

1975 WL 29824 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 20, 1975

*1 Honorable Anna F. Sharpe
Tax Collector
Florence County
P. O. Box H
Florence, South Carolina 29501

Dear Ms. Sharpe:

You have requested an opinion from our office as to whether or not the Florence County Building Commission may validly prohibit those persons working in the Florence City-County Complex from parking in the parking lot surrounding the Complex.

The main consideration must be as to whether or not the Commission's restrictions on parking in the Complex parking lot violate the equal protection clause in Article 1, Section 3 of the South Carolina Constitution. Numerous South Carolina cases have interpreted the equal protection clause in the same way as did the court in [Witt v. People's State Bank of South Carolina](#), 166 S.C. 1, 15, 164 S.E. 306, 311 (1932):

The equal protection clauses of the federal and state Constitutions ([Const. U.S. Amend. 14](#); [Const. S.C. art. 1, § 5](#)) do not take from the state Legislature the power to classify, but on the contrary they admit of the exercise of a wide scope of discretion and avoid legislative enactments only when they are without any reasonable basis, and therefore purely arbitrary, and one who assails the classification must sustain the burden of showing that it is essentially arbitrary and without any reasonable basis. [See also, Ward v. Town of Darlington](#), 183 S.C. 263, 190 S.E. 826 (1937); [Arnold v. City of Spartanburg](#), 201 S.C. 523, 23 S.E.2d 735 (1942); [Hunt v. McNair](#), 255 S.C. 71, 177 S.E.2d 362 (1970).

It would seem apparent that the reason for the Commission's regulation which prevents the employees of the Complex from using the adjoining parking lot is to hold the lot open for members of the general public while they transact business at the Complex. Without such a prohibition, the entire lot might well be filled by the vehicles of the employees, leaving no spaces for the general public. Thus, this classification for the purpose of making the parking spaces available to the general public rather than to the Complex employees would seem a completely reasonable one, and as such, would not violate the equal protection clause of the South Carolina or Federal Constitution.

Sincerely yours,

Robert N. Wells, Jr.
Staff Attorney

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