

1976 S.C. Op. Atty. Gen. 316 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4458, 1976 WL 23075

Office of the Attorney General

State of South Carolina

Opinion No. 4458

September 20, 1976

*1 The Charleston City Police does not have the authority to issue parking summons for violations of Veterans Administration regulations.

TO: H. G. Patton
District Counsel
Veterans' Administration

QUESTION PRESENTED:

Does the Charleston city police force have the authority to enforce parking regulations established by the Veterans Administration?

AUTHORITIES:

Section 1–420, Code of Laws of South Carolina, 1962.

Section 46–687, Code of Laws of South Carolina, 1962.

Section 46–807, Code of Laws of South Carolina, 1962, (1975 Cum. Supp.)

Section 47–40, Code of Laws of South Carolina, 1962, (1975 Cum. Supp.)

Section 53–1, Code of Laws of South Carolina, 1962.

Act 574, 1976 Acts and Joint Resolutions.

[38 United States Code Section 218.](#)

[38 Code of Federal Regulations, Sections 1.218 et seq.](#)

DISCUSSION:

The Veterans Administration Hospital in Charleston has several acres devoted to parking for the staff, patients and visitors. The Veterans Administration exercises proprietary jurisdiction over this property and has promulgated certain parking regulations governing the area. See, [38 C.F.R. §§ 1.218 et seq.](#) and [38 U.S.C. § 218](#). To your knowledge the only authority the Veterans Administration has for enforcing parking regulations is to have the violating vehicle towed away at the owner's expense. See, § 46–807, Code of Laws of South Carolina, 1962. This method of enforcement has proven unsatisfactory and the issuance of parking summons with appropriate fines is thought to be a much more efficacious procedure. The question then arises as to the authority of Charleston City police to issue citations for violations of

Veterans Administration parking regulations. It is assumed that the City of Charleston does not have a municipal ordinance granting this authority.

The powers and duties of municipal police officers are generally established by Section 53-1 and Section 47-40, Code of Laws of South Carolina, 1962 (1975 Cum. Supp.). These sections provide in part that police authorities 'may make arrests of all offenders against the municipal ordinances and statutes of this State' and carry out other duties prescribed by the municipality. Additionally, city police, as law enforcement officials, have specific duties conferred upon them by various state statutes, e.g. § 46-687 (enforcement of Uniform Act Regulating Traffic) and § 1-420 (enforcement of parking regulations on certain state properties). I have been unable to locate any state statute authorizing Charleston city police to enforce Veterans Administration parking regulations.

However, it should be noted that the General Assembly has recently enacted legislation extending police jurisdiction to parking lots open to the public. The facts submitted to this office are insufficient for me to offer an opinion on whether the Charleston Veterans Administration Hospital parking lot is open to use by the public and thus within the ambit of Act 574, 1976 Acts and Joint Resolutions. However, if it is, then Charleston city police may enforce Charleston municipal ordinances, including parking restrictions, within the parking lot.

CONCLUSION:

*2 Subject to the above paragraph, unless the City of Charleston has by ordinance bestowed the authority on their police force, the city police does not have the authority to issue parking summons for violations of Veterans Administration regulations.

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