

1978 WL 34651 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 12, 1978

*1 Robert H. Orr, Jr.
Sheriff
Chester County

QUESTION PRESENTED:

Can the Chester County Council set legal fees to be charged by the Sheriff's Department which are contrary to the fees to be charged under [Section 23-19-10, Code of Laws of South Carolina \(1976\)](#)?

AUTHORITIES:

[South Carolina Constitution, Article VIII, Section 14\(6\)](#); [1976 Code of Laws of South Carolina, Sections 4-9-30, 23-19-10](#).

DISCUSSION:

[Section 23-19-10 of the 1976 Code of Laws of South Carolina](#) provides a uniform schedule of fees to be charged by county sheriffs for certain services which they render. Under this provision, the fees set are to be followed in all cases, by all counties, 'except as otherwise expressly provided.' While there is special legislation relating to different fee schedules in several other counties, there is no exceptional legislation allowing a variance from this schedule by the Sheriff of Chester County. Furthermore, there is no provision under [Section 4-9-30 of the Code](#), concerning the powers of county government under the Home Rule Act, which expressly grants county councils the authority to promulgate fee schedules for law enforcement services.

CONCLUSION:

Therefore, it is the conclusion of this office that, since [Section 23-19-10](#) is a general law applicable throughout the state, the constitutional provision in [Article VIII, Section 14\(6\)](#) would require that any local law enacted by a county council could not 'set aside' that fee schedule and must be in conformity with it.

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