



TOWN OF FOXBOROUGH
40 SOUTH STREET
FOXBOROUGH, MASSACHUSETTS 02035
Telephone - 508-543-1200 FAX - 508-543-6278

TOWN OF FOXBOROUGH
SELECT BOARD

POLICY REGARDING DISPLAY OF FLAGS ON TOWN PROPERTY

1. **Purpose.** This Policy establishes criteria for Select Board determinations on the use of property and flag poles owned / controlled by the Town of Foxborough for the flying of flags, including the flags of the United States of America, Commonwealth of Massachusetts, Town of Foxborough and the POW/MIA flag, as well as ceremonial flags as described below. 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.

This Policy shall not apply to public property within the care, custody and control of the Foxborough Public Schools.

2. **Policy.** It is the Policy of the Town of Foxborough 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 G.L. c. 2, § 6A, G.L. c. 264, § 5, 950 CMR 34.00, *et seq.*, and this Policy. When the President, Governor, or other authority of competent jurisdiction orders that the United States or Commonwealth flag be flown at half-staff, no other flag shall be flown higher. The Select Board or the Town Manager, as its designee, shall ensure the proper execution of this Policy, as it may be amended from time to time by the Select Board.

3. **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 flag; third, the Town flag, and fourth, the POW/MIA flag. Note: When flying the POW/MIA flag, it will be flown 6” below the United States Flag or if flown on its own pole, directly adjacent to the United States Flag (second in the order of precedence).

2. Flags flown outdoors by the Town may be displayed daily in front of or at a location near Town Hall, other Town buildings, the Town Common, Michael Coppola Circle (adjacent to the Public Safety Complex), at the intersection of Beach and Mechanic Streets, or from other Town-owned property or public ways as may be designated by the Select Board from time to time. Flags shall be displayed inside Town-owned buildings or structures at locations designated by the Select Board or the Town Manager, as its designee.
3. Any flag flown by the Town shall be clean and serviceable with dimensions no less than (3 ft by 5 ft) and no greater than (4.5 ft by 9 ft), or as may otherwise be approved by the Town Manager.

B. Ceremonial Flags.

As set forth in the statement of Purpose, above, the flying of flags on Town-owned property is not intended to establish, or serve as, a forum for free expression by the public, but rather, as a governmental statement endorsed by the Town. In addition to the flags authorized by Section 3.A, upon the request of the Town Manager or a member of the Select Board, the Town may display at designated locations, upon the express authorization and in the sole discretion of the Select Board, the following ceremonial flags as an expression of the Town's official sentiments:

1. Flags of other governments or communities in conjunction with an event honoring, commemorating, or relating to that government or community.
2. Flags related to official Town ceremonial actions, events, or formal proclamations.
3. Flags of professional or amateur sports teams or athletic events in commemoration of a significant achievement recognized by the Town.

The Town's flag poles are not, and are not intended to be, a forum for free expression by members of the public. Flags shall only be displayed by the Town as an expression of the Town's official sentiments as authorized by vote of the Select Board. It shall be a condition of the foregoing authorization that The Town shall acquire and retain ownership of all such flags at or before the time they are first raised, and the flags shall only be raised and lowered by authorized Town personnel.

4. **Pre-Existing Policies.**

This Policy shall take effect upon its adoption and shall supersede and replace any pre-existing policy, whether in writing or otherwise, relating to the subject matter hereof, with the exception of the “Selectmen’s Policy on the Public Display of American Flags”, which shall remain in effect and be construed and implemented in conjunction herewith.

Adopted by vote of Select Board on December 5, 2023.