

ORDINANCE NO. 3801

AN ORDINANCE ADDING SECTION 2-15 TO CHAPTER 2-ADMINISTRATION, ARTICLE I-IN GENERAL TO THE CODE OF ORDINANCES FOR THE CITY OF BROKEN ARROW, OKLAHOMA; PROVIDING FOR THE DISPLAY OF FLAGS BY THE CITY OF BROKEN ARROW TO CITY OF BROKEN ARROW FACILITIES; PURPOSE FOR THE ORDINANCE; THE CITY'S INTENT TO ONLY DISPLAY THE FLAG OF THE UNITED STATES, THE FLAG OF THE STATE OF OKLAHOMA, THE NATIONAL LEAGUE OF FAMILIES' POW-MIA FLAG, THE FLAG OF THE CITY OF BROKEN ARROW AND THE FLAGS OF THE UNITED STATES ARMED FORCES AT CITY OWNED OR OPERATED FACILITIES; ADOPTING A POLICY FOR THE DISPLAY OF FLAGS BY THE CITY OF BROKEN ARROW AT CITY FACILITIES; ORDER OF PRECEDENCE FOR DISPLAY OF FLAGS; NO OTHER FLAGS ON CITY FLAGPOLES; CITY MANAGER'S AUTHORITY TO ORDER FLAGS TO HALF STAFF; REPEALING ALL ORDINANCES TO THE CONTRARY; AND DECLARING AN EMERGENCY

SECTION I. That the City of Broken Arrow Code of Ordinances, Chapter 2-Administration, Article I-In General, Section 2-15 Display of Flags by the City of Broken Arrow shall read as follows:

A. Purpose

The purpose of this Ordinance is to establish the guidelines for the display of flags by the City of Broken Arrow at City of Broken Arrow facility owned flag poles.

B. Intent-Governing Law

It is the intent of this Section to provide guidance for the display of the following flags at City owned or operated facilities within the City of Broken Arrow:

1. The flag of the United States as defined in 4 U.S.C. § 1 Flag; stripes and stars on;
2. The flag of the State of Oklahoma as defined in 25 O.S. § 91 State Flag-design;
3. The National League of Families' POW-MIA flag as defined in 36 U.S.C. § 902;
4. The flag of the City of Broken Arrow;
5. The flags of the United States Armed Forces, including the flags of the United States Army, Marine Corps, Navy, Air Force, Space Force and Coast Guard.

C. Policy

It is the policy of the City of Broken Arrow that flags should be displayed in conformance with Federal and State policies, as stated in the Federal “Our Flag” publication of Congress, House Document No. 96-144; 36 U.S.C. § 175, Chapter 10-Patriotic Customs; 25 O.S. § 91.1, Public Institutions-Display of Flag; 36 U.S.C. § 902 National League of Families POW/MIA flag; Public Law 116-67 of the 116th Congress designating the days on which the POW/MIA flag is displayed. The Director of Maintenance Services is responsible for ensuring the proper execution of this policy at all City facilities.

D. Order of Precedence

Flags will be flown at City of Broken Arrow facilities in the following order of precedence: first, the United States flag; second, the State of Oklahoma; and third the National League of Families’ POW/MIA flag; fourth the flag of the City of Broken Arrow; fifth, the order of precedence of the United States Armed Forces flags together is Army, Marine Corps, Navy, Air Force, Space Force and Coast Guard.

E. No Other Flags

The City’s flagpoles are not intended to serve as a forum for free expression by the public. No private flags shall be flown on City of Broken Arrow facility owned flag poles. The City shall only display those flags specifically identified in Section 2-15 (B). The City Manager or his designee is authorized to determine the flags identified in Section 2-15 (B) that shall be flown at City owned or operated facilities within the City of Broken Arrow.

F. City Manager’s Authority to order flags to half staff

Flags at all City facilities shall be displayed in accordance with the above Policy stated in Section 2-15 (C). However, the City Manager or his designee may order flags to be lowered to half-staff, in honor of the death of a City employee killed in the line of duty.

SECTION II. Any ordinance or parts of ordinances found to be in conflict herewith are hereby repealed.

SECTION III. An emergency exists for the preservation of the public health, peace, and safety, and therefore this ordinance shall become effective from and after the time of its passage and approval.

PASSED AND APPROVED and the emergency clause ruled upon separately this 17th day of July, 2023.

ATTEST:

/s/ Debra Wimpee
MAYOR

/s/ Lisa Blackford
(Seal) CITY CLERK, DEPUTY

APPROVED:

/s/ Trevor Dennis
CITY ATTORNEY