

**Town Council
of the
Town of Wakefield, Massachusetts**

Policy: Use of Flagpoles on Town Property
Adopted: June 13, 2022

1. Application. This policy applies to all flagpoles that are, and from time to time may be, in use on real property belonging to the Town of Wakefield (the “Town”) and under the control of the Town Council. Such flagpoles include, without limitation, those located at the Town Hall, the Town Common, the Americal Civic Center and Veterans’ Field. Since the Town’s Home Rule Charter provides, in § 8-4(b), that the custody and control of all real property previously under the control of the School Committee and School Department has been transferred to the Department of Public Works, this policy applies to flagpoles on school grounds; however, in the interest of comity, the Town Council will endeavor to confer with the School Committee prior to any change in the flags approved for use on school grounds. This policy does not apply to flagpoles located on Town property that is under the control of other public bodies, including those located at the Library (which are governed by the Board of Library Trustees) and those at facilities owned by the Wakefield Municipal Gas and Light Department.

2. Expression of Official Sentiment; Not a Public Forum. Town flagpoles are not intended as a forum for free expression by the public. Rather, the decisions of the Town Council concerning which flags to fly, and when, and from which flagpoles, are intended as an expression of official Town sentiment. Flags permitted by vote of the Town Council to be flown from any Town flagpoles may, or may not, have some connection with groups using space on Town property (such as those participating in a parade on a public way, or renting space in the Americal Civic Center for a meeting, or using an area of the Common for festivities), but in each instance the discretionary choice of the Town Council to fly or not to fly a flag reflects the will of the Town government, and no group or individual shall have a right to dictate that choice.

3. American Flag. Except during inclement weather, the flag of the United States shall regularly be flown during daylight hours from at least one flagpole at each Town facility that has one or more flagpoles. It shall not be flown at night except when illuminated. It shall be flown at half-staff whenever ordered by the President of the United States, the Governor of Massachusetts or the Town Administrator of the Town to honor the death of a public officer. No flag or banner may be displayed above the flag of the United States, and no flag other than the POW-MIA flag shall be displayed below the American flag, on any Town flagpole. The flag of the United States shall be flown in accordance with all applicable laws, including 4 U.S.C. §§ 1 – 10. In the event of any inconsistency between such laws and this policy, such laws shall take precedence.

4. POW-MIA Flag. In accordance with Mass. Acts 1986, c. 399, § 1, the POW-MIA flag shall regularly be flown during daylight hours from a flagpole on the grounds of at least one Town facility.

5. Town Council Vote Required. Aside from the American flag and the POW-MIA flag, which are to be regularly displayed as described in §§ 3 & 4, above, no other flag or banner

shall be flown from any Town flagpole covered by this policy without the express, prior vote of the Town Council, which vote may establish the number and location(s) of such flags or banners, and the period(s) of time when they shall be flown, provided that no flag or banner may be longer or wider than the flag of the United States that is flown with it.

6. Prior Policies Rescinded. All previous policies regarding Town flags and flagpoles are hereby rescinded.