

1979 WL 43003 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 17, 1979

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Moncks Corner, South Carolina 29461

Dear Mr. Dennis:

In response to your request for an opinion from this Office as to whether or not the Berkeley County Council is authorized to impose a \$5.00 fee for the issuance of the mobile home moving permit required by the provisions of Act No. 576 of 1978 [59 STAT. 1164 (1978)], my opinion is that the Council is not so authorized.

Section 1 of Act No. 576 [codified as §§ 31-17-310 [et seq.](#), [CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended] authorizes a county governing body or its agent to impose a \$5.00 fee for a mobile home license. That same Section requires a moving permit before a mobile home can be relocated but does not authorize the imposition of any fee for such a permit. Applying the well-established rule of statutory construction that 'inclusio unius est ex clusio alterius' [2A SUTHERLAND STATUTORY CONSTRUCTION § 47.23 (4th ed. 1973): see also, [Home Bldg. & Loan Ass'n v. City of Spartanburg](#), 185 S.C. 313, 194 S.E. 139 (1937)], I think that the Berkeley County Council cannot impose a fee for a mobile hime moving permit pursuant to the provisions of Act No. 576. Moreover, there is no provision in Act No. 283 of 1975, the 'home rule' legislation, of which I am aware that would provide such authority to the Council.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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