CHAPTER 33

Ice Plants

**SECTION 5‑33‑10.** Acquisition and operation of ice plant authorized upon vote of electors.

The municipal authorities of any incorporated city or town in this State may acquire, by construction or purchase, and operate manufactories or plants for making ice and may furnish ice at wholesale or retail for reasonable compensation. But no such purchase or construction shall be made except upon a majority vote of the electors in such cities or towns who are qualified to vote on a proposed increase of the bonded indebtedness of any such city or town.

HISTORY: 1962 Code Section 59‑541; 1952 Code Section 59‑541; 1942 Code Section 7272; 1932 Code Section 7272; Civ. C. ‘22 Section 4426; 1920 (31) 1040.

LIBRARY REFERENCES

Waters and Water Courses 183.

Westlaw Key Number Search: 405k183.

C.J.S. Waters Section 483.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Eminent Domain Section 16, Municipalities.

**SECTION 5‑33‑20.** Supervisor of plant; bond; removal.

The mayor and council of any city or the mayor or intendant and wardens or council of any town acquiring an ice plant under the provisions of this chapter may appoint such suitable and competent person or persons as may be necessary to operate such ice plant, at salaries to be fixed by such municipal authorities, and the person or persons so appointed may be required to give bond for the faithful performance of their duties in a sum to be fixed by such municipal authorities. Such person or persons may be removed at the will and pleasure of such municipal authorities.

HISTORY: 1962 Code Section 59‑544; 1952 Code Section 59‑544; 1942 Code Section 7274; 1932 Code Section 7274; Civ. C. ‘22 Section 4427; 1920 (31) 1040.

LIBRARY REFERENCES

Municipal Corporations 205.

Westlaw Key Number Search: 268k205.

**SECTION 5‑33‑30.** Selling price of ice.

The price at which the product of any such ice plant as may be established hereunder shall be sold may be fixed from time to time by the municipal authorities of any such city or town and shall be sufficient to reimburse such city or town for the expenses and cost of manufacture thereof, together with any interest for which such city or town may be liable upon any bonds issued for the purpose of acquiring such ice plant.

HISTORY: 1962 Code Section 59‑545; 1952 Code Section 59‑545; 1942 Code Section 7275; 1932 Code Section 7275; Civ. C. ‘22 Section 4428; 1920 (31) 1040.

LIBRARY REFERENCES

Waters and Water Courses 203(6).

Westlaw Key Number Search: 405k203(6).

C.J.S. Waters Sections 681, 684 to 686.

**SECTION 5‑33‑40.** Sale of ice plant.

Should the city council of any city in this State which owns its ice plant or any board which controls any such plant at any time receive an offer for such plant, the city council or board may order a special election in the city for the purpose of determining whether or not such offer shall be accepted.

HISTORY: 1962 Code Section 59‑546; 1952 Code Section 59‑546; 1942 Code Section 7276; 1932 Code Section 7276; 1925 (34) 155; 1927 (35) 176; 1930 (36) 1388.

LIBRARY REFERENCES

Waters and Water Courses 183.

Westlaw Key Number Search: 405k183.

C.J.S. Waters Section 483.

NOTES OF DECISIONS

In general 1

1. In general

Section was held constitutional in McKiever v. City of Sumter (S.C. 1926) 137 S.C. 266, 135 S.E. 60.

**SECTION 5‑33‑50.** Security required of proposed purchaser.

Prior to the ordering of such election the city council or board controlling the plant may take from the proposed purchaser such security as it may deem sufficient for the performance of the offer of purchase in the event of its acceptance.

HISTORY: 1962 Code Section 59‑547; 1952 Code Section 59‑547; 1942 Code Section 7276; 1932 Code Section 7276; 1925 (34) 155; 1927 (35) 176; 1930 (36) 1388.

LIBRARY REFERENCES

Waters and Water Courses 183.

Westlaw Key Number Search: 405k183.

C.J.S. Waters Section 483.

**SECTION 5‑33‑60.** Notice of election on issue of sale.

In the event such election be ordered four weeks’ notice thereof shall be given by publication in a newspaper of general circulation in such city once in each week for four weeks preceding the date of such election. Such notice shall contain in substance the terms of the offer for such property.

HISTORY: 1962 Code Section 59‑548; 1952 Code Section 59‑548; 1942 Code Section 7276; 1932 Code Section 7276; 1925 (34) 155; 1927 (35) 176; 1930 (36) 1388.

LIBRARY REFERENCES

Waters and Water Courses 183.

Westlaw Key Number Search: 405k183.

C.J.S. Waters Section 483.

Attorney General’s Opinions

Absent amendment of notice statutes requiring notice in a newspaper of general circulation by the General Assembly, the term newspaper of general circulation cannot be extended to include online newspapers. S.C. Op.Atty.Gen. (October 21, 2015) 2015 WL 6745997.

**SECTION 5‑33‑70.** Sale authorized if election favorable; contract for operation; maximum rates.

In the event the result of the election is in favor of the acceptance of the offer so submitted to the people, the city council or board shall accept such offer, complete the sale by the conveyance to the purchaser of the property purchased and execute and deliver proper deeds of conveyance therefor. In connection with such sale, such city council or board may make and enter into an agreement with the purchaser for the operation of the property so purchased and the furnishing to the people of ice and may fix maximum rates therefor during such period as may then be agreed upon.

HISTORY: 1962 Code Section 59‑551; 1952 Code Section 59‑551; 1942 Code Section 7276; 1932 Code Section 7276; 1925 (34) 155; 1927 (35) 176; 1930 (36) 1388.

LIBRARY REFERENCES

Waters and Water Courses 183.

Westlaw Key Number Search: 405k183.

C.J.S. Waters Section 483.