2021 South Dakota Legislature

Senate Bill 81

AMENDMENT 81B FOR THE SENATE LOCAL GOVERNMENT BILL

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, Space Force, or Coast Guard, or a POW MIA flag. The additional flag must be equal
13   in size to or 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,Marine Corps,
23   Space Force, or Coast Guard, or a POW MIA flag. The additional flag must be equal in size
24   to or smaller than the 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.