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CHAPTER 1

General Provisions

**SECTION 4‑1‑10.** Division of State into counties; each county is a body politic and corporate.

 The State of South Carolina is divided into forty‑six counties. Each county is a body politic and corporate for the following purposes:

(1) To sue and be sued;

(2) To purchase and hold, for the use of the county, lands and personalty within the limits thereof;

(3) To make all contracts; and

(4) To do all acts in relation to the property and concerns of the county necessary thereto.

HISTORY: 1962 Code Section 14‑1; 1952 Code Section 14‑1; 1942 Code Section 2975; 1932 Code Section 2975; Civ. C. ‘22 Section 667; Civ. C. ‘12 Section 587; Civ. C. ‘02 Section 529; G. S. 403; R. S. 461; 1868 (14) 134; 1822 (17) 682; 1912 (27) 807; 1916 (29) 717; 1919 (31) 5.

**SECTION 4‑1‑20.** Procedures to follow when citizens desire to relocate courthouse.

 Whenever the citizens of any county desire to move the courthouse they shall file a petition to that effect stating the point to which the courthouse is proposed to be removed and signed by one third of the qualified electors of such county with the Governor, who shall within twenty days after the filing order an election in such county to be held within sixty days, at which election the electors shall vote for or against the proposed removal. The commissioners of election for such county shall appoint managers of each precinct in the county and furnish them with the necessary boxes and registration books, which the officers of registration may furnish the commissioners. Such election shall be conducted as general elections in this State, and all electors qualified to vote at general elections shall be entitled to vote thereat. The commissioners of election of such county shall receive the returns of the managers, tabulate the vote and declare the result. If two thirds of the qualified voters voting in such election vote in favor of such removal the governing body of the county shall take the necessary steps to remove the courthouse and public records of such county to the place designated.

HISTORY: 1962 Code Section 14‑2; 1952 Code Section 14‑2; 1942 Code Section 3037; 1932 Code Section 3037; Civ. C. ‘22 Section 729; Civ. C. ‘12 Section 645; Civ. C. ‘02 Section 579; 1899 (23) 77; 1919 (31) 40.

**SECTION 4‑1‑30.** Courthouse shall not be relocated within eight miles of county line.

 In the location of any courthouse by removal within this State it shall be unlawful to locate such courthouse within eight miles of any county line, all laws to the contrary notwithstanding.

HISTORY: 1962 Code Section 14‑3; 1952 Code Section 14‑3; 1942 Code Section 3037; 1932 Code Section 3037; Civ. C. ‘22 Section 729; Civ. C. ‘12 Section 645; Civ. C. ‘02 Section 579; 1899 (23) 77; 1919 (31) 40.

**SECTION 4‑1‑40.** Authority to change name of townships; notice of change.

 The governing body of any county may change the name of any township in its county. It shall give notice of such change of name as it may make within fifteen days thereafter by publication in a public gazette published in the county or by notices posted in at least three public places in the county if no gazette is published therein.

HISTORY: 1962 Code Section 14‑5; 1952 Code Section 14‑5; 1942 Code Section 3880; 1932 Code Section 3880; Civ. C. ‘22 Section 1121; Civ. C. ‘12 Section 1000; Civ. C. ‘02 Section 815; G. S. 641; R. S. 702; 1878 (16) 365.

**SECTION 4‑1‑50.** Chairmen of county boards of township commissioners may administer oaths in certain matters.

 The chairmen of the county boards of township commissioners in the several counties of this State may administer oaths as notaries public, in all matters connected with the conduct of their offices.

HISTORY: 1962 Code Section 14‑6; 1952 Code Section 14‑6; 1942 Code Section 3830; 1932 Code Section 3830; Civ. C. ‘22 Section 1074; Civ. C. ‘12 Section 955; 1907 (25) 651.

**SECTION 4‑1‑60.** Population added to certain cities by annexation shall be counted in applying statutes to counties.

 Whenever authority or direction is given by statute to a county containing a city having a population of more than seventy thousand according to the official United States census or the latest United States census, or words of similar import, such legislation shall be fully applicable to a county containing a city having a population of more than seventy thousand as revealed by a determination of the population of areas annexed to such city after the date of a decennial census, where such determination of population is certified by the Bureau of the Census, by adding the certified population of such annexed areas to the officially certified population of such city.

HISTORY: 1962 Code Section 14‑7; 1961 (52) 427.

**SECTION 4‑1‑70.** Investment of sinking funds in defense securities.

 The sinking fund commissions or other similar custodians of sinking funds of the various counties of the State may invest the sinking funds of their respective counties in United States Defense Bonds and Defense Securities.

HISTORY: 1962 Code Section 14‑10; 1952 Code Section 14‑10; 1942 (42) 1549.

**SECTION 4‑1‑80.** County officers shall be furnished office space, furniture and equipment by county.

 The governing body of each county shall furnish the probate judge, auditor, superintendent of education, clerk of court, sheriff, treasurer and master in equity of their respective counties office room, together with necessary furniture and stationery for the same, which shall be kept at the courthouse of their respective counties, and it shall supply the offices of such officials with fuel, lights, postage and other incidentals necessary to the proper transaction of the legitimate business of such offices.

 The provisions of this section, as they relate to office space in the courthouse, shall not apply to Richland County.

HISTORY: 1962 Code Section 14‑11; 1952 Code Section 14‑11; 1942 Code Section 3877; 1932 Code Section 3877; Civ. C. ‘22 Section 1118; Civ. C. ‘12 Section 997; Civ. C. ‘02 Section 812; R. S. 699; 1900 (23) 291; 1903 (23) 29; 1909 (26) 27; 1965 (54) 213.

**SECTION 4‑1‑90.** Furnishing rooms for courts and public officers when courthouse unusable.

 If at any time the courthouse of any county in this State shall be in course of reconstruction or repair or from any other cause shall not be in condition to be occupied, the governing body of the county must furnish suitable rooms for the accommodation of the courts and public officers.

HISTORY: 1962 Code Section 14‑14; 1952 Code Section 14‑14; 1942 Code Section 3878; 1932 Code Section 3878; Civ. C. ‘22 Section 1119; Civ. C. ‘12 Section 998; Civ. C. ‘02 Section 813; G. S. 634; R. S. 700; 1875 (15) 996; 1893 (21) 181.

**SECTION 4‑1‑110.** County funds not subject to levy.

 No funds raised by taxation for any county purposes whatsoever shall be subject to levy under the process of any court of this State.

HISTORY: 1962 Code Section 14‑18; 1952 Code Section 14‑18; 1942 Code Section 3868; 1932 Code Section 3868; Civ. C. ‘22 Section 1109; Civ. C. ‘12 Section 988; Civ. C. ‘02 Section 803; G. S. 617; R. S. 688; 1875 (15) 997.

**SECTION 4‑1‑120.** Operation of county government in county without county appropriation act.

 If no county appropriation act is enacted at any session of the General Assembly to provide for the county government of any county of the State then the appropriation, terms and conditions contained in the last enacted county appropriation act of such county shall be continued for an additional year; provided, that only usual appropriations and no special appropriations for unusual purposes, if contained in such act, shall be held as appropriated by the continuance of such act.

HISTORY: 1962 Code Section 14‑19; 1952 Code Section 14‑19; 1947 (45) 102; 1951 (47) 710.

**SECTION 4‑1‑130.** Fees to be paid by county.

 Each county shall pay:

 (1) The fees of the grand and petit jurors while in attendance upon the circuit court;

 (2) Witnesses’ fees in the State cases for actual attendance upon the circuit courts as provided by law;

 (3) Fees of physicians and surgeons testifying as experts before a coroner’s jury or the circuit court;

 (4) Fees of sheriffs and clerk of court as provided by law;

 (5) Fees of county coroners as allowed by law;

 (6) Fees or salaries of magistrates and constables;

 (7) The compensation of auditors, treasurers and county supervisors as provided by law; and

 (8) Accounts accrued for dieting prisoners confined in the State Penitentiary pending their trial or committed thereto for safekeeping and not for service of any sentence imposed by law.

HISTORY: 1962 Code Section 14‑20; 1952 Code Section 14‑20; 1942 Code Section 3859; 1932 Code Section 3859; Civ. C. ‘22 Section 1100; Civ. C. ‘12 Section 979; Civ. C. ‘02 Section 794; R. S. 676; 1893 (21) 489.

**SECTION 4‑1‑140.** Method of payment of court fees.

 The fees allowed jurors, constables and witnesses shall be paid by the treasurers of the respective counties on the presentation to them of certificates signed by the clerk of court or may be received by such treasurers in the payment of all county taxes on presentation of such certificates duly signed by the clerk of court.

HISTORY: 1962 Code Section 14‑21; 1952 Code Section 14‑21; 1942 Code Section 3860; 1932 Code Section 3860; Civ. C. ‘22 Section 1101; Civ. C. ‘12 Section 980; Civ. C. ‘02 Section 795; R. S. 677; 1893 (21) 489; 1954 (48) 1770.

**SECTION 4‑1‑150.** Fees charged by clerks of court and registers of deeds.

 Fees charged by clerks of court and registers of deeds of each county for recording, indexing and other services, except those fees and fines generated by circuit and family courts, may be established by ordinance of the governing body of the county.

HISTORY: 1977 Act No. 214 Section 15.

Code Commissioner’s Note

1997 Act No. 34, Section 1, directed the Code Commissioner to change all references to “Register of Mesne Conveyances” to “Register of Deeds” wherever appearing in the 1976 Code of Laws.

**SECTION 4‑1‑170.** Joint development of industrial or business park; consent of municipality.

 (A) By written agreement, counties may develop jointly an industrial or business park with other counties within the geographical boundaries of one or more of the member counties as provided in Section 13 of Article VIII of the Constitution of this State. The written agreement entered into by the participating counties must include provisions which:

 (1) address sharing expenses of the park;

 (2) specify by percentage the revenue to be allocated to each county;

 (3) specify the manner in which revenue must be distributed to each of the taxing entities within each of the participating counties.

 (B) For the purpose of bonded indebtedness limitation and for the purpose of computing the index of taxpaying ability pursuant to Section 59‑20‑20(3), allocation of the assessed value of property within the park to the participating counties and to each of the taxing entities within the participating counties must be identical to the allocation of revenue received and retained by each of the counties and by each of the taxing entities within the participating counties. Misallocations may be corrected by adjusting later distributions, but these adjustments must be made in the same fiscal year as the misallocations. Provided, however, that the computation of bonded indebtedness limitation is subject to the requirements of Section 4‑29‑68(E).

 (C) If the industrial or business park encompasses all or a portion of a municipality, the counties must obtain the consent of the municipality prior to the creation of the multi‑county industrial park.

HISTORY: 1989 Act No. 139, Section 1, eff June 6, 1989; 1992 Act No. 361, Section 36, eff May 4, 1992; 1993 Act No. 123, Section 2, eff June 14, 1993; 1997 Act No. 54, Section 1, eff June 5, 1997; 2001 Act No. 89, Section 47, eff July 20, 2001.

Editor’s Note

1993 Act No. 123, Section 7, effective June 14, 1993, provides as follows:

“SECTION 7. This act takes effect upon approval by the Governor and applies prospectively to any project for which an inducement agreement was not entered into before the effective date of this act; provided, however, that projects with respect to which an inducement agreement, millage rate agreement, or both, have been entered into before the effective date of this act are entitled but not required to use the provisions of Section 4‑29‑67 of the 1976 Code, as amended by this act, and also one or more of the provisions of the following subsections of Section 4‑29‑67 of the 1976 Code as in existence before the amendments contained in this act: (B); (F)(1)(c); (F)(2); (G); and (I); and provided further that investors having a lease agreement which was entered into before the effective date of this act meeting the eighty‑five million dollar minimum level of investment required under Section 4‑29‑67(C) within five years from the date the lease agreement was signed shall have seven years from the date the lease agreement was signed to complete the investment, unless a longer period is otherwise stipulated in the lease agreement. The last sentence of Section 4‑29‑67(I) of the 1976 Code, as amended by this act, is not applicable to any project with respect to which an inducement agreement was entered into or an inducement or similar resolution was adopted by the governing body of the county before the effective date of this act; provided, however, that if an inducement agreement has not been entered into before the effective date of this act, such an agreement must be entered into with respect to any such project within one year of the effective date of this act in order for pre‑inducement agreement project expenditures to qualify for the fee provided in subsection (D)(2). Any lease which was entered into with a county prior to the effective date of this act, in order to preserve the eligibility of certain property for subsequent inclusion in a fee in lieu of taxes arrangement, and which lease provides for lease payments within two dollars of what the property taxes on the leased property would otherwise have been, shall not be considered a lease agreement of any kind for purposes of beginning the running of any time period provided under Section 4‑29‑67 of the 1976 Code, including, but not limited to, the five, seven, and twenty‑year periods provided therein. For purposes of this SECTION 7, references to inducement or millage rate agreements shall be considered to exclude any amendments or replacements of such agreements.”

Effect of Amendment

The 1992 amendment revised the second paragraph of this section.

The 1993 amendment, in the second paragraph, added the second sentence, containing a proviso as to computing bonded indebtedness.

The 1997 amendment added the third paragraph.

The 2001 amendment divided the section into subsections (A), (B), and (C); and in subsection (B) inserted the sentence relating to misallocations.

**SECTION 4‑1‑172.** Multicounty parks to consist of contiguous counties.

 All multicounty parks must consist of contiguous counties.

HISTORY: 1995 Act No. 4, Section 3, eff January 10, 1995.

**SECTION 4‑1‑175.** Special source revenue bonds authorized; pledging of revenues; determination of debt limitation.

 A county or municipality receiving revenues from a payment in lieu of taxes pursuant to Section 13 of Article VIII of the Constitution of this State may issue special source revenue bonds secured by and payable from all or a part of that portion of the revenues which the county is entitled to retain pursuant to the agreement required by Section 4‑1‑170 in the manner and for the purposes set forth in Section 4‑29‑68. The county or municipality may pledge the revenues for the additional securing of other indebtedness in the manner and for the purposes set forth in Section 4‑29‑68.

 A county or municipality or special purpose district that receives and retains revenues from a payment in lieu of taxes pursuant to Section 13 of Article VIII of the Constitution of this State may use a portion of this revenue for the purposes outlined in Section 4‑29‑68 without the requirement of issuing the special source revenue bonds or meeting the requirements of Section 4‑29‑68(A)(4) by providing a credit against or payment derived from the revenues received and retained under Section 13 of Article VIII of the Constitution of this State.

 A political subdivision of this State subject to the limitation of either Section 14(7)(a) or Section 15(6) of Article X of the Constitution of this State pledging pursuant to this section all or a portion of the revenues received and retained by that subdivision from a payment in lieu of taxes to the repayment of any bonds shall not include in the assessed value of taxable property located in the political subdivision for the purposes of calculating the limit imposed by those sections of the Constitution any amount representing the value of the property that is the basis of the pledged portion of revenues. If the political subdivision, before pledging revenues pursuant to this section, has included an amount representing the value of a parcel or item of property that is the subject of a payment in lieu of taxes in the assessed value of taxable property located in the political subdivision and has issued general obligation debt within the debt limit calculated on the basis of such assessed value, then it may not pledge pursuant to this section revenues based on the item or parcel of property, to the extent that the amount representing its value is necessary to permit the outstanding general obligation debt within the debt limit of the political subdivision.

HISTORY: 1992 Act No. 361, Section 34, eff May 4, 1992; 1997 Act No. 149, Section 4, eff June 24, 1997; 2007 Act No. 116, Section 7.A, eff June 28, 2007.

Effect of Amendment

The 1997 amendment inserted the second paragraph.

The 2007 amendment, in the second undesignated paragraph added the final clause starting with “by providing a credit”.

**SECTION 4‑1‑180.** County employee furlough program; exemptions.

 (A) In a fiscal year in which the governing body of a county determines that an employee furlough is necessary, the governing body may institute employee furlough programs of not more than ten working days in the fiscal year pursuant to this section. The furlough must be inclusive of all employees of the county or within a designated department, agency or program of the county regardless of source of funds or place of work, including all employees in the designated area. If the county will incur costs for overtime under the federal Fair Labor Standards Act, law enforcement employees and correctional employees may be exempted from a mandatory furlough. Employees who provide direct patient or client care and front‑line employees who deliver direct customer services also may be exempted from the mandatory furlough. During this furlough, affected employees shall be entitled to participate in the same benefits as otherwise available to them except for receiving their salaries. As to those benefits that require employer and employee contributions, including, but not limited to, contributions to the South Carolina retirement systems or the optional retirement program, the county is responsible for making both employer and employee contributions if coverage would otherwise be interrupted; and as to those benefits which require only employee contributions, the employee remains solely responsible for making those contributions.

 (B) A governing body of a county may implement an employee furlough in any other manner authorized by law without participating in the mandatory furlough program authorized by this section and without being subject to the provisions set forth in this section including the provisions related to the South Carolina retirement systems.

 (C) A county governing body which implemented a furlough program on or after January 1, 2009, the terms of which were consistent with the requirements of the mandatory furlough program established pursuant to this section, may, during the fiscal year in which the provisions of this section take effect, make any employee and employer contributions necessary to ensure that a furloughed employee’s benefits were not interrupted as a result of the furlough.

HISTORY: 2010 Act No. 283, Section 1, eff June 16, 2010.