



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

December 2, 2004

Major Samuel White
Hampton County Sheriff's Office
Post Office Box 633
Hampton, South Carolina 29904

Dear Major White:

In a letter to this office you questioned whether County animal control officers can use a uniform traffic ticket to cite for violations.

It is my understanding that the animal control officers referenced in your letter are not considered law enforcement officers generally and have not attended the State Criminal Justice Academy. Instead they are simply considered animal control officers and their authority is limited to animal control violations. If my understanding of their lack of law enforcement authority is incorrect, please advise.

I am unaware of any statutory authorization for an animal control officer in such circumstances to use a uniform traffic ticket. Pursuant to S.C. Code Ann. §§ 56-7-10 and 56-7-15 (Supp. 2003), the use of a uniform traffic ticket is restricted to law enforcement officers. Pursuant to S.C. Code Ann. Section 56-7-80 (Supp. 2003)

Counties and municipalities are authorized to adopt by ordinance and use an ordinance summons as provided herein for the enforcement of county and municipal ordinances. Upon adoption of the ordinance summons, any county or municipal law enforcement officer or code enforcement officer is authorized to use an ordinance summons.

In an opinion of this office dated November 8, 2000 this office specifically determined that "code enforcement officers" are not law enforcement officers for the purpose of issuing uniform traffic tickets. That opinion commented in part

...Section 56-7-80 provides for counties and municipalities to adopt and use ordinance summons for the enforcement of ordinances by law enforcement officers and code enforcement officers. A uniform ordinance summons may not be used to perform a custodial arrest. The ordinance summons gives the code enforcement

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officer an alternative method for enforcing ordinances and gives the magistrate's court jurisdiction over the matter without the code enforcement officer having to resort to the use of a ticket or arrest warrant. Had the legislature intended the code enforcement officer to use uniform traffic tickets, the enactment of Section 56-7-80 would have been unnecessary.


If there are any questions, please advise.

Sincerely,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General