



**Township Council**

c/o Township Clerk  
Teaneck, NJ 07666

Meeting: 09/10/19 07:00 PM

Department: Township Clerk

Category: Amend

DOC ID: 5599

**ORDINANCE (ID # 5599)**

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**Ordinance No. 28-2019 AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF THE TOWNSHIP OF TEANECK TO ADD SECTION 27-7 RESPECTING THE DISPLAY OF FLAGS ON TOWNSHIP FLAGPOLES BE IT RESOLVED by the Township of Teaneck that Ordinance #28-2019 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.**

AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF THE TOWNSHIP OF TEANECK TO ADD SECTION 27-7 RESPECTING THE DISPLAY OF FLAGS ON TOWNSHIP FLAGPOLES

BE IT RESOLVED by the Township of Teaneck that Ordinance #28-2019 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

**HISTORY:**

08/13/19          Township Council          INTRODUCED

Councilman Dunleavy commented that he will not be present at the September 10, 2019 Council Meeting to vote on this ordinance's adoption. However, he noted to Council and the Public that he is working with the Township Attorney to craft a resolution for the raising of the Pride Flag that he hoped will be passed at the September 24, 2019 meeting.

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [5 TO 1]</b>
<b>MOVER:</b>	Mohammed Hameeduddin, Mayor
<b>SECONDER:</b>	Keith Kaplan, Councilman
<b>AYES:</b>	Rice, Kaplan, Schwartz, Katz, Hameeduddin
<b>NAYS:</b>	Henry J. Pruitt
<b>ABSENT:</b>	James Dunleavy

TOWNSHIP OF TEANECK  
BERGEN COUNTY, NJ

**ORDINANCE NO. 28-2019 AN ORDINANCE AMENDING CHAPTER 27 OF THE CODE OF THE TOWNSHIP OF TEANECK TO ADD SECTION 27-7 RESPECTING THE DISPLAY OF FLAGS ON TOWNSHIP FLAGPOLES BE IT RESOLVED BY THE TOWNSHIP OF TEANECK THAT ORDINANCE #28-2019 PASS UPON SECOND AND FINAL READING AND THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ADVERTISE THE SAME ACCORDING TO LAW AND TO PROVIDE THE APPROPRIATE NOTICES IN ACCORDANCE WITH LAW.**

**WHEREAS**, the Government Speech Doctrine establishes that a government organization, such as the Township of Teaneck, may advance its own expression without requiring viewpoint neutrality when the government itself is the speaker, so long as its expression does not show religious preference (See *Matal v. Tam*, 137 S. Ct. 1744, 1757 (2017)); and

**WHEREAS**, the Township of Teaneck maintains flagpoles on various public buildings and within public parks and playgrounds within the Township of Teaneck; and

**WHEREAS**, the Township Council wishes to permit the display of commemorative flags upon Township owned flagpoles as a form of government expression; and

**NOW, THEREFORE, BE IT ORDAINED** by the Township Council of the Township of Teaneck, Bergen County, New Jersey, as follows:

**SECTION 1.** Chapter 27, "Parks and Playgrounds," of the Code of the Township of Teaneck is hereby amended to add thereto Section 27-7 to read in full as follows:

**Section 27-7. Display of flags.**

(a) In addition to the Flag of the United States, the Township of Teaneck may display such additional flags on Township owned flagpoles on public buildings and in public parks and playgrounds as the Township Council may authorize by resolution as a form of government speech, provided the display of same shall not show religious preference.

(b) The Flag of the United States shall be displayed highest and any such additional flags shall be flown below the Flag of the United States. The Flag of the United States shall be displayed in accordance with and in the manner prescribed in Chapter 1 of Title 4 of the United States Code (4 U.S.C.S. §§ 1-10).

(c) The Township's flagpoles are not intended to serve as a forum for free expression by the public. Rather, the Township's flagpoles are to be used exclusively by the Township, where the Council may display a

commemorative flag as a form of government expression. The Township will not display a commemorative flag based on a request from a third party, nor will the Township use its flagpoles to sponsor the expression of a third party.

(d) No person shall display or place upon any flagpole owned by the Township of Teaneck any flag or other object not otherwise authorized as an expression of government speech by the Township Council of the Township of Teaneck and without the express written permission of the Township of Teaneck.

(e) Owing to their very nature as expressive locations meant for contemplation and reflection, monuments and memorials such as the Enslaved African American and Native American Burial Ground, Township War Memorial and other similar structures donated as a remembrance, shall not be deemed locations for flying expressive flags via resolution.

(f) In addition to the Flag of the United States and such other flags as may be authorized by resolution of the Township Council, the following flags are hereby permitted to be displayed upon flagpoles owned by the Township of Teaneck as a form of expression of government speech, in the manner set forth above:

- 1) Flag of the State of New Jersey
- 2) P.O.W./M.I.A (Prisoner of War/Missing in Action)) flag as provided in Title 36, Chapter 9, §902 of the United State Code (36 U.S.C.S. §902)

(f) Nothing contained herein is intended to abridge the right of the citizens of the Township of Teaneck to petition or request the Township Council to authorize an expression of government speech.

**SECTION 2.** Inconsistency - All ordinances or parts thereof, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**SECTION 3.** Severability - If any clause, sentence, section or other portion of this ordinance, or the application thereof to any person or circumstance, shall be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this ordinance.

**SECTION 4.** Effective Date - This ordinance shall take effect twenty (20) days following passage and publication as required by law.

FIRST READING: \_\_\_\_\_

SECOND READING: \_\_\_\_\_

PUBLICATION OF PASSAGE: \_\_\_\_\_

AS APPROVED BY: \_\_\_\_\_

Mohammed Hameeduddin, Mayor

ATTEST: \_\_\_\_\_  
Doug Ruccione, Acting Township Clerk

ATTEST:

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Doug Ruccione  
Acting Township Clerk

\_\_\_\_\_  
Mohammed Hameeduddin,  
Mayor