

SHORT TAKES ON MUNICIPAL CASE LAW (AND OTHER THINGS)

Danny C. Crowe
Turner, Padget, Graham & Laney, P.A.
Post Office Box 1473
Columbia, SC 29202
Direct Phone: 803-227-4239
Direct Fax: 803-400-1471
E-mail: dcrowe@turnerpadget.com

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Business Licenses

- South Carolina Self Storage Association, et al. v. City of Aiken, et al., Unpublished Op. No. 2012-UP-541 (S.C. Ct. App. filed October 3, 2012). In challenge to business license tax rate classification system, Court of Appeals affirmed circuit court's grant of summary judgment to municipalities based on plaintiff associations' lack of standing and failure to exhaust administrative remedies.
- MASC Model Business License Ordinance
 - Rate classifications updated
 - Charitable organizations – defined and made subject to taxation on certain income
- Singh v. City of Greenville, Unpublished Op. No. 2012-UP-227 (S.C. Ct. App. filed April 18, 2012). Court of Appeals upheld business license revocation based on operation of motel as a public nuisance.

FOIA

- Lambries v. Saluda County Council, 398 S.C. 501, 728 S.E.2d 488 (Ct. App. 2012). FOIA requires agenda for regular meeting and precludes amendment of the agenda during a meeting.
- S.C. Attorney General Opinion of August 28, 2012. Meetings of public bodies can be telephonic under certain circumstances.
- Freemantle v. Preston, 398 S.C. 186, 728 S.E.2d 40 (2012). Statutory standing for FOIA claims does not require a personal stake in the outcome.

Zoning

- Historic Charleston Foundation v. City of Charleston, Op. No. 27181 (S.C. Sup. Ct. filed October 17, 2012). Rezoning ordinance upheld as not constituting illegal spot zoning. Judicial review of the wisdom of legislative zoning decisions.
- Black v. Lexington County Board of Zoning Appeals, 296 S.C. 453, 722 S.E.2d 22 (Ct.App. 2012). Court of Appeals upheld BZA's grant of variance for expansion of a steel fabrication business.
- Wyndham Enterprises, LLC v. City of North Augusta, Op. No. 5030 (S.C. Ct.App. filed September 5, 2012). Court of Appeals reversed BZA's denial of special exception to sell fireworks as lacking sound evidentiary basis and "arbitrary and capricious."

Inverse Condemnation

- Carolina Convenience Stores, Inc. v. City of Spartanburg, 398 S.C. 27, 727 S.E.2d 28 (Ct.App. 2012). Physical damage to convenience store building by police during hostage incident was a legitimate exercise of the police power and did not constitute a "taking" of private property for public use.

Bath Salts

Act 140 of the 2011-2012 Session, amending S.C. Code sections 44-53-160 and 190, effective April 2, 2012.