

1973 WL 26683 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 30, 1973

\*1 Mr. H. Edward Smith  
Brown, Jefferies & Boulware  
Attorneys and Counsellors at Law  
Bankers Trust Building  
Barnwell, South Carolina 29812

Dear Mr. Smith:

In response to your initial question, South Carolina Code Ann. § 14-350.14 (Supp. 1971), requires the governing authority to formally approve the zoning plan submitted by the Planning Commission. Act. No. 960, (1966) S. C. Acts and Joint Resolutions 2330, provides that notwithstanding the provisions of South Carolina Code Ann. § 47-311 (1962), the governing body of the City of Barnwell shall consist of a Mayor and six aldermen. In light of these provisions, I feel it is the duty of the Mayor and City Councilmen to approve or reject the plan; the South Carolina Code of Laws does not require that the plan mandatorily be submitted to the electors for approval as a referendum.

In reference to your last question, public funds would necessarily be expended in an advisory referendum, as such, there-must be statutory authorization to sanction it. Please find enclosed two opinions directed to this issue.

Please contact me if I can provide any further assistance.

Very truly yours,

Hardwick Stuart, Jr.  
Assistant Attorney General

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