

1977 WL 37284 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 28, 1977

\*1 Joseph A. Dean, Captain  
Fire Prevention Officer  
Sea Pines-Forest Beach Fire Department  
P. O. Box 5193  
Hilton Head Island, S. C. 29928

Dear Mr. Dean:

In response to your letter of March 2, 1977, in which you asked the opinion of this Office on whether or not it is legal for the appropriate persons from each Fire Department in Beaufort County to issue a summons and collect a bond for violations of the Fire Prevention Code, a review of the Southern Standard Fire Prevention Code, which I was told is what Beaufort County had adopted as its own Fire Prevention Code, indicates that Chief of each Fire Department shall have the power of enforcement. Specifically, Article 1, Section 1.04 of the Southern Standard Fire Prevention Code, states as follows:

'The Chief of the Fire Department shall enforce the provisions of this Code and all State laws under his jurisdiction pertaining to the prevention, suppression or extinguishing of fires. The Chief of the Fire Department shall have the powers of a police officer in performing his duties under this Code.'

Therefore it would seem to indicate that the Chief of each Fire Department would have the power of enforcement of the provisions of the County Fire Code and all State laws pertaining to the prevention, suppression, or extinguishing of fires, and could issue summons for violations of these. However as to collecting a bond for violations, I do not find authority for such. Presumably any such collection would be left to the authority of a magistrate.

Based on this Office's interpretation of Section 14-400.586, South Carolina Code of Laws, 1962, as amended, Beaufort County was given the authority to adopt the Southern Standard Fire Prevention Code. In association with this, Section 14-400.587, South Carolina Code of Laws, 1962, as amended, provides that the violation of any codes or regulations adopted pursuant to the provisions of the Article in which Section 14-400.586, supra, is located is a misdemeanor and any person violating such shall be deemed guilty of a misdemeanor and upon conviction, be punished by a fine not to exceed one hundred dollars or imprisonment for more than thirty days. This Section further provides that each day such violation continues shall be deemed a separate offense.

If I can be of further assistance, please do not hesitate to contact me.

Very truly yours,

Charles H. Richardson  
Staff Attorney

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