

The State of South Carolina



Office of the Attorney General

T. TRAVIS MEDLOCK
ATTORNEY GENERAL

REMBERT C. DENNIS BUILDING
POST OFFICE BOX 11549
COLUMBIA, S.C. 29211
TELEPHONE 803-734-3970

October 6, 1988

C. Dennis Aughtry, Esquire
Richland County Attorney
Post Office Box 192
Columbia, South Carolina 29201

Dear Mr. Aughtry:

As a follow-up to our opinion to you dated August 31, 1988, wherein we upheld prior opinions of this Office construing Section 5-31-1520 of the Code of Laws of South Carolina, I must advise that we are hereby modifying or limiting that opinion to some extent.

The opinions cited within the opinion of August 31, 1988, are still valid, and we believe that such opinions accurately reflect the requirements for extra-territorial extension of water and sewer systems for those municipalities which extend those services following the prescribed assessment procedure for installing water and sewer services in Chapter 31 of Title 5.

Further research reflects that there is more than one way to extend a water or sewer system and provide financing for such services. One such alternate method is the Revenue Bond Act for Utilities, Section 6-21-10 et seq. of the South Carolina Code. Within the Revenue Bond Act for Utilities, there is no provision requiring extension of both water and sewer services if one service is to be offered.

Thus, we would advise that prior opinions construing Section 5-31-1520 of the Code should be limited to those extra-territorial

C. Dennis Aughtry, Esquire

Page 2

October 6, 1988

provisions of services in which Chapter 31 of Title 5 is being used to finance the extension of those services.

With kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Assistant Attorney General

PDP:sds

REVIEWED AND APPROVED BY:

Robert D. Cook

ROBERT D. COOK
EXECUTIVE ASSISTANT FOR OPINIONS