

1975 WL 29294 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 25, 1975

*1 Honorable J. S. Bird
Chief
Myrtle Beach Police Department
Myrtle Beach, South Carolina 29577

Dear Mr. Bird:

You have requested an opinion from this office as to the validity of an amendment to the City Code of Myrtle Beach changing the maximum fine limit from \$100 to \$200 pursuant to Section 47-32 of Act No. 283 of 1975, the 'home rule' legislation.

I am enclosing an earlier opinion from this office to the effect that the provisions of Act No. 283 as far as additional powers bestowed on county governing bodies thereby do not become effective until the new form of county government is selected pursuant to the Act. The same conclusion obtains vis a vis municipalities inasmuch as, according to Part II, Article II of the Act, the selection of one of the three forms of municipal government provided for therein is to be made by the municipal governing body which is to select the form most nearly corresponding to the form in effect in that municipality on March 1, 1974. Only after that selection is made by ordinance and that ordinance is filed with the Secretary of State, who then issues an appropriate certificate of incorporation to the municipality, can the powers vested in and duties imposed upon the municipal governing body under the new form of government be exercised.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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