

1972 WL 25357 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

June 15, 1972

**\*1 Re: North Charleston Consolidated Public Service District, Relation to City of North Charleston**

Honorable Allen R. Carter  
State Senator  
District No. 14  
P. O. Box 5244  
Charleston, South Carolina

Dear Senator Carter:

You have inquired whether or not the North Charleston Consolidated Public Service District may continue to provide services within the area of the District that has recently been chartered by the Secretary of State as the City of North Charleston.

While there may not be at the same time, within the same territory, two district municipal corporations exercising the same powers, jurisdiction, and privileges ([Wagener v. Smith, S.C., 71 S.E. 2d 1](#)), this rule does not apply to a public service district. Thus, the territory of an incorporated city may comprise all or part of an area constituting a public service district. [McQuillan, Municipal Corporations](#), § 7.08. There is nothing in the law of this State to prevent a special service district from continuing to serve part of its territory because that area has been formed into a municipality.

Since the general powers of a municipality are quite different from that of a service district, even though the district might be vested with some of the powers and authority possessed also by the municipality, the district is not prohibited from occupying the same territory as does a municipality. [Paine v. Port of Seattle, 70 Wash. 294, 126 P. 628](#), cited in [McQuillan, Municipal Corporations](#), § 7.08.

You inquire, further, whether or not, in the event the municipal area involved should cease by some legislative action to become a part of the district, and the city could contract with the district for services, a resident of the city could continue to serve on the district commission. Act No. 704, Acts of 1971, sets up residency requirements for commission members within the District. Should the City of North Charleston be deleted from the District by legislative action, a member resident in the deleted area would no longer be qualified to serve.

Yours very truly,

Joseph C. Coleman  
Deputy Attorney General

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