

1981 WL 158156 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 20, 1981

*1 Honorable Herbert C. Granger
Member
House of Representatives
Post Office Box 11867
Columbia, South Carolina 29211

Dear Representative Granger:

In response to your request for an opinion from this Office as to whether or not the Western Carolina Regional Sewer Authority is authorized to impose liens for delinquent collection, my opinion is that it is so authorized pursuant to the provisions of Act No. 916 of 1946 [44 STAT. 2680 (1946)] as follows:

That the Greater Greenville Sewer District Commission [presently the Western Carolina Sewer Authority pursuant to Act No. 1415 of 1974] shall have power to establish and collect charges for sewerage services rendered to property within or without the Greater Greenville Sewer District, and outside an organized water and sewer sub-district, when such property is connected to and is using the sewerage system of Greater Greenville Sewer District. These charges may, at the discretion of the Commission, be: (a) A tax levied therefor, which tax shall be levied and collected by the same officers and in the same manner as is provided for the levy and collection of taxes for county purposes in Greenville County; or (b) Fixed rates or charges for the services rendered, which rates or charges shall be paid into the County Treasury in like manner as are taxes. The taxes or rates or charges shall be sufficient in each year to pay the cost of transporting, treating and disposing of the sewerage from the property served. All such taxes or rates or charges, if not paid when due, shall constitute a lien upon the property against which they are levied or fixed, and such lien may be foreclosed, as provided by law.

My research reveals that this statute has not been repealed by subsequent legislation and, accordingly, the Western Carolina Sewer Authority can impose liens for delinquent sewer account collection.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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