

1973 WL 27704 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 12, 1973

*1 The Honorable Alexander M. Sandors, Jr.

Member

House of Representatives

Richland County

Post Office Box 11252

Columbia, South Carolina 29211

Dear Alex:

Thank you for your letter of July 6, 1973, concerning the constitutionality of a proposed Georgetown County zoning ordinance.

Linwood Altman wrote me about this and sent me a copy of the ordinance, together with a copy of an opinion which Sylvan Rosen, the County Attorney for Georgetown County, had rendered. I did not express an opinion on the matter, as I did not think it appropriate to intrude into the County Attorney's jurisdiction without his request, and I so informed Linwood. I also talked to AI Chalk and informally advised him that, in my opinion, the ordinance could not stand because it contains language to the effect that the zoning regulation should be paramount, irrespective of State or Federal law or regulation to the contrary. Sylvan Rosen's opinion referred to this point, but he dealt chiefly with the effect which the zoning regulation would have upon a citizen's use of his property and concluded that it was an unreasonable restriction on the use of such property. It is my understanding that the County Council, based on Sylvan Rosen's opinion I presume, did not adopt the zoning ordinance.

With best wishes,

Cordially,

Daniel R. McLeod

Attorney General

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