
LEGISLATION

ORDINANCE ADDING CHAPTER 151, FLAG DISPLAY, TO CODE OF THE CITY OF NEW ROCHELLE.

BE IT ORDAINED by the City of New Rochelle:

Section 1. Chapter 151, Flag Display, of the New Rochelle City Code is hereby added as follows:

§151-1 Purpose.

It is the intent of the City of New Rochelle to establish a City-wide policy which follows the United States and New York State provisions governing the display of flags, including the United States flag, the State flag, the City flag, and the POW/MIA flag, on City-owned flagpoles and properties.

§151-2 Reference.

The City of New Rochelle follows the Federal and New York State provisions governing the display of flags. These can be found in the United States Code, Title 4; New York State Executive Law, Article 19; Congress of the United States Federal Flag Code, Public Law 94-344 ("Flag Code and Protocol").

§151-3 Policy.

The City of New Rochelle's flagpoles are not intended to serve as a forum for free expression by the public. Any flags displayed on City flagpoles reflect the City's official sentiments as government speech and expression consistent with the City's mission and priorities. The following flags are authorized to be flown or otherwise displayed on or over City-owned buildings and property:

1. The United States flag, the State of New York flag, the POW/MIA flag, and the City of New Rochelle flag.
- 2 Foreign, commemorative or organizational flags displayed in conjunction with official City events or ceremonies may be displayed by resolution of the City Council.

- a. By March 31st of each year, the City Council shall meet to review the calendar and propose a slate of flags to be displayed throughout the calendar year which will be consistent with past practices and custom of commemorating certain holidays, nations, civic organizations or groups. The slate of flags and dates shall be presented at a regularly scheduled City Council meeting for public discussion and approval. Each flag on the calendar must include the date of raising and lowering. No flag on the calendar may be flown for more than thirty (30) days. If the City Council does not determine a flag calendar for a given year, the most recently approved calendar shall be repeated as the effective calendar.
 - b. Any deviation from the annual flag calendar shall be approved at a public meeting of the City Council, or, if a timely public meeting cannot be held before the desired flag raising date, the City Manager may order a flag raised only upon unanimous written consent of City Council Members. Written consent may be by electronic means. If made by written consent, such consent shall be made apparent at the City Council's next public meeting.
 - c. Only a member of City Council, the Mayor or City Manager may request a particular flag be flown. Such request shall be presented at the next regularly scheduled City Council meeting for consideration.
 - d. When flags are ordered flown that deviate from the annual calendar of flag observances, they shall be authorized to fly for a limited time to be defined at the time of authorization, but no more than ten (10) days.
 - e. The City Council may only authorize one commemorative or organizational flag or foreign flag to be flown at any given time.
3. All flags shall be flown at half-staff as prescribed or consistent with Flag Code and Protocol or as directed by the proper federal or state officials.
 4. In addition to any federal or state protocols or directions, the Mayor may order the City of New Rochelle flag to be flown at half-staff for up to one week under the following circumstances:
 - a. On the death of any of the following individuals:
 - i. City of New Rochelle Mayor, ex-Mayor, or Mayor-elect.
 - ii. Current member of City Council or City Clerk.

- iii. Current head of any City Department.
 - iv. Any other local official, City employee, citizen, or other individual deemed by the Mayor to have made significant contributions to the benefit and welfare of the City and citizens of New Rochelle.
- b. Any instance where a City employee or First Responder has been killed in the line of duty or has died as a direct result of injuries incurred while in the performance of official duties.
- c. The Mayor shall state the reason and name of the individual in whose honor the flag has been lowered to half-staff at the first City Council meeting following the lowering of the flag to half-staff.

§151-4 Effective Date.

This policy shall take effect immediately from this adoption.