

1980 WL 120710 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 12, 1980

*1 James R. Bell, Esquire
Florence City Attorney
Post Office Box 5060
Florence, South Carolina 29502

Dear Mr. Bell:

In response to your request for an opinion from this Office as to whether or not the City of Florence and the County of Florence are authorized to enact a joint ordinance modifying the provisions of Act No. 482 of 1973 [58 STAT. 836 (1973)], my opinion is that they are not so authorized. The Florence County Council can enact such an ordinance because the provisions of Act No. 283 of 1975, the 'home rule' legislation, have empowered it as of January 1, 1980, to enact ordinances in conflict with special laws; however, I know of no similar authority granted to cities. Moreover, while [Article VIII, Section 13 of the South Carolina Constitution](#) provides for the joint performance of functions, etc. between cities and counties, that provision, in my opinion, contemplates that the functions which can be performed jointly are those which can be performed singly as well. Inasmuch as the Florence City Council is not authorized to enact an ordinance in conflict with a special act, I do not believe that it can do so jointly with the County of Florence. Finally, the passage of a 'joint' ordinance as opposed to a municipal ordinance and a county ordinance with identical provisions might present problems because of the different statutory requirements relating to the passage of municipal and county ordinances. Cf., [§ 4-9-120, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, and [§ 5-7-270, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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