

1980 WL 120696 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

March 4, 1980

\*1 Honorable T. Ed Garrison

Member

South Carolina Senate

State House

Columbia, South Carolina

Dear Senator Garrison:

Pursuant to our telephone conversation this date, I am writing to advise you concerning the Sandy Springs Water District located in Anderson County, South Carolina. In response to your inquiry as to whether or not the Town of Pendleton can extend water service to an area outside of its corporate limits, which area is presently included within the service area of the Sandy Springs Water District, my opinion is that it cannot as discussed below.

My understanding is that the Sandy Springs Water District was created by charter dated September 24, 1971, pursuant to the provisions of Act No. 363 of 1969. 56 STAT. 636 (1969). Section 2 of that Act provides in part as follows:

The Authority may grant franchises to nonprofit corporations to construct and operate water systems in designated geographical areas in the county for periods not to exceed sixty years . . . The Authority may also authorize the creation of water districts in areas designated and approved by the Authority. Such districts shall be created in the manner prescribed in Act No. 1022 of 1964.

Pursuant to this language, the Anderson County Water Authority authorized the creation of the Sandy Springs Water District in accordance with Act No. 1022 of 1964. 53 STAT. 2341 (1964). That legislation empowers rural community water districts: . . . to acquire, construct and operate a water works system, . . ., for domestic, commercial or industrial users who can be conveniently and economically served within or without the service area as may be created . . . 53 STAT. at 2342.

Although neither the 1969 legislation nor the 1964 legislation speaks of the franchises of the water districts created thereunder as exclusive ones, [Section 5-7-60, CODE OF LAWS OF SOUTH CAROLINA](#), 1976, as amended, prohibits a municipality from extending the provision of any of its services outside of its corporate limits if such extension includes 'a designated service area . . . of another municipality or political subdivision, including water and sewer authorities,' without the approval of the governing body of the municipality or other political subdivision concerned. Inasmuch as the Sandy Springs Water District's service area abuts the corporate limits of Pendleton, as I understand it, the Town of Pendleton cannot extend water service to that area without the approval of the Sandy Springs Water District governing body.

With kind regards,

Karen LeCraft Henderson

Senior Assistant Attorney General

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