



# City of Pittsfield

In the Year Two Thousand Twenty Five

## AN ORDINANCE

### AN ORDINANCE ESTABLISHING A FLAG DISPLAY POLICY FOR THE CITY OF PITTSFIELD

*Be it ordained by the City Council of the City of Pittsfield, as follows:*

The Code of the City of Pittsfield Ch. 20 be amended by adding a new section, Article IX: Flag Displays and Governmental Expression on Municipal Property, thereto, as follows:

#### SECTION I

#### ARTICLE IX

#### **FLAG DISPLAYS AND GOVERNMENTAL EXPRESSION ON MUNICIPAL PROPERTY**

##### **Sec. 20-105. Purpose.**

The purpose of this chapter is to establish clear and uniform guidelines for the display of flags on municipal flagpoles, including but not limited to those located at City Hall, to ensure such displays represent official government speech.

##### **Sec. 20-106. Official Government Speech and Use of Municipal Flagpoles.**

- (a) Municipal flagpoles are not intended to serve as forums for free expression by the public.
- (b) All flag displays on municipal flagpoles constitute government speech.
- (c) It is the policy of the City of Pittsfield that flags should be displayed in conformance with Federal and State policies, as set forth in the Federal "Our Flag" publication of the Congress, House Document No.: 96-144; MGL. c. 2 §6 and 6A, MGL c. 264 §5 and §8, 950 CMR 34.00 et seq. and this ordinance.
- (d) The City of Pittsfield, by and through its Mayor with City Council approval, retains sole discretion over the selection, scheduling, and duration of any flag displays on municipal flagpoles.

##### **Sec. 20-107. Eligible Flags.**

- (a) Flags of the United States of America and the Commonwealth of Massachusetts.
- (b) The official flag of the City of Pittsfield and any of its departments or affiliated bodies.
- (c) Flags of other nations recognized by the United States government.

Approved as to Form and Legality,  
Devon Grierson

City Solicitor



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- (d) Flags commemorating significant events or causes consistent with the City's values and mission.

### **Sec. 20-108. Flag Precedence and Protocol.**

- (a) When multiple flags are displayed on City flagpoles, the following order of precedence shall apply:
  - (1) The flag of the United States of America;
  - (2) The flag of the Commonwealth of Massachusetts;
  - (3) The flag of the City of Pittsfield;
  - (4) Any other flags authorized for display under this ordinance.
- (b) The City shall follow applicable federal and state laws and guidelines for the proper display, positioning, and lighting of flags.
- (c) Nothing in this ordinance shall be construed to require the City to display any particular flag or to consider or grant any requests from the public to display flags.

### **20-109. Flags at Half-Staff.**

The Mayor may direct that flags of the United States of America, the Commonwealth of Massachusetts, the City of Pittsfield, or any other authorized flag be flown at half-staff in accordance with federal or state proclamations, or to commemorate the death of a present or former City official or employee, or other individuals of local, state, or national significance. Such directive may be issued at the Mayor's discretion, and in consultation with the City Council as appropriate.

### **SECTION II**

This ordinance shall take effect on August 1, 2025.

Approved as to Form and Legality,  
Devon Grierson

*Devon W. Grierson*

*City Solicitor*

In City Council  
Read and passed to be ordained  
July 8, 2025  
6 Yeas - 0 Nays  
/s/ Peter T. White, Council President  
/s/ Michele M. Benjamin, City Clerk

Approved by the Mayor  
July 9, 2025  
/s/ Peter M. Marchetti

A true copy, attest:  
*Michele M Benjamin*  
City Clerk