

1978 WL 35095 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 5, 1978

*1 William B. Patrick, Jr., Esquire
Attorney at Law
Post Office Drawer 1207
Greenwood, South Carolina 29646

Dear Mr. Patrick:

You have requested an opinion from this Office as to whether or not the Edgefield Water and Sewer Authority (Authority) is authorized to charge a sprinkler head charge on all fire sprinkler systems used within its service area. In my opinion, the Authority is so authorized.

Section 7(13) of Act No. 571 of 1971 [55 STAT. 1072 (1971)] empowers the Authority to 'prescribe rates and regulations under which water shall be sold for domestic and industrial use.' Pursuant to this authorization, the Authority enacted a rate ordinance, Section 9 of which prescribes a sprinkler head charge on all fire sprinkler systems of two dollars per sprinkler head per year. Whether fire sprinkler systems are used for domestic or industrial purposes or both, I think that such uses clearly are included among those as to which the Authority can prescribe rates.

It is generally held that a water company or district may make a reasonable charge to private persons and concerns for fire service, even though such person or concern may not actually use any water except in case of fire, for it is sufficient in this respect that the service is available and that it constitutes a special privilege not enjoyed by the public generally. 64 Am.Jur.2d Public Utilities § 55 at 589 (1972).

See also, [Gordon & Ferguson v. Doran](#), 111 N.W. 272 (charge for automatic sprinkling device); [Keystone Investment Co. v. Metropolitan Utilities District](#), 202 N.W. 416, 37 A.L.R. 1507 (wherein the court also held that an annual charge of \$60.00 for standpipe service was reasonable).

With kind regards,

Karen LeCraft Henderson
Senior Assistant Attorney General

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