

TOWN OF SOUTHBOROUGH



OFFICE OF THE SELECT BOARD

TOWN HOUSE · 17 COMMON STREET · SOUTHBOROUGH, MASSACHUSETTS 01772-1662

TOWN OF SOUTHBOROUGH FLAG POLICY

Purpose: This policy provides guidelines for the Town's flying or presenting, on Town of Southborough-owned properties, the flag of the United States of America, the Commonwealth of Massachusetts, and the POW/MIA as well as flags for parades, holidays, and other events and celebrations. The choice, by the Town, of which flag to raise on Town-owned properties is hereby declared to be government speech, communicating a message to the public. The Town presently does not, nor does it intend to designate the flying of flags on Town-owned properties as a public forum by permitting a non-governmental party to raise a particular flag. Accordingly, it is the Town's choice, acting by and through the Select Board, of whether to raise, or decline to raise, a flag on Town-owned properties. The manner in which such a decision is made, and the adoption of this policy, shall not be interpreted as designating any Town-Owned properties as a public forum for flying of flags. This policy does not apply to The Public Schools of Southborough on the properties that are controlled thereby.

Policy:

1. It is the policy of the Town of Southborough that flags exhibited from Town-owned properties shall be displayed in conformance with applicable federal, state, and local policies, as stated in the Federal "Our Flag" publication of the Congress House Document Number 96-144, and the Massachusetts statutes and regulations for flags, including without limitations G.L. c 2, §§ 6A, G.L. c. 264, §§ 5, 8, 950 CMR 34.00 *et seq.* and this policy. The Select Board or the Town Administrator as its designee shall ensure the proper execution of this policy, as it may be amended in the future by the Select Board in its sole discretion.
2. The flying or presentation of flags other than the ones stated above, such as ceremonial flags, are not intended to create, or serve as, a forum for free expression by the public as

stated above. In addition to the authorized flags described in the preceding paragraph, the Town of Southborough may display the following flags, at the request of the Select Board or the Town Administrator as its designee, as an expression of the Town's official sentiments:

- a. Flags of the Southborough Police Department, Southborough Fire Department, or any other flag emblematic of a Town Department;
- b. Service Flags at the All Wars Memorial;
- c. The Betsy Ross Flag on the tall flagpole in the Old Burial Ground;
- d. Military Flags on Memorial Day, Veterans Day, Purple Heart Day; and
- e. Revolutionary War flags, as approved by the Select Board, displayed along the stone wall exterior to the cemetery by the entrance to the Old Burial Ground: (i) during the week before Patriots' Day through the week after Memorial Day; and (ii) during the week before and after Veterans' Day.

3. Nothing in this policy shall be construed to restrict or in any way limit the display of:
 - a. Flags displayed on privately held cemetery plots consistent with cemetery regulations; and
 - b. Flags displayed at Town Meeting as the Moderator shall permit.