



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLIE CONDON
ATTORNEY GENERAL

October 8, 1999

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

RE: Informal Opinion

Dear Mr. Peterson:

Thank you for your letter dated October 7, 1999, requesting an expedited opinion of this Office addressing the effective date for an amendment to a provision of the City's zoning ordinance. Specifically, you have asked whether it is "lawful for an ordinance amending the zoning ordinance to be passed with an effective date which results in the ordinance taking effect immediately upon adoption at the second reading, or is there some legal requirement that the effective date of such an ordinance be seven days after its adoption on second reading[.]"

As a general rule, ordinances shall take immediate effect unless otherwise provided. McQuillen, Municipal Corporations, 15.39 (3rd Ed. 1996). Moreover, as we discussed in an earlier conversation, the procedure for enacting ordinances by municipalities is found in S.C. Code Ann. § 5-7-270, which provides as follows:

Every proposed ordinance shall be introduced in writing and in the form required for final adoption. Each municipality shall by ordinance establish its own rules and procedures as to adoption of ordinances. ***No ordinance shall have the force of law until it shall have been read two times on two separate days with at least six days between each reading.*** (Emphasis added).

Other than directing two separate readings with at least six days in between, § 5-7-270 imposes no other conditions, e.g., a seven day waiting period, before an ordinance assumes the force of law.

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Therefore, based on my understanding that the City of Florence has complied with the public hearing requirement of S.C. Code Ann. § 6-29-760, I am aware of no legal impediment to the zoning ordinance amendment taking effect immediately upon adoption at the second reading.

Again, thank you for your letter. I trust this information is responsive to your inquiry and that you will not hesitate to contact me should you have additional questions. Due to the time constraints outlined in your request, this letter is an informal opinion only. It has been written by a designated Deputy Attorney General and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I remain

Very truly yours,

A handwritten signature in cursive script that reads "Zeb Williams".

Zeb C. Williams, III
Deputy Attorney General

ZCW/an