

6860 February



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

July 31, 2000

Greg Carter, Records Bureau Supervisor
Aiken Department of Public Safety
Post Office Box 1177
Aiken, South Carolina 29802

Re: Informal Opinion

Dear Mr. Carter,

Thank you for your letter of January 25, 2000, requesting an opinion of the Attorney General's Office. You ask for clarification in the procedures for parking violations. Specifically, you wish to know how the city may proceed when the owners fails to pay the parking tickets.

Enclosed for your review are several prior opinions of this Office which address various concerns related to parking violations. You may note with particular attention the opinion dated July 19, 1996, which discusses South Carolina Code of Laws Section 56-7-80. This section authorizes counties and municipalities to adopt by ordinance and use an ordinance summons to enforce local law. If the City of Aiken has adopted the ordinance summons, the statute also provides that upon issuance of the summons, if the person fails to appear before the court without first posting bond, he is guilty of a misdemeanor and may be fined or imprisoned. The ordinance summons would be a mechanism for the municipality to issue parking tickets. Then, if a person fails to pay the tickets or appear in court, the person may be arrested pursuant to this section. The statute also states that it does not prohibit a municipality from enforcing its laws by any other authorized means. Thus, if the City of Aiken has adopted an ordinance which provides for the ticketing and subsequent arrest of the person for failure to pay for parking violations, then the City would not have to proceed exclusively under S.C. Code § 56-7-80.

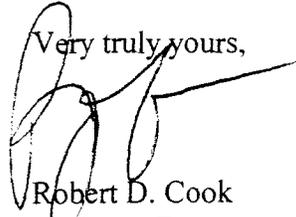
This letter is an informal opinion only. It has been written by a designated Senior Deputy Assistant Attorney General and represents the position of the undersigned attorney as to the specific question asked. It has not, however, been personally scrutinized by the Attorney General not officially published in the manner of a formal opinion.

Request Letter

Mr. Carter
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With kind regards, I remain

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert D. Cook', with a long horizontal stroke extending to the right.

Robert D. Cook
Assistant Deputy Attorney General