



2021 South Dakota Legislature

Senate Bill 81

SENATE LOCAL GOVERNMENT ENGROSSED

This bill has been extensively amended (hoghoused) and may no longer be consistent with the original intention of the sponsor.

Introduced by: **Senator Bolin**

1 **An Act to authorize certain flags and flagpoles to be located on residential property**
 2 **regardless of any private covenants, restrictions, bylaws, rules, or**
 3 **requirements.**

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 **Section 1.** That a NEW SECTION be added:

6 **11-5-7. Flag--Display.**

7 Any homeowner, regardless of any private covenants, restrictions, bylaws, rules,
 8 or requirements may display one portable, removable official United States flag, not larger
 9 than four and one-half feet by six feet and may additionally display the official South
 10 Dakota State flag or one portable, removable official flag, not larger than four and one-
 11 half feet by six feet, that represents the United States Army, Navy, Air Force, Marine
 12 Corps, or Coast Guard, or a POW MIA flag. The additional flag must be equal in size to or
 13 smaller than the official United States flag.

14 **Section 2.** That a NEW SECTION be added:

15 **11-5-8. Flagpole--Display.**

16 Any homeowner, regardless of any private covenants, restrictions, bylaws, rules,
 17 or requirements, may erect a freestanding flagpole no more than twenty feet high on any
 18 portion of the homeowner's property, if the flagpole does not obstruct sightlines at
 19 intersections and is not erected within or upon an easement. The homeowner may further
 20 display from that flagpole, one official United States flag, not larger than four and one-
 21 half feet by six feet, and may additionally display one official South Dakota State flag or
 22 official flag that represents the United States Army, Navy, Air Force, Marines, or Coast
 23 Guard, or a POW MIA flag. The additional flag must be equal in size to or smaller than the
 24 official United States flag.

- 1 The flagpole specifications and display are subject to building codes imposed by
- 2 this state or appropriate local governing body.