



# *Ordinance*

OFFICE OF THE  
MAYOR  
CITY OF SAN LUIS

**No. 446**

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF SAN LUIS, ARIZONA, ADOPTING A POLICY FOR FLAGS ON CITY PROPERTY; REPEALING CONFLICTING PROVISIONS; AND PROVIDING FOR SEVERABILITY.**

**BE IT ORDAINED** by the Mayor and City Council of the City of San Luis, Arizona;

**Section 1:** This Ordinance adds to the San Luis City Code in Title 2, Chapter 2.40, a new Article, Article IV, titled "Flag Policy" to read:

## **Article IV. Flag Policy**

### **2.40.400 Definitions.**

As used in this article, the words and abbreviations have the following definitions:

"A.R.S." means the Arizona Revised Statutes.

"City" means the State of Arizona political subdivision, the municipality of the City of San Luis, Arizona.

"Commemorative flag" means any flag which identifies with a specific date, historical event, cause, nation, or people.

"POW-MIA flag" means the Prisoners of War – Missing in Action flag.

"U.S." means the United States of America.

### **2.40.410 Purpose.**

The purpose of this Flag Policy is to establish guidelines to ensure that the flags are used only for the City's government speech and that the flags reflect the views, values, and goals of the City.

### **2.40.420 Not the Purpose.**

The City's flagpoles are not intended to serve as a forum for the public's free expression.

### **2.40.430 Application.**

This Flag Policy applies to all City-owned locations.

**2.40.440 Prohibitions and Requirements.**

- (A) The City will not display a ceremonial flag based on a request from a person or entity who is not the City.
- (B) The City will not use its flagpoles to sponsor the expression of a person or entity who is not the City.
- (C) The City must purchase and own any flag it displays.
- (D) The City's flagpoles are to be used exclusively by the City.

**2.40.450 Compliance with Federal and Arizona Law.**

Flags shall be displayed in conformance with Federal and State laws and policies.

- (A) Federal Authority. The U.S. Congress's "The Flag" publication in Title 4, Chapter 1 of the U.S. Code. These rules may be modified by the U.S. president under 4 U.S.C. § 10.
- (B) Arizona Authority. Under A.R.S. § 41-852(A), the Arizona State flag must be displayed at the front of City Hall. Including, but not limited to, A.R.S. §§ 16-512, 38-449, 38-450, 41-851, and 41-852.

**2.40.460 Legal Protocol for Positions of Flags on Flag Poles.**

- (A) Arizona State Flag. Under A.R.S. § 41-852(A), the Arizona State flag must be displayed at the front of City Hall. The Arizona State flag should be displayed in the highest position of honor after the U.S. flag.
- (B) City Flag. The City flag, flags of counties, other cities, other states, or any other government entity that is not the U.S. flag should be displayed below the Arizona State flag.
- (C) POW-MIA Flag. Under A.R.S. § 38-449(A) and (B), the POW-MIA flag is required to be displayed on or in front of City Hall any day the U.S. flag is displayed. When the U.S. flag, Arizona flag, and POW-MIA flag are displayed on a single pole, the U.S. flag should be on top, followed by the Arizona State flag, then the POW-MIA flag.
- (D) Honor and Remember Flag. The Honor and Remember flag is to be displayed only at the times and in the manner specified by A.R.S. § 38-450, which is when the U.S. flag is displayed at half-staff because of the death of a member of the

U.S. armed forces and shall be displayed below the POW-MIA flag. The Honor and Remember flag is required to be displayed at City Hall under A.R.S. § 38-450.

(E) Half Staff. Flags should be flown at half-staff as ordered by the U.S. President for the U.S. Flag and as ordered by the Arizona Governor for the Arizona State flag.

(F) Two Flag Poles. If there are two flag poles, then the following applies:

(1) the first pole should display the POW-MIA flag under the U.S. flag with the Honor and Remember flag (at the time and place specified by A.R.S. § 38-450(A)) under the POW-MIA flag and

(2) the second pole should display the Arizona State flag. Under A.R.S. § 38-449(D), when flags are displayed on more than one flagpole, the Arizona State flag shall always be displayed to honor the U.S. flag.

#### **2.40.470 City Council Authority.**

(A) U.S. Flag and Arizona State Flag. City Council may direct that the U.S. Flag, the Arizona State flag, or both be displayed at City-owned buildings in addition to City Hall.

(B) POW-MIA Flag. Under A.R.S. § 38-449(C), the City Council may direct that the POW-MIA Flag be displayed on or in front of the City's Municipal Court building when the U.S. Flag is displayed.

(C) Commemorative Flag. The City Council may display a commemorative flag as a form of government expression.

(D) Other Flags. The City Council may choose to display a different flag in the place of the City flag or in the place of a commemorative flag. City Council must independently make any decision to display a different flag as described in Section 2.40.490 of this Article.

#### **2.40.480 City Council Approved Flags, Locations, and Display Circumstances.**

(A) The U.S. flag, the Arizona State flag, and the City flag are authorized to be displayed inside City buildings on the approval of the City Manager.

(B) The City Council approved the flags and the specific locations for the flags, as shown in the below chart. The italics and underlined are the display circumstances for certain flags. The bolded flags are the City Council-approved commemorative or different flags.

Location	Number of Flagpoles	Flags Displayed
City Hall	4	U.S. Flag Arizona State Flag San Luis City Flag POW-MIA Flag Honor and Remember Flag <i>(at times specified by <u>A.R.S. § 38-450(A)</u>)</i>
Fire Stations	2	1 U.S. Flag per Station
Municipal Court	1	U.S. Flag Arizona State Flag
Cesar Chavez Cultural Center	1	U.S. Flag United Farm Workers Flag <i>(It may be displayed during the <u>month of March, on March 31,</u> <u>or the observed date for Cesar Chavez Day.)</u></i> Air Quality Flag
Ballfield at Joe Orduño Park	1	Air Quality Flag <i>(U.S. flag during ballgames)</i>
Training areas of the Police Station and Police Substation	0	Armed Forces Flags on the walls of the training rooms.

**2.40.490 City Council Procedure.**

The approval to display a flag in place of a City flag or a commemorative flag must be made by a majority of the total number of Council Members on the City Council at a regular Council Meeting. The City Council approval must include:

- (A) a description of the flag to be displayed,
- (B) the dates for the display of the particular flag,
- (C) location or locations where it is to be displayed,

(D) whether or not the flag will be displayed on an annual basis and

(E) the direction that if the flag is to be displayed on an annual basis, it shall be incorporated into this Flag Policy by ordinance.

**Section 2:** If a conflict arises between the provisions of this Ordinance and any other ordinance, resolution, order, regulation, or policy of the City of San Luis, the conflicting provisions are amended, superseded, and replaced, and this Ordinance shall govern.

**Section 3:** If any section, subsection, paragraph, sentence clause, phrase, or portion of this Ordinance is held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction or operation of law by binding legislation, such decision or legislation shall not affect the validity of the remaining portion of this Ordinance.

**Section 4** City staff shall do and perform, or cause to be done and performed, all such further acts to carry out the intent and accomplish the purposes of this Ordinance.

**PASSED, ADOPTED, and APPROVED** by the Mayor and City Council of the City of San Luis, Yuma County, Arizona, this \_\_\_\_ day of January 2024.

\_\_\_\_\_  
Nieves Riedel, Mayor

**ATTEST:**

**APPROVED AS TO FORM:**

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Sonia Cornelio, City Clerk

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Kay Marion Macuil, City Attorney