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The State of South Carolina



Office of the Attorney General

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September 14, 1992

The Honorable Harry M. Hallman, Jr.
Member, House of Representatives
1275 Vagabond Lane
Mount Pleasant, South Carolina 29464

Dear Representative Hallman:

You state that the City of Isle of Palms does not have the funds to maintain public rest rooms. You ask for the opinion of this Office whether the City of Isle of Palms may charge the public a reasonable fee for use of the facilities to cover the cost of supplies and maintenance.

Generally, it is the rule that

municipal corporations possess and can exercise only such powers as are granted in express words, or those necessarily or fairly implied in or incident to the powers expressly conferred, or those essential to the accomplishment of the declared objects and purposes of the corporation.

56 Am.Jur.2d Municipal Corporations, § 194. See also Lomax v. City of Greenville, 225 S.C. 289, 82 S.E.2d 191 (1954). S.C. Code Section 5-7-30 provides

Each municipality of the State, ... may enact regulations, resolutions, and ordinances, not inconsistent with the Constitution and general law of this State, including the exercise of powers in relation to roads, streets, markets, law enforcement, health, and order in the municipality or respecting any subject which appears to it necessary and proper for the security, general welfare, and convenience of the municipality or for preserving health,

The Honorable Harry M. Hallman, Jr.

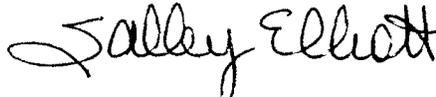
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peace, order, and good government in it,
including the authority to ... make assess-
ments and establish uniform service charges
relating to them ... (Emphasis added)

It appears that the authority found in Section 5-7-30 allowing the establishment of uniform service charges is sufficiently broad to permit the City of Isle of Palms to charge the public a reasonable fee for the use of public rest room facilities in order for the City to provide the supplies and necessary maintenance. However, the City will need to review and abide by any regulation or condition imposed upon it by the entities or sources of grants or funds used to construct the public rest rooms as it is possible that the regulations or conditions may preclude a service charge for use of the facility.

Sincerely,



Salley W. Elliott
Assistant Attorney General

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REVIEWED AND APPROVED BY:



Robert D. Cook
Executive Assistant for Opinions