

1975 WL 29272 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 18, 1975

*1 Ms. Nelle F. Hackey
Chairperson for Committee Against Restoration of the Chester City Hall
108 Nella Street
Chester, SC 29706

Dear Ms. Hackey:

I have received your letter in which you request an opinion as to the effective date of Act No. 283 of 1975, the 'home rule' legislation, as it applies to municipalities. I am enclosing a copy of an earlier opinion rendered to Mr. Russell B. Shetterley of the South Carolina Association of Counties, which opinion is relevant to the question you raise.

According to Part II, Article II of the Act, the selection of one of the three forms of municipal government provided for therein is to be made by the municipal governing body which is to select the form most nearly corresponding to the form in effect in that municipality on March 1, 1974. Only after that selection is made by ordinance and that ordinance is filed with the Secretary of State, who then issues an appropriate certificate of incorporation to the municipality, can the powers vested in and duties imposed upon the municipal governing body under the new form of government be exercised.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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