

1976 WL 30891 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

December 7, 1976

\*1 David B. Ward, Esquire  
City View City Attorney  
Post Office Box 10167 F. S.  
Greenville, South Carolina 29603

Dear Mr. Ward:

In response to your request for an opinion from this Office as to whether or not the provisions of Sections 59-171 et seq., CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended, provide the sole means by which a municipality can provide municipal public works, in my opinion, they do not nor did they when the City View Public Works Commission was created by ordinance in 1960.

In addition to the means provided by the provisions of Sections 59-171 et seq. of the Code, the provisions of new Article VIII of the South Carolina Constitution empower municipalities to:

... acquire by initial construction or purchase and may operate gas, water, sewer, electric, transportation or other public utility systems and plants.

See also, §§ 47-63, 47-73 and 47-89, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended (Cum. Supp.).

Previously, Article VIII, Section 5 of the State Constitution had empowered municipalities to acquire, by construction or purchase, and operate waterworks systems. Moreover, Section 47-699.123 of the 1962 Code provided another method of providing for municipal public works in those cities with a council-manager form of government and Section 59-158 of the 1962 Code set forth that the powers conferred by, inter alia, Sections 59-171 et seq. were an addition to the powers then enjoyed by South Carolina cities and towns. In the case of City View, the present Commission was created by municipal ordinance after the original City View Water and Sewer District was dissolved and all assets thereof were transferred to the Town of City View. I can find no prohibition against the Town of City View's having created its present Commission by ordinance and, consequently, no authority preventing it from abolishing the same.

With kind regards,

Karen LeCraft Henderson  
Assistant Attorney General

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