

The State of South Carolina

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Office of the Attorney General

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September 11, 1992

The Honorable Steve Lanford
Member, House of Representatives
P. O. Box 6424
Spartanburg, South Carolina 29304

Dear Representative Lanford:

In a letter to this Office you raised the following questions:

1. What is the maximum noise ordinance fine that can be imposed for a first offense?
2. What is the statute of limitations on setting a trial for a ticket in a municipal court?

As to your first question, pursuant to S.C. Code § 5-7-30, municipalities may fix fines and penalties for municipal ordinance violations not to exceed two hundred dollars or imprisonment not to exceed thirty days. I am informed that the penalty for the ordinance referenced in your letter is in fact a fine not to exceed two hundred dollars or a term of imprisonment not to exceed thirty days. In addition to such fine, several assessments are mandated by State law depending upon the offense. These include assessments for the State Criminal Justice Academy and Law Enforcement Hall of Fame (S.C. Code § 23-23-70) the community corrections assessment (S.C. Code § 24-23-210), and the local correctional facilities assessment (S.C. Code § 14-1-210). The amount of the actual assessment may be dependent on the actual fine imposed. Nevertheless, for a violation of a municipal ordinance, the amount could exceed two hundred dollars when all assessments are added to the fine.

As to your question regarding a statute of limitations, I am unaware of any statute of limitations relevant to municipal ordinances generally. Pursuant to an Order of the Chief Justice

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dated June 26, 1980 municipal courts "shall try or otherwise dispose of all criminal cases including traffic cases, within 60 days of the return of the charging paper to the court, in the absence of good cause...." However, such Order is generally considered administrative to the courts and should not be considered as a statute of limitations.

With kind regards, I am

Very truly yours,


Charles H. Richardson
Assistant Attorney General

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REVIEWED AND APPROVED BY:


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