

TOWN OF BARRINGTON, RI

Ordinance 2020-27

Flag Policy

ADD NEW CHAPTER 104: Flag Policy

Sec. 104-1. Findings.

Municipal flagpoles and flag-raising are forms of government speech. Accordingly, the Town of Barrington (the “Town”), through the Town Council (the “Council”) as its elected legislative and policy making body, has sole discretion to decide the content of any flag that is raised on a Town-owned flagpole, in order to convey messages that appropriately reflect the values of the Town.

Sec. 104-2. Declaration of Policy.

It is the standing practice of the Town to raise the official Flag of the United States of America on the Town Hall flagpole and other flagpoles on municipal property. It is also the standing practice of the Town to raise the “Prisoner of War/Missing in Action” (“POW/MIA”) flag beneath the United States flag on the Town Hall flagpole. The method for establishing or ceasing additional flag-raising shall be set forth in this ordinance.

Sec. 104-3. Definitions.

For purposes of this Chapter, “temporary” means no more than 31 days, unless further extended by the Council or Town Manager in accordance with this Chapter, or for any other period of time set forth in a Resolution of the Council.

Sec. 104-4. Flags on Town Flag Poles.

This ordinance shall set forth how and when other flags may be flown on municipal property.

- A. The Town Manager or the Council shall have the sole authority to determine which flags may be flown on Town-owned flagpoles. In all cases, the Council shall retain final discretion on which flags shall be flown.
- B. Notwithstanding the foregoing, the flying of flags on flagpoles owned by the Town that are located on property controlled by the School Committee pursuant to R.I. Gen. Laws §16-2-15 and section 144-4 of the Code of Ordinances shall be governed in accordance with the directives of the School Committee, or its designee, pursuant to R.I. Gen. Laws §16-9-10.
- C. Nothing set forth herein is intended in any way to prohibit or interfere with individuals carrying lawful flags in public and/or displaying them on private property or petitioning the appropriate Town authorities to fly any flag on flagpoles owned by the Town.

Sec. 104-5. Temporary flag-raising.

Temporary flags may be raised on Town-owned flagpoles on municipal property, in accordance with the US Flag Code (Title 4, Chapter 1 of the US Code), during select periods of time.

The methods by which temporary flags may be raised shall be as follows:

- A. Council Resolution: Members of the Council or the Town Manager may submit Resolutions for temporary flag-raising to be voted on by the Council. Any Resolutions regarding flag-raising that were adopted in a consistent manner with this Chapter that predate the enactment of this Chapter shall remain in effect, unless changed by a vote of the Council.
 - 1. Resolutions shall demonstrate a purpose for why a specific flag is being raised at a specific time.
 - 2. An individual or group requesting a flag-raising shall work with a member or members of the Council, or the Town Manager, who may sponsor the proposal and submit the Resolution to the Council. Without such a sponsor or sponsors, a Resolution shall not be heard by the Council.
- B. Town Manager Authority: The Town Manager, under their executive authority may raise a temporary flag without prior Council Approval, provided that:
 - 1. Notice has been provided to the Council in writing, at least one business day in advance, describing the flag, its purpose, and intended duration; and
 - 2. If any member of the Council so requests a meeting, it shall be held as soon as possible in compliance with the Open Meetings Act; and
 - 3. The Council discusses and acts on such a flag, if it remains raised at the next convening of the Council, including at a Special Meeting held specifically for such purpose; or in the event an individual or multiple Council member(s) objected, the Council may discuss and act on raising such temporary flag.
- C. When directed by the President of the United States or the Governor of the State of Rhode Island to lower the United States flag to half-mast, any temporary flag will be removed in respect for the solemnity of the occasion.

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This ordinance shall take effect upon passage.



Council Member

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Introduced: January 11, 2021
Amended: February 1, 2021
Adopted: February 1, 2021