

1979 WL 43182 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 23, 1979

*1 Mr. John R. Justice
Solicitor
Sixth Judicial Circuit
Chester, South Carolina 29706

Dear Mr. Justice:

You have requested the opinion of this Office as to whether or not the action of picketing in front of the stores of merchants within the City of Chester would be violative of Chester City Code Ordinance 27-201, et seq.

Section 27-201 of the Chester City Code Ordinance, entitled 'Permit Required to Stage Parade; Exceptions.' states, in pertinent part, that:

'It shall be unlawful for any person or organizations to stage any parade or procession on any of the streets or in any other public places within the corporate limits of the City of Chester without first having applied for and secured a special permit from the City Council to do so, excepting funeral processions, the armed forces of the U. S. Army or Navy, the Military Forces of this State and the force of the police and fire departments of the City of Chester.'

A plain reading of the aforementioned ordinance makes it clear that the ordinance was and is intended to regulate only 'parades or processions'. A parade may be defined as a march or procession; the movement of anybody marshaled in something like military order. 67 C.J.S. 556. Picketing, on the other hand, does not connote such a march or procession, although physical movement may in fact take place. Picketing is the use of peaceable methods to present a cause to the public in the vicinity of the employer's (in this case merchant's) premises. 70 C.J.S. 1052. Picketing may also involve the use of placards. It is submitted that the action of picketing is not within the definition of a parade or procession, therefore, such action is beyond the purview of Ordinance 27-201.

This opinion is further supported by the language of Section 27-202 of the ordinance, entitled, 'Application of Permit'. This section specifies the procedures an individual or organization must comply with in order to receive a permit to hold a parade or procession.

'Such application shall contain the following information:

- 1) the time of such proposed parade or procession,
- 2) the streets to be used,
- 3) the number of persons or vehicles to be engaged and
- 4) the purpose of such parade or procession; and, upon receipt of such application, the Mayor or City Council shall, in its discretion, issue such permit subject to the public convenience and public welfare'.

The action of picketing is separate from the actions of 'parading and processions'. From the above ordinance Section 27-202, it is evident that the action of picketing is not in the contemplation of the ordinance.

Taking the Chester City Ordinance in its entirety, then, it is my opinion that picketing is not a violation of Chester City Ordinance 27-201, et. seg. because the ordinance prescribes only the actions of parades and processions.

Very truly yours,

Daniel R. McLeod
Attorney General

1979 WL 43182 (S.C.A.G.)

End of Document

© 2017 Thomson Reuters. No claim to original U.S. Government Works.