

7646 Libanus



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

October 15, 2003

Richard L. Smith, Chief of Police
Fort Lawn Police Department
P. O. Box 37
Fort Lawn, South Carolina 29714

Dear Chief Smith:

You have questioned what type offenses can be cited on a municipal ordinance ticket. In our telephone conversation you particularly asked whether violations of municipal ordinances regarding careless or negligent operation of a motor vehicle can be cited on such a summons ticket.

Municipal ordinance summons are authorized pursuant to S.C. Code Ann. Section 56-7-80 (Supp. 2002) which states:

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...The uniform ordinance summons may not be used to perform a custodial arrest. No county or municipal ordinance which regulate the use of motor vehicles on the public roads of this State may be enforced using an ordinance summons.

(Emphasis added). S.C. Code Ann. Section 56-7-10 (Supp. 2002) states that "(t)here will be a uniform traffic ticket used by all law enforcement officers in arrests for traffic offenses...."

Consistent with the above, a municipal ordinance summons may be used to cite for violations of municipal ordinances. However, as to any municipal ordinance pertaining to traffic or motor vehicle offenses, such as careless operation of a vehicle, such must be cited using a uniform traffic ticket. A municipal ordinance summons would not be used in such circumstances.

Sincerely,

A handwritten signature in cursive script that reads "Charles H. Richardson".

Charles H. Richardson
Senior Assistant Attorney General