



**OFFICE OF THE TOWN ADMINISTRATOR
MEMORANDUM**

TO: Each Member of the Board

FROM: Melvin A. Kleckner, Town Administrator

RE: Display of American Flag Policy

DATE: September 25, 2012

Recently, some confusion has arisen relative to the display of the American flag (the Flag) on Town owned property and facilities, especially relating to its display at half-staff. This memo is intended to clarify this confusion and establish some policies and procedures for the display of the Flag.

BACKGROUND: The display of the American Flag is controlled by a federal law known as the "Flag Code". The Flag Code is formally codified as Title 4 of the United States Code. Section 7 of the Code addresses flying of the Flag at half-staff. The law requires that the Flag be flown at half-staff on Memorial Day and upon the death of principal figures of the United States Government and Governors of the States. In addition, the President of the United States is authorized to order the Flag to be flown at half-staff upon the death of other officials or for other reasons. The Governors of the States may also order that the flag be flown at half-staff under certain circumstances.

TOWN POLICY: It shall be the policy of the Town to honor the American Flag and display it in accordance with the spirit and intent of the Flag Code of the United States. This shall include, but not be limited to, the following;

- The Flag should fly only from sunrise to sunset in the open unless properly illuminated during hours of darkness.

- **No other flag or pennant should be placed above or, if on the same level, to the right of the Flag of the United States of America.**
- **The Flag shall be flown at half-staff on Memorial Day and as a mark of respect to the memory of certain persons when ordered by the President of the United States or the Governor of the Commonwealth of Massachusetts; as follows**
 - **Orders by the President of the United States generally apply to all flags flown throughout the United States and its territories. As a result, all flags on Town owned buildings and facilities shall comply with these Orders. Orders by the Governor of the Commonwealth of Massachusetts are generally limited to state government buildings and facilities. In this case, the Town shall require that only the Flag within the Town Hall property comply with these Orders.**
 - **In the event that raising or lowering flags on Memorial Day or on other days mandated by an Order would require overtime expense or other scheduling hardships, departments are authorized to lower or raise the Flag on the work day preceding or following the day mandated in the Order.**
 - **The Federal Flag Code does not purport to cover all possible situations and local traditions/practices. According to the Code, the general rule by which such practices may be fairly tested is that “No disrespect should be shown to the flag of the United States of America.” As a result, the Flag may be flown at half-staff when deemed appropriate by the Building Commissioner (for the Town Hall) and by other department heads for other Town property or facilities, after consultation with the Town Administrator. In making such determinations, the Building Commissioner and department heads shall take into consideration the intent of the Flag Code and give priority to deaths incurred in the line of service. The time period for display of the Flag at half-staff in these cases shall be limited to one day. The Town should make reasonable efforts to inform the public why the American Flag has been lowered to half-staff.**

TOWN PROCEDURES: The department head that has management jurisdiction of the municipally owned property or facility the flag is flying upon shall be responsible for complying with this Policy. In the case of Town Hall, this responsibility shall be vested in the Building Commissioner. When any Order is issued by the President of the United States or the Governor of the Commonwealth of Massachusetts, all department heads will receive e-mail notification from the Building Department. If a department head determines that the Flag shall be flown at half-staff for any other reason, the Building Commissioner shall be informed immediately.

