

1976 WL 30721 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 17, 1976

*1 E. Windell McCrackin, Esquire
Attorney at Law
P. O. Box 1182
Myrtle Beach, South Carolina 29577

Dear Mr. McCrackin:

You have requested an opinion from this Office as to whether or not under Act No. 283 of 1975, the 'home rule' legislation, a proposed municipal ordinance can be amended on second reading in view of the following underscored language of § 47-56 of that Act:

Every proposed ordinance shall be introduced in writing and in the form required for final adoption.

In my opinion, the underscored language means only that the proposed ordinance must meet such requirements as to form as may be established by the council for the adoption of ordinances, e.g., the inclusion of a title, recitals, a preamble, an enacting clause and so on [see generally, 5 McQUILLIN, MUNICIPAL CORPORATIONS §§ 16.11-16.27 at 147-173 (3rd Ed. 1969)]. Section 47-56 goes on to allow each municipality to establish its own rules and procedures as to the adoption of ordinances and, in my opinion, there is no language in that Section which would prohibit a municipality from providing in its rules and procedures that proposed ordinances may be amended on second reading. Cf., RULE OF THE SOUTH CAROLINA SENATE NO. 29; RULE OF THE SOUTH CAROLINA HOUSE OF REPRESENTATIVES NO. 9; see also, 5 McQUILLIN, MUNICIPAL CORPORATIONS §§ 16.87-16.88 at 284-286 (3rd Ed. 1969).

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

1976 WL 30721 (S.C.A.G.)

End of Document

© 2016 Thomson Reuters. No claim to original U.S. Government Works.