

**Town of Mashpee
Select Board**

Policy No: 082

Flag Policy

I. POLICY

This Policy is intended to address flags allowed to be flown on Town of Mashpee flag poles. This policy establishes criteria for Select Board determinations on the use of property and flag poles owned/controlled by the Town of Mashpee, including specific flags outlined in Article III. (Procedures) It is the Policy of the Town of Mashpee that flags exhibited from Town-owned property and flag poles 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 No. 96-144 and Massachusetts statutes and regulations for flags, including without limitation General Law Chapter 2, Section 6A and General Law Chapter 264, 5,950 CMR 34.00, and this Policy.

II. PURPOSE

The Select Board's determination of which flags to raise on Town-owned property is intended to be, and is hereby declared to be, governmental speech communicating a sentiment of the Town to the public. The Town does not intend, nor has it intended, flag poles located on Town property to be a public forum. Accordingly, the Select Board's decision to raise, or to decline to raise, any flag on Town-owned property and the adoption of this Policy shall not be construed to designate any Town-owned property or flag pole as a public forum for the purpose of displaying flags.

III. PROCEDURES

The Select Board authorizes the following flags to be flown on Town-owned flagpoles as an expression of the Town's government speech:

1. The official flag of the United States of America.
2. The official flag of the Commonwealth of Massachusetts.
3. The official flag of the Town of Mashpee.
4. The official flag of the Mashpee Wampanoag Tribe.
5. The official MIA-POW flag may be flown, with prior approval of the Select Board and/or Town Manager, on the Town-owned flagpole at Veterans Park.

No other flags shall be allowed to be flown on Town-owned flag poles as those flag poles and this Policy are not intended to establish or serve to create a forum for private expression.

Flags may be ordered removed on a temporary basis by the Town Manager or designee due to weather conditions (high winds), repairs or other legitimate purposes.

IV. STANDARDS

A. FEDERAL, STATE, AND LOCAL FLAGS

1. Outdoor flags may be flown on Town-owned property, provided that such flags are flown in the following order of precedence: first, the United States flag; second, the Commonwealth of Massachusetts flag; third, the Town flag; and fourth, the POW/MIA flag. Flag poles will continue to accommodate the Mashpee Wampanoag flag.
2. Weather permitting, flags flown outdoors by the Town may be displayed daily between sunrise and sunset; provided, however, that all-weather flags may be flown on a 24-hour basis if illuminated at night.

B. FLAGS AT HALF-STAFF

Flags on Town-owned flagpoles shall be flown at half-staff for the following reasons:

1. On designated dates pursuant to established protocol by proper authority. (Example: Memorial Day)
2. By order of the President of the United States.
3. By order of the Governor of the Commonwealth of Massachusetts.
4. As authorized, by special order of the Select Board or in the absence of a Select Board meeting, by special order of the Town Manager, after consultation with the Select Board Chair.
5. The Mashpee Wampanoag Tribal Chair or designee shall authorize the Town to fly the Mashpee Wampanoag flag at half-staff.

V. PRE-EXISTING POLICIES

This policy shall take effect upon its adoption and shall supersede and replaced any pre-existing policy, whether in writing or otherwise, relating to the subject matter hereof.

***Adopted by the
Mashpee Select Board
January 22, 2024***