

**BOROUGH OF ASPINWALL  
BOROUGH PROPERTY FLAG POLICY**

1. The Borough of Aspinwall, acting through the Borough Manager is entitled to, in its sole discretion, fly certain flags on flagpoles located on certain Borough-owned properties (“Borough Flagpoles.”) The purpose of this document is to establish policy, responsibilities and procedures regarding the display of flags on Borough Flagpoles.
2. The current Borough Flagpoles are located on the Borough Building located at 217 Commercial Avenue, (“Borough Building Flagpole”), in the Municipal Parking Lot, located across from the Borough Building between Commercial Avenue and Freeport Road, (“Municipal Lot Flagpole”) and on the flagpole located at the Aspinwall Borough Volunteer Fire Department, located beside Fire Station #2 on 12<sup>th</sup> Street (“VFD Flagpole”). If additional flagpoles are placed on Borough-owned properties, this list shall be deemed to include any such additional flagpoles.
3. The Borough acknowledges that the flying of a flag on a Borough Flagpole constitutes government speech. By allowing a flag to be flown on a Borough Flagpole, the Borough is making or adopting speech which represents the official sentiment of the Borough. It is therefore the official policy of the Borough to exercise strict control over what flags are flown on Borough Flagpoles. The Borough does not intend to permit use of any Borough Flagpole as a public forum for the purposes of free expression by the general public as it provides the opportunity for such expression at other times and in other places and manners.
4. Under the Pennsylvania Borough Code, 8 Pa. C.S.A. §101 *et seq.*, certain flags are automatically authorized to be displayed on Borough Flagpoles including:

United States Flag  
 Pennsylvania State Flag  
 Official POW/MIA Flag  
 Allegheny County Flag  
 Borough Flag

5. In addition, upon review, the Borough has determined that two additional flags may be continually flown on Borough Flagpoles.

Police Remembrance Flag  
 Firefighter Solidarity Flag

The Borough reserves the right to supplement this list with additional flags that meet the requirements of this policy, at its sole discretion.

6. At the time of the enactment of this Policy the Borough currently flies the United States Flag, the Police Memorial Flag and Thin Red Line Flag on each of the Borough Flagpoles as follows:

<b>Borough Building</b>	<b>Municipal Lot</b>	<b>VFD</b>
Police Memorial Flag	United States Flag	Firefighter Solidarity Flag

7. A resident of the Borough or a group of residents (“Requester”) may request that the Borough raise a particular flag on the Municipal Lot Flagpole for a period of time not to exceed one week at a time (“Flag Raising Request” or “Request”). All Requests will be reviewed and processed by the Borough Manager. The Borough Manager shall notify the Requester whether the Flag Raising Request is approved or denied within a reasonable time, with such decision to be made in the Borough’s sole and complete discretion. The Requester, by filing a Request acknowledges that it is asking the Borough to adopt, as its own speech,

the viewpoint suggested by the Requested Flag. The Requester therefore acknowledges that denial of a Request constitutes only a refusal by the Borough to make a statement, not a denial of an opportunity for the Requestor to express his or her own opinions or viewpoints.

8. Applicants must complete a Flag Raising Request application in a form acceptable to the Borough Manager (“Application.”). Applications shall be made available upon request at the Borough Building or may be posted online on the Borough’s publicly available website. Requesters must provide ten (10) resident signatures and/ or letters in support of the requested flag. The Application shall generally include the following information:
  - a. Name of requesting resident or group of residents;
  - b. Contact information;
  - c. The name and image of the flag proposed to be raised, at the request of the Borough Manager, the Requester shall provide the requested flag for inspection in addition to an image of the same;
  - d. The event or occasion the flag raising is related to if applicable;
  - e. Date or time period of event or occasion if applicable;
  - f. Explanation or purpose of the event or occasion;
  - g. Any other relevant information.
9. Requests generally will be accepted twice a year, in May on/before the 20<sup>th</sup> and in October on/before the 20<sup>th</sup>, but the Borough Manager shall have the authority and sole discretion to accept Requests at other times.
10. Flag raisings generally shall be approved in periods of one calendar week. Flag raisings will occur on a Monday and shall be removed the following Monday. The Borough may approve multiple Flag Raising Events throughout the year for a single requester or a single flag but reserves the right to deny a Request solely on the grounds of it being duplicative.
11. At no time will the Borough display flags deemed to be inappropriate or offensive in nature or those supporting discrimination, prejudice, or religious movements.
12. If a Request is approved, the Requester must deliver the appropriate size flag to the Borough Manager no less than five (5) business days before the scheduled Flag Raising Event. The flag must be clean and serviceable with dimensions no less than three (3) feet wide by five (5) feet long and no greater than ten (10) feet wide by fifteen (15) feet long.
13. The Requester must retrieve the flag from the Borough Manager no more than five (5) business days after the scheduled Flag Raising Event has concluded. The Borough will not be responsible for any flags not retrieved and will promptly dispose of any flags not retrieved in a timely manner.
14. If ordered, flags will be lowered to comply with the U.S. Flag Code. If the Governor or other appropriate authority orders that the U.S. Flag be flown at half-staff, no other flag may be flown higher than the U.S. Flag.