

1980 WL 120884 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 19, 1980

\*1 Leo H. Hill, Esquire  
Hill, Wyatt & Bannister  
Post Office Box 2585  
Greenville, South Carolina 29602

Dear Mr. Hill:

You have requested an opinion concerning the powers of the Wade Hampton Water and Sewer District (hereinafter the District) to enact regulations which would govern and control what an owner would have to do when a high-rise unit is constructed in that district. These regulations would enable the fire district to provide fire protection in a high-rise building, which protection it could not provide without these regulations. You have indicated that the county does not choose to act at this time to adopt a building code which would relate to certain fire protection matters. Although the matter is not entirely free from doubt, it is most probable that the District could adopt certain regulations in this regard.

The District is given the power to 'prescribe regulations . . . to enable the Commission to fully discharge the duties placed upon it . . .' Act No. 854, § 3(6) South Carolina Acts and Joint Resolutions, 1954. In addition the District has the powers 'to do all other acts and things necessary or convenient to carry out any function or power committed or granted to the district.' *Id.* § 3(23). One of those functions granted to the District is that 'to establish, operate, and maintain a system of fire protection.' *Id.*, § 3(11). Therefore, the District could, most probably, adopt such regulations to operate the fire protection system.

It should be noted that the governing body of Greenville County is specifically permitted to adopt reasonable rules and regulations pertaining to buildings insofar as they relate to fire prevention. § 4-25-10, *Code of Laws of South Carolina (1976)*. However, this section does not grant the county the exclusive power to adopt rules or regulations. Therefore, it is the opinion of this office that, most probably, the Wade Hampton Fire and Sewer District could promulgate regulations concerning fire protection in high-rise buildings constructed in the District. It should be noted, however, that the District has not been granted any specific enforcement powers, other than the power to sue. Therefore, any rule or regulations could not permit the water and sewer district to impose a fine or penalty for the violation of such rules or regulations.

Sincerely yours,

David C. Eckstrom  
Assistant Attorney General

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