

**TOWNSHIP OF VERONA
COUNTY OF ESSEX, STATE OF NEW JERSEY**

ORDINANCE NO. 2020-15

**AMENDING CHAPTER 100 (PARK RULES & REGULATIONS) OF THE
CODE OF THE TOWNSHIP OF VERONA TO ADD ARTICLE II
RESPECTING THE DISPLAY OF FLAGS ON TOWNSHIP FLAGPOLES**

WHEREAS, the Government Speech Doctrine establishes that a government organization, such as the Township of Verona, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (See Matal v. Tam, 137 S. Ct. 1744, 1757 (2017)); and

WHEREAS, the Township of Verona maintains flagpoles on various public buildings and within public parks and playgrounds within the Township of Verona; and

WHEREAS, the Township Council wishes to permit the display of commemorative flags upon Township owned flagpoles as a form of government expression; and

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Verona, in the County of Essex, New Jersey, as follows:

SECTION 1. The existing section 100-1 through 100-6 shall be re-codified as ARTICLE I - PARK RULES & REGULATIONS of Chapter 100, "Park Rules & Regulations," of the Code of the Township of Verona.

SECTION 2. Chapter 100, "Park Rules & Regulations," of the Code of the Township of Verona is hereby amended to add the following ARTICLE II as follows:

ARTICLE II - DISPLAY OF FLAGS

Section 100-11. Display of flags.

- A. In addition to the Flag of the United States, the Township of Verona may display such additional flags on Township owned flagpoles on public buildings and in public parks and playgrounds as the Township Council may authorize by resolution as a form of government speech, provided the display of same shall not show religious preference.
- B. The Flag of the United States shall be displayed highest and any such additional flags shall be flown below the Flag of the United States. The Flag of the United States shall be displayed in accordance with and in the manner prescribed in Chapter 1 of Title 4 of the United States Code (*4 U.S.C.S. §§ 1-10*).
- C. The Township's flagpoles are not intended to serve as a forum for free expression by the public. Rather, the Township's flagpoles are to be used exclusively by the Township, where the Council may display a commemorative flag as a form of government expression. The Township will not display a commemorative flag based on a request from a third party, nor will the Township use its flagpoles to sponsor the expression of a third party.
- D. No person shall display or place upon any flagpole owned by the Township of Verona any flag or other object not otherwise authorized as an expression of government speech by the Township Council of the Township of Verona and without the express written permission of the Township of Verona.
- E. Owing to their very nature as expressive locations meant for contemplation and reflection, monuments and memorials shall not be deemed locations for flying expressive flags via resolution.
- F. In addition to the Flag of the United States and such other flags as may be authorized by resolution of the Township Council, the following flags are hereby permitted to be displayed upon flagpoles owned by the Township of Verona as a form of expression of government speech, in the manner set forth above:
 - 1) Flag of the State of New Jersey
 - 2) Flag of the County of Essex
 - 3) Flag of the Township of Verona

- 4) P.O.W./M.I.A (Prisoner of War/Missing in Action)) flag as provided in Title 36, Chapter 9, §902 of the United State Code (36 U.S.C.S. §902)
- 5) Killed In Action Flag (required by P.L. 2017, Chapter 188)
- 6) Continental Flag
- 7) Kings Colors Flag
- 8) Grand Union Flag
- 9) Betsy Ross Flag
- 10) Bennington Flag
- 11) St. George Flag

SECTION 2. Inconsistency - All ordinances or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. Severability - If any clause, sentence, section or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

SECTION 4. This ordinance shall take effect after final adoption and publication and otherwise as provided by law.



ATTEST:

JENNIFER KIERNAN
MUNICIPAL CLERK

I HEREBY CERTIFY THAT THE AFOREMENTIONED ORDINANCE WAS PUBLISHED IN THE STAR LEDGER, A NEWSPAPER PUBLISHED IN THE COUNTY OF ESSEX AND CIRCULATED IN THE TOWNSHIP OF VERONA, IN THE ISSUE OF JUNE 12, 2020 AND JUNE 26, 2020.

**JENNIFER KIERNAN
MUNICIPAL CLERK**

INTRODUCTION: June 8, 2020
PUBLIC HEARING: June 22, 2020
EFFECTIVE DATE: July 12, 2020