

THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE



**BY-LAW**

**NO. 2024 –**

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**Being a By-law to Adopt a Flag Protocol Policy for  
The Corporation of the Municipality of Kincardine**

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**Whereas** pursuant to the said Municipal Act, Sections 8 and 9 provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority under this or any other Act; and

**Whereas** Section 270 (1) of the Municipal Act 2001, S.O. 2001, c. 25, as amended, requires a municipality to adopt and maintain a policy with respect to the manner in which the municipality will try to ensure that it is accountable to the public for its actions, and the manner in which the municipality will try to ensure that its actions are transparent to the public; and

**Whereas** the Council of the Corporation of the Municipality of Kincardine desires to adopt a new Flag Protocol Policy; now therefore be it

**Resolved** that the Council of The Corporation of the Municipality of Kincardine **Enacts** as follows:

1. That the Flag Protocol Policy for The Municipality of Kincardine, attached hereto as Schedule 'A' and forming part of this By-law be adopted.
2. That this By-law shall come into full force and effect upon its final passing.
3. That Policy GG.1.13 and all other Policies passed by By-law and Resolution inconsistent with this By-law, be repealed.
4. That By-law may be cited as the "Flag Protocol Policy By-law".

**Read a First, Second and Third Time and Finally passed** this 10<sup>th</sup> day of April, 2024.

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Mayor

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Clerk

## **Schedule ‘A’**

**Policy No.:** COUNCIL.05

**Section:** Your Government and People

**Policy Title:** Flag Protocol Policy

**Adopted Date:** April 10, 2024

**By-law No.:** 2024 -

**Revision Date:** March 25, 2024

### **1. Purpose**

The Municipality of Kincardine recognizes the symbolism of displaying flags as a visual statement that speaks to the solidarity that is shared by all citizens. This policy allows for the municipality to honour individuals and recognize significant efforts of groups and organizations within the community through the half-masting and displaying of community flags/flag raising.

This policy will provide a framework to ensure that flags in the Municipality are flown and displayed in an appropriate and consistent manner.

### **2. Scope**

This policy applies to all flags flown and displayed at Municipal facilities and spaces in The Municipality of Kincardine. The CAO’s Department will oversee the functional aspects of this policy in accordance with direction from this policy.

The Chief Administrative Officer (CAO) has the authority to make minor changes and updates to the Policy.

### **3. Responsibility**

The Executive Assistant to the CAO is responsible for receiving and processing flag request applications. The CAO is responsible for approving flag requests. The CAO’s department is responsible for overseeing the flag protocol policy.

### **4. Procedure/ Policy**

#### **4.1. Displaying of Flags/Flag Protocol**

The following protocol outlines the flag protocol with respect to the displaying of flags:

- a) Only one (1) flag is to be displayed per flagstaff;
- b) Flagstaffs should be of the same height when there is a grouping of flagstaffs;
- c) Flags that are flown together should be approximately the same size;
- d) The Canadian Flag should be given the place of honour and as such no flag should be flown or displayed above the Canadian Flag

Subject to the number of available flag poles, priority should be given to the following flags in the following order:

- a) The National Flag of Canada
- b) The Provincial Flag of Ontario
- c) The Municipal Flag of the Municipality of Kincardine
- d) Alternate Flags

Flags shall be displayed in accordance with the Position of Honour Etiquette of the National Flag of Canada as established by the Government of Canada.

#### **4.2. Half-Masting Flags**

Flags are flown at the half-mast position as a sign of respect and condolence or to commemorate significant dates. The flags flown at the Municipality of Kincardine and its properties are flown at half-mast through this specific application:

- a) On the death of the Mayor or a Member of Council;
- b) On the death of a current Municipality of Kincardine employee;
- c) On the death of a former Mayor and/or Reeve.

Flags will also be flown at half-mast for:

- a) The death of the Sovereign or members of the immediate Royal Family, the Governor General, the Prime Minister, a former Governor General or a former Prime Minister;
- b) The death of the Lieutenant Governor of Ontario or the Premier of Ontario;
- c) The death of the local Member of Parliament or local Member of Provincial Parliament.

Flags shall be flown at half-mast annually on the following dates:

- a) National Day of Mourning for Persons Killed or Injured in the Workplace (April 28)
- b) National Day of Truth and Reconciliation (September 30)
- c) Remembrance Day (Nov 11)
- d) National Day of Remembrance and Action on Violence Against Women (December 6)

#### **4.3. Process for Half-Masting Flags**

The CAO's Department will be responsible for notifying all departments regarding the half-masting of flags with respect to the location, reason, and the duration that the flag will be flown at half-mast. Department contacts responsible for facilities and Municipal properties will be required to lower and raise the flags as per the CAO Department's notification. The CAO Department will maintain an inventory of all flags flown at the Municipal Office and its corporate properties.

#### **4.4. Community Flags & Flag Raising Requests**

The community flag poles will be used for the display of flags or flag raisings. Displaying flags or flag raising enhance public awareness.

Request for displaying flags and flag raisings will be approved for:

- a) Non-profit organizations;
- b) Recognition of an important visit to the Mayor and Members of Council;
- c) Public awareness campaigns.

Requests will not be approved by the Municipality should they:

- a) Be for political parties or political organizations;
- b) Be for religious organizations or the celebration of religious events;
- c) If the intent is contrary to Municipal Policies or By-laws;
- d) If the intent is to defame the integrity of Council; and
- e) If the event or organization has no direct relationship to the Municipality

It is important to note the following provisions for community flags/flag raising requests:

- a) Approvals and use of the community flag poles will be granted on a first come first served basis. The CAO's Department may recommend alternate locations for the groups and organizations not given priority at their preferred location;
- b) An organizations' flag shall be flown no more than once per calendar year; organizations shall be required to submit flag raising requests on an annual basis;
- c) A flag shall be flown for a period of up to two weeks, or for the duration of the associated event, whichever is less;
- d) The CAO will have discretion and authority of deciding the time frame and frequency of the requested flag flying;
- e) Flags shall be raised and lowered on those business days that the Municipal Office is open;
- f) Community flags/banners shall not be larger than the standard size (36inches x 72inches);
- g) Organizations are responsible for providing the flag for flying to the CAO Department at least one (1) week prior to the flag raising date; and
- h) Any expense as a result of the flag raising request shall not be incurred by the Municipality, including the purchase of the flag.

#### **4.5. Process of Displaying Community Flags/Flag Raising**

Groups or organizations requesting a flag-raising are required to submit their request to the CAO's Department at least four (4) weeks prior to the date of the requested flag raising. When submitting a "Flag Flying Request Form" hereto attached as Appendix A to this policy, the organization must provide the following information to the satisfaction of the CAO's Department:

- a) Organization name, address, contact, title, email address, telephone number, and fax number;
- b) Proposed date and time;
- c) Identify whether request is for displaying a flag and/or flag raising;
- d) Type of flag to be raised.

In addition to providing the Flag Flying Request Form, organizations must provide the Municipality with a flag created specifically to represent their event; a national flag not be flown to represent an event. The Municipality will not be responsible for storing of the flag. Requestors will be responsible for dropping off the flag one week prior to the flag raising date and for picking it up after the flag flying.

#### **4.6. Location of Municipally Owned Flag Poles**

The Municipality of Kincardine owns a number of flag poles located throughout the Municipality. The following flag poles are not recognized as community flag poles and are not open for flag flying other than National and Municipal flags:

- a) Harbour Street Pole (MacPherson Park, Kincardine) – one (1) flagstaff;
- b) Davidson Centre Splash Pad (601 Durham St, Kincardine) - two (2) flagstaffs;
  - I. Exemption is made for the Kincardine Lion's Club who are approved to raise the Kincardine Lion's Club Flag on these flagstaffs as partners in establishing/installing these assets. The Kincardine Lion's Club flag flying on the Davidson Centre Splash Pad flagstaffs is exempt from the maximum timelines for flag flying requests;
- c) Municipal Administration Centre (1475 Concession 5, Kincardine) – one (1) flagstaff.

The Municipality of Kincardine has three community flag poles located within the municipality. These flag poles are located at:

- a) Davidson Centre Track (601 Durham St, Kincardine) – two (2) community flagstaffs;
- b) Kincardine Library (727 Queen St, Kincardine) – one (1) community flagstaff;
- c) Tiverton Fire Hall (15 McLaren St, Tiverton) – two (2) community flagstaffs

#### **4.7. Disposal of Flags**

When a flag becomes worn, noticeably faded or otherwise unfit for service, it must be disposed of in a dignified manner.

**4.8. Communications**

When flags are lowered to half-mast, notice will be provided to all staff, Council and posted on the appropriate Municipality media outlets including the website stating the purpose of the flag lowering.

Additional notification to the media and/or advertising related to the flag flying is the responsibility of the requesting party.

**4.9. Winter Operations**

During the winter months, it is at the full discretion of the Municipal Staff to determine where and when flags will be flown. Determining whether flags will be flown is evaluated on the general location and weather conditions. Flags are generally not flown during the months of January to March to preserve the flags as blistering winds and other winter weather conditions deteriorate the flags faster.

**5. Related Policies**

GG.1.3 Flag Protocol

**6. Related Documents/Legislation**

POL 4.06 Kincardine Fire and Emergency Services – Flag Protocol.

**7. Additional Information/Subjects can be added as needed.**

N/A.



**Municipality of Kincardine - Flag Flying Request Form**

Contact Information	
Organization Name:	Type of Organization: Non-Profit Charitable N/A
Requestor First Name:	Requestor Last Name:
Telephone Number:	Organization/Requestor Email Address:

Request Details			
Date Requested for Flag Raising:	Duration of Flag Raising Requested:		
Flag/Banner Type:	Purpose of Flag Raising:		
Ceremony Requested: <table style="width: 100%; border: none;"> <tr> <td style="width: 50%; text-align: center;">Yes</td> <td style="width: 50%; text-align: center;">No</td> </tr> </table>		Yes	No
Yes	No		
Additional Details:			

CAO Department Use Only	
Approved	Request is approved in accordance with Policy COUNCIL.05 Flag Protocol Policy, specifically:  Request is for non-profit or charitable organization  Request recognizes of an important visit to the Mayor and Members of Council  Request is a public awareness campaign  Request is from Kincardine Lion's Club for flag flying at the Davidson Centre Splash Pad
Denied	
	Request for denial (if applicable):  Request is for political party or organization Request is for religious organization/event Request is contrary to Municipal policy or by-law Request defames the integrity of Council Request has no direct relationship with the Municipality

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CAO Signature

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Date