



The State of South Carolina  
**OFFICE OF THE ATTORNEY GENERAL**

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

July 21, 1999

Arthur Lee Gaston, Esquire  
Gaston, Gaston & Marion, P.A.  
124 Gadsden Street  
P.O. Drawer 608  
Chester, South Carolina 29706-0608

RE: Informal Opinion

Dear Mr. Gaston:

I have received your recent opinion request. You represent the Chester Metropolitan District (hereinafter the "District"), a special purpose district with its principal service area within Chester County including the corporate limits of the City of Chester. You have informed this Office that the burden of raising funds for garbage disposal within the City of Chester has recently fallen on the City rather than the County, which had previously provided the service. The City has approached the District and asked that the garbage collection fee be placed as an additional line item on the monthly water utility bill of the common users (water and garbage collection) residing within the City limits. The City has requested that the District cut off the water of any common user who fails to pay the monthly garbage collection fee. You have asked whether the District possesses this power.

I have reviewed the District's enabling legislation and other statutes relating to your question. Unfortunately, these pieces of legislation do not provide a clear answer to your question. Further, I have not been able to locate any case law or prior opinions of this Office addressing your question. Thus, in order to resolve your question with absolute finality, you may wish to pursue a declaratory judgment action.

Mr. Gaston  
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This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With best personal regards, I am

Sincerely yours,



Paul M. Koch  
Assistant Attorney General