



2021 South Dakota Legislature
Senate Bill 81
ENROLLED

AN ACT

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

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

Section 1. That a NEW SECTION be added:

11-5-7. Flag--Display.

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

Section 2. That a NEW SECTION be added:

11-5-8. Flagpole--Display.

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

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

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

I certify that the attached Act originated in
the:
Senate as Bill No. 81

Received at this Executive Office
this ____ day of _____,
2021 at _____ M.

Secretary of the Senate

By _____
for the Governor

President of the Senate

The attached Act is hereby
approved this ____ day of
_____, A.D., 2021

Attest:

Secretary of the Senate

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

Speaker of the House

Attest:

Filed _____, 2021
at _____ o'clock __ M.

Chief Clerk

Secretary of State

Senate Bill No. 81
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State