

1978 WL 34630 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

Opinion No. 78-71

May 3, 1978

\*1 B. Monroe Hiers, Esquire  
109 North Street  
Bamberg, S. C. 29003

Dear Mayor Hiers:

Your recent letter to Attorney General McLeod has been referred to me for response. You request an interpretation of [§ 5-7-40, 1976 Code of Laws of South Carolina](#), as amended.

And particularly you have asked whether the words ‘public meeting’ refer to a regularly scheduled council meeting, or to some other type of meeting. [Section 5-7-40](#) reads as follows:

All municipalities of this state may own and possess property within and without their corporate limits, real, personal or mixed, without limitation, and may, by ordinance of the council adopted at a public meeting and upon such terms and conditions as such council may deem advisable, sale, alien, convey, lease or otherwise dispose of any such property at will.

Based on the fact that the statute requires the council to adopt an ordinance, and since ordinances are to be adopted at public meetings of the council, it is my opinion that the public meeting referred to in 5-7-40 is a regularly scheduled meeting of the council. (See §§ 5-7-250, 260 and 270).

I have discussed the question discussed herein with Assistant Attorney General Karen L. Henderson, the attorney in this Office most familiar with Home Rule Legislation, and she concurs in this opinion. I hope this information will be of help to you.

Sincerely,

George C. Beighley  
Assistant Attorney General

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