

BY-LAW NUMBER 2020-8

THE CORPORATION OF THE TOWNSHIP OF RIDEAU LAKES

BEING a By-Law to Adopt a Policy Statement Entitled "Flag Policy".

WHEREAS Section 9 of the *Municipal Act, 2001*, SO 2001, c. 25, as amended, provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under that Act or any other Act;

AND WHEREAS Section 5(3) of the *Municipal Act S.O. 2001*, as amended provides that a municipal power, including a municipality's capacity rights, powers and privileges under section 9, shall be exercised by by-law;


AND WHEREAS the Council of The Corporation of the Township of Rideau Lakes deems it beneficial to the Municipality to establish a Policy for the flying of flags at its owned or leased lands and facilities;

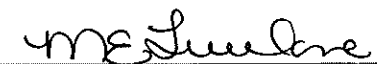
NOW THEREFORE the Council of The Corporation of the Township of Rideau Lakes enacts as follows:

- 1) That the Policy Statement as attached hereto as Schedule 'A' and entitled 'Flag Policy' be approved and adopted.
- 2) That Schedule 'A' to this By-Law may be updated from time to time as deemed desirable by Resolution of Council.
- 3) That any other By-Laws, Resolutions, Motions or Actions of Council that are in contravention of this By-Law are hereby repealed.

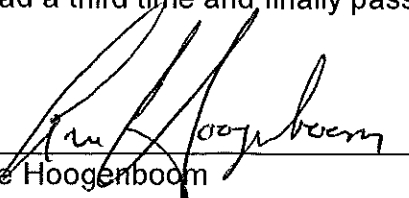
AND FURTHER that this By-Law shall come into force and take effect on the date of passing.


Read a first and second time, the short way, this 3rd day of February, 2020.


Arie Hoogenboom
Mayor


Mary Ellen Truelove
Clerk

Read a third time and finally passed this 3rd day of February 2020.


Arie Hoogenboom
Mayor


Mary Ellen Truelove
Clerk



Policy Name: Flag Policy

Developed By: Leila Stafford, Rec. & Vol. Coordinator	Date: September, 2019
Reviewed By: Municipal Services Committee	Date: September 9, 2019
Approved By: Council (By-Law 2020-8)	Date: February 3, 2020

Purpose:

This policy outlines the Township’s approach to the flying of flags at its owned or leased lands and facilities. Further, the policy provides direction and delegated authority to Township staff for the flying of flags, flying flags at half-mast and the addressing of requests to fly third-party flags on municipal lands.

Scope:

This policy applies to municipal lands, as defined. Unless specifically exempted in writing by the Clerk, this policy applies to all parties who rent, lease, use or occupy municipal lands.

Where this policy conflicts with a Federal or Provincial policy, protocol, or right, the Federal or Provincial policy, protocol or right shall have supremacy.

Definitions:

“Ceremonial events” shall mean events held where the raising and/or lowering of the flag is part of a publicly viewed event.

“Clerk” shall have the same meaning as in the *Municipal Act*.

“Municipal lands” shall mean all owned or leased lands, buildings, and vehicles, and land not owned or leased by the municipality, but over which the municipality has lawful jurisdiction.

Standard Flag Policies:

- 1) The municipality shall endeavour to have a flagpole erected and maintained on all municipal lands where:
 - i) a publicly accessible building is located;
 - ii) an emergency service is located; and
 - iii) lands are used for the purposes of honouring veterans and the remembrance of those who served in the armed forces.

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- 2) Where resources allow, the municipality may seek to have a flagpole erected and maintained on municipal lands:
 - i) designated as a park or for some other recreational purpose by the municipality;
 - ii) designed and used as community gateways, such as a sign or other welcoming feature to the community or a village;
 - iii) at harbour properties;
 - iv) at lands not identified above, but that are being used for a major event, performance or other ceremony in which the municipality is involved; or
 - v) any other such place as Council directs.

- 3) Flags on municipal lands shall be flown in the following order of hierarchy based on the number of poles present on the site:
 - i) The Canadian flag;
 - ii) The flag of the Province of Ontario;
 - iii) The Rideau Lakes community flag.

- 4) Flags will be positioned as follows:
 - i) Positioning of three flags - as you stand facing the flags, Canada's flag is in the center, Ontario's flag to the left and the municipal flag is to the right as follows: Ontario - Canada - Rideau Lakes
 - ii) Positioning of two flags - as you stand facing the flags, Canada's flag is on the left and the municipal flag is on the right as follows: Canada – Rideau Lakes

- 5) Flags shall be maintained in a good condition, free of rips, holes or excessive colour fading. A flag damaged in any way shall be replaced as soon as practicable, or removed temporarily if timelines for replacement may be extended.

- 6) Where a tenant or user of municipal lands is in breach of the policy, the Township has the right to take action to remedy the matter following failure to do so by said tenant or user after reasonable notice.

Third-Party Flags:

From time to time the Township gets requests to fly third-party or special purpose flags on municipal lands. The Township will seek to honour these requests where the following provisions are met:

- 1) Third-party flags will only be flown at locations where there are three or more flagpoles, with the third-party flag taking the place of the Rideau Lakes community flag;
- 2) The request to fly the third-party flag, along with the requested location(s) must be received by the Clerk a minimum of 15 days before the first day to which a request applies;
- 3) The Clerk is hereby authorized to approve or deny any said request, based on the application of this policy;

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- 4) If approved, the person or group responsible for the third-party flag request must provide the flag at no cost to the Township a minimum of 5 days before the first day to which a request applies;
- 5) The third-party flag will be flown for a maximum of 2 distinct periods in any given calendar year, with each period being a maximum of 7 consecutive days;
- 6) Third party flags shall only be raised or lowered by Township Staff or authorized persons;
- 7) Notwithstanding clause 6, flag raising and lowering at ceremonial events shall be completed by the Mayor, Deputy Mayor or other such designated person;
- 8) A third-party flag must be retrieved by the person or group within 15 days of its removal or it may be disposed of without any further notice;
- 9) No standing request or layover is permitted;
- 10) Third-party flag raisings and lowerings shall not be ceremonial events, unless the express permission of Council is sought and gained;
- 11) No third-party flag shall be flown if it promotes a political party or candidate, divisive social issues, hate, discrimination or intolerance, or any other matters considered counter to the community's norms and values;
- 12) The Clerk will be tasked with making a determination under clause 6 when a request is received. If it is unclear if a third-party flag request should be permitted under clause 3, the Clerk will engage the Township's Mayor and CAO who will, as a group, adjudicate the matter. The decision of the Clerk or the Clerk, Mayor and CAO is final and not subject to appeal.

Flying a Flag at Half-Mast:

Fling a flag at half-mast is a sign of mourning and respect. The following specific policies shall apply to flying flags at half-mast on municipal lands:

- 1) Given the size of the Township and limited resources and time, the only flags that are required to be flown at half-mast are those at the primary Municipal Office.
- 2) As resources and opportunity allows, flags at Municipal Halls, Fire Halls, O.P.P. Detachments (as applicable), and Public Parks may be lowered to half-mast.
- 3) Flags will be flown at half-mast to mark periods of mourning upon the death of:
 - i) Her/His Majesty the Queen/King;
 - ii) A sitting Canadian Prime Minister;
 - iii) A sitting representative of the Federal or Provincial governments for the local riding;
 - iv) A sitting Mayor or Member of Council;

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- v) A current employee of the Corporation of the Township of Rideau Lakes who died as a result of a workplace accident;
 - vi) A peace officer, or other first responder who dies in the line of duty within Rideau Lakes or Leeds Grenville;
 - vii) As directed by Proclamation from the Governor General of Canada or Lieutenant Governor of Ontario;
 - viii) As determined warranted by the Mayor in consultation with the Clerk and CAO.
- 4) Flags will be flown at half-mast, in the case of a sovereign, National or Provincial official, for the duration established by the appropriate Federal or Provincial protocol. In the case of other persons, flags will be flown at half-mast from the date the notice of death is received until sunset on the date of the funeral for that individual.
- 5) Flags will be flown at half-mast from sunrise to sunset to observe the following days:
- i) Remembrance Day (November 11)
- 6) The Clerk will be responsible for coordinating the lowering of flags. Where practicable, Council and Staff shall be advised of the reason for the lowering of the flags.

Exemptions:

Notwithstanding the above, the following exemptions apply:

1. Portland on the Rideau Historical Society naval mast in Hanna Park may fly the Canadian Flag, the Royal Canadian Navy Flag, the Kingsmill Crest Flag and the Township of Rideau Lakes Flag.