

1973 WL 27652 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 10, 1973

***1 In Re: Richland County Council, Ordinance Prohibiting Certain Flashing Lights and Signs**

Honorable Frank Powell
Sheriff
1400 Ruger Street
Columbia, South Carolina

Dear Sheriff Powell:

You have inquired as to the validity of Richland County Ordinance 1-73, prohibiting flashing lights and confusing signs and lights near roadways, which ordinance provides a penalty of \$100 or 30 days, or both, for violation thereof.

Counties are not vested with the police power of the State in the sense that their governing bodies may enact criminal statutes. The General Assembly is even prohibited from delegating such power to any one county by specific legislation. [Gaud v. Walker](#), 214 S.C. 451, 53 S.E.2d 316. The question of whether or not the General Assembly is empowered to delegate such authority to all counties has not been decided. See [Gaud](#), headnotes 19, 20.

In South Carolina, only the General Assembly and the councils of municipalities are empowered to enact valid penal statutes.

In view of this foregoing, it is the opinion of this Office that Richland County Council Ordinance 1-73 is invalid because the Richland County Council is not empowered to enact penal statutes.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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