



**TOWN OF MAYNARD
SELECT BOARD
FLAG RAISING POLICY
Date Approved: May 18, 2021**

1. A third-party organization or individual may apply to have the Town raise a particular flag on the Town flagpole located in front of the Police Station in vicinity of Town Hall, or other location identified as town property subject to the approval by the Select Board.
2. Whether the application is approved or denied is in the sole discretion of the Town, acting through its Select Board (“Board”), which may do so for any reason or no reason at all.
3. The choice of which flag to raise on the Town Hall flagpole, other flag pole under the jurisdiction of the Board– including the approval or denial of the application noted above – is government speech to which the strictures of the Free Speech Clause of the First Amendment do not apply.
4. The Town does not, nor has it ever, intended to designate the flagpole as a public forum by permitting a third party to raise a particular flag on the same. Accordingly, neither this Policy, the Town’s choice of which flag to raise, nor the manner in which it makes such choice should be interpreted as designating the flagpole as a public forum.
5. No event held on Police Station property, Town Hall property, or elsewhere which accompanies the raising of any third-party flag shall have any effect on the Town’s intent as set forth in Sections 3 and 4 above.
6. Applicants must complete the attached flag-raising application and submit it to the Select Board/ Town Administrator’s Office at least 30 days prior to the date on which the applicant is seeking to raise the flag. The application requires applicants to provide:
 - a. The name of the applicant;
 - b. Contact information for the same;
 - c. The purpose for which the applicant wants to raise the proposed flag;
 - d. If the applicant is an organization or an individual on behalf of an organization, a description of the organization including any local,

national, or international affiliation, a brief history of the organization, the organization' website address, its nonprofit status, and any other relevant information;

- e. The date and time on which the applicant is seeking to raise the flag;
 - f. The duration for which the applicant wishes the flag to remain raised; and
 - g. A colored picture of the proposed flag (front and back) and a measurement of its dimensions.
7. Once a completed application is submitted, as set forth in Section 6 above, the Town Administrator or his/her designee will confer with the Police Department and Department of Public Works to determine whether the requested date, time, and duration of the flag-raising is operationally feasible. If so, the Town Administrator or his/her designee will put the request on the next Board meeting agenda for review and public comment. If not, the applicant will be notified as soon as practicable and given the opportunity to select an alternative date, time, and duration.
 8. The Town Administrator's Office will notify the applicant of the Board's decision following the meeting.
 9. If approved, the applicant must deliver the flag to the Board's/ Town Administrator's Office 48 business-hours before the scheduled raising thereof and retrieve the same after the flag has come down. The flag must be clean and serviceable with dimensions acceptable to be hung appropriately/effectively. The Town will not be responsible for flags that are not retrieved within 48 business-hours of the flag being taken down.
 10. Generally, third-party flag raisings must occur on normal business workdays (state and federal holidays are not normal business workdays) between 10:00 a.m. and 3:00 p.m. An applicant may request to raise a flag outside of the foregoing window but must explain why it is necessary. Whether such request is approved will be in the sole discretion of the Police Department and Department of Public Works.
 11. Applicants may be required to pay for security, custodial, or other costs incurred by the Town in raising the proposed flag.
 12. All flags on Town flagpoles will be raised in accordance with the U.S. Flag Code and all applicable laws of the Commonwealth.
 13. The Town will deny Applications to raise a third-party flag which contains content that:

- a. Poses a danger to public health or public safety;
- b. Violates the Town bylaws, regulations, practices, or ethics;
- c. Any other reason subject the discretion of the Board.