

1976 WL 30628 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 28, 1976

\*1 The Honorable Jimmy Williams  
Office of the Mayor  
Town of Norway  
Norway, South Carolina 29113

Dear Mayor Williams:

You have inquired as to the authority of the Town of Norway to force property owners to clean up property which is unsightly but not necessarily unhealthy or dangerous.

Under provisions of § 14-400.581 et seq. of the CODE OF LAWS OF SOUTH CAROLINA, the governing body of any incorporated municipality is authorized to adopt building, housing, electrical, plumbing and gas codes relating to the construction, livability, sanitation, erection, equipment, alteration, repair, occupancy or removal of buildings and structures located within its jurisdiction. The governing body is further authorized to promulgate rules and regulations to implement such codes. The adoption of building, housing, electrical, plumbing and gas codes is limited, however, to adoption by reference of those codes named in § 14-400.586 of the CODE.

The codes and regulations adopted by the municipality may embrace such matters as the preparation and submission of plans and specifications; the issuance of permits; standards governing the kind, quality and performance of materials, equipment and workmanship; the establishment of fire zones; fireproofing; means of egress and ingress; floor area per occupant requirements; sanitary facilities and proceedings for the correction of unsafe, unsanitary or inadequate structures. See § 14-400.581.

In your inquiry, you did not indicate the nature of the property about which you were concerned or whether the Town of Norway had adopted a building code. Thus, I cannot answer your question with any certainty and can make only limited general observations.

The general structure, organization, powers, duties, functions of all municipalities are set forth in the new Home Rule Legislation. See Act No. 283 (Acts and Joint Resolutions—1975). This Act confers on municipalities the authority to enact 'regulations, resolutions and ordinances' in regard to 'roads, streets, markets, law enforcement, health and order in such municipalities. Further power is granted municipalities to enact regulations, resolutions and ordinances on any subject as shall appear to them necessary and proper for the security, general welfare and convenience of such municipalities or for preserving health, peace, order and good government therein. In addition to these powers, municipalities are granted authority to abate nuisances. All the powers of the municipality are liberally construed in favor of the municipality.

Again, I must note that I am not sufficiently familiar with your problem to advise in more concrete terms and therefore have limited myself only to general observations concerning your inquiry.

Sincerely,

W. Joseph Isaacs  
Staff Attorney

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