

1977 WL 36969 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 15, 1977

**\*1 RE: Laurens County Water Resources Commission**

Albert D. McAlister, Esquire

McAlister, Compton & McAlister, P.A.

Post Office Box 247

Laurens, South Carolina 29360

Dear Mr. McAlister:

You have requested an opinion whether the Laurens County Water Resources Commission can enact a rule, regulation, or ordinance requiring households or businesses located on one of the Commission's sewer lines to connect to that line and not to install a septic tank. In my opinion, the Commission may not enact such a regulation.

The powers and duties of the Commission are enumerated in the act creating the Commission. Act No. 1885 [1972] S. C. Acts 3754, § 8. Nowhere in the act is the Commission given the power to compel, by rule, regulation or ordinance, a property owner to connect to a sewer line belonging to the Commission. Neither is the Commission given general rule-making powers.

It is well established that an express enumeration of powers conferred on a municipal corporation operates to exclude all other powers not enumerated and not necessarily implied in those that are enumerated. 2 McQuillin § 10.23. This common-law rule of strict construction vis a' vis powers of municipal corporations applies a fortiori to quasi-municipal corporations which exercise only certain limited powers of local government.

Therefore, in my opinion, the Commission may not enact a regulation or ordinance which you have described. Nonetheless, the Commission may decide, under an alternate interpretation of the statute, that it does in fact possess such a power. It may then enact such an ordinance and thereby invite a declaratory judgment proceeding which would give all parties an authoritative interpretation of the law creating the Commission.

With kind regards,

Karen LeCraft Henderson

Assistant Attorney General

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