

7667 Liberty



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

HENRY McMASTER  
ATTORNEY GENERAL

December 17, 2003

Mr. J. William Taylor  
Cheraw Town Administrator  
Post Office Box 219  
Cheraw, South Carolina 29520

Dear Mr. Taylor:

In a letter to this office you referenced the provisions of S.C. Code Ann. Section 5-7-80 which provides for ordinances relating to the upkeep of property within a municipality so as to require that the owner of municipal property keep the property free of rubbish and other unsightly material. The statute further provides that:

The municipality may provide by ordinance for notification to the owner of conditions needing correction, may require that the owner take such action as is necessary to correct the conditions, may provide the terms and conditions under which employees of the municipality or any person employed for that purpose may go upon the property to correct the conditions and may provide that the cost of such shall become a lien upon the real estate and shall be collectable in the same manner as municipal taxes.

(emphasis added). Noting such emphasized portion of Section 5-7-80, you asked whether it is lawful to place removal or nuisance abatement costs onto municipal tax notices for collection by the town clerk.

A prior opinion of this office dated March 17, 1998 dealt with a similar question regarding S.C. Code Ann. Section 31-15-30 which deals with dwellings within a municipality deemed unfit for human habitation. Subsection 6 of such provision states:

That the amount of the cost of such repairs, alterations or improvements, vacating and closing, or removal or demolition by the public officer shall be a lien upon the real property upon which such cost was incurred and shall be collectible in the same manner as municipal taxes.

The question was raised as to whether such provision authorizes the city to collect the costs incurred in the same manner as the city collects delinquent municipal taxes. That opinion indicated that

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In interpreting a statute, the primary objective is to ascertain and effectuate the intent of the Legislature...The words of a statute must be given their plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation...Where the terms of a statute are clear and unambiguous, the court must apply those terms according to their literal meaning.

The opinion concluded that as to the portion of the statute indicating that the cost "shall be collectible in the same manner as municipal taxes",

...based upon the plain meaning of the terms used,...(the statute)...grants the City...the authority to collect the costs incurred thereunder in the same manner as it collects taxes, including delinquent ad valorem property taxes.

Consistent with such, in the opinion of this office, a city may collect the costs associated with correction of conditions authorized by Section 5-7-80 in the same manner as it collects municipal taxes. This would include placing these costs onto municipal tax notices by the town clerk.

With kind regards, I am,

Very truly yours,



Charles H. Richardson  
Senior Assistant Attorney General