



Adopted by Wauwatosa Common Council  
on July 5, 2022  
by Resolution number 22-119

## CITY OF WAUWATOSA FLAG POLICY

**Scope:** This policy shall control the display of flags on flagpoles owned by the City of Wauwatosa and located on City-owned or controlled property within the City of Wauwatosa, Wisconsin.

**Overview:** Flags are a powerful symbol of the ideals a community aspires to achieve and messages it wishes to communicate. This policy aims to define which flags may be flown on the City flagpoles, and define a process by which flags other than those of the United States of America, the State of Wisconsin, and the City of Wauwatosa, may be flown on City flagpoles to express the City government's public-facing messages.

**Purpose:** The purpose of flagpoles is for the City of Wauwatosa, upon direction of its Common Council, to express and display its viewpoints to the wider world. These viewpoints include continued support for the laws and constitution of the United States of America, by display of the United States flag, the Wisconsin State flag, the City of Wauwatosa flag, or flags expressing other relevant messages as directed by the Common Council of the City of Wauwatosa through implementation of the following policy. This policy shall ensure that all flags on City flagpoles are flown appropriately and in accordance with etiquette set forth in the U.S. Flag Code. Additionally, use of City flagpoles and the messaging thereon is intended to be consistent with the doctrine of "government speech" as part of current First Amendment jurisprudence.

**City Flagpoles:** Most flagpoles owned and controlled by the City are single poles which exist at or near facilities owned and controlled by the City of Wauwatosa. In addition, there is a single three-pole installation located within Hart Park in the stadium area adjacent to the southwest corner of the track. The grouping consists of 30', 25', and 20' poles arranged in descending order from East to West (The 30' pole at this location is illuminated by a spot light located on the roof of the parks administration building).

**Standard US Flag Protocol:** All U.S. Flags shall be flown in accordance with applicable State and Federal Laws, particularly the provisions of Title 4 Section 1 through 10 of the United States Code, the "Flag Code".

It will be the responsibility of the Parks and Greenspace Manager, under the Direction of the Director of Public Works, to ensure the appropriate flag protocol is followed.

In particular, the following procedures shall be observed:

1. The U.S. Flag shall be flown only during daylight hours, unless properly lit.
3. The U.S. Flag shall be flown at full mast unless otherwise indicated by this policy.
4. The U.S. Flag shall, at a minimum, be flown on all Federal and State Holidays and should be flown on all days except for those with inclement weather.
5. No flag shall be flown higher or with greater prominence than the U.S. Flag.

Half Staff: U.S. Flags shall be flown at half-staff under the following conditions:

1. When so ordered by the Federal Government or President of the United States.
2. When so ordered by the State Government or the Governor of the State of Wisconsin.

POW-MIA Flag: The POW-MIA flag, by order of the U.S. Congress, should be prominently displayed on the following national observances in lieu of the City of Wauwatosa flag, where such flag would otherwise be present:

1. Armed Forces Day on the third Saturday of May
2. Memorial Day on the last Monday in May
3. Flag Day on June 14th
4. Independence Day on July 4<sup>th</sup>
5. POW-MIA Recognition Day on the third Friday of September
6. Veterans Day on November 11<sup>th</sup>

When flown on a single pole, the POW-MIA flag should fly immediately below the U.S. flag. When flown as part of the three-pole set of flagpoles, the order of precedence shall be the U.S. flag, POW-MIA flag, State of Wisconsin flag.

Permissible Flags: The following flags are permitted to be flown on City flagpoles in accordance with this policy, at the direction of the Mayor of the City of Wauwatosa or the Director of Public Works:

1. The United States flag
2. The Wisconsin state flag
3. The City of Wauwatosa flag
4. City departmental flags adopted by the Common Council
5. The POW-MIA flag
6. The United Nations flag (per 1976 citywide referendum)
7. The Tree City USA flag
8. The Bird City Wisconsin flag

Alternative or Additional Flags: Flags not specifically identified in this policy may be flown on City flagpoles only by resolution of the Common Council of the City of Wauwatosa. The Common Council may approve flags which express views supported by the government of the City of Wauwatosa and which do not violate other constitutional obligations of the City government. Such additional flags may not express the following messages:

1. Support of political parties or candidates for local, state or federal office, or flags associated with partisan political campaigns and messaging;
2. Messages associated with advertising or marketing of corporate or for-profit organizations not associated with specific city activities;
3. Religious messaging which would implicate the Establishment Clause of the United States constitution;
4. Content which would violate one or more city policies, including but not limited to conflicts of interest, discrimination against one or more groups of individuals, or expressions of violence; and
5. Messages which are inconsistent with the adopted vision and mission of the City of Wauwatosa.

No alternative or additional flag shall be approved or flown if, in the opinion of the City Attorney, it would tend to make a City flagpole a “public forum” as defined in *Shurtleff v. City of Boston*, 526 U.S. \_\_\_\_ (2022).