

Municipality of Chatham-Kent

Corporate Services

To: Mayor and Members of Council
From: Cathy Hoffman, General Manager, Corporate Services
Date: May 27, 2024
Subject: Council Flag and Bridge Lighting Policies

Recommendations

It is recommended that:

1. The Chatham-Kent Council Flag Policy (Appendix A) be approved.
2. \$10,000 be allocated from the Strategic Development Reserve (Account #17266) for the construction of a community flagpole.
3. The Chatham-Kent Bridge Lighting Display Policy (Appendix D) be approved

Background

On April 24, 2023, Council passed the following motion:

“That administration develop a policy and protocol to provide clear direction and an administrative framework for the proper and consistent use of flags and flagpole(s) at all municipal facilities.

And this includes community flag raisings, honouring Chatham-Kent’s diversity and important community events, to ensure that they occur in a fair, orderly, and consistent manner;

Consultation for this policy include community groups who have displayed flags, those who express interest in displaying flags and input from the Diversity Inclusion Equity and Justice committee;

As well, review what other communities have in place;

And that this draft policy be returned to council in September 2023 for vote.”

Comments

Chatham-Kent Council Flag Policy

Administration researched and reviewed several other municipalities' flag policies in preparation of a proposed Chatham-Kent Council Flag Policy (Appendix A). The purpose of this protocol is to ensure that any flags flown at Municipality of Chatham-Kent sites are displayed properly, and with dignity and respect for whom the flags are flown.

The Municipality of Chatham-Kent will fly flags on its premises both on a permanent basis and at times on a temporary basis to mark special occasions. Flag-raising ceremonies enhance public awareness of activities such as national days, multicultural events, and community events. They encourage support from members of the public, and benefit and enrich the community. A flag raising can occur with or without an accompanying ceremony.

Flags flown permanently, each on their own flagpole, at the Civic Centre include:

- National Flag of Canada
- Province of Ontario Flag
- Municipality of Chatham-Kent Flag

The policy outlines the technical description and positioning of the National, Provincial and municipal flags.

In addition, flags will be raised temporarily, on a newly established community flagpole, at the Civic Centre:

- as a gesture of respect and friendship, on the direction of the Mayor, the Municipality of Chatham-Kent will fly the appropriate flag on the occasion of a visiting dignitary; the flag will be flown for the duration of the visit to the Civic Centre;
- for groups and organizations whose mandates, programs or activities:
 - are directly related to the Municipality of Chatham-Kent by way of a relevant funding or partnership agreement; or
 - correspond with relevant days of awareness, celebration, importance, commemoration or promotion, as recognized by the Ontario Provincial Government and/or the Canadian Federal Government, or a Ministry or Department thereof. Links include: [Calendar of health promotion days – Canada.ca](#); [Important and commemorative days – Canada.ca](#); [Ontario's celebrations and commemorations | ontario.ca](#)

The Municipality will not fly the flag of a group or organization whose undertakings or philosophy are contrary to the Municipality of Chatham-Kent's policies or by-laws, including but not limited to espousing hatred, violence, or racism, or are politically or

religiously motivated or represent other individual convictions or deemed to be discriminatory under the *Ontario Human Rights Code*. Flags will not be flown for businesses or commercial enterprises.

It is not recommended to have a community flagpole at every municipal location or municipal centre due to cost of erecting and maintain the flags and the flag poles and staff time to tend to these flagpoles for each community request. It is suggested the community pole be on the Civic Centre property on the corner of King St. W. and 2nd Street. In previous years, five organizations had their flags flown in all communities. The organizations are Community Living, Royal Canadian Legion, CK Pride; Transgender Awareness and Crime Week. It is proposed that going forward, flags will only be flown on the Chatham Community flagpole.

Appendix B is a listing of flag requests in past years. The spreadsheet outlines which flags were and were not flown. The draft Chatham-Kent Council Flag Policy was applied to the requests in an effort to identify how the new policy would apply to these same requests if made in future. The draft policy covers most of the requests received.

The process for requesting and approving flags on the community flagpole will be made at the discretion of the Manager, Corporate Communications in accordance with the policy. The process includes:

- All requests for flag flying must be made to the Manager, Corporate Communications office six (6) weeks prior to the requested date, by completing the on-line application that can be found on the municipal website, and include the following information:
 - Name of the requesting organization or individual;
 - Contact information;
 - Details of requested event or occasion including date(s);
 - Explanation of the purpose of the event or occasion;
 - Picture of the flag to be flown; and
 - Description of the applicant organization or individual, including a brief history, and any other relevant information.
- Flag flying shall be in connection with a particular event by an organization.
- The Manager, Corporate Communications will determine the timing and duration that the requested flag will be flown after consulting with the requester, which will be up to 30 days subject to other flag flying requests. Requests will be confirmed on a first come, first served basis which shall be superseded at the discretion of the Municipality based on priority of importance, order or rank.
- Individuals and organizations requesting flag flying are required to provide the flag they wish to be raised. Flags may be no larger than 1.83 meters (6ft) in width and 0.91 meters (3ft) in height and must be in good condition.

- Notification to the media and advertising related to flag flying is the responsibility of the requesting party. Any use of the municipal crest or related branding must be pre-approved by the Manager, Corporate Communications.
- An event flag shall be flown no more than once per calendar year.
- The Municipality shall not accept requests for recurring annual dates of significance. For recurring requests for annual dates of significance, each request shall need to be resubmitted annually at the beginning of each calendar year.
- The Municipality is not responsible for damaged or lost flags.
- In the event there is a dispute between an organization and the Municipality as to the eligibility of a request, the appeal process shall be through the Municipal Council having full and final say as to whether or not the request to fly a flag will be granted through a Report to Council.
- Council shall be informed of all requests and approvals/denials for flag flying through the Communication Package. There will be no presentations or deputations at Council with respect to flag flying requests.
- Flags shall only be raised and lowered on those business days that the Civic Centre is open.

The motion passed by Council requested the draft policy be sent for consultation to community groups who have recently displayed flags, those that have expressed interest and the Diversity Inclusion Equity and Justice committee. This was completed between April 15-22, 2024. Appendix C outlines comments received during this consultation.

Chatham-Kent Bridge Lighting Display Policy

The purpose of the Chatham-Kent Bridge Lighting Display Policy is to regulate requests from the public for specific light colours on bridges within the Municipality of Chatham-Kent to commemorate dates of significance. (At this time, the only bridge with lighting abilities is the Third Street bridge in Chatham.) This Policy applies to the display and duration of lighting display requests made by members of the public specific to the lighting system on bridges within the Municipality of Chatham-Kent. This Policy is not meant to impede the standards of practice of recognizing significant National or Provincially recognized Dates of Significance. Appendix D is the Bridge Lighting Policy.

The process for requesting and approving lighting display requests will be made at the discretion of the Manager, Corporate Communications in accordance with the policy. The process includes:

- Community lighting display requests shall only take place using the Bridge Lighting System.
- It shall be the responsibility of the requesting organization to submit an application for a community lighting display through the Chatham-Kent website.
- Requests will be confirmed on a first come, first served basis.
- Organizations with approved lighting display requests are required to provide at least one colour option pertaining to their lighting display request two weeks prior to the date requested. Options will be limited to the spectrum of colors currently available and capabilities of the lighting system.
- The Municipality may identify dates to light the bridge as a sign of goodwill. (i.e., National Day for Truth and Reconciliation, Remembrance Day, etc.)
- The Manager of Corporate Communications will assess requests based on the following criteria:
 - i. The Municipality may approve lighting display requests for a Bridge Lighting System based on the following criteria:
 - a. nations recognized by the Government of Canada to celebrate a country's national day or on the anniversary of a special occasion;
 - b. charitable or non-profit organizations to help increase public awareness of their programs and activities;
 - c. organizations that have achieved national or international distinction or made a significant contribution to the community; and
 - d. organizations that have a presence in the Chatham-Kent community, except those outlined in item ii. below.
 - ii. The Municipality shall not approve requests for lighting displays for a Bridge Lighting System requested by:
 - a. Organizations or groups that are political or partisan in nature, including political parties or political organizations;
 - b. Organizations that promote hatred, violence, racism, or discrimination of any kind or where it is deemed to be discriminatory under the *Ontario Human Rights Code*;

- c. Religious organizations;
 - d. Organizations that have already had a lighting display request approved within the same calendar year; or
 - e. Commercial entities (unless it holds the naming rights to the bridge).
- The Mayor, in consultation with the CAO and Manager of Corporate Communications, may apply discretion to approve or deny a request for a lighting display based on reputational risk to the Municipality.
 - The Municipality reserves the right to cancel a lighting display in the case of an unforeseen circumstance or in the case of a technical error or malfunction with the Lighting Display System.
 - Community lighting displays may be shown for a maximum of one (1) week.

Council Term Priorities

This report supports the following Council Term Priorities:

			
Deliver Excellent Service	Promote Safety & Well-Being	Grow Our Community	Ensure Environmental Sustainability
3.0	4. (a)		

Consultation

Supervisor, Building Maintenance was contacted regarding the cost to install a community flagpole. The Director, Budget and Performance Services was also consulted regarding the funds required.

Manager, Corporate Communications was contacted regarding the overseeing of both policies. The Manager also assisted with the public consultation portion of the flag policy.

Coordinator, Diversity, Equity, Inclusion and Justice was consulted with regarding the DEIJ section of this report.

Several municipalities flag policies were reviewed during the preparation of this report. These include, but not limited to, Ottawa, Guelph, Toronto, Essex, Calgary, London, Newmarket, Kingston, Whitby, Windsor, Norwich, Burlington, Belleville, Carleton Place and Wood Buffalo, Alberta.

Community groups who have recently displayed flags, those that have expressed interest and the Diversity Inclusion Equity and Justice committee was also consulted.

Communication

Communication is proposed to be through the inclusion of this report on the Council agenda and related communications. A media release will also be prepared to notify the public of both new policies and the procedures for flag raisings or bridge lighting requests. All current/previous flag raise requesters will be notified of the new policy.

Diversity, Equity, Inclusion and Justice (DEIJ)

- Flags and flag raising ceremonies can help raise awareness about different events, communities, and issues in Chatham-Kent.
- Flags can be a symbol of inclusion and belonging for groups that have faced historic exclusion. And can raise awareness about both the struggles and successes of various groups in our community.
- The proposed approach is one way the Municipality can support efforts to foster an inclusive and equitable community where everyone feels welcome.
- This policy approach endeavours to align with the Ontario Human Rights Code in that it provides direction so that flags associated with groups that promote discrimination, incite hatred, violence, or prejudice shall not be flown.
- No flag is neutral - even our government flags are not neutral to everyone and may elicit different reactions from different groups of people. For example, people who have experienced oppression by different levels of government may not see themselves represented by these flags or may not see them as neutral.

Financial Implications

The cost to erect a community flagpole at the Civic Centre is approximately \$10,000 and can be paid for through the Strategic Development Reserve (Account # 17266). Maintenance of the community flagpole going forward can be covered from existing budgeted dollars for all flagpole maintenance.

Reviewed by:

Cathy Hoffman, MPA, CHRL

General Manager, Corporate Services/Chief Human Resource Officer

Consulted and confirmed the content of the consultation section of the report by:

Supervisor, Building Maintenance
Manager, Corporate Communications
Coordinator, Diversity, Equity, Inclusion and Justice
Director, Budget and Performance Services

Attachments: (4)

Appendix A – Council Flag Policy
Appendix B – Previous flag raisings
Appendix C – Comments from public consultation
Appendix D – Bridge Lighting Policy