

1982 WL 189478 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 1, 1982

*1 Honorable Edith C. Padget
Clerk of Court
Saluda County Courthouse
Saluda, South Carolina 29138

Dear Mrs. Padget:

With apologies for the delay, I am writing to advise you on the questions which you have posed regarding certain licensing fees to be issued through your office.

First, as to the issuance of licenses to peddlers and hawkers, you are not to issue such a license until the applicant first pays a fee therefor under [Section 40-41-20, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. The fee is to be set by the county governing body, which is required under [Section 40-41-30, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, to establish such fee at its first meeting in January of every year. In the event that the county governing body does not set the fee at the January meeting, it is authorized to do so at later meetings during the year but it has an affirmative duty to fix such a fee. The 'home rule' legislation does not alter this duty nor can the county council alter it by ordinance because [Sections 40-41-10 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, are general laws, which laws cannot be changed by county ordinance. [§ 4-9-30, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended.

Second, as to the legislation regarding licenses to be issued before certain activities can be engaged in, Act No. 791 of 1964 [53 STAT. 1872 (1964)] remains in effect with respect to all activities specified therein except those relating to septic tanks. As to those, Act No. 1617 of 1972 [57 STAT. 3148 (1972)] remains in effect, having repealed pro tanto the inconsistent provisions of the 1964 legislation relating to septic tanks. The 'home rule' legislation has not repealed either of these acts; however, the Saluda County Council has been authorized as of January 1, 1980, to repeal them or to enact an ordinance in conflict with them. But until the Council acts in that regard, the legislation remains operative.

With kind regards,

Karen LeCraft Henderson
Deputy Attorney General

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