

City of Gilroy
Flying Flags at City
Facilities Policy



Amended and Restated February 7, 2021

Policy Effective February 8, 2022

City of Gilroy

Flying Flags at City Facilities Policy

Purpose

To create a Council policy regarding the flying of flags at City Facilities, inclusive of the flags of the United States, the State of California, Sister Cities, and any Commemorative Flags as may be authorized by the City Council.

Policy

I. Definitions

- a. "Applicant" shall mean an individual, business, corporation, organization or other entity residing or based within the City Limits of the City of Gilroy who submits an application to display a Commemorative Flag pursuant to this policy.
- b. "Application Cycle" shall mean a period of time as outlined in this policy for Applicants to submit an application for a Commemorative Flag to be displayed during the subsequent calendar year. Complete applications compliant with the requirements of this policy submitted during the Application Cycle will be submitted to the City Council for consideration.
- c. "Commemorative Flag" shall mean a flag that identifies with a specific date, historical event, cause, nation, or group of people, whereby the City honors or commemorates the date, event, cause, nation, or group of people by flying the flag.
- d. "Sister City Flag" shall mean a flag of another city that is an officially designated Sister City to the City of Gilroy.

II. General Policy

- a. It is the policy of the City of Gilroy that the City's flag poles are not intended to serve as a forum for free expression by the public, but rather for the display of the Flags of the United States and the State of California. The flag poles located at all City facilities may also be used to display the flags of the City of Gilroy, any Sister City Flag, and any Commemorative Flag as may be authorized by the City Council as an expression of the City's official sentiments.

III. Flags of the United States and the State of California

- a. The Flag of the United States and the Flag of the State of California shall be displayed in conformance with the requirements as provided in Title 1,

City of Gilroy

Flying Flags at City Facilities Policy

Division 2, Chapter 3 of the California Government Code entitled “Display of Flags”

- b. The Flag of the United States shall further be displayed and handled in accordance with Title 4, Chapter 1 of the United States Code entitled “The Flag”; sometimes referred to as the United States Flag Code. Where the language of this code is mandatory, the City shall comply with the requirement. Where this code provides advisory language, the City shall follow the advisory language to the extent feasible.

IV. Flags of the City of Gilroy and any Sister City Flag

- a. The Flag of the City of Gilroy, when displayed, shall be displayed in conformance with the requirements as provided in Title 1, Division 2, Chapter 3 of the California Government Code entitled “Display of Flags”
- b. Any Sister City Flags, when displayed, shall be flown in a manner subordinate to the requirements for the Flags of the United States and the State of California. Additionally, they shall be in the fourth position of honor, after the Flags of the United States, the State of California, and the City of Gilroy.

V. Commemorative Flags

- a. Requirements for Requesting the City to Display a Commemorative Flag
 - i. For an Applicant to request the display of a Commemorative Flag at the Gilroy City Hall, an application must be completed which shall require at a minimum the following:
 1. The full name, physical address, phone number, electronic mail address, and other such contact information for the applicant as may be requested by the City.
 2. The name and a full color image accurately depicting the Commemorative Flag.
 3. A statement of explanation or purpose of the Commemorative Flag, including what the flag stands for; any local, national, or international affiliation; brief history; website address; and any other relevant information to be considered by the City Council.
 4. The month in which the Commemorative Flag is requested to be displayed.
 5. A minimum of 150 signatures from registered voters in Gilroy, each of whom having reached the age of 18 years or greater and are successfully verified as meeting these requirements by the City through utility billing, property

City of Gilroy

Flying Flags at City Facilities Policy

owner information, or other means that may be available to the City. If the City is unable to verify that one or more signatures meet these requirements through available means of the City, the applicant will be advised of the number of signatures deemed unverifiable and removed from the total count.

- a. The signatures are required for the initial application when a commemorative flag is first requested. If the applicant re-applies each year for the same flag with the same information, the signature requirement is waived every other year, so long as the applications are continuous. If there is a break in the applications for a year or more and an applicant reapplies, even if the last application required signatures, the signature requirement will apply.
 6. Whether the applicant intends to hold a ceremony or event for the flag raising, and verification of the applicant's understanding regarding the requirement to obtain approvals and permits and pay fees to encroach upon or utilize any public right-of-way or City property for the event.
 7. An application fee, the amount of which shall be determined and updated/maintained as part of the Master Fee Schedule.
 8. If approved, the applicant must provide the flag to be flown. The flag must be provided to City staff for inspection of the actual flag to be displayed, which must conform with specifications as provided by the City for size, shape, and structure. The flag must be in acceptable condition for display, determined at the sole discretion of the City.
 - ii. The specific format of the application and submittal procedures shall be at the discretion of the City Administrator or their designee, so long as the requirements for Applicants as outlined in this policy are contained on the application.
 - iii. The Application Cycle shall open the first day of September (September 1st) each year and shall close at the end of business on the thirty-first day of October (October 31st) each year. Whenever either of these dates fall on a non-business day for the City, the deadlines shall move to the following business day for the City.
- b. Commemorative Flag Approval Process
- i. Applications that are complete and compliant with this policy shall be presented to the City Council for consideration during a City

City of Gilroy

Flying Flags at City Facilities Policy

Council meeting held before the end of December each year, after the close of the Application Cycle.

- ii. Council, in its sole discretion, shall consider the applications, and render a decision to approve which, if any, Commemorative Flags are approved for display.
- iii. The following requirements regarding approval of displaying Commemorative Flags shall be considered in determining which Commemorative Flags be approved for display:
 - 1. Only one flag may be displayed at a time.
 - 2. Each flag shall be displayed only for one calendar month, beginning with the first day of the month and ending on the last day of the month.
 - 3. Approval shall only be valid for one calendar year. A new application must be filed for any succeeding years, even for flags that have been approved for prior years. This is to allow open and equal opportunities for competing Commemorative Flags that may typically be displayed during the same month each year.
 - 4. Commemorative flags cannot contain messaging or content of the following nature: (a) promoting or opposing a political party, candidate, campaign, or political organization; (b): religious, commercial, racial or other discriminatory themes/speech, adult or sexually explicit, lewd, or obscene themes or materials; illegal activity; drug or alcohol themes or materials. Flag applications that contain these or reasonably related material shall not be considered.
- iv. Approval shall be completed via a resolution adopted by the City Council identifying the list of which Commemorative Flags were approved, and for which month.

c. Displaying of Commemorative Flags

- i. The City's involvement in the displaying of Commemorative Flags shall be limited to only the following:
 - 1. Raising of the Commemorative Flag in the earlier part of the morning of the first day of the month.
 - 2. Lowering of the Commemorative Flag in the late afternoon on the last day of the month.
 - 3. Announce the flag raising on the City's social media and electronic newsletter(s).
 - 4. Where the first or last day of the month lands on a weekend or observed City holiday, and City staff cannot raise or lower the flag on the exact day of either the beginning and/or end

City of Gilroy

Flying Flags at City Facilities Policy

of the month, the lowering of the previous month's flag will occur in the morning of the next business day, at the same time as the raising of the next month's flag.

- ii. Commemorative Flags may only be displayed on a flag pole located at City Hall.

d. Commemorative Flag Events

- i. Should an Applicant wish to host a ceremonial event, the applicant must file an application requesting an encroachment permit, special event permit, and/or a facility rental to have the event. The specific permits needed will depend upon the nature of the event and shall be at the discretion of the City. The Applicant will be required to pay the full application and permit fees for each permit that is required.
- ii. The application document shall contain language to advise the Applicant:
 - 1. To contact the Community Development Department to inquire about which permits may be required based on the type of event they would like to host.
 - 2. Information about the required deadlines to submit applications, and lead-times between when a permit application is submitted and when an approval or rejection decision is made.
 - 3. That such events are not approved unless and until an official approval of all required permits is granted.
 - 4. The application fees that must be paid by the applicant.
- iii. The normal fees, insurance requirements, attestations and permit requirements will be required to host the event, and that approval is not guaranteed because of the flag being raised, lowered, or displayed.
- iv. All conditions of approval in each permit, as required, must be followed for the event to be held.