

1978 WL 35177 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 20, 1978

*1 James A. Bell, Esquire
Attorney at Law
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Dear Mr. Bell:

In response to your request for an opinion from this Office as to the procedures to be used in establishing special service districts within a county, [Section 4-9-30\(5\), CODE OF LAWS OF SOUTH CAROLINA](#), 1976, provides three alternative methods by which a tax district can be created within a county. As to fire districts specifically, there is an additional procedure provided by [Sections 4-19-10 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, which most probably has not been impliedly repealed by the provisions of [Section 4-9-30\(5\)](#). See also, Act No. 1063 of 1974, as amended [58 STAT. 2277 (1974)]. Finally, with respect to water and sewer districts, specifically, [Article VIII, Section 16 of the South Carolina Constitution of 1895](#), as amended, requires county-wide approval by referendum before a county can establish and operate, *inter alia*, water and sewer systems. I am enclosing herewith a copy of an earlier opinion on the question of whether or not the provisions of [Sections 6-11-10 et seq., CODE OF LAWS OF SOUTH CAROLINA](#), 1976, survive the enactment of Article VIII of the State Constitution as heretofore interpreted by the South Carolina Supreme Court. That opinion concludes that they have, most probably, been impliedly repealed.

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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