

1984 WL 249920 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 3, 1984

*1 The Honorable Robert R. Woods
Member
House of Representatives
Post Office Box 2217
Charleston, South Carolina 29403

Dear Representative Woods:

You have asked for the opinion of this Office on whether a municipality may repeal an ordinance by which it enacted a municipal personnel policy which included an employee grievance procedure. It is the opinion of this Office that a municipality may so repeal such an ordinance.

Generally, municipalities have those powers granted to them by the General Assembly and those powers necessarily implied therefrom. [Blake v. Walker](#), 23 S.C. 517 (1885); Article VIII, Section 17, Constitution of South Carolina, 1895 as amended. By [Section 5-7-30, Code of Laws of South Carolina](#) (1983 Cum.Supp.), a municipality is empowered to enact ordinances. As to repeal, the general rule is stated in [Wright v. City of Florence](#), 229 S.C. 419, 93 S.E.2d 215 (1956): 'Absent constitutional or statutory inhibition, among the powers of a municipality which existed before enactment of the statute was the power to repeal, by proper ordinance, any prior ordinance.' 229 S.C. at 424. In [City Council of Charleston v. Wentworth Street Baptist Church](#), 4 Strob. (35 S.C. Law) 306 (1850), the court stated the general rule, adding a caveat: 'the power which enacted an ordinance may repeal it, unless the rights or privileges it conferred might be claimed in the nature of a contract.' 4 Strob. (35 S.C. Law) at 311. ¹

This general rule has been expressed in previous Opinions of the Attorney General dated December 10, 1954 and March 31, 1921, copies of which are enclosed. See also [56 Am.Jur.2d, Municipal Corporations, etc. § 410](#), [6 McQuillin, Municipal Corporations § 21.10 \(3d Ed. 1980\)](#), 1980), and Note, 10 S.C.L.Q. 103 (1957) (copy enclosed), for more lengthy discussions of the general rule.

By this letter, only the applicable general principle of law is addressed. We do not address the ordinance of any particular municipality or any specific employment situation existing within a particular municipality. If you have additional questions or need further clarification concerning the applicable law, please advise this Office.

Sincerely,

Patricia D. Petway
Assistant Attorney General

Footnotes

¹ This Office expresses no opinion as to what rights or privileges under any given ordinance might be claimed in the nature of a contract.

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