

The State of South Carolina



Office of the Attorney General

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September 13, 1993

Deborah Kelly LeaMond, Esquire
Staff Attorney, Berkeley County Water
and Sanitation Authority
P. O. Box 1090
Goose Creek, South Carolina 29445

Dear Ms. LeaMond:

In a letter to this Office you questioned whether county code enforcement officers commissioned pursuant to S.C. Code Section 4-9-145 may use a blue light to stop vehicles when performing law enforcement duties. Section 4-9-145 states

The governing body of a county may appoint and commission as many code enforcement officers as may be necessary for the proper security, general welfare, and convenience of the county. These officers are vested with all the powers and duties conferred by law upon constables in addition to duties imposed upon them by the governing body of the county.

These officers are not, however, authorized to perform custodial arrests. They are authorized to exercise their authority on any private or public property within the county.

Pursuant to such provision, two officers are employed in Berkeley County to enforce the County ordinances prohibiting littering, transportation of solid waste without covering the load, illegal dumping and disposal of prohibited wastes in County green boxes. You indicated that these officers issue ordinance summons. Consistent with Section 4-9-145, these individuals should not perform custodial arrests.

Deborah Kelly LeaMond

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S.C. Code Section 56-5-4700 provides that it is unlawful to utilize a flashing or oscillating blue light on a vehicle, "except one used primarily for law enforcement purposes." Such provision further states:


... after January 1, 1967, all police vehicles when used as an authorized emergency vehicle shall then be equipped with dome-mounted, oscillating, rotating or flashing blue lights

Included in the definition of "authorized emergency vehicles" set forth by S.C. Code Section 56-5-170 are "police vehicles."

Pursuant to Section 4-9-145 county code enforcement officers are granted law enforcement authority inasmuch as these officers are granted "all the powers and duties conferred by law upon constables." See: State v. Luster, 178 S.C. 199, 182 S.E. 427 (1935). See also: Opins. of the Atty. Gen. dated February 9, 1981, July 12, 1976, and July 17, 1975. Presumably, therefore, the vehicles used by these officers would qualify as vehicles used "primarily for law enforcement purposes" or as "police vehicles." Therefore, it appears that such officers would be authorized to use blue lights on their county vehicles. Of course, there must be compliance with any other requirements regarding the use of flashing or oscillating blue lights on vehicles.

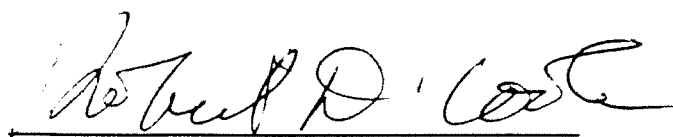
With kind regards, I am

Very truly yours,


Charles H. Richardson
Assistant Attorney General

CHR/an

REVIEWED AND APPROVED BY:


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