

RESOLUTION 18-

RESOLUTION AUTHORIZING AND APPROVING TOWN OF LANSING FLAG AND BANNER DISPLAY POLICIES FOR TOWN HALL AND PUBLIC LANDS OF THE TOWN OF LANSING

The following Resolution was duly presented for consideration by the Town Board.

WHEREAS, more than once request has been made of the Town to demonstrate support for certain social or other ideas or causes by and through the display of signage, banners, flags, and like devices intended to communicate to the public, and as a government the Town is rightly concerned with issues surrounding public forums and tension with control and management of town properties, as well as not wanting to be seen as, or actually, regulating communication or speech, particularly protected First Amendment speech, based on whim, subjective criteria, or the content of such message or speech; and

WHEREAS, a policy has been developed to regulate these matters in accord with law, and the Town Board has considered the same, the adoption of this policy is a Type II SEQRA action for which no environmental review is required, and upon due consideration thereupon the Town Board of the Town of Lansing has hereby

RESOLVED, that the following policy be and hereby is adopted by and for the Town:

TOWN OF LANSING FLAG AND BANNER DISPLAY POLICY Adopted June 20, 2018

1. This policy (the "Flag Policy") shall apply to all flags, banners, signs, and plaques (and similar traditional display devices), all individually and together herein referred to as "Flags," unless otherwise noted by reference or the context hereof.
2. All Flags shall fly in accord with the standards of United States Code, Title 4. All other Flags shall be displayed in accord with applicable law.
3. If placed upon any official Town halyard or flagpole, no more than 2 Flags shall fly below the U.S. flag, and if one of them is the New York State or a recognized local government flag, such shall take the spot on the halyard or flagpole immediately below the U.S. flag (or otherwise in accord with said Article 4 or applicable law).
4. No commercial Flags shall be flown or displayed, and no Flag may be displayed for commercial purposes.

5. No Flag shall be flown that may affirmatively create any risk of vandalism or harm to public property.
6. Any person or entity wishing to obtain Flag space upon the Town's halyard, flagpole, or other locational display site approved under this Flag Policy shall apply for a permit allowing the same through the Town Clerk's Office. Such application shall be approved and the permit issued by the Town Clerk if the applicant completes the permit and demonstrates compliance with this Flag Policy, including that the proposed Flag is on the approved Flag list, corresponds to a recognized monthly observance, and complies with the other requirements of this Flag Policy. The Town shall maintain an updated list of approved Flags and Observances to assist applicants in preparing permit applications.
7. In the event a Flag is the subject of a permit application and not upon the list of approved Flags, the Town Clerk shall forward the application to the Town Board, which shall determine whether such Flag is generally recognized on a national or international level and is or was: (i) created or issued as an officially recognized Flag of the United States; or (ii) created or issued in relation to a national observance month proclaimed by Act of Congress, Presidential Proclamation, or Executive Order. If affirmatively so determined and the Flag and permit application demonstrate compliance with this Flag Policy, the Town Board shall approve the application and the Town Clerk shall issue the permit.
8. Only Flags recognized by the United States through an Act of Congress, Presidential Proclamation, or Executive Order, or Flags nationally or internationally recognized in relation to a national month of observance by the United States through an Act of Congress, Presidential Proclamation, or Executive Order shall be granted a permit.
9. The Town Clerk shall request such information in the permit application as is deemed necessary to carry into effect this Flag Policy, and this Flag Policy may be updated by Town Board resolution from time-to-time, whether to add federal daily or weekly days of observance, state-recognized observances, to amend procedures, to implement a fee schedule, to repeal this Flag Policy, or otherwise.
10. It shall be the responsibility of each permit applicant to timely apply in advance of the desired date of display as to allow proper permit review, as well as to supply a Flag that complies with this Flag Policy and U.S.C. Article 4 and federally recognized Flag protocols, rules, and standards.
11. Unless otherwise approved and stated in any permit, no Flag shall fly other than during its period of recognized observance.

12. The locations where Flags may be displayed on Town-owned property include the following locations:
 - a. The halyard and flagpole adjacent to and immediately in front of the Town Hall building at 29 Auburn Road, Lansing, New York 14882.
13. The Flags initially approved under this Flag Policy include the following:
 - a. The U.S. flag.
 - b. The New York State flag.
 - c. The official flags of the President and Vice President of the U.S.
 - d. The official flags of all branches of the U.S. military and armed forces.
 - e. The Pride (Rainbow) flag.
 - f. The POW-MIA flag.
14. This Flag Policy shall at all times be construed in accord with applicable law. If for any reason at any time any provision herein shall be deemed illegal, unconstitutional, discriminatory against any person, group, or viewpoint, or invalid, this Flag Policy shall be suspended and no permits shall be issued or approved until this Flag Policy is brought back into compliance with applicable law or constitutional requirements, including but not limited to the holdings or determinations of any court or tribunal of competent jurisdiction.

The question of the adoption of such proposed Resolution was duly motioned by Councilperson _____, duly seconded by Councilperson _____, and put to a roll call vote with the following results:

Councilperson Andra Benson -
Councilperson Doug Dake -
Supervisor Edward LaVigne -

Councilperson Katrina Binkewicz -
Councilperson Joseph Wetmore -

Accordingly, the foregoing Resolution was approved, carried, and duly adopted on June 20, 2018.