

1975 WL 29335 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 19, 1975

\*1 Mr. M. B. Love, Jr.

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Box ?? City County Compley

Florence, South Carolina 29501

Dear Mr. Love:

You have requested an opinion concerning Florence County Ordinance No. 3-<sup>5</sup>/76 which provides 'for the regulation of utility extensions within Florence County located outside the incorporated limits of the several municipalities.' As you know, the Florence County Council, as the governing body of a political subdivision of this State, possesses only those powers which are either expressly granted or necessarily implied. See, 81 C.J.S. States § 58 at 977-8, 1967 OPS.ATTY.GEN. No. 2213 at 7. Act No. 1277 of 1966 established the Florence County Council; nowhere in that legislation, nor in any amendments thereto, is there language either expressly or impliedly granting to the Florence County Council the authority to regulate utility extensions within the County but located outside the incorporated limits of the several municipalities. See, 54 STAT. Act No. 1277 at 3210 (1966), as amended.

Moreover, Section 3 of the Proposed ordinance seems to conflict with the provisions of the Code of Laws of South Carolina relating to public works districts, especially Section 59-612 thereof. See, Sections 59-601 et seq. CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended. The law is well established that where a municipal ordinance or an ordinance of any other political subdivision conflicts with a state-wide statute, the provisions of the state-wide statute control.

With kind regards,

Karen LeCraft Henderson

Assistant Attorney General

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