

The State of South Carolina



Office of the Attorney General

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March 27, 1986

Robert M. Bell, Esquire
Aiken County Attorney
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Dear Mr. Bell:

By your letter of March 5, 1986, you have asked for the opinion of this Office on several questions concerning adoption of ordinances by a county council, as follows:

1. Is a vote required on first reading of an ordinance by a county council?
2. May an ordinance be introduced and considered by a council by reading of the title only?
3. If the answer to question 2 is affirmative, then may that reading consist of publishing the title only, rather than an oral reading?

The first question has been answered in the affirmative in an opinion of this Office dated February 20, 1986, based on opinions dated August 6, 1984, and May 22, 1984. Please note that, in the enclosed opinions, we have stated that authority on this particular issue is scarce and thus our response cannot be completely free from doubt.

In answer to your second question, we concur with your conclusion that the reading of a proposed ordinance by title would be sufficient, if the title of the proposed ordinance

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sufficiently states the purpose of the ordinance. See 4 McQuillin, Municipal Corporations, § 13.46; Bill Posting Sign Co. v. Atlantic City, 71 N.J.L. 72, 58 A. 342 (1904); State v. City Council of City of Camden, 58 N.J.L. 515, 33 A. 846 (1896); cf., 82 C.J.S. Statutes § 27; also Richards Furniture Corp. v. Board of County Commissioners of Anne Arundel County, 233 Md. 249, 196 A.2d 621 (1964). The law is succinctly stated in Bill Posting Sign Co., supra:

[A sign ordinance] was read the first time by its title, which is not a compliance with the statute ..., where the title does not fairly express its object. In legislative acts the title of such acts must express their purpose, and the information to be given by the reading of the act is imparted by reading the title. Where the title of an ordinance discloses its object, the reading of the title is equivalent to reading the ordinance.

58 A. at 342-343.

Because the answer to the second question is affirmative, you have asked whether publication of the title of a proposed ordinance is sufficient, or whether the title must be read aloud. We must advise that there is very little authority to rely upon in responding to this question, and thus the response cannot be completely free from doubt.

The purpose of a reading of a bill or proposed ordinance is to apprise members of a legislative body of what they are voting on. Witmer v. Polk County, 222 Iowa 1075, 270 N.W. 323 (1936); Conley v. City of Shreveport, 216 La. 78, 43 So.2d 223 (1949). Further, such a reading is a restriction imposed on the passage of bills to prevent hasty and inconsiderate legislation, surprise, and fraud. 82 C.J.S. Statutes § 25. In discussing how the reading process was to be carried out, the Iowa Supreme Court discussed the purpose of a reading and stated that "before each vote every voting member would at least hear every provision of the bill immediately before casting his vote." Witmer v. Polk County, supra, 270 N.W. at 327 (emphasis added). Considering our response to the first question and the purpose of a reading generally, as well as the dicta in Witmer v. Polk County, supra, the better practice would be to orally read the ordinance or title, rather than to rely upon written publication. Again, due to the scarcity of authority, this response is not completely free from doubt.

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We hope that the foregoing, in addition to the enclosed opinions, has satisfactorily responded to your inquiries. Please advise if we may provide additional assistance or clarification.

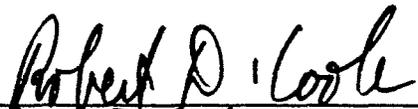
Sincerely,

Patricia D. Petway
Patricia D. Petway
Assistant Attorney General

PDP/an

Enclosures

REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions