

1977 WL 37376 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 28, 1977

\*1 Tom Foster, Esquire  
Woodruff Town Attorney  
P. O. Box 5306  
Spartanburg, South Carolina 29301

Dear Mr. Foster:

Since we are having difficulty in contacting each other by telephone, I shall advise you by letter concerning the two questions which we discussed last month. The reason that I concluded in the letter to Mr. Poliakoff dated May 3, 1977, that the chief of police is an appointive administrative officer rather than an employee is that the authorities seem to agree that, in general, he is. See, e.g., [Edge v. Town of Cayce](#), 187 S.C. 171; 16 McQUILLIN MUNICIPAL CORPORATIONS § 45-11. In any event, irrespective of whether he is an employee or an appointive administrative officer whose appointment is not otherwise provided for by law, he is to be hired and fired by the mayor in the mayor-council form of municipal government pursuant to Section 47-62(1), CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.). As to the authority of a municipality's amending its subdivision regulations so as to include areas or landowners previously 'grandfathered out,' I can find nothing that would prohibit such action unless it would alter vested rights or impair contractual obligations. See, e.g., 16A C.J.S. Constitutional Law § 416 at 96; 6 McQUILLIN MUNICIPAL CORPORATIONS §§ 20.70 et seq. Whether such action would have that result would, of course, depend on the facts.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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