

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2005

HOUSE BILL 829
RATIFIED BILL

AN ACT PERTAINING TO THE DISPLAY OF OFFICIAL GOVERNMENTAL
FLAGS.

The General Assembly of North Carolina enacts:

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

"§ 144-7.1. Display of official governmental flags; public restrictions.

(a) A county, city, consolidated city-county, or unified government shall not prohibit an official governmental flag from being flown or displayed if the official governmental flag is flown or displayed:

- (1) In accordance with the patriotic customs set forth in 4 U.S.C. §§ 5-10, as amended; and
- (2) Upon private or public property with the consent of either the owner of the property or of any person having lawful control of the property.

(b) Notwithstanding subsection (a) of this section, for the purpose of protecting the public health, safety, and welfare, reasonable restrictions on flag size, number of flags, location, and height of flagpoles are not prohibited, provided that such restrictions shall not discriminate against any official governmental flag in any manner.

(c) For purposes of this section, an 'official governmental flag' shall mean any of the following:

- (1) The flag of the United States of America.
- (2) The flag of nations recognized by the United States of America.
- (3) The flag of the State of North Carolina.
- (4) The flag of any state or territory of the United States.
- (5) The flag of a political subdivision of any state or territory of the United States."

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

**"Chapter 144.
State Flag, Official Governmental Flags, ~~Motto~~ Motto, And Colors."**

SECTION 3. This act becomes effective October 1, 2005, and applies to the construction of ordinances adopted before the effective date and to ordinances adopted on or after the effective date.

In the General Assembly read three times and ratified this the 23rd day of August, 2005.

Beverly E. Perdue
President of the Senate

James B. Black
Speaker of the House of Representatives

Michael F. Easley
Governor

Approved _____ .m. this _____ day of _____, 2005