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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER
ATTORNEY GENERAL

January 25, 2005

James W. Peterson, Jr., Esquire
Florence City Attorney
City-County Complex AA
180 N. Irby Street
Florence, South Carolina 29501-3456

Dear Mr. Peterson:

In a letter to this office you requested an opinion concerning the authority of municipality to rename a street within the boundaries of the municipality.

I am in agreement with your conclusion that pursuant to S.C. Code Ann. § 6-29-1200 (2004), the local planning commission has that authority. Such provision states:

(A) A local planning commission created under the provisions of this chapter shall, by proper certificate, approve and authorize the name of a street or road laid out within the territory over which the commission has jurisdiction. It is unlawful for a person in laying out a new street or road to name the street or road on a plat, by a marking or in a deed or instrument without first getting the approval of the planning commission. Any person violating this provision is guilty of a misdemeanor and, upon conviction, must be punished in the discretion of the court.

(B) A commission may, after reasonable notice through a newspaper having general circulation in which the commission is created and exists, change the name of a street or road within the boundary of its territorial jurisdiction:

- (1) when there is duplication of names or other conditions which tend to confuse the traveling public or the delivery of mail, orders, or messages;
- (2) when it is found that a change may simplify marking or giving of directions to persons seeking to locate addresses; or
- (3) upon any other good and just reason that may appear to the commission.

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(C) On the name being changed, after reasonable opportunity for a public hearing, the planning commission shall issue its certificate designating the change, which must be recorded in the office of the register of deeds or clerk of court, and the name changed and certified is the legal name of the street or road. (emphasis added).

Pursuant to S.C. Code Ann. § 6-29-320 (2004),

The city council of each municipality may create a municipal planning commission. The county council of each county may create a county planning commission. The governing body of a consolidated government may create a planning commission. Any combination of municipal councils and a county council or any combination of municipal councils may create a joint planning commission. (emphasis added).

In your letter you indicated that the City of Florence and Florence County have consolidated the planning function. Such is permitted by Section 6-29-320 as noted above. Therefore, in my opinion, in such circumstances, that planning council would have the authority pursuant to Section 6-29-1200 to rename streets within its jurisdictional boundaries. Also, as you also pointed out in your letter, S.C. Code Ann. § 57-3-610 authorizes the General Assembly to name a road in honor of an individual.

With kind regards, I am,

Very truly yours,



Charles H. Richardson
Senior Assistant Attorney General

REVIEWED AND APPROVED BY:



Robert D. Cook
Assistant Deputy Attorney General