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The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON  
ATTORNEY GENERAL

September 21, 1999

James W. Peterson, Jr., Esquire  
Florence City Attorney  
City-County Complex AA  
180 N. Irby Street  
Florence, South Carolina 29501

RE: Informal Opinion

Dear Mr. Peterson:

Thank you for your letter dated September 20, 1999, requesting an expedited opinion of this Office addressing the procedure for amending a provision of the City's zoning ordinance. Specifically, you seek this Office's concurrence that the chronology described in your letter for amending the City's zoning ordinance does not conflict with the requirements of S.C. Code Ann. § 6-29-760(A). For the reasons set forth below, it is my opinion that the City's adherence to the proposed chronology would constitute substantial compliance with § 6-29-760(A).

Section 6-29-760, entitled "Procedure for enactment or amendment of zoning regulation or map; notice and rights of landowners; time limit on challenges," provides in pertinent part as follows:

(A) Before enacting or amending any zoning regulations or maps, the governing authority or the planning commission, if authorized by the governing authority, shall hold a public hearing on it, which must be advertised and conducted according to lawfully prescribed procedures...

According to your chronology, Florence City Council would have first reading on the proposed amendment prior to the Planning Commission's public hearing on the matter; however, Council would not give second reading until after it has received the Planning Commission's report and recommendation. Accordingly, your question focuses on whether Council has enacted or amended its zoning regulations prior to the public hearing required by § 6-29-760(A).

*Request Letter*

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The procedure for enacting ordinances by municipalities is provided by S.C. Code Ann. § 5-7-270, as follows:

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. Each municipality shall by ordinance establish its own rules and procedures as to adoption of ordinances. ***No ordinance shall have the force of law until it shall have been read two times on two separate days with at least six days between each reading.*** (Emphasis added.)

In interpreting a statute, the primary purpose is to ascertain the intent of the General Assembly. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). The words of a statute must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation. Bryant v. City of Charleston, 295 S.C. 408, 368 S.E.2d 899 (1988). The Court must apply the clear and unambiguous terms of a statute according to their literal meaning. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991).

Applying these rules of statutory construction to the question at hand, the critical language appears to be, "[n]o ordinance shall have the force of law until it shall have been read two times...." Because no enactment or amendment of the zoning regulations would actually occur until the second reading, it is my opinion that the City may give first reading to the proposed amendment prior the Planning Commission's public hearing.

Due to the time constraints outlined in your request, this letter is an informal opinion only. It has been written by a designated Deputy Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I remain

Very truly yours,



Zeb C. Williams, III  
Deputy Attorney General

ZCW/an