

1974 WL 27896 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

July 31, 1974

*1 Mrs. Marie Rogers
Clerk and Treasurer
Town of Surfside Beach
U. S. Highway 17
Surfside Beach, South Carolina 29577

Dear Mrs. Rogers:

Thank you for your letter of July 16, 1974. You have stated that your town was originally incorporated under provisions governing towns of under one thousand inhabitants but that the 1970 census placed the population at a figure in excess of 1,300 persons. You now inquire whether or not you are governed by the law applicable to towns over one thousand. South Carolina Code of Laws, 1962, Section 47-4 states

Entry of municipality into higher class.—When any city or town incorporated under the general laws of the State and classified on the basis of population at the time of its incorporation thereunder shall thereafter attain, by the then last preceding United States census, the increase in population requisite for eligibility in the next higher class of cities and towns classified by law according to population, such city or town shall thereupon automatically enter such next higher class and become incorporated under the general laws of the State applicable to other cities and towns in such next higher class, with all the rights, privileges and obligations of any other city or town of such next higher class.

And for all purposes the incorporation of any such city or town shall be deemed complete under the laws governing cities and towns of such newly entered class upon the mayor or attendant filing with the Secretary of State a certificate setting forth that such city or town was theretofore incorporated under the general laws of the State applicable to cities and towns of its then population and that by the last preceding United States census the population of such city or town makes it eligible to such next higher class.

Therefore, you automatically entered into the higher class and the only requirement to make this incorporation complete would be to file a certificate with the Secretary of State setting forth these facts.

Sincerely,

Treva Ashworth
Assistant Attorney General

1974 WL 27896 (S.C.A.G.)