

Bill No. 209
2019

By-law No. CPOL.-114()-_____

A by-law to amend By-law No. CPOL.-114-366, as amended, being “Flags at City Hall Policy” by renaming the Policy “Flags at City Hall” and to add reference and provisions with respect to the flags located at the back entrance of City Hall.

WHEREAS section 5(3) of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides that a municipal power shall be exercised by by-law;

AND WHEREAS section 9 of the *Municipal Act, 2001*, S.O. 2001, C.25, as amended, provides a municipality with the capacity, rights, powers and privileges of a natural person for the purpose of exercising its authority;

AND WHEREAS the Municipal Council of The Corporation of the City of London wishes to amend By-law No. CPOL.-114-366, as amended, being “Flags at City Hall Policy” to rename the Policy to “Flags at City Hall” and to add reference and provisions with respect to the flags located at the back entrance of City Hall;

NOW THEREFORE the Municipal Council of The Corporation of the City of London enacts as follows:

1. By-law No. CPOL.-114-366, as amended, being “Flags at City Hall” is hereby amended by deleting Schedule “A” of the by-law and by replacing it with the attached new Schedule “A”.
2. This by-law shall come into force and effect on the date it is passed.

PASSED in Open Council on June 11, 2019.

Ed Holder
Mayor

Catharine Saunders
City Clerk

First Reading – June 11, 2019
Second Reading – June 11, 2019
Third Reading – June 11, 2019

Schedule "A"

Flags at City Hall

Policy Name: Flags at City Hall

Legislative History: Adopted September 19, 2017 (By-law No. CPOL.-114-366); Amended July 24, 2018 (By-law No. CPOL.-114(b)-417), Amended _____ (By-law No. CPOL.-____-____)

Last Review Date: April 24, 2019

Service Area Lead: City Clerk

1. Policy Statement

1.1 This policy sets out the requirements for the flying of flags at City Hall.

2. Definitions

2.1 Not applicable.

3. Applicability

3.1 This policy shall apply to any person or organization seeking to fly a flag at City Hall.

4. The Policy

4.1 Flags at Front Entrance of City Hall

- a) The following flags shall be permitted to be flown at City Hall on the flag poles over the front entrance of City Hall:
 - i) flags deemed by the City Clerk to be in accordance with the flag etiquette of Canada as established by Heritage Canada (restricted to the flag of the City of London, Canadian provinces, the Canadian flag, the personal flags and standards of the Royal Family and the Governor General and the Lieutenant Governors throughout Canada, the Royal Union flag, and the flags of the United Nations, the North Atlantic Treaty Organization and the Commonwealth); and,
 - ii) an appropriate flag on the occasion of a visiting dignitary, on the day of the dignitary's visit to London City Hall, as a gesture of respect and friendship.

4.2 Flags in City Hall

- a) As an annual observance to recognize the anniversary of the London Township Treaty, the five signatory First Nations (Chippewas of the Thames First Nation, Chippewas of Kettle and Stoney Point First Nation, Walpole Island First Nation, Aamjiwnaang First Nation and Caldwell First Nation) shall be invited to have their flags displayed on September 7th of each year, in City Hall. In the event that September 7 falls on a day on which City Hall is closed, the flags shall be displayed on the first day prior to September 7 that City Hall is open for business.

4.3 Community Flag Pole

- a) The following flags shall be permitted to be flown at City Hall on the Community Flag Pole installed at the northwest corner of City Hall, facing Wellington Street:
 - i) the Canadian flag at such times as there is no flag of a charitable or non-profit organization to be flown as provided for in 4.3a)ii), or at such times as the half-masting of a flag is in order, as provided for under 4.4c), below; and,

- ii) to celebrate achievement, the flag of a charitable or non-profit organization to help increase public awareness of their programs and activities; an organization that has achieved national or international distinction or made a significant contribution to the community, or an organization that has helped to enhance the City of London in a positive manner.
- b) The following guidelines shall be observed for the flying of flags permitted under 4.3a)ii), above:
- i) the organization's flag will fly in connection with a particular event by an organization;
 - ii) no flags of commercial, religious or political organizations shall be permitted;
 - iii) no flags of a group or organization whose undertakings or philosophy are contrary to City of London policies or by-laws, or espouse hatred, violence or racism shall be permitted;
 - iv) an organization's flag shall be flown no more than once per calendar year;
 - v) organizations shall be required to submit requests for their organization's flag to fly on an annual basis;
 - vi) a flag shall be flown for a period of up to one week, or for the duration of the associated event, whichever is less; and,
 - vii) flags shall only be raised and lowered on those business days that City Hall is open.

4.4 Flags at Back Entrance of City Hall

- a) The following flags shall be permitted to be flown at City Hall on the flag poles over the back entrance of City Hall facing Reginald Cooper Square:
- i) The flags of all the provinces and territories and the Canadian Flag are hung, in order of confederation, over the back entrance facing Reginald Cooper Square. The Canadian Flag is hung as per the standards outlined in the National Flag of Canada Etiquette issued from the Federal Government.
- b) The precedence for flag order (from left to right) as per the Position of Honour is as follows:
- i) the National Flag of Canada;
 - ii) the flags of other sovereign nations in alphabetical order (if applicable);
 - iii) the flags of the provinces of Canada (in the order in which they joined Confederation); and,
 - iv) the flags of the territories of Canada (in the order in which they joined Confederation)
- c) The flags are raised in the spring, and lowered before winter.

4.5 General

- a) The City Clerk will administer the policy for the flying of flags at City Hall.
- b) The following guidelines shall apply to resolving conflicts arising from this policy:
- i) conflicts between the flying of flags in accordance with 4.1a)i) and 4.1a)ii) shall be settled firstly in favour of those flags being flown in accordance with 4.1a)i) and secondly in favour of those flags being flown in accordance with 4.1a)ii);

- ii) conflicts between the flying of flags in accordance with 4.3a)i) and 4.3a)ii) shall be settled firstly in favour of those flags being flown in accordance with 4.3a)i) and secondly in favour of those flags being flown in accordance with 4.3a)ii);
 - iii) conflicts between the dates requested for flags to be flown by two or more organizations on the Community Flag Pole shall be settled in favour of the organization which first made its request; and,
 - iv) in the event there is a dispute between an organization and the City Clerk as to the eligibility of a request, the appeal process shall be through the Standing Committee of Council whose mandate it is to deal with such matters, with the Municipal Council having full and final say as to whether or not the request to fly a flag will be granted.
- c) The following guidelines shall be observed for the half-masting of the Canadian flag on the Community Flag Pole:

The flying of the Canadian flag at half-mast denotes a period of official mourning or commemoration.

The City of London will fly the Canadian flag on the Community Flag Pole at half-mast in the event of a death or to commemorate a solemn occasion. The Canadian flag will be lowered at the direction of the Mayor. In consultation with the Mayor, the City Clerk will provide instruction to lower the Canadian flag on the Community Flag Pole.

The position of the Canadian flag when flying at half-mast will depend on its size, the length of the mast and its location; but as a general rule, the centre of the Canadian flag shall be exactly half-way down the mast.

The official period of mourning is defined as the day of passing until the day of the funeral.

The Canadian flag will be flown at half-mast on the Community Flag Pole to commemorate the following occasions:

| Date | Occasion |
|--------------------------|--|
| April 28 | National Day of Mourning for Persons Killed or Injured in the Workplace |
| August 9 | Peacekeepers' Day |
| Last Sunday in September | National Peace and Police Officers' Memorial Day |
| November 11 | Remembrance Day* |
| | *Half-masting shall occur at 11:00 a.m. or according to the prescribed order of service at the Cenotaph. |
| December 6 | National Day of Remembrance and Action on Violence Against Women |