

1982 WL 189504 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 13, 1982

**\*1 Re: Belvedere Water & Sewer District, a Special Purpose District in Aiken County**

Robert M. Bell  
County Attorney  
County of Aiken  
Post Office Drawer I  
Langley, South Carolina 29864

Dear Mr. Bell:

In response to your request for an opinion regarding the Aiken County Council's authority vis a vis the Belvedere Water & Sewer District, I can advise you as follows:

1. A special purpose district created by a special act of the South Carolina General Assembly can be dissolved pursuant to [Section 4-9-80, CODE OF LAWS OF SOUTH CAROLINA, 1976](#), as amended (Cum. Supp.).

2. Regarding the proposed repeal of that portion of the Aiken County Council's budget ordinance which imposes a tax within the Belvedere Water & Sewer District service area, the proposed repeal cannot be accomplished pursuant to [Section 4-9-1220, CODE OF LAWS OF SOUTH CAROLINA, 1976](#), as amended (Cum. Supp.), that is, by way of initiative and referendum, because that statutory provision specifies the only types of ordinances which the electors may petition to repeal and the ordinance which you have inquired about does not constitute one of those types. Moreover, while the Aiken County Council can itself repeal any ordinance which it enacts, it cannot do so if vested rights would be disturbed or if it would otherwise be acting inequitably by doing so. 6 McQUILLIN MUNICIPAL CORPORATIONS §§ 21.09 *et seq.*; 16 McQUILLIN MUNICIPAL CORPORATIONS §§ 44.01 *et seq.* Inasmuch as the District governing body requested the Aiken County Council to impose the tax (presumably pursuant to [Section 6-11-275, CODE OF LAWS OF SOUTH CAROLINA, 1976](#), as amended (Cum. Supp.)), the tax has been imposed and partially collected and the District has already committed some of the proceeds of the taxes collected, my opinion is that the Aiken County Council is most probably without authority under the circumstances hereinabove outlined to repeal that portion of the budget ordinance which authorized the imposition of the District tax.

With kind regards,

Karen LeCraft Henderson  
Deputy Attorney General

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