

POLICY NUMBER: I- DATE: MAY 21, 2014

POLICY TYPE: FACILITY

SUBJECT: COMMUNITY FLAG RAISINGS & FLAG PROTOCOL

POLICY CONTENT:

1. PURPOSE AND SCOPE

The Community Flag Raisings & Flag Protocol Policy establishes a framework to govern requests for flag raisings received from the community, and to establish a consistent protocol for the flying of flags at all municipal buildings, properties, and facilities.

This Policy applies to Community Flag Raisings held at Kitchener City Hall and at Speaker's Corner, and to the flying of flags at any municipal building, property, or facilities.

2. BACKGROUND

Kitchener recognizes that flags, as symbols of nations, territories and community organizations, are important to residents of Kitchener. As a matter of practice, Kitchener has in the past used special flag raisings to enhance public awareness of activities such as national/independence days, multicultural events, fundraising drives, and historical commemorations important to residents. To celebrate Kitchener's diversity and inclusivity, the City of Kitchener will permit the flying on a community flag pole the flag of a nation recognized by Canada's Department of Foreign Affairs, Trade and Development on its national day if requested by a community cultural group; an organization that achieved national or international distinction or made a significant contribution to the community; or an organization that has helped to enhance the City of Kitchener in a positive manner. Kitchener has also flown flags at half-mast to mark periods of official mourning or commemorate solemn occasions important to its' residents.

3. DEFINITIONS

A) "Clerk" means the Clerk appointed by the Kitchener Council, or his/her designate. "Chief Administrative Officer/CAO" means the Chief Administrative Officer appointed by the Kitchener Council, or his/her designate. "Mayor" means the elected Mayor of the City of Kitchener, or the Acting Mayor, as approved by bylaw, in his/her absence.

B) "Civic Square Flag Display" means the three large flag poles in Civic Square which fly the national flag of Canada, the provincial flag of Ontario and the City of Kitchener flag.

C) "Community Flag Pole" means the flagpoles designated at the Kitchener City Hall Duke St. Gardens and at Speaker's Corner for Community Flag Raisings.

D) "Flying a Flag at Half-mast" means the action of flying all flags, forming a single display of flags, at a position that is equal distance from the top and bottom of a flagpole, to mark periods of mourning or to commemorate solemn occasions.

E) "Kitchener Flag" means the flag adopted by Kitchener Council as a symbol of the municipality. The Kitchener Flag may be granted, registered, approved or confirmed by the Canadian Heraldic Authority.

F) “National Flag of Canada” means the flag approved by the Parliament of Canada as a national symbol of Canada.

G) “Provincial Flag of Ontario” means the flag approved by the Legislative Assembly of Ontario as a provincial symbol of Ontario.

4. POLICY STATEMENTS

The following rules will be used by the Kitchener in respect to the flying of flags at any municipal building, property, or facility:

1. GENERAL PRINCIPLES OF THE POLICY

The following general principles will apply in respect to all aspects of this Policy, and be used when interpreting the Policy:

A. The municipality will use flags to celebrate Kitchener’s diversity and inclusivity, and honour those who have contributed to the life of the municipality;

B. The City will not fly the flag of a group or organization whose undertakings or philosophy could prove detrimental or reflect negatively on the City’s public image. In this regard, the City will not fly the flag of any group or organization that;

- Condones any form of personal discrimination, including that based upon race, national origin, religion, sex or age;
- Appears in a realistic manner to exploit, condone or incite hatred or violence, or appear to condone, encourage or exhibit obvious indifference to unlawful behaviour;
- Demeans, denigrates or disparages any identifiable person, group or person, organization, profession, product or service or attempt to bring them into any public contempt or ridicule, or;
- Undermines human dignity, displays obvious indifference to or encourages, gratuitously and without merit, conduct or attitudes that offend the standards of public decency among a significant segment of the population;
- Disparages a City program, service, facility, event or employee.

C. The flying of flags at any municipal facility will not be contrary to the principles of any other Kitchener policy or bylaw; and,

D. The municipality will only fly flags that are approved or recognized by federal, provincial or municipal governments of Canada.

2. CIVIC SQUARE FLAG DISPLAY

Only the national flag of Canada, the provincial flag of Ontario and the Kitchener flag shall be raised on the three flagpoles located in the City Hall civic square.

Notwithstanding the provisions of clause (a) above, the Mayor or the CAO may approve the raising of any of the following flags on the poles at City Hall Civic Square:

- (i) The flag of a member of the Royal family, the Governor-General or the Lieutenant-Governor;
- (ii) The flag of the United Nations;
- (iii) The flag of a state recognized by the Canadian Department of Foreign Affairs, Trade and Development, when an official representative is visiting the City or an official is representing a municipality officially linked to the City of Kitchener;
- (iv) Canadian Armed Forces Flag (on Canadian Armed Forces Day only)

3. COMMUNITY FLAG RAISING DISPLAYS

Kitchener has designated two (2) Community Flagpoles to celebrate Kitchener's diversity and heritage. The first Community Flagpole will be the original flagpole designated as a community flagpole at the time of the opening of Kitchener City Hall (the front, left flagpole at the corner of the Duke Street Gardens) and the second Community Flagpole will be located in Speaker's Corner.

A. Community Flag Raising Criteria

The Criteria for approving or denying a request to use the Community Flag Poles will be:

The Community Flagpoles may be permitted to fly flags:

- i. in honour national or independence days important to the residents of Kitchener;
- ii. in support of fund-raising drives important to the residents of Kitchener; and,
- iii. to celebrate multi-cultural and civic organizations or events important to the residents Kitchener.

The Community Flagpoles will not be used to fly flags

- i. of Political Parties;
- ii. of Religious Groups;
- iii. in support of fund-raising drives that are political or religious in nature; and
- iv. that contravene any of the principles outlined in this policy or in any other City of Kitchener bylaw or policy.

The Clerk will be responsible for providing advice, as necessary, on the applicability of any of the above criteria to any application received for Community Flag Raisings.

B. Applications for use of the Community Flagpoles

All requests for use of the Community Flagpoles will be made in writing to the Clerk. Approvals and use of the Community Flagpole(s) will be granted on a first come-first served basis.

Applications for any given calendar year will be accepted until December 1st of the previous year, with a calendar prepared by the clerk by December 31st of that previous year for the following year. Subsequent approvals will be considered on a first-come, first-served basis, subject to space availability;

Applications during the calendar year are to be submitted at least three (3) weeks prior to the day requested for the raising of the flag. The Clerk will review all applications to determine consistency with this Policy, and will:

- i. If the flag raising was previously approved by the Mayor and Chief Administrative Officer (CAO) within 5 years of the current request, and is consistent with this Policy, approve the flag raising and note it on the next Council Agenda for information purposes;
- ii. If the flag raising was not previously approved by the Mayor and CAO, or was approved by the Mayor and CAO more than 5 years before the current request, will make a recommendation to the Mayor and CAO to approve or deny the application prior to the date of the proposed flag raising, and if approved, note it on the next Council Agenda for information purposes;
- iii. Decisions made by the Mayor and the CAO, or the City Clerk, in the implementation of this policy, shall be considered final.

C. General Rules for the Community Flagpoles

The general rules for the use of the Community Flagpoles are as follows:

- i. Flags will be flown for up to 1 week at a time, on one (1) of the two available community flag poles;
- ii. A community group will be permitted one (1) use of the community flag pole each calendar year;
- iii. When the Community Flag Raising at any point in time is for the flag of another nation the flag of that nation will fly on the community flag pole at Kitchener City Hall. If more than one application is received to fly the flag of another nation, the clerk will work with the applicants to facilitate a solution which allows for each of the group's respective celebrations. The Clerk's decision shall be final in this regard.
- iv. When the Community Flag raising is for the flag of a community organization, the first organization to make application shall have first choice as to which community flag pole they would like to use, and the second application will have use of the other community flag pole. If there is already a national flag flying on the community flag pole at Kitchener City Hall, then only the remaining flag pole at Speaker's corner shall be available for any community flag requests.
- v. When more community flag-raising requests occur on the same day (or during the same period of time) than there is space for on community flag poles, then the Clerk will work with affected groups to facilitate the community flag raising by: (1) moving a flag-raising to a different day; or (2) sharing the time period equally by affected groups.
- vi. Individuals, groups or associations requesting flag raisings are required to provide the flag to be raised.

4. FLAG PROTOCOL

Kitchener's protocol for the flying of flags at all municipal facilities incorporated into this Policy as appendices. Appendix 'A' are the protocols Kitchener will use in honouring contributions to the life of the municipality through the Flying a Flag at Half-mast. Appendix 'B' are the protocols the municipality will use in determining how flags will usually be flown at any municipal facility.

5. ROLES & RESPONSIBILITIES

Council

Council is responsible for approving and amending this Policy

The Clerk

The Clerk will be responsible for the interpretation of this Policy, as well as the development of procedures for the effective and efficient implementation of the Policy. The Mayor, Chief Administrative Officer and the Mayor shall have approval responsibilities as outlined in various sections of this policy.

Appendix “A”

FLYING FLAGS AT HALF-MAST

The City’s protocol for Flying a Flag at Half-mast will be:

A. Periods of Official Mourning

Flags will be flown at half-mast at all City facilities to mark periods of official mourning upon the death of:

- i. The Sovereign;
- ii. A Member of the Canadian Royal Family;
- iii. The Governor General of Canada, or a former Governor General;
- iv. The Prime Minister of Canada, or a former Prime Minister;
- v. The Leader of Her Majesty’s Loyal Opposition, Parliament of Canada
- vi. The Lieutenant Governor of Ontario;
- vii. The Premier of Ontario;
- viii. The Leader of Her Majesty’s Loyal Opposition, Legislative Assembly of Ontario
- ix. A local Member of Parliament, or a local Member of the Legislative Assembly of Ontario;
- x. The Mayor or a former Mayor;
- xi. A Member of Council or a former Member of Council;
- xii. The Regional Chair or a former Regional Chair;
- xiii. A current employee of the City of Kitchener;
- xiv. A retired member of City staff having a minimum of 15 years of service
- xv. A Waterloo Region Police Officer who dies in the line of duty; and
- xvi. A resident of Kitchener, who is a member of the Canadian Armed Forces, killed while deployed on operations.

Flags will be flown at half-mast, in the case of a national or provincial official, for the duration established by the appropriate federal or provincial protocol offices. In the case of other persons, flags will be flown at half-mast on the date of the funeral or memorial service for that individual.

The Clerk will be responsible for coordinating the Lowering of Flags at City facilities.

Kitchener Fire & Emergency Services Facilities

The Kitchener Fire Department may mark a period of official mourning for other fire and emergency personnel who have died in the line of duty, or any other traditional commemorations of solemn occasions important to fire and emergency personnel. This applies to Kitchener Fire Stations only.

B. Commemoration of Solemn Occasions

Flags will be flown at half-mast annually, at all municipal facilities, to commemorate the following solemn occasions:

i. Remembrance Day (November 11); and,

Flags will be flown at half-mast annually, at the civic square flag display, to commemorate the following solemn occasions:

ii. National Day of Mourning for Persons Killed or Injured in the Workplace (April 28)

iii. Peacekeeper's Day (August 9);

iv. National Firefighter Memorial Day (2nd Sunday in September);

v. National Peace and Police Officer' Memorial Day (Last Sunday in September);

vi. National Day of Remembrance and Action on Violence Against Women (December 6).

C. Other Solemn Occasions

The commemoration of other periods of official mourning and solemn occasions, in keeping with the General Principles of this Policy, may be approved by the Mayor or CAO. This can include the passing of a person considered to be a prominent citizen of the City of Kitchener or the Region of Waterloo or a person of national or international stature that has had a profound effect on the lives of the community or in response to a tragic or catastrophic event in the world. A notice of any approval issued by the Mayor or CAO will be placed on a future Council Agenda for informational purposes.

Appendix 'B'

CUSTOMARY FLAG CONFIGURATION

The City's protocol for the usual configuration of flags at City of Kitchener facilities will be:

A. Civic Square Flag Display

The National Flag of Canada will be flown on the centre flagpole. To an observer facing the entrance to the Civic Centre, the Provincial Flag of Ontario will fly to the left of the Canadian flag and the Kitchener Flag will be flown to its right. Other flags will not be flown on any of these flagpoles, except in the circumstances noted under Section 2 – Civic Square Flag Display of this policy.

B. Other City Facilities

i. When the facility has only one (1) flagpole

The National Flag of Canada will be flown at facilities with only one flagpole. Another flag will not be flown under the National Flag of Canada. Other flags will not be flown at these facilities, except in the circumstances noted in under the heading “Dignitary Visits.”

ii. When the facility has two (2) flagpoles configured to form a single display

The National Flag of Canada and either the Provincial Flag of Ontario or the Flag of the City of Kitchener will be flown. The customary position of honour, the left flagpole to an observer facing the display, will be used to fly the National Flag of Canada. Other flags will not be flown on these flagpoles, except in the circumstances noted under the heading “Dignitary Visits.”

iii. When the facility has three (3) flagpoles configured to form a single display

The National Flag of Canada, the Ontario Provincial Flag, and the Flag of the City of Kitchener will be flown. The National Flag of Canada will be flown on the centre flagpole which is the customary position of honour. To an observer facing the display, the Provincial Flag of Ontario will fly to the left of the National Flag of Canada, and the Flag of City of Kitchener will be flown to its right. Other flags will not be flown on these flagpoles, except in the circumstances noted under the heading “Dignitary Visits.”

C. Shared Government Facilities

At Shared Government Facilities (e.g. Kitchener & Waterloo Region Joint Fire & EMS Stations) arrangement of flags at facilities shared by the City and another government will be decided by written agreement between the governments and in accordance with applicable protocol. The Clerk will be responsible for representing the City and confirming such arrangements.

DIGNITARY VISITS

In the event of a visit by a dignitary to a City of Kitchener facility, the City may fly a flag representing that dignitary. The flying of a flag to mark the dignitary’s visit will be made only after consulting with an appropriate protocol officer responsible for coordinating the visit.