**

It is the policy of the City that flags should be displayed in conformance with federal and State laws and policies, including, without limitation, 4 U.S.C. § Chapter 1, as may be amended, and 1 M.R.S. §§ 251-256, as may be amended. The City's flagpoles are not intended to serve as a forum for free expression by the public. The City will not display a ceremonial or commemorative flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party. Ceremonial or commemorative flags shall be displayed only as an expression of the City's official sentiments as evidenced by majority vote of the members of the City Council.

### **Section 4. Procedure.**

(a) Federal, State and City Flags.

- (1) Outdoor flags will be flown at City facilities in the following order of precedence: first, the United States of America flag; second, the State of Maine flag; third, the City of South Portland flag or, in lieu of the City flag, a ceremonial or commemorative flag duly authorized by the City Council. Nothing herein shall preclude the City Manager from approving an individual department from flying a departmental flag in lieu of, or in addition to, the City flag at City facilities associated with the department (*e.g.*, the Fire Department flying a Fire Department flag at a City fire station or Firefighter Park).

- (2) The City of South Portland flag will be flown wherever there are sufficient poles to do so. The City flag may be displayed on the same pole with, and underneath the State flag, whenever the pole is of sufficient height. The federal, State, and City flags shall not be flown on a single pole of any height.
- (3) Indoor City flags shall be displayed at a minimum in the City Hall Council Chambers.

(b) Ceremonial and Commemorative Flags.

- (1) Ceremonial flags must be approved by the City Council by adoption of an order prior to the display and shall be displayed for a period of time that is reasonable or customary for the event, but no longer than 30 continuous days.
- (2) Commemorative flags must be approved by the City Council by adoption of an order prior to the display and shall be displayed for a period of time that is reasonable or customary for the subject that is to be commemorated, but no longer than 30 continuous days.
- (3) Notwithstanding any provision of the City Council's Standing Rules to the contrary, no City Council workshop is required prior to the adoption of an order relating to the display of a ceremonial or commemorative flag and any City Councilor may request that an item requesting approval of such a display be placed on a Council agenda pursuant to the procedures set forth in City Council Standing Rule 4.
- (4) The City shall not display a ceremonial or commemorative flag based on a request from a third party, nor will the City use its flagpoles to sponsor the expression of a third party.
- (5) All ceremonial and commemorative flags shall be no larger than three feet by five feet and no smaller than two feet by four feet.

(c) Lowering of Flags.

- (1) The City shall follow all directives of the President of the United States and Governor of Maine regarding the lowering of the U.S. and Maine State flags to half-staff, respectively.
- (2) The City Manager is authorized to order that the City flag be lowered to half-staff in honor of a City employee killed in the line of duty.

Adopted: May 25, 2021