



Annexation in South Carolina

There are three methods of annexation available under South Carolina law: the 100% petition and ordinance method, the 75% petition and ordinance method, and the 25% petition and election method. In each method, the annexation is initiated by a petition of all or some of the affected property owners to be annexed, rather than municipal action. All annexations require properties to be contiguous to existing municipal boundaries before the municipality can annex them.

100% Method of Annexation

The 100% petition and ordinance method for annexation in South Carolina, is described by SC Code Section 5-3-150(3). This is the most streamlined and the most common method of annexation. The process is initiated by 100% of property owners requesting annexation of their property by signing a petition. If the municipal council decides to accept the annexation, it then adopts an ordinance declaring the property to be annexed. The 100% method does not require a public hearing and is complete upon adoption of the ordinance.

The overwhelming majority of annexations occur under this method, typically one parcel at a time.

75% Method of Annexation

The 75% petition and ordinance method for annexation in South Carolina, is described by SC Code Section 5-3-150(1). This process is initiated by the submission of a petition signed by property owners from the area proposed for annexation. The 75% petition method requires that the signatories include at least 75% of the freeholders in the area who own at least 75% of the assessed property value in the area.

The 75% method requires a public hearing by the municipal council. The municipality must provide notice of the hearing at least 30 days in advance. Following the public hearing, if the municipal council determines to accept the annexation, it then adopts an ordinance declaring the property to be annexed. Various stakeholders can sue to challenge the annexation, including the municipal government itself, any resident of the municipality, or any resident or property owner of the area to be annexed.

25% Method of Annexation

The 25% petition and election method of annexation, described in SC Code Section 5-3-300, has not been successfully utilized by any municipality in the last five years. This method begins with a petition signed by at least 25% of the qualified electors within an area proposed for annexation. The municipal council certifies the petition by the adoption of a resolution and orders an election in the area to be annexed to determine if the majority of voters support the annexation.

If the majority of voters in the area to be annexed approve the annexation, electors within the municipality may oppose the annexation. Electors can oppose the annexation by submitting a petition against annexation signed by at least 5% of municipal voters. If the municipal council receives a petition, a second election on the annexation is held within the municipality. If a majority vote against annexation, there may be no further elections for annexation in the area for two years. If there is no petition opposing the annexation, the municipal council completes the annexation by adopting an ordinance.

If approved, the area is annexed into the municipality. Notably, property owners with 10 acres of agricultural land can opt out of the annexation.

The Municipal Association of South Carolina opposes any attempt to preempt cities and towns from annexing land pursuant to current state law. Furthermore, the Association opposes de-annexation and standing by county governments in the annexation process.