CHAPTER 15

Sewage Collection, Disposal and Treatment by Governmental Entities

**SECTION 6‑15‑10.** Definitions.

 (1) The term “general obligation bonds” shall mean bonds payable from the proceeds of ad valorem taxes upon all taxable property within the corporate limits of the governmental entity issuing the same.

 (2) The term “sewer facilities” shall mean any facilities used or useful in the collection, treatment or disposal of sewage, and shall include sewer mains, sewer trunks, sewer collecting lines, sewer lateral lines, disposal facilities, treatment facilities and any tools or implements used in the construction, maintenance, operation, improvement or enlargement thereof.

 (3) The term “governmental entity” means any incorporated municipality, county, or special purpose district within the State of South Carolina.

 (4) The term “governing body” means, in the case of an incorporated municipality, the municipal council of the municipality, in the case of a county, the governing council or board thereof, and in the case of any special purpose district, the agency or commission charged by law with performing the functions of the special purpose district.

 (5) The term “municipality” shall mean any incorporated city or town.

 (6) The term “person” shall mean any individual, firm or corporation.

 (7) The term “sewage” shall mean domestic and industrial waste requiring collection, disposal or treatment.

 (8) The term “revenue bonds” shall mean bonds issued pursuant to Sections 6‑21‑10 to 6‑21‑570, inclusive, or Chapter 11, Title 6, or any other law incorporating the general provisions of either of these laws.

 (9) The term “ sewer service charge “ means any charge imposed by any municipality, county, or special purpose district for services rendered in the collection, disposal, or treatment of sewage.

 (10) The term “sewer connection fee” or “connection fee” or “tapping fee” shall be the charge imposed by any governing body upon any person for providing a tap in or connection to any sewer facilities.

 (11) The term “special purpose district” shall mean any special purpose or public service district now existing or hereafter created pursuant to general or special law and to which is committed any of the functions of collecting, disposing of and treating sewage.

HISTORY: 1962 Code Section 59‑507; 1965 (54) 693; 1986 Act No. 499, Section 1.

NOTES OF DECISIONS

In general 1

1. In general

Act which amended SC Code Ann Sections 6‑15‑10, 6‑15‑60 and 6‑15‑110, which dealt with assessments and special charges and not with taxes, does not unconstitutionally violate Article VIII, Sections 7 and 14 of SC Constitution, as amendments simply gave counties another way to comply with Article X, Section 12. Robinson v. Richland County Council (S.C. 1987) 293 S.C. 27, 358 S.E.2d 392.

**SECTION 6‑15‑20.** Governmental entities authorized to contract for collection and disposal of sewage and to construct sewer facilities; joint ownership.

 Every governmental entity shall be empowered to enter into contracts with other governmental entities for the collection of sewage, for the disposal of sewage, and for the treatment of sewage, and to that end shall be jointly and severally empowered to construct, operate, maintain, enlarge and improve sewer facilities designed for use by the parties to the contract. Such contract may provide for the joint ownership of the sewer facilities or for the ownership of such facilities by any of the contracting parties, provided that, in such event, the remaining parties shall be empowered to utilize such sewer facilities to the extent provided for in the contract.

HISTORY: 1962 Code Section 59‑507.1; 1965 (54) 693.

CROSS REFERENCES

Approval of sewage disposal methods at homesites, see Sections 44‑55‑810 et seq.

Septic tanks in certain counties, see Sections 44‑55‑610 et seq.

Sewage systems for manufacturing employees’ houses, see Sections 44‑55‑410 et seq.

Water and sewer facilities in counties, see Sections 44‑55‑1410 et seq.

LIBRARY REFERENCES

Municipal Corporations 712(2).

Westlaw Key Number Search: 268k712(2).

C.J.S. Municipal Corporations Section 1537.

**SECTION 6‑15‑30.** Execution and filing of contracts.

 Any contract made between governmental entities shall be executed on behalf of each contracting party, after it has been approved by resolution or other action taken by the governing body. Wherever any such contract shall be the basis for the issuance of revenue bonds or general obligation bonds by any of the contracting parties, such contract shall become a part of the transcript of proceedings incident to the issuance of such bonds and shall be filed in the manner prescribed by Section 11‑15‑10. Copies of all contracts made pursuant to this chapter shall also be filed with the Department of Health and Environmental Control.

HISTORY: 1962 Code Section 59‑507.2; 1965 (54) 693.

LIBRARY REFERENCES

Municipal Corporations 712(2).

Westlaw Key Number Search: 268k712(2).

C.J.S. Municipal Corporations Section 1537.

**SECTION 6‑15‑40.** Contract provisions for financing sewer facilities; bonds issued shall be for corporate purpose.

 Contracts made pursuant to this chapter may provide that the funds required for sewer facilities be furnished by each of the contracting parties or by one or more of them, or may further provide that any one or more of the contracting parties shall furnish funds therefor at stated intervals. Any and all bonds issued by any contracting party pursuant to such contract shall be issued for a corporate purpose of such issuer for which both general obligation and revenue bonds may be issued.

 Such contracts may provide that each contracting party shall pay a portion of the cost of operating and maintaining such sewer facilities and shall either provide that each contracting party shall pay a specified percentage of such operation and maintenance, or shall provide that the use of the sewer facilities be ascertained by metering or other device measuring the quantum of the use of each contracting party as a means of providing the share of the cost of operation and maintenance, and the parties may agree to periodic review and revision of such costs.

HISTORY: 1962 Code Section 59‑507.3; 1965 (54) 693.

CROSS REFERENCES

Bonds of political subdivisions, generally, see Sections 11‑15‑10 et seq.

LIBRARY REFERENCES

Municipal Corporations 911.

Westlaw Key Number Search: 268k911.

C.J.S. Municipal Corporations Section 1649.

**SECTION 6‑15‑50.** Inclusion of contract obligation in annual budget of contracting party; tax levy.

 The parties to the contract may obligate themselves to provide funds for the operation and maintenance of the sewer facilities, and when so obligated shall be required to include the quantum of such obligation in each annual budget of the contracting party, and shall be fully empowered to raise the same by ad valorem taxes levied in the manner that other ad valorem taxes are levied by or on behalf of such contracting party, or to raise the same through the imposition of a sewer service charge.

HISTORY: 1962 Code Section 59‑507.4; 1965 (54) 693.

LIBRARY REFERENCES

Municipal Corporations 961.

Westlaw Key Number Search: 268k961.

C.J.S. Municipal Corporations Sections 1739, 1742, 1748.

**SECTION 6‑15‑60.** Sewer charges authorized.

 The General Assembly confirms the right of any governmental entity to impose upon all those to whom sewer service is rendered, (a) a sewer service charge therefor, which may, in the discretion of its governing body, be sufficient to provide for all or any part of the cost of operating and maintaining the sewer facilities and to provide debt service on bonds or other obligations of the governmental entity issued to provide any type of sewer collection, disposal, or treatment service, and (b) a sewer connection charge, or connection fee or tapping fee designed to adequately reimburse the governing body for effecting the connection to provide sewer service.

HISTORY: 1962 Code Section 59‑507.5; 1965 (54) 693; 1986 Act No. 499, Section 2.

LIBRARY REFERENCES

Municipal Corporations 712(7).

Westlaw Key Number Search: 268k712(7).

C.J.S. Municipal Corporations Section 1538.

NOTES OF DECISIONS

In general 2

Validity 1

1. Validity

Act which amended SC Code Ann Sections 6‑15‑10, 6‑15‑60 and 6‑15‑110, which dealt with assessments and special charges and not with taxes, does not unconstitutionally violate Article VIII, Sections 7 and 14 of SC Constitution, as amendments simply gave counties another way to comply with Article X, Section 12. Robinson v. Richland County Council (S.C. 1987) 293 S.C. 27, 358 S.E.2d 392.

Section is not unconstitutional on grounds that it allows residents of one county to be treated differently than residents of other counties, despite argument that Home Rule Act was intended to make county government uniform throughout State. Robinson v. Richland County Council (S.C. 1987) 293 S.C. 27, 358 S.E.2d 392.

2. In general

Statute allowing any governmental entity to impose a sewer service or connection charge upon all those to whom sewer service is rendered did not require regional sewer authority to impose its new account fee on everyone in the district, not just on new customers joining the system after the effective date of the fee; the fact that some individuals avoided the new account fee due to astute planning or serendipity was no reason to invalidate an otherwise legitimate fee. J.K. Const., Inc. v. Western Carolina Regional Sewer Authority (S.C. 1999) 336 S.C. 162, 519 S.E.2d 561. Municipal Corporations 712(3.1)

Capital sewer service charge is clearly authorized by Section 6‑15‑60 where statute, in addition to authorizing “sewer service charge”, as defined in Section 6‑15‑10, also states that charge may, in discretion of governing body, be sufficient to provide debt service on bonds or other obligations of government entity issued to provide any type of sewer collection, disposal, or treatment service. Robinson v. Richland County Council (S.C. 1987) 293 S.C. 27, 358 S.E.2d 392.

**SECTION 6‑15‑70.** Sewer service charge may be added to water service charge; disconnection of water service for nonpayment of sewer charge.

 In instances where the governing body provides water service to any person to whom it furnishes sewer service, then the governing body of such governmental entity shall be fully empowered to add the sewer service charge to the charge rendered for water service in a single bill and to disconnect water service upon the failure of such person to pay both the water charge and sewer service charges.

HISTORY: 1962 Code Section 59‑507.6; 1965 (54) 693.

LIBRARY REFERENCES

Waters and Water Courses 203(13).

Westlaw Key Number Search: 405k203(13).

C.J.S. Waters Sections 707 to 710, 715 to 716, 720 to 722.

**SECTION 6‑15‑80.** Contracts with other agencies for joint collection of charges for sewer and water service.

 In instances where the governing body does not furnish water service, but some other private or public agency furnishes water service to some or to all of the persons to whom such governing body furnishes sewer collection service, then in such event the governing body shall be fully empowered to contract with such private or public agency for the collection of its sewer service charge as a part of a single joint bill for water and sewer service. Such contract shall be upon terms and conditions mutually agreeable and shall constitute the collecting agency, the agent of the particular governing body for the purpose of collecting sewer service charges as the governing body shall from time to time impose, and shall empower the collecting agency, as agent of the governing body to disconnect water service upon nonpayment of such sewer service charge.

HISTORY: 1962 Code Section 59‑507.7; 1965 (54) 693.

CROSS REFERENCES

Power of water companies to contract to disconnect water service for nonpayment of sewer charges, see Section 58‑7‑40.

LIBRARY REFERENCES

Municipal Corporations 712(2).

Westlaw Key Number Search: 268k712(2).

C.J.S. Municipal Corporations Section 1537.

**SECTION 6‑15‑90.** Levy of assessment for annual sewer service charge.

 In the event that it is impractical to provide for the collection of all or any part of the sewer service charge jointly with charges rendered by a private or public agency for water service, then in such event the governing body shall be fully empowered to levy an assessment for the annual sewer service charge. Prior to the making of any sewer connection or the furnishing of any sewage disposal service for which the prescribed sewer service charge shall pursuant to Section 6‑15‑100 become a lien on the property affected and prior to any subsequent increase in any sewer service charge not less than ten days’ written notice shall be given to each affected property owner notifying him of the nature and quantum of the sewer service charge and providing such property owner an opportunity, if desired and requested, to appear and be heard in person or by counsel before the governing body. Following such hearing, if such be requested and held, action shall be taken by the governing body and notice of its decision shall be given to the property owner concerned or his counsel as the case may be not less than ten days prior to the effective date of the sewer service charge. Any property owner aggrieved by the action of the governing body may proceed by appeal in the court of common pleas for the county in which his property or any part thereof lies, to have such court review the action taken by the governing body at which time the court will determine the validity and reasonableness of the sewer service charge. Sewer service charges not intended to become liens in the case of nonpayment may be imposed and subsequently increased upon any user without such notice and hearing. The appeal provided for herein shall be pursuant to the provisions of Chapter 7 of Title 18, providing for appeals to the court of common pleas.

HISTORY: 1962 Code Section 59‑507.8; 1965 (54) 693.

CROSS REFERENCES

Assessment of property taxes, generally, see Section 12‑37‑10 et seq.

Enforcement of collection of taxes, generally, see Section 12‑49‑10 et seq.

LIBRARY REFERENCES

Municipal Corporations 712(7).

Westlaw Key Number Search: 268k712(7).

C.J.S. Municipal Corporations Section 1538.

**SECTION 6‑15‑100.** Lien for sewer service charge.

 If the notice or notices prescribed by Section 6‑15‑90 shall have been given and any hearing requested pursuant thereto shall have been held all connection or tapping fees, sewer service charges and other charges imposed by the governing body following that procedure under authority of this chapter and not paid when due and payable, shall constitute a lien upon the real estate to which the sewage service concerned relates so long as the fees or charges remain unpaid. In addition to such other rights and remedies as may be available to the governing body in law or in equity for the collection of such fees and charges, the lien may be enforced by the governing body in the same manner and fashion as the lien of property taxes on real estate.

HISTORY: 1962 Code Section 59‑507.9; 1965 (54) 693.

CROSS REFERENCES

Enforcement of collection of taxes, generally, see Section 12‑49‑10 et seq.

LIBRARY REFERENCES

Municipal Corporations 712(7).

Westlaw Key Number Search: 268k712(7).

C.J.S. Municipal Corporations Section 1538.

**SECTION 6‑15‑110.** Other methods of collecting overdue charges.

 The method provided in this chapter for the enforcement of the collection of past due sewer service charges and connection fees by creating the liens against real property is not the exclusive method of enforcing this collection and the governing body is fully empowered to enforce the collection of these fees and charges in any other lawful manner in all or any part of the municipality, county, or special purpose district, including particularly by way of a contract as authorized under Section 6‑15‑80.

HISTORY: 1962 Code Section 59‑507.10; 1965 (54) 693; 1986 Act No. 499, Section 3.

CROSS REFERENCES

Enforcement of collection of taxes, generally, see Section 12‑49‑10 et seq.

Refinancing of bonds issued for Agricultural Marketing, see Section 46‑15‑20.

LIBRARY REFERENCES

Municipal Corporations 712(7).

Westlaw Key Number Search: 268k712(7).

C.J.S. Municipal Corporations Section 1538.

NOTES OF DECISIONS

In general 1

1. In general

Act 499 is not unconstitutional on grounds that it allows residents of one county to be treated differently than residents of other counties, despite argument that Home Rule Act was intended to make county government uniform throughout State. Robinson v. Richland County Council (S.C. 1987) 293 S.C. 27, 358 S.E.2d 392.

ARTICLE 8 Section 14 precludes legislature from delegating to counties responsibility for enacting legislation relating to subjects encompassed by that section, and from creating exceptions to general constitutional and statutory requirements for individual counties, but does not limit power of legislature to create alternate means, by general law, for counties to exercise constitutional powers; taxpayer argument that legislature had only one chance to enact legislation pursuant to ARTICLE 8 Section 7 of Constitution, and that once Home Rule Act was enacted legislature lost authority to enact any further legislation dealing with bonded indebtedness of counties or structure in administration of any governmental services, was rejected. Robinson v. Richland County Council (S.C. 1987) 293 S.C. 27, 358 S.E.2d 392.

Act which amended SC Code Ann Sections 6‑15‑10, 6‑15‑60 and 6‑15‑110, which dealt with assessments and special charges and not with taxes, does not unconstitutionally violate Article VIII, Sections 7 and 14 of SC Constitution, as amendments simply gave counties another way to comply with Article X, Section 12. Robinson v. Richland County Council (S.C. 1987) 293 S.C. 27, 358 S.E.2d 392.

**SECTION 6‑15‑120.** Enforcement of contracts.

 Any contract authorized pursuant to this chapter may provide for the enforcement of its terms and provisions through the means of specific performance, and any court of competent jurisdiction shall be fully empowered to enforce such contract according to its terms and conditions, and may utilize the process of injunction or mandamus to effect the enforcement thereof; and one contracting party may compel another contracting party to enforce the collection of sewer service charges where the agreement to impose sewer service charges is an obligation of any contract.

HISTORY: 1962 Code Section 59‑507.11; 1965 (54) 693.

LIBRARY REFERENCES

Municipal Corporations 712(2).

Westlaw Key Number Search: 268k712(2).

C.J.S. Municipal Corporations Section 1537.

**SECTION 6‑15‑130.** Issuance of general obligation bonds of special purpose district authorized.

 The governing body of any special purpose district entering into a contract pursuant to this chapter, by which it shall have agreed to issue bonds, whose proceeds are to be used for the purpose of constructing sewer facilities, or for any enlargement or improvement thereof, shall be fully empowered—in addition to all other authorizations then existing and without regard to any limitation otherwise imposed—to issue general obligation bonds of the special purpose district to enable such district to fulfill its contractual obligations. To the end that a convenient procedure may be prescribed therefor, such governing body shall be fully empowered to utilize the provisions of that portion of the County Bond Act now codified as Sections 4‑15‑70 to 4‑15‑180, inclusive, as such sections are now constituted or shall, after any amendment thereto, be hereafter constituted, it being intended that amendments or revisions of these sections of the County Bond Act shall be effective upon the powers granted by this section to governing bodies. It is intended that the statutory vehicle granted by this section to governing bodies for the issuance of bonds shall be in addition to power existing in such governing bodies to issue revenue bonds.

HISTORY: 1962 Code Section 59‑507.12; 1965 (54) 693.

LIBRARY REFERENCES

Municipal Corporations 911.

Westlaw Key Number Search: 268k911.

C.J.S. Municipal Corporations Section 1649.

**SECTION 6‑15‑140.** Powers granted by chapter shall be cumulative.

 All powers granted by this chapter are intended to be supplementary to any powers now existing and not in abrogation thereof.

HISTORY: 1962 Code Section 59‑507.13; 1965 (54) 693.