

1976 WL 30634 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 30, 1976

*1 The Honorable William H. Stroud
Rt. 2, Box 202
Piedmont, South Carolina 29673

Dear Representative Stroud:

You have requested an opinion from this Office as to the present effect of the provisions of Sections 47-220 and 47-221 of Act No. 283 of 1975, the 'home rule' legislation, which provisions relate to the proposal of municipal ordinances by initiative and the repeal of certain types of already-enacted municipal ordinances by petition.

SECTION 6 of Part II of Act No. 283 provides that the new form of municipal government must be selected within fifteen months of June 25, 1975, the effective date of the Act and, once selected, is to become effective at the beginning of the fiscal year following selection. Therefore, the provisions of Sections 47-220 and 47-221 cannot be implemented until the beginning of the fiscal year following the selection of one of the three forms by the municipality concerned. Moreover, our Office has consistently taken the position that the new powers granted to counties and municipalities by the provisions of Act No. 283 cannot be exercised until the United States Department of Justice has given its approval to the new form of county or municipal government pursuant to Section 5 of the 1965 Voting Rights Act.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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