

1975 WL 29393 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 14, 1975

***1 Re: No. 47—County**

Hon. Ferdinand B. Stevenson
Member
House of Representatives
P. O. Box 487
Charleston, South Carolina

Dear Ms. Stevenson:

Recently you requested that we advise you as to whether or not the Charleston County Council possesses the authority to designate holidays in addition to those designated by Section 14-1151 of the South Carolina Code of Laws, as amended. See, 56 STAT. Act No. 187 at 201 (1969). That statute provides in part:

The official legal holidays for county employees and county offices shall be as follows: New Year's Day, the Fourth of July, Labor Day, Veterans' Day, Thanksgiving Day and Christmas Day.

Before advising you officially of our conclusion regarding the authority of the Council to designate additional holidays, we feel that it would be only fair that the attorney for the County Council provide us with his views regarding that issue, inasmuch as it is difficult to resolve sometimes a question as to whether or not there is a conflict between a State enactment and a county ordinance. See, for example, [City of Spartanburg v. Gossett](#), 228 S.C. 464, 90 S.E.2d 645; [McAbee v. Southern RR Co.](#), 166 S.C. 166, 164 S.E. 444; 1962 OP.ATTY.GEN. 83; 1961 OP.ATTY.GEN. 329.

Our tentative conclusion, however, is that the County Council is without authority to designate additional holidays. The State has legislated upon that subject and has not expressly or impliedly by Section 14-1151, as amended, or any other statute empowered County Council to specify holidays other than those listed in Section 14-1151, as amended.

You also inquire as to whether or not there is any law relating to courthouses which prohibits their being closed more than a specified number of days in succession. Our research does not reveal the existence of such a statute.

Kindest regards,

C. Tolbert Goolsby, Jr.
Assistant Attorney General

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