

1982 WL 189149 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 22, 1982

*1 Paul E. Short, Jr., Esquire
Attorney at Law
Post Office Box 547
Chester, South Carolina 29706

Dear Mr. Short:

With apologies for the delay, I am writing in response to your request for an opinion regarding the authority of the Chester County Council to create a special tax district for sewer services pursuant to [Section 4-9-30\(5\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended. In my opinion, the Council cannot create an agent commission to provide for a sewer system in portions of Chester County until a county-wide referendum is held on the question of whether or not Chester County is to provide sewer services pursuant to [Article VIII, Section 16 of the South Carolina Constitution](#). See, [Murphree v. Mottel](#), 267 S.C. 80, 226 S.E.2d 36 (1976). My research indicates that at present there are two special purpose districts providing sewer services to portions of Chester County: the Chester Metropolitan District [see, Act No. 379 of 1959, as amended] and the Chester Water and Sewer District. See, Act No. 480 of 1963, as amended. Pursuant to [Sections 6-11-410 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, the Chester County Council is authorized to expend, diminish or consolidate the service areas of special purpose districts situate wholly within Chester County as these two districts are.

I am enclosing a copy of the opinion alluded to in your letter to the effect that [Sections 6-11-10 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, may have been impliedly repealed by the 'home rule' legislation.

With kind regards,

Karen LeCraft Henderson
Deputy Attorney General

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