

1975 WL 29627 (S.C.A.G.)
Office of the Attorney General
State of South Carolina
March 27, 1975

***1 In Re: Town Ordinance Re Possession of Marijuana**

Honorable Ellen J. Albrecht
Recorder for Sullivan's Island
Box 397
Sullivan's Island, South Carolina 29482

Dear Judge Albrecht:

You have inquired as to the opinion of this Office on the validity of an ordinance by the Board of Township Commissioners for Sullivan's Island making it unlawful to possess certain drugs, including marijuana.

As you know, a municipal ordinance may not conflict with a State law. The State law with regard to the possession of marijuana imposes a maximum penalty greater than that which may be imposed by a municipal court. Since you may not impose a sentence of more than \$100 fine or 30 days, it is the opinion of this Office that the subject ordinance is in conflict with State law in this respect and is therefore invalid.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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