

1973 WL 26699 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

April 5, 1973

\*1 Honorable C. Victor Pyle, Jr.

Member

House of Representatives

Greenville County

300 East Coffee Street

Greenville, S. C. 29601

Dear Mr. Pyle:

Thank you for your letter of March 14, 1973, inquiring if the Waterworks Commissioners for the City of City View may increase the water rate or add a sewer charge without authorization or approval from City Council.

Based upon the case of [City of Spartanburg v. Blalock](#), 223 S.C. 252, 76 S.E.2d 360, it is my opinion that the fixing of rates for such services is vested in the Waterworks Commissioners by the provisions of Section 59-179, Code of Laws, 1962. Apparently, all of the statutes now in existence touching upon the issue were upon the statute books at the time of that decision in 1953.

I do not find any authority for the sale of the waterworks system by the Waterworks Commissioners and, in my opinion, they do not have such authority.

The relationship between cities and Waterworks Commissioners has presented a difficult problem for the Supreme Court of this State on several occasions, but the foregoing conclusions appear to be warranted, particularly in the light of [Blalock](#).

With best wishes,

Very truly yours,

Daniel R. McLeod

Attorney General

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