



TOWN OF NEWBURY, MASSACHUSETTS

FLAG POLICY

Approved and Adopted by the Newbury Select Board, January 23, 2024

TOWN OF NEWBURY FLAG POLICY

Purpose: This policy provides guidelines for the Town's flying or presenting, on Town of Newbury-owned properties or properties otherwise within the care, custody or control of the Town (collectively or individually, as context requires, "Town Property"), the flag of the United States of America, the Commonwealth of Massachusetts, the Town of Newbury, POW/MIA, as well as any other flags deemed appropriate by the Town for parades, holidays, and other events and celebrations. The choice, by the Town, of which flag to raise on Property is hereby declared to be government speech, communicating a message to the public, to which the strictures of the First Amendment do not apply. The Town presently does not, nor does it intend to designate the flying of flags on Town-owned properties as a public forum by permitting a non-governmental party to raise a particular flag. Accordingly, it is the Town's choice, acting by and through the Select Board, of whether to raise, or decline to raise, a flag on Town Property. The manner in which such a decision is made, and the adoption of this policy, shall not be interpreted as designating any Town Property as a public forum for flying of flags. This policy does not apply to The Public Schools of Newbury on the properties that are controlled thereby.

Policy:

1. The Select Board or the Town Administrator as its designee shall ensure the proper execution of this policy, as it may be amended in the future by the Select Board in its sole discretion.
2. The flying or presentation of flags other than the ones stated above, such as ceremonial flags, are not intended to create, or serve as, a forum for free expression by the public as stated above.
3. Nothing in this policy shall be constructed to restrict or in any way limit the display of flags displayed on privately held cemetery plots consistent with cemetery regulations.