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OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

March 17, 1998

Stuart B. Watson, Clerk/Treasurer
City of Bamberg
P.O. Box 300
Bamberg, South Carolina 29003

Re: Informal Opinion

Dear Mr. Watson:

Your opinion request has been forwarded to me for reply. You have asked for clarification of Section 31-15-30(6) of the South Carolina Code of Laws. Specifically, does Section 31-15-30(6) give the City of Bamberg the authority to collect the costs incurred under the section in the same manner as the City collects delinquent municipal taxes.

Section 31-15-30 provides in pertinent part as follows:

Upon the adoption of an ordinance finding that dwelling conditions of the character described in § 31-15-20 exist within a municipality, the governing body of such municipality may adopt ordinances relating to the dwellings within such municipality which are unfit for human habitation. Such ordinance may include the following provisions:

(6) 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 against the real property upon which such cost was incurred and shall be collectible in the same manner as municipal taxes. (emphasis added).

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In interpreting a statute, the primary objective is to ascertain and effectuate the intent of the Legislature. State v. Martin, 293 S.C. 46, 358 S.E.2d 697 (1987). The words of a statute must be given the plain and ordinary meaning without resort to subtle or forced construction to limit or expand the statute's operation. State v. Blackmon, 304 S.C. 270, 403 S.E.2d 660 (1991). Where the terms of a statute are clear and unambiguous, the court must apply those terms according to their literal meaning. Paschal v. State Election Commission, 317 S.C. 434, 454 S.E.2d 890 (1995).

The clear and unambiguous terms of Section 31-15-20(6) provide that the costs incurred under this section constitute a lien against the real property which shall be collectible in the same manner as municipal taxes. Included in a municipality's power to collect taxes is the power to collect delinquent ad valorem property taxes. S.C. Code Ann. § 5-7-300. You have asked whether the terms of Section 31-15-20(6) would permit the City of Bamberg to collect cost incurred under the section in the same manner it collects delinquent municipal taxes. It is my opinion, based on the plain meaning of the terms used, that Section 31-15-20(6) grants the City of Bamberg the authority to collect the costs incurred thereunder in the same manner as it collects taxes, including delinquent ad valorem property taxes. Of course, the City of Bamberg must also meet the other requirements found in Section 31-15-10 et seq.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I remain

Very truly yours,



Paul M. Koch

Assistant Attorney General