

CITY OF MILPITAS  
POLICY AND APPLICATION FORM  
FOR FLAG CEREMONY

City Clerk's Office **1**

FEB 19 2013

RECEIVED

The City desires to encourage respect and reverence for the flags of the United States of America, the State of California, and the City of Milpitas. For this purpose, flag poles have been erected in the City to allow display of these flags as symbols of the precepts enunciated in the Constitutions of the United States and the State of California.

This application form has been prepared to provide for the orderly conduct of flag ceremonies in the City of Milpitas. At the present time, there are two ceremonial flag poles at the Higuera Adobe. The two poles at Adobe Park are to remain vacant and will be used only for flag ceremonies. One pole will be for the United States Flag and the other pole for the flag of other nations. Flag poles are also situated outside City Hall at 455 E. Calaveras Blvd. Your organization's flag may not be larger than the United States flag. Both flags must be removed at the end of the ceremony.

This application should be submitted to the City Manager's office at least forty-five (45) days prior to the requested ceremony date to allow time to advertise a public hearing before the City Council. All ceremonies must be approved by the City Council. No group shall have more than one (1) flag ceremony per calendar year. All ceremonies should be conducted in accordance with applicable provisions of the United States Code and the California Government Code related to proper display of flags. These code are available online at www.uscode.house.gov and www.leginfo.ca.gov. The City Clerk may provide paper copy of the appropriate codes upon request also.

Date of Request: 2-15-2013 Time of Request: 3-1-2013  
Name of Requesting Agency: Flame Keeper's  
Address: 1567 Pinewood Way  
City: Milpitas State: CA Zip Code: 95035  
Contact Person: Demetress Morris  
Business Phone: (408) 935-8074 Home Phone: Same  
E-mail Address: Demetress1@aol.com Cell Phone: (408) 849-0074

Proposed Activity (please specify the flag to be flown, date of ceremony, and estimated duration):

This flag will be used as part of our heritage display for the remainder Black History Month 2013.

South Africa Flag- RED- FOR BLOOD, BLUE- FOR OPEN BLUE SKY, GREEN -FOR THE LAND, BLACK- FOR THE BLACK PEOPLE, WHITE- FOR THE EUROPEAN YELLOW- FOR THE NATURAL RESOURCES EG. GOLD, Y= SYBOLIZES THE MERGING NATIONALITIES -- EG. UNITY/VONVERGENCE AND GOING FORWARD AS ONE UNIFIED NATION OF PREVIOUSL DESPERATE GROUPS IN SOUTH AFRICA. The Afro-American flag (U.S.) is the flag that is flying every black history month in San Jose our sister city. This is the one I would most like to be represented at our city and other official city places. The other flag that most mirrors our thoughts and progress here in American is the South African Flag, which is indeed the flag of "our heritage" and a country's flag .

We agree to conduct ourselves in a manner, which encourages respect of the flag of the United States of America. In addition, it is understood that the requesting organization will be responsible for providing any special equipment, including the flag to be flown. A United States flag may be obtained from the City Clerk's office from 8:00 a.m. to 5:00 p.m., Monday through Friday, if one is needed. A written request must accompany your request to ensure that the flag is being released to the authorized individual or group. The United States flag must be returned to the City Clerk's office the next business day after the ceremony between 8:00 a.m. and 5:00 p.m. You should contact the City Clerk's office at 586-3001 if you need additional information or assistance.

*Demetress Morris*

2-15-2013

Signature of Applicant

Date

FOR OFFICE USE ONLY:

APPROVED:

CITY COUNCIL: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_

DATE OF COUNCIL ACTION \_\_\_\_\_

Milpitas, California, Code of Ordinances >> Title I - ADMINISTRATION >> Chapter 600 - DISPLAY OF FLAGS >> Section 1 - Definitions >>

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## **Section 1 - Definitions**

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I-600-1.10 - City Hall Display Flag Poles

I-600-1.20 - Ceremonial Flag Poles

### **I-600-1.10 - City Hall Display Flag Poles**

"City Hall Display Flag Poles" shall mean those three (3) flag poles situated at the northeast corner of the intersection of Calaveras Boulevard and Milpitas Boulevard in front of City Hall. "City Hall Display Flag Poles" shall also refer to those four (4) flag poles located to the rear of City Hall and adjacent to the pond, those three (3) flag poles located between the Senior Center and the Community Center buildings, and the three (3) flag poles located at the front entrance to the Senior Center.

*(Ord. No. 260.1, § 2, 1/17/12; Ord. 260 (part), 6/3/03)*

### **I-600-1.20 - Ceremonial Flag Poles**

"Ceremonial Flag Poles" shall mean those two (2) City-owned flag poles situated at the City-owned Higuera Adobe which the City has designated to be used by members of the community to conduct flag raising ceremonies.

*(Ord. No. 260.1, § 2, 1/17/12; Ord. 260 (part), 6/3/03)*

Milpitas, California, Code of Ordinances >> Title I - ADMINISTRATION >> Chapter 600 - DISPLAY OF FLAGS >> Section 2 - City Hall Display Flag Poles >>

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## **Section 2 - City Hall Display Flag Poles**

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I-600-2.10 - City Hall Display Flag Poles

I-600-2.20 - Display of Other Flags at City Hall

I-600-2.30 - Exception—Sister City Flags and City Council Approved Ground Level Ceremonies

I-600-2.40 - City Approval

### **I-600-2.10 - City Hall Display Flag Poles**

City Hall Display Flag Poles shall at all times be used exclusively by the City of Milpitas as follows:

- (1) Those three (3) flag poles located at the front of City Hall shall at all times be used exclusively by the City for the purpose of the display of the flags of the United States of America, the State of California, and the City of Milpitas in accordance with all applicable federal and state regulations.
- (2) Those four (4) flag poles located at the rear of City Hall adjacent to the pond shall be used to display the flags of the United States of America, the State of California, the National POW/MIA flag and the City of Milpitas in accordance with all applicable federal and state regulations at all times except the flags of Sister Cities may be displayed at this location at limited times as set forth in section 2.30 below.
- (3) Those three (3) flag poles located between the Senior Center and the Community Center buildings shall at all times be used exclusively by the City for the purpose of the display of the flags of the United States of America, the State of California, and the City of Milpitas in accordance with all applicable federal and state regulations.
- (4) Those three (3) flag poles located at the front entrance to the Senior Center shall at all times be used exclusively by the City for the purpose of the display of the flags of the United States of America, the State of California and the City of Milpitas in accordance with all applicable federal and state regulations.

*(Ord. No. 260.1, § 2, 1/17/12; Ord. 260 (part), 6/3/03)*

### **I-600-2.20 - Display of Other Flags at City Hall**

Except as allowed in Section 2.30, the ceremonial display of flags other than the flags of the United States of America, State of California, National POW/MIA and City of Milpitas, on City Hall Display Flag Poles or within the Civic Center Complex and City of Milpitas Community Center is not permitted.

*(Ord. No. 260.1, § 2, 1/17/12; Ord. 260 (part), 6/3/03)*

### **I-600-2.30 - Exception—Sister City Flags and City Council Approved Ground Level Ceremonies**

- (1) The flag of the country and that of a city officially recognized by the City Council as a Sister City may be displayed in lieu of the MIA/POW flag and the flag of the State of California on two of the four flag poles located at the rear of City Hall adjacent to the pond during the time of the Sister City delegation's visit to the City of Milpitas.
- (2) The City Council may, after a public hearing, direct City staff to permit the ground level display of a flag of another nation in existence after 1954, only at the following specified locations at the Civic Center complex or the City of Milpitas Community Center:
  - (1) City Hall Rotunda
  - (2) Area adjacent to pond at City Hall
  - (3) City of Milpitas Community Center
  - (4) City Council Chambers

Said flag display shall not be permitted on City Hall Display Flag Poles and shall only be permitted on a flagstaff, flagstand or similar device which does not cause the flag height to exceed ten (10) feet.

*(Ord. No. 260.1, § 2, 1/17/12; Ord. 260 (part), 6/3/03)*

### **I-600-2.40 - City Approval**

All ground level ceremonies must be approved by the City Council. Any party intending to conduct a ground level ceremony at one of the designated locations shall submit an application to the Office of the City Manager, on a form approved by the City Council, at least thirty (30) days prior to the requested ceremony date. A public hearing will be held regarding each ground level ceremony application prior to its approval or denial by the City Council.

*(Ord. No. 260.1, § 2, 1/17/12; Ord. 260 (part), 6/3/03)*

## **Section 3 - Ceremonial Flag Poles**

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I-600-3.10 - Location

I-600-3.20 - Use

I-600-3.30 - Flag Raising Ceremony

I-600-3.40 - City Approval

I-600-3.50 - Limitation on Use

### **I-600-3.10 - Location**

The City's Ceremonial Flag Poles consist of two (2) flag poles owned by the City of Milpitas and located at the Higuera Adobe in the City of Milpitas.

*(Ord. No. 260.1, § 2, 1/17/12; Ord. 260 (part), 6/3/03)*

### **I-600-3.20 - Use**

The City's Ceremonial Flag Poles shall remain unused at all times other than during City-approved flag raising ceremonies. The Ceremonial Flag Poles shall be used only to conduct flag raising ceremonies in accordance with the provisions of this Chapter.

*(Ord. No. 260.1, § 2, 1/17/12; Ord. 260 (part), 6/3/03)*

### **I-600-3.30 - Flag Raising Ceremony**

Flag raising ceremonies shall be conducted in accordance with all applicable provisions of federal and state laws, including provisions of the United States Code and California Government Code relating to the proper display of flags. During an approved flag raising ceremony, one (1) pole shall at all times be used to raise and display the flag of the United States of America. The other flag pole shall be used to raise and display the flag of another nation in existence since 1954. The flag of the United States of America displayed during a flag raising ceremony shall be equal to or larger in size and dimension than the other flag.

*(Ord. No. 260.1, § 2, 1/17/12; Ord. 260 (part), 6/3/03)*

### **I-600-3.40 - City Approval**

All flag raising ceremonies must be approved by the City Council. Any party intending to conduct a flag raising ceremony at the City's designated Ceremonial Flag Poles shall submit an application to the Office of the City Manager, on a form approved by the City Council, at least thirty (30) days prior to the requested ceremony date. A public hearing will be held regarding each flag raising ceremony application prior to its approval or denial by the City Council.

*(Ord. No. 260.1, § 2, 1/17/12; Ord. 260 (part), 6/3/03)*

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### **I-600-3.50 - Limitation on Use**

No individual or organization shall have more than one (1) flag raising ceremony per calendar year.

*(Ord. No. 260:1, § 2, 1/17/12; Ord. 260 (part), 6/3/03)*

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Milpitas, California, Code of Ordinances >> Title I - ADMINISTRATION >> Chapter 600 - DISPLAY OF FLAGS >> Section 4 - Severability >>

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### **Section 4 - Severability**

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I-600-4.10 - Severability

### **I-600-4.10 - Severability**

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

*(Ord. No. 260.1, § 2, 1/17/12)*