

September 17, 2007

Lieutenant Z. B. Starnes  
Blacksburg Police Department  
Post Office Box 517  
Blacksburg, South Carolina 29702

Dear Lieutenant Starnes:

In a letter to this office you indicated that the Blacksburg city council is considering allowing business owners in the corporate limits of Blacksburg to post flags with the business name and address on them on lamp posts on the sidewalk. I presume that these flags and the lamp posts are within the highway right-of-way. You questioned whether such practice would constitute a violation of S.C. Code Ann. § 57-25-10 which states “[i]t is unlawful for a person to display, place, or affix a sign, as defined in Section 57-25-120(3), within a right-of-way and visible from the main-traveled way of the highway.” A “sign” is defined by S.C. Code Ann. § 57-25-120(3) as “...an outdoor sign, display, device, figure, painting, drawing, message, plaque, poster, billboard, or other thing which is designed, intended, or used to advertise or inform, or any part of the advertising or its informative content.”

When interpreting the meaning of a statute, certain basic principles must be observed. The cardinal rule of statutory interpretation is to ascertain and give effect to legislative intent. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). Typically, legislative intent is determined by applying the words used by the General Assembly in their usual and ordinary significance. Martin v. Nationwide Mutual Insurance Company, 256 S.C. 577, 183 S.E.2d 451 (1971). Resort to subtle or forced construction for the purpose of limiting or expanding the operation of a statute should not be undertaken. Walton v. Walton, 282 S.C. 165, 318 S.E.2d 14 (1984). Courts must apply the clear and unambiguous terms of a statute according to their literal meaning and statutes should be given a reasonable and practical construction which is consistent with the policy and purpose expressed therein. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991); Jones v. South Carolina State Highway Department, 247 S.C. 132, 146 S.E.2d 166 (1966).

Section 57-25-10 prohibits the display or placement of a sign within a highway right-of-way that is visible from the highway. Included in the definition of a “sign” is a “display” or “message” “designed...to advertise or inform”. In the opinion of this office, a flag containing a business name

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and address placed on a lamp post that is within the highway right-of-way and that is visible from the main-traveled way of the highway would come within the prohibition of Section 57-25-10 and would not be permitted.

If there are any questions, please advise.

Sincerely,

Henry McMaster  
Attorney General

By: Charles H. Richardson  
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:

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Robert D. Cook  
Assistant Deputy Attorney General