

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003

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SENATE BILL 722

Short Title: Display of American Flag. (Public)

Sponsors: Senators Kinnaird; Apodaca, Ballantine, Berger, Carpenter, Foxx, Gulley, Hagan, Hartsell, Horton, Kerr, Metcalf, and Webster.

Referred to: Judiciary II.

April 3, 2003

A BILL TO BE ENTITLED

AN ACT PERTAINING TO THE DISPLAY OF THE UNITED STATES FLAG.

The General Assembly of North Carolina enacts:

SECTION 1. Chapter 144 of the General Statutes is amended by adding a new section to read:

"§ 144-7. Display of American flag.

(a) No covenant, condition, or restriction set forth in a deed, and no rule, regulation, bylaw, or other governing document or agreement of a homeowners, neighborhood, civic, or other association, shall prohibit or be construed to prohibit the placement on any property of a flagpole that is to be used for the purpose of displaying, or shall prohibit or be construed to prohibit the display on any property of, the flag of the United States if the flag is displayed in accordance with any of the following:

- (1) The patriotic customs set forth in 4 U.S.C.A. §§ 5-10, as amended, governing the display and use of the flag of the United States.
- (2) The consent of the property's owner or of any person having lawful control of the property.
- (3) The recommended flagpole standards set forth in "Our Flag," published pursuant to S.C.R. 61 of the 105th Congress, 1st Session (1998).
- (4) Any federal law, proclamation of the President of the United States or the Governor, section of the Revised Code, or local ordinance or resolution.

(b) A covenant, condition, restriction, rule, regulation, bylaw, governing document, or agreement or a construction of any of these items that violates subsection (a) of this section is against public policy and unenforceable in any court of this State to the extent it violates subsection (a) of this section.

(c) No declaration, bylaw, rule, regulation, or agreement of a condominium property or construction of any of these items by the board of managers of its unit

1 owners' association shall prohibit the placement of a flagpole that is to be used for the
2 purpose of displaying, or shall prohibit the display of, the flag of the United States on or
3 within the limited common areas and facilities of a unit owner or on the immediately
4 adjacent exterior of the building in which the unit of a unit owner is located, if the flag
5 is displayed in accordance with any of the following:

6 (1) The patriotic customs set forth in 4 U.S.C.A. §§ 5-10, as amended,
7 governing the display and use of the flag of the United States.

8 (2) The recommended flagpole standards set forth in "Our Flag,"
9 published pursuant to S.C.R. 61 of the 105th Congress, 1st Session
10 (1998).

11 (3) Any federal law, proclamation of the President of the United States or
12 the Governor, section of the General Statutes, or local ordinance or
13 resolution.

14 (d) A declaration, bylaw, rule, regulation, or agreement or the construction of any
15 of these items that violates subsection (c) of this section is against public policy and
16 unenforceable in any court of this State to the extent it violates subsection (c) of this
17 section."

18 **SECTION 2.** The title of Chapter 144 of the General Statutes reads as
19 rewritten:

20 **"STATE FLAG, AMERICAN FLAG, ~~MOTTO~~ MOTTO, AND COLORS."**

21 **SECTION 3.** This act is effective when it becomes law.