

City of Salem
First Passage

In the year Two Thousand and Twenty-three

An Ordinance to establish a flag raising policy

WHEREAS, The City of Salem traditionally displays thirteen flags at Riley Plaza of the United States and of the Missing in Action Prisoners of War; *and*

WHEREAS, Historically, the City of Salem has also on occasion flown various other flags in place of the United States Flag; *and*

WHEREAS, A municipal flag display should express official messages of the City and not a public forum for private speech to which all voices are entitled to access; *and*

WHEREAS, It is important that the City of Salem, as a city of immigrants, be able to express its official solidarity with people who have come to Salem from other nations, and to express other official, City-endorsed messages from the Mayor and City Council that may be appropriately accompanied by ceremonial flag-raising; *and*

WHEREAS, For these expressions of official City sentiment to be clearly construed by the residents of Salem, it is also important to clearly demarcate and codify that the City's flagpoles are expressing official messages of the City and not intended to serve as a forum for free expression by the public; *and*

WHEREAS, The clearest way to establish a new City of Salem policy in regard to the display of flags at Riley Plaza is to enshrine our standards for such displays in city ordinance.

NOW, THEREFORE

Be it ordained by the City Council of the City of Salem, as follows:

SECTION 1: City of Salem Code, Ordinances, Chapter 1, is hereby amended by inserting a new section as set forth below:

“Sec. 1-13. Flag Raising

(a) Purpose

The purpose of this Ordinance is to establish guidelines for the display by the City of Salem of (1) flags of governments recognized by the Federal Government, and (2) other flags on Riley Plaza.

(b) Policy

It is the policy of the City of Salem that flags should be displayed in conformance with Federal and State policies, as stated in the Federal "Our Flag" publication of the Congress, House Document No. 96-144 and Chapter 2, Section 6 of the Massachusetts General Laws and Chapter 2.

(c) Order of Precedence

Outdoor flags will be flown Riley Plaza in the following order of precedence: first, the United States flag and second, the Missing in Action Prisoners of War flag.

(d) Special occasions of Federal, State and local proclamation

1. Flags at Riley Plaza shall be displayed in accordance with the above standards. However, the Mayor may order flags to be lowered to half-staff including, but not limited to flags of the United States of America and the Commonwealth of Massachusetts in honor of the death of a City employee killed in the line of duty, or in observance of a specific event or circumstance.
2. Pursuant to proclamation of the Mayor, or resolution of the City Council, other flags may be flown by the City in place of the Missing in Action Prisoners of War flag.

(e) Other Flags

The City's flagpoles are not intended to serve as a forum for free expression by the public. The following flags may be displayed by the City as an expression of the City's official sentiments:

1. *Flags of Governments Recognized by the United States.* Flags of governments recognized by the United States may be displayed upon the proclamation of the Mayor or by resolution of the City Council.
2. *Flags Displayed in Conjunction With Official Events or Ceremonies as Announced by Mayoral Proclamation or City Council Resolution.* By proclamation of the Mayor or resolution of the City Council, other flags may be displayed as official City events or ceremonies.
3. *Flags of Professional Sports Teams.* The Mayor may order the display of the flag of a professional sports team in commemoration of a significant achievement involving the City of Salem.
4. *Ownership of Other Flags.* The City shall acquire ownership of all flags that it flies in place of the City of Salem flag.

(f) Time limit

Flags other than the United States and of the Missing in Action Prisoners of War flags shall be displayed for 24 hours, but no more than two weeks, unless otherwise agreed upon in writing by the Salem Mayor's Office no less than two weeks before the scheduled flag raising. The display shall not exceed two weeks.

(g) Application

Any entity or individual requesting a flag raising shall submit an application to the Mayor's Office no less than two weeks prior to the desired flag raising date.

SECTION 2: This Ordinance shall take effect upon passage.

In City Council April 27, 2023

Adopted for first passage by a roll call vote of 10 yeas, 0 nays and 0 absent

ATTEST:

ILENE SIMONS
CITY CLERK

Adv: 5/3/23