

TOWNSHIP OF SPARTA

FLAG FLYING POLICY

- I. Purpose.
 - A. The Township of Sparta (the "Township") hereby establishes the following guidelines regarding the display of Commemorative or Organizational Flags on a Township flagpole located at the Municipal Building or Township-owned or Township-maintained facilities.
 - B. In adopting this Policy, the Township Council declares that flagpoles owned or maintained by the Township are not intended to serve as a forum for free expression by the public, but rather as a non-public forum for the display of Commemorative or Organizational Flags authorized by the Township Council as an expression of the Township Council's official sentiments which shall constitute government speech. See Matal v. Tam, 137 S. Ct. 1744, 1757 (2017).
 - A. As expression of the Township's official government speech, the Township Council may authorize the display of a Commemorative or Organizational Flag at the flagpole(s) located at the Municipal Building or other Township-owned or Township-maintained facilities.
 - B. The Township Council shall only consider a request to display a Commemorative or Organizational Flag if a majority of the Township Council members agree to place the issue on the agenda for a regular or special Township Council meeting. Further procedural requirements are outlined in Section III.
 - C. At a noticed and agendized Township Council meeting, a majority of Council members would need to adopt a Resolution to authorize the flying of the Commemorative or Organizational Flag.
 - D. Each Commemorative or Organizational Flag cannot be flown more than once per year and will be displayed for a period of time that is reasonable or customary for the duration of the event or for a period not to exceed one month.
 - E. Commemorative and Organizational flags must be temporarily donated for the Township's use and be clean, without holes and tears, and be made of an all-weather fabric. The Township will not be responsible for the condition of the Commemorative or Organizational Flag once flown and may dispose of any such flag not picked up within thirty (30) days after it has been flown.

Flags cannot be larger than 4ft x 6 ft. The Township will not purchase the Commemorative or Organizational Flags.

- F. All Commemorative and Organizational flags must be smaller in size than the American Flag and the New Jersey State flag that is displayed at the Municipal Building, and shall be displayed on a separate flagpole from that on which the American Flag is displayed with the New Jersey State flag.
- G. When the American Flag is at half-mast, the Commemorative or Organizational Flag will also be flown at half-mast.

III. Procedure.

- A. An individual or group who would like to request a Commemorative or Organizational Flag to be approved by the City Council should make a request to the Township Manager. The Township Manager shall distribute any requests made by the public to all members of the Township Council. All requests will then be placed on an agenda for a regular or special Township Council meeting and the request will be considered by the Township Council pursuant to Section II.
- B. The Township Council will only display Commemorative or Organizational flags that it approves as its own government speech.
- C. Flags will be flown according to the U.S. Flag Code.