

1974 WL 27159 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

September 4, 1974

***1 RE: Town of Jackson Public Waterworks Commission**

The Honorable Irene K. Rudnick
Member
House of Representatives
Box 544
Aiken, South Carolina 29801

Dear Mrs. Rudnick:

Your letter of August 22, 1974, has been referred to me for answer. In your letter you ask the procedure by which the City Council may collect the utility rates on fire hydrants owed to it by the Jackson Waterworks Commission. You pointed out that the Circuit Court of Common Pleas in Aiken County rendered a Declaratory Judgment requiring the Jackson Waterworks Commission to pay the rates for the facilities and services made available to the Commission by the Town of Jackson. The Honorable J. B. Ness, Judge of the Second Judicial Circuit of South Carolina issued an Order dated August 27, 1973, holding:

(1) That the Ordinance of the Town of Jackson dated June 1, 1964, prescribing the bonded indebtedness regulations and rates to be charged for the facilities and services made available by the Water Works of the Town of Jackson, Aiken County, South Carolina does create a binding legal obligation on the Town of Jackson to pay hydrant rental to the Town of Jackson Public Works Commission.

(2) That by virtue of non payment of said hydrant rental by the Town of Jackson, the Town of Jackson Public Works Commission is awarded judgment against the Town of Jackson in the sum of One Thousand Nine Hundred Eighty Nine and ⁶²/₁₀₀ \$1,989.62 Dollars, and the Clerk of Court of Common Pleas for Aiken County is hereby directed to enter judgment accordingly.

By virtue of Judge Ness' Order, the Waterworks Commission is required to pay rental and is required to pay the sum of \$1,989.62. The proper procedure to recover these funds is for the City Council to apply to the Judge of the Second Judicial Circuit in the name of the Town of Jackson for enforcement of Judge Ness' Order of August 27, 1973. The City Attorney for the City of Jackson should be able to bring this action for you. If the City Attorney has any questions regarding the procedure to be followed, please have him contact this office.

Yours very truly,

M. Elizabeth Crum
Assistant Attorney General

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