

ORDINANCE #31-24
BOROUGH OF SAYREVILLE
COUNTY OF MIDDLESEX
AN ORDINANCE ESTABLISHING THE FLAG DISPLAY
POLICY FOR THE BOROUGH OF SAYREVILLE,
COUNTY OF MIDDLESEX, STATE OF NEW JERSEY

WHEREAS, the Borough of Sayreville ("Borough") aims to ensure proper flag etiquette and consistent flag display practices at Borough facilities; and

WHEREAS, the Borough desires to set forth an ordinance that regulates the display of the United States Flag (US Flag), the Flag of the State of New Jersey (State Flag), and the Prisoner of War/Missing in Action (POW/MIA) Flag at Borough Hall to preserve public decorum, respect, and pride in the Borough;

WHEREAS, the Borough flagpoles are not intended to serve as a forum for free expression by the public;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Sayreville in the County of Middlesex, State of New Jersey, as follows:

SECTION 1. Policy. The Borough's policy relative to the display of the US Flag, the State Flag, and the POW/MIA Flag at Borough Hall shall be in accordance with United States Code (U.S.C.A.), Title 4 and Title 36, and New Jersey Statutes Annotated, Title 52, Chapter 3.

SECTION 2. Display Requirements at Borough Hall.

SECTION 2.1 The flags displayed in front of Borough Hall shall be limited to the following:

- The United States Flag (US Flag)
- The Flag of the State of New Jersey (State Flag)
- The Prisoner of War/Missing in Action (POW/MIA) Flag

SECTION 2.2 No other flags shall be flown in front of Borough Hall.

SECTION 2.3 The US Flag shall be placed in the position of first honor at all times, with the State Flag in the position of second honor, and the POW/MIA Flag in the position of third honor.

SECTION 2.4 The US Flag, State Flag, and POW/MIA Flag shall not be displayed on days when the weather is inclement, except when all-weather flags are utilized.

SECTION 2.5 The US Flag shall always be displayed at the peak when displayed on the same halyard with the State Flag and POW/MIA Flag. The State Flag shall be below the US Flag, and the POW/MIA Flag shall be below the State Flag.

SECTION 3. Disposal of Flags. When the US Flag, State Flag, or POW/MIA Flag deteriorates to such a condition that it no longer serves as a fitting emblem of display, it shall be destroyed in a dignified manner, preferably by burning.

SECTION 4. Conflicts. All ordinances/resolutions of the Borough of Sayreville or parts thereof in conflict or inconsistent with this ordinance are hereby repealed, but only to the extent of such conflict or inconsistency, it being the legislative intent that all ordinances or parts of ordinances now existing or in effect, unless the same be in conflict or inconsistent with any provisions of this ordinance, shall remain in effect.

SECTION 5. Severability. The provisions of this ordinance are declared to be severable and if any section, sub-section, sentence, clause, or phrase thereof shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sub-sections, sentences, clauses, and phrases of this ordinance, but shall remain in effect; it being the legislative intent that this ordinance shall stand notwithstanding the invalidity of any part.

SECTION 6. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

INTRODUCED/APPROVED ON FIRST READING

DATED: June 17, 2024

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

(Admin. & Finance Committee)
Borough of Sayreville

ADOPTED ON SECOND READING

DATED: July 15, 2024

Jessica Morelos, R.M.C.
Clerk of the Borough of Sayreville

(Admin. & Finance Committee)
Borough of Sayreville

APPROVAL BY THE MAYOR ON THIS _____ DAY OF _____, 2024.

Kennedy O'Brien, Mayor
Borough of Sayreville

APPROVED AS TO FORM:

Borough Attorney