

**TOWN OF BOONTON**  
**ORDINANCE 8-24**

**AN ORDINANCE AMENDING PART I, ADMINISTRATIVE LEGISLATION, CHAPTER 52,  
SEAL AND FLAG, ESTABLISHING POLICY AND PROCEDURES FOR THE DISPLAY OF  
FLAGS BY THE TOWN OF BOONTON**

**WHEREAS** the official authorized display of flags on municipal property is regulated by federal and State law; and

**WHEREAS**, the Mayor and Town Council of the Town of Boonton wish to update the Town Code to clarify the policy and procedures for the display of flags by the Town; and

**WHEREAS**, to avoid the potential for unintended consequences, the Mayor and Town Council wish to affirmatively establish and confirm that Town-owned flag poles do not constitute a forum for free expression by the public.

**NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BOONTON, COUNTY OF MORRIS, STATE OF NEW JERSEY, THAT SECTION 52-3 IS REPEALED IN ITS ENTIRETY AND REPLACED AS FOLLOWS:**

§ 52-3 Flag Display Policy and Procedures for Flag Poles on Town-Owned Property and upon Stages and Podiums at Town-Sponsored Events.

**SECTION ONE.**

A. Purpose. To establish the Town of Boonton policy governing the display of flags by the Town on flag poles on Town property and upon stages and podiums at Town-sponsored events. Town-owned flag poles are not intended to serve as a forum for free expression by the public and are for official purposes set forth herein.

B. Definitions of Flags

1. Official and Non-Official Flags That May Be Displayed:

Flag of the United States of America (current 50-star American Flag)  
Official Flag of the State of New Jersey  
Official Flag of the County of Morris (vertically banded yellow and white Morris County Flag with County Seal)  
Official Flag of the Town of Boonton  
Official Flag of the United States Army  
Official Flag of the United States Navy  
Official Flag of the United States Marine Corps  
Official Flag of the United States Air Force  
Official Flag of the United States Coast Guard  
Prisoner of War / Missing In Action (POW\*MIA "You Are Not Forgotten") Flag  
Killed in Action (KIA) Flag

2. The Federal Flag Code refers to Title 4 U.S.C. §§ 1–10 (P.L. 94 - 344, 94th Congress, S.J. Res.49, adopted July 7, 1976)

### C. Policy

1. The Town of Boonton adheres to the Federal Flag Code for display of flags on flagpoles on Town property and upon stages and podiums at Town-sponsored events.
2. The American Flag and P.O.W.-M.I.A. Flag shall always be displayed on Town flag poles in accordance with the Federal Flag Code and as per N.J.S.A. 40A:12-23 and N.J.S.A. 52:3-10. Other flags listed in N.J.S.A. § 52-3, Section 1, B.1 may also be displayed on Town flag poles, in accordance with the Federal Flag Code.
3. The American Flag and New Jersey State Flag shall not be displayed at half-staff on Town property, except as specifically provided for under Section 3(m) of the Federal Flag Code and as specifically directed by the President of the United States or Governor of the State of New Jersey by Executive Order.
4. In the event of the death of any person of local prominence, such as officers, officials, and employees, for whom a half-staff display of the American flag is not authorized under the Federal Flag Code, the Town of Boonton flag may be displayed at half-staff. The period designated shall not exceed ten (10) days.

### E. Display

1. The official flags of the Town of Boonton may be displayed in Council Chambers at Town Hall, at the podium, dais, and hallways in municipally owned buildings, and on Town-sponsored temporary displays erected for public celebration or memorial.
2. No other flags shall be displayed by an official action of the Town.

**SECTION TWO.** All ordinances of the Town of Boonton which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION THREE.** If any section, subsection, clause, or phrase of this Ordinance is for any reason held to be unconstitutional or invalid by any court of competent jurisdiction, such decision shall not affect the remaining portion of this Ordinance.

**SECTION FOUR.** This Ordinance shall take effect immediately upon final passage, approval and publication as provided by law.

**SECTION FIVE.** This Ordinance may be renumbered for purposes of codification.

The foregoing ordinance having been introduced and passed on first reading by the Mayor and Town Council of the Town of Boonton, County of Morris, State of New Jersey, on April 1, 2024 and then ordered to be published according to the law, will be further considered for final passage and adoption at a public hearing to be held at a meeting beginning at 7:00 p.m. on April 15, 2024 at the Town Hall, 100 Washington Street, Boonton, NJ 07005, when and where, or at such time and place to which said meeting may be adjourned. All persons interested will be given an opportunity to be heard concerning said ordinance.

Elizabeth Bonsiewich, RMC  
Town Clerk

