

CHAPTER 209

AN ACT concerning ordinances, resolutions and homeowners' association rules regulating the public display of the American flag, yellow ribbons and signs supporting United States troops and supplementing Title 40 of the Revised Statutes and P.L.1993, c.30 (C.45:22A-43 et seq.).

BE IT ENACTED by the Senate and General Assembly of the State of New Jersey:

C.40:48-2.58 Municipality prohibited from limiting, prohibiting display of U.S. flag, yellow ribbons, signs in support of troops.

1. a. The governing body of a municipality shall not adopt or enforce any ordinance or resolution, as appropriate, limiting or prohibiting the display of the flag of the United States of America or yellow ribbons and signs supporting United States troops, nor shall any bond or permit fee be required of a person or organization for displaying the flag or yellow ribbons and signs supporting United States troops, except as provided for in subsection b. of this section.

b. A municipality may direct removal of an American flag or yellow ribbons and signs supporting United State troops when it is exhibited in a manner that threatens public safety, restricts necessary maintenance activities, interferes with the property rights of another, or the flag is displayed in a manner inconsistent with the rules and customs deemed the proper manner to display the flag, such as the federal flag Code, 4 U.S.C. s.1 et seq., or any other applicable law or guideline.

c. Any ordinance or resolution adopted by the governing body of a municipality in violation of subsection a. of this section shall be null and void.

C.45:22A-48.1 Homeowners' association prohibited from limiting, prohibiting display of U.S. flag, yellow ribbons, signs in support of troops.

2. a. A homeowners' association formed to manage the elements of property owned in common by all members of a community, whether it be an association managing a condominium, a private community, including retirement communities, or a cooperative housing development, shall not adopt or enforce a rule or bylaw limiting or prohibiting the display of the flag of the United States of America or yellow ribbons and signs supporting United States troops, or charge a fee for any such display, except as provided in subsection b. of this section. Any such rule or bylaw adopted by a homeowners' association in violation of this section shall be null and void.

b. A homeowners' association may direct removal of an American flag or yellow ribbons and signs supporting United States troops when the display threatens public safety, restricts necessary maintenance activities, interferes with the property rights of another, or is conducted in a manner inconsistent with the rules and customs deemed the proper manner to display the flag, such as the federal flag Code, 4 U.S.C. s.1 et seq., or any other applicable law or guideline.

3. This act shall take effect immediately.

Approved January 8, 2004.