

1976 WL 30917 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 31, 1976

\*1 It is the opinion of this office that the requirements of Act 881, Acts of 1962, Section 46-100, et seq., a general law, cannot be waived or negated by the Clarendon County Council.

Honorable John C. Land, III  
Senator  
District 12

#### QUESTION

Are the provisions of Act 881, Acts of 1962, codified as Section 46-100, et seq., that provide for an annual license for a mobile home by the county in which the same is situate mandatory or may the Clarendon County Council enact an ordinance to waive the license requirement in that county?

#### STATUTES INVOLVED

Sections 46-100, et seq., and 14-3703 of the South Carolina Code of Laws and Article 8, Section 7 of the South Carolina Constitution.

#### DISCUSSION

The 1962 Act was uniformly applicable to all counties when enacted and hence is a general law.

'In [State v. Hammond](#), 66 S. C. 219, 44 S. E. 797, this court said:

'With respect to territory, a law is general when it applies to the whole state, and local when it applies to only a part of the state. With respect to persons and things, a law is general when it applies uniformly to all persons or things within a proper class, and special when it applies to only one or more individuals or things belonging to such class.'" [McKiever v. City of Sumter](#), 137 S. C. 266, 135 S. E. 60.

Section 14-3703 now provides the powers conferred upon the governing bodies of the counties and the language here controlling is that:

'Under each of the alternate forms of government listed in Section 14-3702, except the board of commissioners form provided for in article 6, each county government within the authority granted by the Constitution and subject to the general law of this State shall have the following enumerated powers which shall be exercised by the respective governing bodies thereof: \* \* \*.' (Emphasis added)

We find no provision that authorizes the county council to negate the requirements of a general law and Article 8, Section 7 of the Constitution, as amended, provides in part that:

'No laws for a specific county shall be enacted and no county shall be exempted from the general laws or laws applicable to the selected alternative form of government.' (Emphasis added)

The language of the Constitution is clear, however, should doubt of whether the county can negate a general law exist, that doubt must be resolved against the power.

'The rule is generally stated that the scope of sovereignty delegated to municipal corporations should not be enlarged by liberal construction. The powers conferred are strictly construed, and any fair, substantial, and reasonable doubt concerning the existence of any power, or any ambiguity in the statute upon which the assertion of such power rests, is to be resolved against the corporation, and the power denied. \* \* \*.' 56 Am. Jur. 2d, Municipal Corporations, Counties and Other Political Subdivisions, Section 195, page 248.

#### CONCLUSION

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