

2021 South Dakota Legislature

Senate Bill 81**AMENDMENT 81A FOR THE INTRODUCED BILL**

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

1 **An Act to authorize certain flags and flagpoles to be located on residential property**
2 **within in a community improvement district regardless of any private**
3 **covenants, restrictions, bylaws, rules, or 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 half feet by six feet and may additionally display the official South Dakota
10 State flag or one portable, removable official flag, not larger than four and half feet by six
11 feet, that represents the United States Army, Navy, Air Force, Marine Corps, or Coast
12 Guard, or a POW MIA flag. The additional flag must be equal in size to or smaller than the
13 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 half feet
21 by six feet, and may additionally display one official South Dakota State flag or official flag
22 that represents the United States Army, Navy, Air Force, Marines, or Coast Guard, or a

- 1 POW MIA flag. The additional flag must be equal in size to or smaller than the official
- 2 United States flag.
- 3 The flagpole specifications and display are subject to building codes imposed by
- 4 this state or appropriate local governing body.