

1980 WL 121236 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 22, 1980

\*1 Honorable Daniel W. Gensamer  
Mayor  
Town of South Congaree  
1633 Berry Road  
West Columbia, South Carolina 29169

Dear Mayor Gensamer:

In a recent letter to this Office you indicated that the Town of South Congaree has no municipal ordinances concerning the offenses of public intoxication or indecent exposure. Therefore, you questioned whether cases could be brought pursuant to State statutes prohibiting such offenses. Please be advised that [Section 17-13-40, Code of Laws of South Carolina](#), 1976, states that municipal police officers ‘ . . . may make arrests of all offenders against the municipal ordinances and statutes of the State committed within the corporate limits . . . ’ of the municipality. Pursuant to such authority, municipal officers could arrest for offenses which are in violation of State statutes.

Inasmuch as there is no statute particularly prohibiting public intoxication, any charges as to conduct involving intoxicated individuals would have to be brought pursuant to [Section 16-17-530, Code of Laws of South Carolina](#), 1976, which defines public disorderly conduct. For your information, [Section 16-15-130, Code of Laws of South Carolina](#), 1976, defines the statutory offense of indecent exposure.

Hopefully the above is in full response to your inquiry.

With best wishes.

Sincerely,

Charles H. Richardson  
Assistant Attorney General

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