

1978 WL 34661 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 17, 1978

*1 Mr. William A. Slover
Mayor
Town of Batesburg
Batesburg, SC 29006

Dear Mayor Slover:

Recently you requested an Opinion from the Attorney General concerning whether or not a town councilman or mayor of a town could receive pay as a volunteer fireman for that town, without violating Section 47-47 of Act No. 283, 1975 Acts and Joint Resolutions of South Carolina.

Section 47-47 reads as follows:

Except where authorized by law, no mayor or councilman shall hold any other municipal office or municipal employment while serving the term for which he was elected.

Therefore, under the literal language of this Section, the same individual could not be a mayor or town councilman and also receive pay as a volunteer fire department employee, without violating the terms of the Section.

I have discussed this question with Assistant Attorney General Karen L. Henderson, an attorney with extensive expertise in the area of Home Rule legislation, and she agrees with the conclusion reached herein. Therefore, a mayor or councilman could not receive compensation as a volunteer fireman for the town or municipality unless such dual interest was specifically authorized by law. I am aware of no law that currently exists which would authorize the relationship you have presented.

I hope this information will be helpful to you.
Sincerely,

George C. Beighley
Assistant Attorney General

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