

7755 / *Delaney*



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

March 30, 2004

The Honorable Faye Johnson
Municipal Judge, Town of Winnsboro
Post Office Box 209
Winnsboro, South Carolina 29180

Dear Judge Johnson:

In a letter to this office you questioned whether police officers may ticket drivers pursuant to Winnsboro city ordinance 7-2001 for playing a car radio too loud. Such ordinance provides that

It shall be unlawful for any person to operate or play any public address system or sound amplification equipment upon the streets of the town for the purpose of advertising, making announcements, playing music, amplifying political speeches or announcements, or for any other purpose whatsoever unless and until the person has obtained from the town manager a written permit to operate or use the system or equipment. The permit issued by the manager may be unlimited or limited as to the date, time and area during which the equipment may be used. Application for permission to use any sound equipment must be in writing and set forth the name of applicant, for what purpose equipment will be used, the time and date when the equipment will be used, whether the equipment will be mobile or stationary, and where it will be operated within the town.

As to your situation regarding playing a car radio, for purposes of the referenced ordinance, a radio would have to come within the definition of "sound amplification equipment".

The term "sound amplification equipment" is not separately defined by the ordinance. However, other provisions of the ordinance are useful in arriving at an understanding as to what type of equipment is probably contemplated by such term. As set forth by the ordinance, in order to use such equipment, a written permit must be obtained. That permit application must specify the time and date the equipment will be used, the purpose for use and specify whether the equipment will be mobile or stationary. Such characteristics do not appear to support the construction of the term "sound amplification equipment" as including a car radio. Moreover, the term "sound amplification equipment" is compared to a public address system, a type of equipment more in keeping with the

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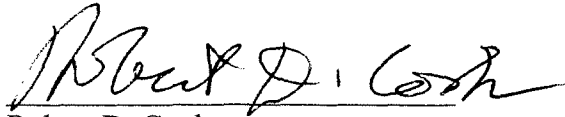
requirements set forth regarding the obtaining of a permit, specifying the use of the equipment, and whether the equipment will be mobile or stationery. Therefore, in my opinion, it does not appear that a car radio would come within the definition of "sound amplification equipment" for purposes of the referenced ordinance.

Sincerely,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General