



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

September 22, 1995

Michael L. M. Jordan, Esquire
Post Office Box 5668
Hilton Head Island, South Carolina 29938

RE: Informal Opinion

Dear Mr. Jordan:

Thank you for your letter of August 3, 1995, to Attorney General Condon, in which you sought an opinion as to whether the Fripp Island Public Service District would have the authority to adopt, as a part of its water regulations, a requirement that all newly constructed residences within the Fripp Island Public Service District be required to have sprinkler systems. In your thorough memorandum you referenced the enabling legislation of the District, various potential constitutional issues, and also the possibility that S.C. Code Ann. §6-9-60 (1994 Cum. Supp.) might pose some difficulty to the District.

Upon my researching the matter and talking with personnel at the South Carolina Building Code Council, I am of the view that the type of regulation envisioned by the District would be a matter within the purview of a building code. I understand from the Building Code Council that Beaufort County may already have adopted one or more of the standard codes authorized under §6-9-60, which code or codes would require modification or waiver to require that sprinkler systems be installed in newly constructed residences. There is a provision in §6-9-60 for a county to have the appropriate code or codes modified or varied upon a showing that the code or codes do not meet the needs of the county due to local physical or climatological conditions; the reasons which you cited in your letter, and particularly the fact that Fripp Island is isolated geographically (a local physical condition), could be pointed out to the Building Code Council for its consideration.

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I am enclosing herewith a copy of an opinion of this Office dated March 28, 1990, as to the authority of a special purpose district to adopt one or more of the standard codes detailed in §6-9-60. That opinion also suggested ways to work with county council to accomplish the same objective sought by the special purpose district.

You may wish to consult with the personnel at the Building Code Council to discuss this matter further and to obtain the forms necessary for waiver or modification of the relevant code or codes which have been adopted by Beaufort County Council. The general information telephone number for the Building Code Council is (803) 734-4255.

This letter is an informal opinion only. It has been written by a designated Senior 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 kindest regards, I am

Sincerely,

Patricia D. Petway

Patricia D. Petway
Senior Assistant Attorney General

Enclosure