

1980 WL 121094 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 13, 1980

\*1 Honorable Caldwell T. Hinson  
Member  
House of Representatives  
1115 Chesterfield Avenue  
Lancaster, South Carolina 29720

Dear Representative Hinson:

You have requested an opinion from this Office as to whether or not a city can enforce its zoning and planning ordinances (including building codes) in areas outside of the city limits by virtue of providing water and sewer services to those areas by contract. In my opinion, the city is not so authorized.

While a city is authorized to provide any of its services beyond its incorporated limits by contract pursuant to [Section 5-7-60, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, nothing in that provision empowers the city to extend at the same time its authority with respect to any matter other than that which is the subject of the contract. Furthermore, while a city is authorized to adopt zoning and planning ordinances pursuant to [Sections 5-23-10 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, nothing in those provisions authorizes the city to enforce those ordinances outside of its incorporated limits, with the exception of [Sections 5-23-580 and 5-23-660 of the Code](#) which extend the territorial jurisdiction of a municipal planning commission over the subdivision of land and the laying out of new streets to land located within three miles of the corporate limits not within any other municipality. In fact, [Section 5-23-740 of the Code](#) provides:

Nothing herein contained shall be construed to give or permit any such planning commission to exercise any authority and power beyond the corporate limits of cities and towns, except in the matter of planning and laying out new streets in new subdivisions, it being the express intent hereof that in all other matters and things referred to it, such planning commission shall have only advisory powers.

Finally, while a city is authorized to establish a local planning commission [[see, §§ 6-7-310 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended] whose jurisdiction may include ‘unincorporated areas adjacent to’ the city, that jurisdiction can be so extended only with the agreement of the county governing body, [See, § 6-7-330, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended.

With kind regards,

Karen LeCraft Henderson  
Senior Assistant Attorney General

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