DELAWARE STATE SENATE
151st GENERAL ASSEMBLY

SENATE BILL NO. 170

AN ACT TO AMEND TITLE 25 OF DELAWARE CODE RELATING TO DISPLAY OF FLAGS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

1   Section 1. Amend § 316, Title 25 of the Delaware Code by making deletions as shown by strike through and

2   insertions as shown by underline as follows:

3   § 316. Display of flags.

4   No restriction shall be enforceable with respect to real property which prohibits or limits the ability of a property

5   owner or tenant to display the flag of the United States of America on a pole attached to the exterior of the property's

6   building or structure within the owned or leased property's boundaries or on a flagpole located within the owned or leased

7   property's boundaries, if the flagpole is installed prior to termination of any period of community developer control,

8   provided such flag's measurement does not exceed 3 feet by 5 feet and such flagpole installed by the owner does not exceed

9   25 feet in height and conforms to all setback requirements. Any such installed flagpole shall not be required to be removed

10   after termination of community developer control.

SYNOPSIS

Currently, Delaware law permits the display of a flag of the United States of America on a flagpole attached to a residential structure. The law also permits display on a flagpole on the premises, but only if the flagpole was installed prior to the termination of developer control. This bill would remove that restriction, such that an individual would be permitted to display a flag of the United States of America on a flagpole even if the flagpole was installed after termination of developer control and regardless of other community association restrictions, deed restrictions, or other restrictions to the contrary.

Author: Senator Lawson