

1974 WL 27792 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

May 29, 1974

\*1 Mr. Chris Trabookis  
Planning Director  
Appalachian Council of Governments  
Drawer 6668  
Greenville, South Carolina 29606

Dear Mr. Trabookis:

Thank you for your letter of April 16, 1974, in which you inquired whether or not a municipality may create a Planning Commission and allow the elected officials of the town to serve as the commission in lieu of appointing a commission.

South Carolina Code of Laws, 1962, Section 47-1021, et seq., sets out the general provisions for municipal planning commission. Section 47-1022 states in part:

The commission shall consist of not exceeding nine members and, with the exception of the supervisor or other head of the governing body of the county, shall be appointed by the city council. . . . and the appointive members shall hold no other municipal office, except that one of such members may be a member of the board of adjustment.

Section 47-1062, which is found within a sections that deals with planning commissions in cities of 15,250 to 16,000, states that

The commission shall consist of seven members . . . the members of the governing body of the county shall be members ex officio of the planning commission . . .

The provisions of this section clearly were intended to be a prohibition on the governing body serving as the entire official commission. See also Sections 47-1101; 47-1022.2; 47-1022.4; 47-1141.

Therefore, these code provisions would control the requirements as to the membership of the planning commission, and it would be necessary to appoint an official commission.

Sincerely,

Treva Ashworth  
Assistant Attorney General

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