

1974 WL 27702 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 8, 1974

***1 In Re: Darlington County Water and Sewer Authority, Hntendins Service Area Heyond Definite and Fstablished Boundary Lines**

Honorable David W. Keller, Jr.
Member
House of Representatives
Box 100
Florence, South Carolina 29501

Dear Mr. Keller:

Act No. 446 of 1971 created the Darlington County Water and Sewer Authority, whose territorial limits are coterminous with the boundaries of Darlington County—except for incorporated municipalities within the County. Provision is made for Darlington County municipalities to be included by consent.

House Bill 2346, now before the Senate, amends the 1971 Act by adding the words:
—and its (the Authority's) service area may also include any area without Darlington County.

You inquire whether or not the amendatory language of H. 2846 will permit annexation of other county areas without agreement of the governing body of such other county.

It is a well established principle of statutory construction that a statute must be reasonable definite and certain to be valid. C.J.S., Statutes, § 68. See also [Town of Honea Path v. Flynn](#), 255 S.C. 32, 176 S.E.2d 564, as to vagueness in statutes generally [criminal statute construed].

The language in question is obviously not clear, and it is the opinion of this Office that it could be construed to be so vague that it is impossible to ascertain the legislative intent, which construction would render the provision invalid. Since the bill is still under consideration, it is suggested that if legislative intent should be more clearly set forth, the bill, if approved, could better withstand an attack on its constitutionality.

In the area of statutory construction dealing with vagueness, there is no precise rule-of-thumb that can be applied to pre-determine the ruling of a court on every question. Each case is decided in light of its particular circumstances.

In view of the foregoing, it is the opinion of this Office that there is a substantial chance that the subject language of F. 2846 is so vague as to be meaningless, and, therefore, invalid.

Very truly yours,

J. C. Coleman
Deputy Attorney General

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