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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

June 15, 2000

Mr. Buddy Herring
Superintendent
Oconee County School District
P.O. Box 649
Walhalla, SC 29691

Dear Mr. Herring:

Your School District's attorney has requested the opinion of this Office as to whether a city inspector may require a prime contractor or sub-contractor to obtain a building permit and pay licensing fees for your school district's current expansion projects. According to your attorney's letter of May 18, 2000, you have concluded that the inspector may not impose such requirements under the terms of S.C. Code Ann. §6-9-110 (A) (Supp. 1999) which provides, in part, as follows:

(A) A county, municipal, or other local ordinance or regulation which requires the purchase or acquisition of a permit, license, or other device utilized to enforce any building standard does not apply to a . . .

(2) school district facility, permanent improvement project, construction project, renovation project, or property which is reviewed and approved by the State Department of Education; except that the State Department of Education or a local school district may direct that the local ordinance or regulation apply to a particular facility, project, or property.

Assuming that the projects meet the terms of paragraph 2, *supra*, I concur with the advice of your attorney. For your information, I am enclosing a copy of a previous opinion of this Office which addressed this issue and reached a similar conclusion prior to the adoption of §6-9-110. *Ops. Atty. Gen. (March 20, 1978).*

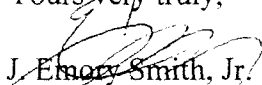
This letter is an informal opinion. It has been written by the designated Assistant Deputy Attorney General and represents the opinion of the undersigned attorney as to the specific questions

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asked. It has not, however, been personally reviewed by the Attorney General nor officially published in the manner of a formal opinion.

If you have further questions, please let me know.

Yours very truly,


J. Emory Smith, Jr.
Assistant Deputy Attorney General

Enclosures

CC: Kenneth L. Childs, Esquire