

1973 S.C. Op. Atty. Gen. 79 (S.C.A.G.), 1973 S.C. Op. Atty. Gen. No. 3489, 1973 WL 20952

Office of the Attorney General

State of South Carolina

Opinion No. 3489

March 16, 1973

*1 Honorable Mendel Davis
United States Congressman
640 Federal Building
834 Meeting Street
Charleston, South Carolina

Dear Congressman Davis:

You recently inquired as to whether a municipality in this State may extend its boundaries by including lands lying within an adjacent county.

It is my opinion that the authority for such extension is extremely doubtful. The Supreme Court of South Carolina has held that, by virtue of existing statutes, municipal limits may be extended into an adjoining municipality if the entire municipality is absorbed but if a portion of an adjoining municipality is annexed the question must be submitted for vote by the entire municipality which is sought to be reduced. The Court has also held that a municipality may annex portions of a public service district. It has not, however, considered the extension of municipal limits into an adjoining county and there is no statute specifically authorizing this procedure. The Supreme Court has recited the general rule that a municipality does not have the authority to extend its limits into organized areas, and whether a county comes within the meaning of the phrase 'organized area' is a question which causes me to express doubt as to the validity of such extension.

If a municipality may annex a portion of an adjoining county another serious question is presented as to whether the consent of the voters of the entire county must first be obtained.

The authorities considered in reaching this conclusion are set forth below.

With best wishes,
Cordially,

Daniel R. McLeod
Attorney General

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