

1980 WL 120978 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 24, 1980

*1 Roy McBee Smith, Esquire
Spartanburg County Attorney
Post Office Box 5306
Spartanburg, South Carolina 29304

Dear Mr. Smith:

In response to your request for an opinion from this Office as to whether or not the Spartanburg County Council is authorized to enact an ordinance regulating the sale of precious metals, my opinion is that it is most probably not so authorized as hereinafter discussed.

[Section 4-9-30\(14\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, empowers a county council to enact ordinances 'for the implementation and enforcement of the powers granted in this section' Unless the provisions of [Section 4-9-30](#) can be construed as including the power to regulate the sale of precious metals, the ordinance may well be unauthorized. Unlike the cities of South Carolina, the counties are not expressly given general police powers by the 'home rule' legislation [[cf.](#), [§ 5-7-30, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended] and, while such an ordinance as you have inquired about would most probably be authorized if enacted by an entity possessing general police powers, I do not believe that at present it would be authorized if enacted by a county council. Moreover, the matter may be one as to which Statewide uniformity is required and for that reason it may be able to be addressed by the General Assembly only. My understanding is that legislation that will regulate the sale of precious metals is going to be introduced during the session beginning in January, 1981. With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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