CHAPTER 13

Rural Community Water Districts

ARTICLE 1

General Provisions

**SECTION 6‑13‑10.** Authority to establish and functions of water districts.

 There may be created in the counties of this State water districts which shall be bodies corporate and politic of perpetual succession. It shall be the purpose and function of any district created under the provisions of this article to acquire, construct and operate a waterworks system, utilizing therefor water from available sources, by purchase or otherwise, at such convenient points as the district shall select, to provide a flow of water through pipes for domestic, commercial or industrial users who can be conveniently and economically served within or without the service area as may be created. To this end the district shall perform the functions prescribed by this article, and shall be vested with the powers herein granted and all other powers that may be necessary or incidental in carrying out the functions herein prescribed and exercising the powers herein granted. The water mains, distribution facilities, tanks, their several component parts, and all apparatus, equipment and property incident thereto or used or useful in the operation thereof and all additions, improvements, extensions and enlargements to any of them shall be referred to in this article as the system.

HISTORY: 1962 Code Section 59‑626; 1964 (53) 2341.

CROSS REFERENCES

Rural community water district authorized or created under this chapter as “special purpose district” authorized to participate in consolidation of political subdivisions, see Sections 4‑8‑10, 4‑8‑20.

Water supply, generally, see Sections 44‑55‑10 et seq.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

Attorney General’s Opinions

Dissolution, etc., of district. A rural community water district formed pursuant to this chapter cannot be dissolved, terminated or abolished without an act of the General Assembly. 1967‑68 Op Atty Gen, No 2455, p 117.

This chapter does not limit the number of rural water districts that may be established in each county. 1965‑66 Op Atty Gen, No 2084, p 182.

Creation of water districts in Pickens County. The board of county commissioners of Pickens County is the only authority in that county authorized to call for election upon the question of the creation of rural community water districts. 1965‑66 Op Atty Gen, No 2024, p 91.

**SECTION 6‑13‑15.** Authority to provide service; sewerage collection, treatment, and disposal facilities.

 (A)(1) A rural water district established pursuant to this chapter prior to March 7, 1973, may provide sewer service to the area within its boundaries and its legal service area if, prior to the district utilizing the provisions of this section:

 (a) the district’s board has been selected from an area that encompasses the boundaries and the entire legal service area to which service has been extended by the district;

 (b) the district has received permission, by written resolution, from the governing body of the county in which the district is located; and

 (c) the provision of sewer service authorized by this section is consistent with any comprehensive plan or land use plan adopted pursuant to Chapter 29 of Title 6.

 (2) A rural water district established pursuant to this chapter prior to March 7, 1973, utilizing the provisions of this section, must not provide sewer service to:

 (a) areas outside the district’s boundaries and legal service area at the time the district’s governing body determines to utilize the provisions of this section; or

 (b) those parts of the area within the district’s boundaries and legal service area where sewer service is being provided by another private or governmental entity at the time the district’s governing body determines to utilize the provisions of this section.

 (B) The water district may build, acquire, construct, operate, and maintain sewage collection, treatment, and disposal facilities or contract for the use of any facilities as are, in the opinion of the governing body of the water district, necessary for the district. The district may impose such schedule of rates and charges for the use of sewage collection, treatment, and disposal facilities as the governing body of the district shall from time to time approve. The governing body of the district may place into effect and revise, whenever it wishes or is required, a schedule of rates for the sewer service made available by it to persons, firms, and corporations within the district. The powers of the district granted in Section 6‑13‑50 shall apply to the provision of sewer service by the district except for Section 6‑13‑50(23).

 (C) Unless they are owned by another political subdivision or other entity, the treatment and disposal facilities, transmission and collection lines, pump stations and their several component parts, and all other apparatus, equipment, and property incident to the provision of sewer service or used or useful in the provision of sewer service and all additions, improvements, extensions, and enlargements to any of them shall constitute a portion of the system belonging to the water district.

 (D) The powers provided to a water district by this section are in addition to all other powers authorized by law.

HISTORY: 2008 Act No. 358, Section 5, eff June 25, 2008.

**SECTION 6‑13‑20.** Procedure for creation of district.

 In order to create a district under the provisions of this article, at least twenty‑five owners of real property residing within the boundaries of the proposed district shall file a petition with the governing body of the county which, among other things, shall propose a name for the district. The petition shall set forth a full description of the area of the district. Upon receipt of the petition, the governing body shall call for an election to be held within the area within sixty days. Notice of the election shall be published in a newspaper having general circulation within the area for at least two consecutive weeks prior to the election. The governing body shall have prepared and distributed a sufficient number of ballots, including absentee ballots, if requested. The ballots shall contain the question regarding the formation of the district and such other instructions as the governing body deems necessary. The governing body shall appoint managers for the election and such other personnel as it deems necessary and shall canvass the results of the ballots. The final result shall be filed in the office of the clerk of court and, if favorable, also in the offices of the Secretary of State and the Code Commissioner, together with a full description of the district. Should a majority of those voting in the election vote in favor of the creation of the district, it shall become immediately effective.

HISTORY: 1962 Code Section 59‑626.1; 1964 (53) 2341.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

Attorney General’s Opinions

Time of holding second election. A reasonable time should be allowed to elapse before holding a second election to establish a rural water district after the same proposal in a prior election has been defeated. 1965‑66 Op Atty Gen, No 2084, p 182.

**SECTION 6‑13‑30.** Board of directors; membership; terms; vacancies; officers; revision of size of board.

 (A) The district shall be operated and managed by a board of directors to be known as the “\_\_\_\_\_\_\_\_\_\_ Rural Community Water District Board of \_\_\_\_\_\_\_\_\_\_ County” which shall constitute the governing body of the district. The board shall consist of five resident electors of the area who shall be appointed by the Governor, upon the recommendation of a majority of the county legislative delegation. The original appointments shall be for a term of two years for two appointees, for a term of four years for two appointees, and for a term of six years for one appointee. All terms after the initial appointments shall be for six years. All appointees shall hold office until their successors shall have been appointed and qualified. Any vacancy shall be filled in like manner as the original appointment for the unexpired portion of the term.

 Immediately after appointment, the board shall meet and organize by the election of one of its members as chairman, one as vice‑chairman, one as secretary, and one as treasurer. The offices of the secretary and treasurer may be combined in the discretion of the board.

 (B) Notwithstanding the provisions of subsection (A), the board of a rural community water district created by this article may revise the size of the board to not less than five members nor more than ten members by the procedure set forth in this subsection. To revise the board membership, the board must hold a public hearing in the district and adopt a resolution to increase or reduce the board membership by a vote of not less than seventy‑five percent of the existing board members. A resolution to increase the board must include the initial term of appointment for each seat added, not to exceed six years, and after that time the terms must be as provided for in subsection (A). A board member’s seat that is eliminated because of a resolution reducing the size of the board must cease to exist upon the expiration of the term of the board member serving in the seat being eliminated.

HISTORY: 1962 Code Section 59‑626.2; 1964 (53) 2341; 2006 Act No. 277, Section 1, eff May 23, 2006.

Effect of Amendment

The 2006 amendment, in subsection (A), in the second sentence added “a term of”; and added subsection (B) relating to revision of the size of the board.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

Attorney General’s Opinions

Discussion of how the Beech Island Rural Community Water District can fill upcoming vacancies on its board of directors if its bylaws and the statute creating water districts are not uniform. S.C. Op.Atty.Gen. (June 17, 2015) 2015 WL 4042030.

**SECTION 6‑13‑40.** Qualifications of voters.

 Any person who is qualified to vote under the general law of this State and who resides in the district shall be eligible to vote.

HISTORY: 1962 Code Section 59‑626.3:1; 1965 (54) 284.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

**SECTION 6‑13‑50.** Powers of district.

 The district, acting through its governing body, is hereby vested with all such powers as may be necessary or incidental to carry out its purposes, functions, and responsibilities including, but without limiting the following:

 (1) To have perpetual succession.

 (2) To sue and be sued.

 (3) To adopt, use and alter a corporate seal.

 (4) To define a quorum for meetings.

 (5) To maintain a principal office.

 (6) To make bylaws for the management and regulation of its affairs.

 (7) To build, construct, maintain and operate ditches, tunnels, culverts, flumes, conduits, mains, pipes, dikes, dams and reservoirs.

 (8) To build, construct, maintain and operate distribution systems for the distribution of water for domestic or industrial use.

 (9) To acquire and operate any type of machinery, appliances or appurtenances, necessary or useful in constructing, operating and maintaining the system.

 (10) To contract for or otherwise acquire a supply of water and sell water for industrial or domestic use.

 (11) To prescribe rates and regulations under which such water shall be sold for industrial and domestic use.

 (12) To enter into contracts of long duration for the sale of water with persons, private corporations, municipal corporations or public bodies or agencies.

 (13) To prescribe such regulations as it shall deem necessary to protect from pollution all water in its pipes, tanks, reservoirs, distribution systems or elsewhere within its system. Provided, that prior to the adoption of any regulation, the district shall hold a public meeting for the consideration thereof, and shall advertise in a newspaper of general circulation in the district the time and place of such meeting, and the general nature and scope of the regulation to be considered for adoption, and such notice shall be published on two occasions prior to such meeting, and at least ten days prior thereto.

 (14) To make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the district, including contracts and franchise agreements with nonprofit corporations to provide water and sewerage service for periods up to forty years.

 (15) To acquire, purchase, hold, use, lease, mortgage, sell, transfer and dispose of any property, real, personal or mixed, or any interest therein.

 (16) To make use of county and State highway rights of way in which to lay pipes and lines in such manner and under such conditions as the appropriate officials in charge of such rights of way shall approve.

 (17) Subject always to the limitations of Section 15, Article VIII, of the Constitution of this State, to make use of all the streets and public ways of an incorporated municipality for the purpose of laying pipes and lines.

 (18) To alter and change county and State highways wherever necessary to construct the system under such conditions as the appropriate officials in charge of such highways shall approve.

 (19) To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Sections 28‑5‑10 through 28‑5‑390 and 57‑5‑310 through 57‑5‑590, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of these Code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph. The provisions of this item shall not apply to public utilities and railroads which have the power of eminent domain.

 (20) To appoint officers, agents, employees and servants, to prescribe the duties of such, to fix their compensation and to determine if and to what extent they shall be bonded for the faithful performance of their duties.

 (21) To make contracts for construction and other services; provided, that such contracts shall be let on competitive bidding and shall be awarded to the lowest responsible bidder.

 (22) To borrow money and to make and issue negotiable bonds, notes and other evidences of indebtedness, payable from all or any part of the revenues derived from the operation of its system. The sums borrowed may be those needed to pay all costs incident to the construction and establishment of the system, and any extensions, additions and improvements thereto, including engineering costs, legal costs, construction costs; the sum needed to pay interest during the period prior to which the system or any extension, addition or improvement thereof, shall be fully in operation; such sum as is needed to supply working capital to place the system in operation; and all other expenses of any sort that the district may incur in establishing, extending or enlarging the system. Neither the full faith and credit of the State of South Carolina, nor the county, shall be pledged for the payment of the principal and interest of the obligations, and there shall be on the face of each obligation a statement, plainly worded, to that effect. Neither the members of the board, nor any person signing the obligations, shall be personally liable thereon. To the end that a convenient procedure for borrowing money may be prescribed, the district shall be fully empowered to avail itself of all powers granted by Chapters 17 and 21 of this title, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of the Code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph. In exercising the power conferred upon the district by such Code provisions, the district may make or omit all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by law. Notwithstanding contrary provisions in the Code, the district may:

 (a) Disregard any provision requiring that bonds have serial maturities, and issue bonds in such form and with such maturities as the district shall determine.

 (b) Provide that its bonds, notes or other evidence of indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of its system, as such net revenues may be defined by the district.

 (c) Covenant and agree that upon it being adjudged in default as to the payment of any installment of principal or interest upon any obligation issued by it, or in default as to the performance of any covenant or undertaking made by it, in such event the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured.

 (d) Confer upon a corporation trustee the power to make disposition of the proceeds from all borrowings and of all revenues derived from the operation of the system, in accordance with the resolution adopted by the authority as an incident to the issuance of any notes, bonds or other types of securities.

 (e) Dispose of bonds, notes or other evidence of indebtedness at public or private sale, and upon such terms and conditions as it shall approve.

 (f) Make provision for the redemption of any obligations issued by it prior to their stated maturity, with or without premium, and on such terms and conditions as the district shall approve.

 (g) Covenant and agree that any cushion fund established to further secure the payment of the principal and interest of any obligation shall be in a fixed amount.

 (h) Covenant and agree that no free service will be furnished to any person, municipal corporation, or any subdivision or division of the State.

 (i) Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which such consent shall be given.

 (j) Prescribe the events of default and the terms and conditions upon which all or any obligations shall become or may be declared due before maturity and the terms and conditions upon which such declarations and their consequences may be waived.

 (23) To extend its system or systems beyond the defined limits of the district, within or without the county, but contiguous to the district, to provide services to those living outside the district and outside any incorporated municipality when, in the discretion of the board, it is feasible and practicable so to do, in which case any person or agency receiving such service shall be subject to the same rules, regulations and requirements concerning services being received from the district as persons residing within the district. The board may, in its discretion, establish rates and charges higher than those within the district for the extension of its system and the provision of services beyond the limits of the district.

HISTORY: 1962 Code Section 59‑626.4; 1964 (53) 2341; 1968 (55) 2593, 2804.

CROSS REFERENCES

Power of nonprofit corporations financed by federal or state loans to exercised power of eminent domain, see Sections 33‑36‑270, 33‑36‑1360.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Eminent Domain Section 17, Special Purpose Districts and Agencies.

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.

A nonprofit corporation may be formed so as to include in its water service area existing water districts, but only by agreement with the included water district. 1967‑68 Op Atty Gen, No 2455, p 117.

**SECTION 6‑13‑60.** Exemption of rates from State regulation.

 The rates charged for services furnished by the system, as constructed, improved, enlarged and extended, shall not be subject to supervision or regulation by any State bureau, board, commission, or like instrumentality or agency thereof.

HISTORY: 1962 Code Section 59‑626.5; 1964 (53) 2341.

LIBRARY REFERENCES

Waters and Water Courses 203(6).

Westlaw Key Number Search: 405k203(6).

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

**SECTION 6‑13‑70.** Exemption of evidences of indebtedness and district property from taxes.

 (1) Bonds, notes or other evidence of indebtedness issued pursuant to Section 6‑13‑50 (22) and interest payable thereon are hereby exempted from any and all State, county, municipal and other taxation whatsoever under the laws of this State, and it shall be plainly stated on the face of each such obligation as follows: “The principal of and interest on this (bond, note, or other evidence of indebtedness) are exempted from any and all State, county, and municipal and other taxation whatsoever under the laws of the State.”

 (2) All property of the district shall be exempted from all ad valorem taxes levied by the State, county or any municipality, division, subdivision or agency thereof, direct or indirect.

HISTORY: 1962 Code Section 59‑626.6; 1964 (53) 2341.

LIBRARY REFERENCES

Taxation 218.

Westlaw Key Number Search: 371k218.

C.J.S. Taxation Section 304.

**SECTION 6‑13‑80.** Audits; annual reports.

 The district shall conduct its affairs on the fiscal year basis employed by the State. As shortly after the close of its fiscal year as may be practicable, an audit of its affairs shall be made by certified public accountants of good standing, to be designated by the district. Copies of such audits incorporated into an annual report of the district shall be filed with the auditor and treasurer of the county, and with the secretary to the legislative delegation of the county.

HISTORY: 1962 Code Section 59‑626.7; 1964 (53) 2341.

**SECTION 6‑13‑90.** Wilful damage to system, pollution of water or unlawfully obtaining water; penalties.

 It shall be unlawful for any person to wilfully injure or destroy, or in any manner hurt, damage, tamper with, or impair the system of the district, or any part thereof, or any machinery, apparatus or equipment of the district, or to pollute the water in any part of its system, or to obtain water therefrom except in accordance with the regulations promulgated by the district. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned for not more than thirty days, in the discretion of the court, and shall be further liable to pay all damages suffered by the district.

HISTORY: 1962 Code Section 59‑626.8; 1964 (53) 2341.

LIBRARY REFERENCES

Waters and Water Courses 212.

Westlaw Key Number Search: 405k212.

C.J.S. Waters Section 739.

**SECTION 6‑13‑100.** Contracts for sale of water to municipalities and public water systems.

 The municipalities of the county and all public bodies and public agencies now or hereafter operating water distribution systems in the county shall be fully empowered to enter into contracts to buy water from the district. These contracts shall extend over such period of time and shall contain such terms and conditions as shall be mutually agreeable to the district and to the contracting municipality, public body or public agency.

HISTORY: 1962 Code Section 59‑626.9; 1964 (53) 2341.

CROSS REFERENCES

Water supply, generally, see Sections 44‑55‑10 et seq.

LIBRARY REFERENCES

Waters and Water Courses 200.

Westlaw Key Number Search: 405k200.

C.J.S. Waters Sections 616 to 639.

**SECTION 6‑13‑110.** Protection of existing districts.

 All rights, powers and duties of any district now existing in the county are hereby expressly reserved.

HISTORY: 1962 Code Section 59‑626.10; 1964 (53) 2341.

**SECTION 6‑13‑120.** Procedure for dissolution of district.

 (A) For purposes of this section, “assuming service provider” includes, but is not limited to, a county, municipality, special purpose district as defined by Section 6‑11‑810(d), or corporation not‑for‑profit as defined by Section 33‑36‑10.

 (B) A district created pursuant to the provisions of this article may be dissolved if the procedures proscribed in subsections (C) or (D) of this section are followed.

 (C) A petition signed by not less than twenty‑five percent of the resident customers of the district, excluding corporations, requesting the dissolution of the district and identifying the assuming service provider must be presented to the governing body of the district. The governing body shall verify the petition within thirty days, and notify the county election commission of the county, or counties if the district is located in more than one county, in which the district is located of those customers eligible to vote in a referendum which must be held within sixty days after notification to the election commission. The district shall give thirty days notice to its customers of the referendum by including in the monthly statement for services a separate sheet of paper on which is printed the notice of the referendum which must state the time, date, purpose, and location where customers may vote. The commission, or commissions, if the district is located in more than one county, shall prepare the ballots, conduct the referendum, and determine its results pursuant to the election laws of this State, mutatis mutandis. The district shall reimburse the commission, or commissions, if the district is located in more than one county, for all costs incurred in conducting the referendum. If sixty percent of the resident users of the district voting in the referendum, excluding corporations, vote in favor of the dissolution of the district and its transfer to the assuming service provider, it is effective upon the assumption, by ordinance if assumed by a municipality or county, or by resolution if assumed by a special purpose district or nonprofit corporation, of all debts and obligations by the governing body of the assuming service provider. An assuming service provider must be located in the county where the district is located or be authorized to serve a contiguous area.

 (D) A petition signed by not less than seventy‑five percent of the resident customers of the district, excluding corporations, requesting the dissolution of the district and identifying the assuming service provider must be presented to the governing body of the district. The governing body shall verify the petition within thirty days. If the verified petition is signed by seventy‑five percent of the resident users of the district, excluding corporations, requesting the dissolution of the district and its transfer to the assuming service provider, it is effective upon the assumption, by ordinance if assumed by a municipality or county, or by resolution if assumed by a special purpose district or nonprofit corporation, of all debts and obligations by the governing body of the assuming service provider. An assuming service provider must be located in the county where the district is located or be authorized to serve a contiguous area.

 (E) The governing body of the district must notify the Secretary of State within sixty days of the referendum as provided in subsection (C), or verification of the petition as provided in subsection (D), if the district is dissolved.

HISTORY: 1993 Act No. 6, Section 1; 2000 Act No. 404, Section 6(A).

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

ARTICLE 3

Pioneer Rural Water District of Oconee and Anderson Counties

**SECTION 6‑13‑210.** Creation and purpose of Pioneer Rural Water District of Oconee and Anderson Counties.

 There is hereby created a body corporate and politic of perpetual succession to be known as the Pioneer Rural Water District of Oconee and Anderson Counties (hereinafter called the district). It shall be the purpose and function of the district to acquire, construct and operate a waterworks system, utilizing therefor water from available sources, by purchase or otherwise, at such convenient points as the district shall select to provide a flow of water through pipes to the areas described in Section 6‑13‑220, and to such other domestic, commercial or industrial users who can be conveniently and economically served within or without the service area as herein provided. To this end the district shall perform the functions prescribed by this article, and shall be vested with the powers herein granted and all other powers that may be necessary or incidental in carrying out the functions herein prescribed and exercising the powers herein granted. The water mains, distribution facilities, tanks, their several component parts, and all apparatus, equipment and property incident thereto or used or useful in the operation thereof and all additions, improvements, extensions and enlargements to any of them shall be referred to in this article as the system.

HISTORY: 1965 (54) 667.

CROSS REFERENCES

Water supply, generally, see Sections 44‑55‑10 et seq.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

Attorney General’s Opinions

Although there had been a change in the law since a prior opinion was issued, the conclusions of the prior opinion were affirmed; a court would likely find that the water district had the power to construct or contract for a water treatment facility. S.C. Op.Atty.Gen. (April 13, 2017) 2017 WL 152800.

If a court found that the construction of a new freshwater treatment facility was necessary to the District’s water distribution function, it might find the District had authority to take such action. S.C. Op.Atty.Gen. (April 30, 2012) 2012 WL 1649764.

**SECTION 6‑13‑220.** Service area.

 The district shall include and be comprised of the following territory which shall be known as the service area:

 COMMENCING at the southern limits of the Town of Westminster along Highway 123, thence to the Dunlop Plant, thence down Coneross Creek to the Hartwell Lake, thence around the shoreline of Hartwell Lake in a southerly and westerly direction to Choestoe Creek, thence to South Carolina State Highway No. 20, thence northward to the Corporate Limits of the Town of Westminster, thence along the southern limits of Westminster to point of beginning.

HISTORY: 1965 (54) 667.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

**SECTION 6‑13‑230.** Creation and membership of Pioneer Rural Water District Board of Oconee and Anderson Counties; election of board members.

 (A)(1) The district must be operated and managed by a board of directors to be known as the Pioneer Rural Water District Board of Oconee and Anderson Counties which constitutes the governing body of the district. The board must consist of five residents of the district’s service area who are qualified electors of Anderson or Oconee county. Board members serving on this subsection’s effective date shall serve the remainder of their terms pursuant to their appointment and until their successors are elected and qualified. Upon the expiration of the term of each member serving on this subsection’s effective date, the member’s term will be for three years and until a successor is elected and qualified. The members must be elected to represent distinct territories within the district’s service area. A vacancy must be filled for the remainder of the unexpired term.

 (2) Each board member must be elected by the qualified customers of Pioneer Rural Water District who are both (a) residents of the district’s service area and (b) qualified electors of Anderson or Oconee County. For purposes of this section, “resident” is an individual domiciled in Anderson or Oconee County. Each qualified customer is entitled to one vote, provided that only one vote is cast per household.

 (B) Sixty days prior to an election to fill a board member’s seat, a meeting of the qualified customers from the board member’s territory shall be held to nominate an individual or individuals who reside in that territory and are qualified customers with service from the district within that territory. The nominated individual or individuals’ names shall be placed on the ballot at the annual meeting. If more than two persons are nominated, only the two individuals receiving the highest number of votes will have their names placed on the ballot. Notice of a district or territory meeting must be provided as follows: (1) posted in at least one newspaper with general circulation in the district’s service area fifteen days prior to the meeting; (2) posted on Pioneer Rural Water District’s website for at least fifteen days prior to the meeting; and (3) written notice, in a conspicuous font, at least twenty‑four point bold font, included with the water bill to customers eligible to vote in the district or territory meeting, as applicable, for the billing cycle immediately preceding the meeting.

HISTORY: 1965 (54) 667; 2012 Act No. 276, Section 1, eff June 26, 2012.

Effect of Amendment

The 2012 amendment rewrote the section.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

**SECTION 6‑13‑240.** Powers and duties of district and board; investments by the board.

 (A) The district, acting through its governing body, is hereby vested with all such powers as may be necessary or incidental to carry out its purposes, functions, and responsibilities including, but without limitation, the following:

 (1) to have perpetual succession;

 (2) to sue and be sued;

 (3) to adopt, use, and alter a corporate seal;

 (4) to define a quorum for meetings;

 (5) to maintain a principal office;

 (6) to make bylaws for the management and regulation of its affairs;

 (7) to build, construct, maintain and operate ditches, tunnels, culverts, flumes, conduits, mains, pipes, dikes, dams, and reservoirs;

 (8) to build, construct, maintain, and operate distribution systems for the distribution of water for domestic or industrial use;

 (9) to acquire and operate any type of machinery, appliances, or appurtenances, necessary or useful in constructing, operating, and maintaining the system;

 (10) to contract for or otherwise acquire a supply of water and sell water for industrial or domestic use;

 (11) to prescribe rates and regulations under which such water shall be sold for industrial and domestic use;

 (12) to enter into contracts of long duration for the purchase and sale of water with persons, private corporations, municipal corporations, or public bodies or agencies;

 (13) to prescribe such regulations as it shall deem necessary to protect from pollution all water in its pipes, tanks, reservoirs, distribution systems, or elsewhere within its system;

 (14) to make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the district;

 (15) to acquire, purchase, hold, use, lease, mortgage, sell, transfer, and dispose of any property, real, personal, or mixed, or any interest therein;

 (16) to make use of county and state highway rights of way in which to lay pipes and lines in such manner and under such conditions as the appropriate officials in charge of such rights of way shall approve;

 (17) subject always to the limitations of Section 15, Article VIII, of the Constitution of South Carolina, 1895, to make use of all the streets and public ways of an incorporated municipality for the purpose of laying pipes and lines;

 (18) to alter and change county and state highways wherever necessary to construct the system under such conditions as the appropriate officials in charge of such highways shall approve;

 (19) to exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Chapter 2, Title 28 and Sections 57‑5‑310 through 57‑5‑590, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of these code provisions shall be deemed to amend and revise correspondingly the powers granted by this item. Provided, that the power of eminent domain conferred hereunder shall not extend to the property of any public utility that the utility could have acquired under its power of eminent domain;

 (20) to appoint officers, agents, employees, and servants, to prescribe the duties of such, to fix their compensation and to determine if and to what extent they shall be bonded for the faithful performance of their duties;

 (21) to make contracts for construction and other services; provided, that such contracts shall be let on competitive bidding and shall be awarded to the lowest responsible qualified bidder;

 (22) to borrow money and to make and issue negotiable bonds, notes, and other evidences of indebtedness, payable from all or any part of the revenues derived from the operation of its system. The sums borrowed may be those needed to pay all costs incident to the construction and establishment of the system, and any extensions, additions, and improvements thereto, including engineering costs, legal costs, construction costs; the sum needed to pay interest during the period prior to which the system, or any extension, addition, or improvement thereof, shall be fully in operation; such sum as is needed to supply working capital to place the system in operation; and all other expenses of any sort that the district may incur in establishing, extending, or enlarging the system. Neither the full faith and credit of the State of South Carolina, nor Oconee and Anderson Counties, shall be pledged for the payment of the principal and interest of the obligations, and there shall be on the face of each obligation a statement, plainly worded, to that effect. Neither the members of the board, nor any person signing the obligations, shall be personally liable thereon. To the end that a convenient procedure for borrowing money may be prescribed, the district shall be fully empowered to avail itself of all powers granted by Chapters 17 and 21 of this title, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of the code provisions shall be deemed to amend and revise correspondingly the powers granted by this item. In exercising the power conferred upon the district by such code provisions, the district may make or omit all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by law. Notwithstanding contrary provisions in the code, the district may:

 (a) disregard any provision requiring that bonds have serial maturities, and issue bonds in such form and with such maturities as the district shall determine;

 (b) provide that its bonds, notes, or other evidence of indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of its system, as such net revenues may be defined by the district;

 (c) covenant and agree that upon it being adjudged in default as to the payment of any installment of principal or interest upon any obligation issued by it, or in default as to the performance of any covenant or undertaking made by it, in such event the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured;

 (d) confer upon a corporation trustee the power to make disposition of the proceeds from all borrowings and of all revenues derived from the operation of the system, in accordance with the resolutions adopted by the authority as an incident to the issuance of any notes, bonds, or other types of securities;

 (e) dispose of bonds, notes, or other evidence of indebtedness at public or private sale, and upon such terms and conditions as it shall approve;

 (f) make provision for the redemption of any obligations issued by it prior to their stated maturity, with or without premium, and on such terms and conditions as the district shall approve;

 (g) covenant and agree that any cushion fund established to further secure the payment of the principal and interest of any obligation shall be in a fixed amount;

 (h) covenant and agree that no free service will be furnished to any person, municipal corporation, or any subdivision or division of the State;

 (i) prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which consent shall be given;

 (j) prescribe the events of default and terms and conditions upon which all or any obligations shall become or may be declared due before maturity and the terms and conditions upon which such declarations and their consequences may be waived;

 (23) to extend its system or systems, within Oconee and Anderson Counties, beyond the defined limits of the district to provide services to those living outside the district and outside any incorporated municipality when, in the discretion of the board, it is feasible and practicable so to do, in which case any person or agency receiving such service shall be subject to the same rules, regulations, and requirements concerning services being received from the district as persons residing within the district. The board, in its discretion, may establish rates and charges higher than those within the district for the extension of its system and the provision of services beyond the limits of the district;

 (24) to construct, operate, or maintain sewer lines or to contract with other entities to construct, operate, or maintain sewer lines. The authority granted in this item does not give the district the power to construct or operate a sewerage treatment facility.

 (B) Before the board makes an investment in a facility or any other action that obligates the water district for one million dollars or more, it must provide for an independent audit by a certified public accountant or public accountant or firm of these accountants who have no personal interest, direct or indirect, in the fiscal affairs of the district or in an entity which may benefit financially from the transaction to be audited. This audit must include the potential impact of the board’s action on its ratepayers and must be presented to the district’s customers at a meeting prior to entering into the action prompting the audit. Notice of a meeting pursuant to this subsection must be provided to customers of the district as follows: (1) posted in at least one newspaper with general circulation in the district’s service area fifteen days prior to the meeting; (2) posted on Pioneer Rural Water District’s website for at least fifteen days prior to the meeting; and (3) written notice, in a conspicuous font, in at least twenty‑four point bold font, included with the water bill to all customers for the billing cycle immediately preceding the meeting.

 (C) Within thirty days of receiving the audit and prior to its presentation to the customers, the board must submit the audit to the Office of Regulatory Staff for the Office of Regulatory Staff to verify the audit’s assumptions.

 (D) Any action taken by the board must be made in the ratepayers’ best interests. Best interests must include consideration of, but not limited to, the public interest of the ratepayers, financial integrity of the water district, and economic development of the area to be provided with service by the water district.

HISTORY: 1965 (54) 667; 2004 Act No. 277, Section 1, eff July 16, 2004; 2012 Act No. 276, Section 2, eff June 26, 2012.

Effect of Amendment

The 2004 amendment added paragraph (24).

The 2012 amendment added the subsection identifiers, added subsections (B), (C), and (D), and made other nonsubstantive changes.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Eminent Domain Section 17, Special Purpose Districts and Agencies.

Attorney General’s Opinions

Although there had been a change in the law since a prior opinion was issued, the conclusions of the prior opinion were affirmed; a court would likely find that the water district had the power to construct or contract for a water treatment facility. S.C. Op.Atty.Gen. (April 13, 2017) 2017 WL 152800.

If a court found that the construction of a new freshwater treatment facility was necessary to the District’s water distribution function, it might find the District had authority to take such action. S.C. Op.Atty.Gen. (April 30, 2012) 2012 WL 1649764.

**SECTION 6‑13‑250.** Rates shall not be regulated.

 The rates charged for services furnished by the system, as constructed, improved, enlarged, and extended, shall not be subject to supervision or regulation by any state bureau, board, commission, or like instrumentality or agency thereof. However, the board must provide to the Office of Regulatory Staff by July first each year, for information purposes, in such form as the Office of Regulatory Staff may designate, schedules showing all rates, service rules and regulations, and forms of service contract established by the board.

HISTORY: 1965 (54) 667; 2012 Act No. 276, Section 3, eff June 26, 2012.

Effect of Amendment

The 2012 amendment added the second sentence, and made other nonsubstantive changes.

LIBRARY REFERENCES

Waters and Water Courses 203(6).

Westlaw Key Number Search: 405k203(6).

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

**SECTION 6‑13‑260.** Exemption of evidences of indebtedness and district property from taxes.

 (1) Bonds, notes or other evidences of indebtedness issued pursuant to Section 6‑13‑240 (22) and interest payable thereon are hereby exempted from any and all State, county, municipal and other taxation whatsoever under the laws of this State, and it shall be plainly stated on the face of each such obligation as follows:

 “The principal of and interest on this (bond, note, or other evidence of indebtedness) are exempted from any and all State, county, municipal and other taxation whatsoever under the laws of the State of South Carolina.”

 (2) All property of the district shall be exempt from all ad valorem taxes levied by the State, county or any municipality, division, subdivision or agency thereof, direct or indirect.

HISTORY: 1965 (54) 667.

LIBRARY REFERENCES

Taxation 218.

Westlaw Key Number Search: 371k218.

C.J.S. Taxation Section 304.

Attorney General’s Opinions

Lease by pioneer rural water district of small portion of lot to cable company with right of cable company to install antenna upon water tank of district would not subject district’s property to ad valorem taxation. 1991 Op Atty Gen, No 91‑51, p 132.

**SECTION 6‑13‑270.** Fiscal year, audit and annual report.

 The district shall conduct its affairs on the fiscal year basis employed by the State. As shortly after the close of its fiscal year as may be practicable, an audit of its affairs shall be made by certified public accountants of good standing, to be designated by the district. Copies of such audits incorporated into an annual report of the district shall be filed with the Auditor and Treasurer of Oconee County, and the Auditor and Treasurer of Anderson County, and with the secretary to the Legislative Delegation of Oconee County and Anderson County.

HISTORY: 1965 (54) 667.

**SECTION 6‑13‑280.** Wilful damage or destruction of district property, pollution of waters or obtaining water illegally.

 It shall be unlawful for any person to wilfully injure or destroy, or in any manner hurt, damage, tamper with, or impair the system of the district, or any part thereof, or any machinery, apparatus or equipment of the district, or to pollute the water in any part of its system, or to obtain water therefrom except in accordance with the regulations promulgated by the district. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned for not more than thirty days, in the discretion of the court, and shall be further liable to pay all damages suffered by the district.

HISTORY: 1965 (54) 667.

LIBRARY REFERENCES

Waters and Water Courses 212.

Westlaw Key Number Search: 405k212.

C.J.S. Waters Section 739.

**SECTION 6‑13‑290.** Contracts for purchase or sale of water with other public entities.

 The municipalities of Oconee and Anderson Counties and all public bodies and public agencies now or hereafter operating water distribution systems in Oconee and Anderson Counties shall be fully empowered to enter into contracts to buy water from the district or sell water to the district. These contracts shall extend over such period of time and shall contain such terms and conditions as shall be mutually agreeable to the district and to the contracting municipality, public body or public agency.

HISTORY: 1965 (54) 667.

LIBRARY REFERENCES

Waters and Water Courses 200.

Westlaw Key Number Search: 405k200.

C.J.S. Waters Sections 616 to 639.

ARTICLE 5

Saluda Valley Rural Water District of Pickens and Anderson Counties

**SECTION 6‑13‑410.** Creation and purpose of Saluda Valley Rural Water District of Pickens and Anderson Counties.

 There is hereby created a body corporate and politic of perpetual succession to be known as the Saluda Valley Rural Water District of Pickens and Anderson Counties (hereinafter called the district). It shall be the purpose and function of the district to acquire, construct and operate a waterworks system, utilizing therefor water from available sources, by purchase or otherwise, at such convenient points as the district shall select to provide a flow of water through pipes to the areas described in Section 6‑13‑420, and to such other domestic, commercial or industrial users who can be conveniently and economically served within or without the service area as herein provided. To this end the district shall perform the functions prescribed by this article, and shall be vested with the powers herein granted and all other powers that may be necessary or incidental in carrying out the functions herein prescribed and exercising the powers herein granted. The water mains, distribution facilities, tanks, their several component parts, and all apparatus, equipment and property incident thereto or used or useful in the operation thereof and all additions, improvements, extensions and enlargements to any of them shall be referred to in this article as the system.

HISTORY: 1968 (55) 3087.

CROSS REFERENCES

Water supply, generally, see Sections 44‑55‑10 et seq.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

**SECTION 6‑13‑420.** Service area.

 The district shall include and be comprised of the following territory which shall be known as the service area:

 Beginning at a point in the center line of the Saluda River, joint corner of Anderson, Pickens and Greenville Counties; thence down the center line of the Saluda River in a southerly direction to the mouth of Brushy Creek; thence up the center line of Brushy Creek in a northerly direction for a distance of one mile; thence along a straight line in a southwesterly direction to the intersection of the center lines of Interstate Highway No. 85 and South Carolina Highway No. 86; thence in a northwesterly direction along the center line of South Carolina Highway No. 86 to the intersection of the center lines of such highway and a paved county road, the intersection being 0.5 miles southeast of the junction of South Carolina Highways No. 8 and No. 86; thence along a straight line in a northerly direction to the intersection of the center lines of Road S‑4‑485 and Brushy Creek; thence along the center line of Brushy Creek in a northerly direction across the Anderson‑Pickens County line to a point; thence N 60° E to the intersection of the center lines of Roads S‑39‑29 and S‑39‑133; thence in a northeasterly direction along the center line of Road S‑39‑133 to its intersection with the center line of Road S‑39‑28; thence in an easterly direction along the center line of Road S‑39‑28 to its intersection with the center line of a paved county road, the intersection being 0.3 miles west of the junction of Roads S‑29‑28 and S‑39‑39; thence in a northerly direction along the center line of the county road to the intersection of its center line with the center lines of U. S. Highway No. 123 and Road S‑39‑189; thence in a northerly direction along the center line of Road S‑39‑189 to its intersection with the center line of the Southern Railway right‑of‑way; thence in a northeasterly direction along the center line of the Southern Railway right‑of‑way to its intersection with Georges Creek; thence up Georges Creek in a northwesterly direction to the center of the mouth of Burdine Creek; thence northeasterly in a straight line to the intersection of the center lines of South Carolina Highway No. 183 and a paved county road at the old Vineland School site; thence in a northerly direction to the intersection of the center lines of Roads S‑39‑110 and S‑39‑205 at Hunts Church; thence due east to a point in the center line of the Saluda River; thence down the center line of the Saluda River to the point of beginning.

HISTORY: 1968 (55) 3087.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

**SECTION 6‑13‑430.** Creation and membership of Saluda Valley Rural Water District Board of Pickens and Anderson Counties.

 The district shall be operated and managed by a board of directors to be known as the Saluda Valley Rural Water District Board of Pickens and Anderson Counties which shall constitute the governing body of the district. The board shall consist of five resident electors of the area who shall be appointed by the Governor upon the recommendation of a majority of those persons attending a meeting of residents of the area held pursuant to at least one week’s notice in a local newspaper giving the time and place of the meeting. The chairman and secretary of the meeting shall certify the names of those recommended to the Governor. The initial board shall be selected as follows: one member from Anderson County and one member from Pickens County shall be selected to serve for terms of two years and one member from each of the two counties shall be selected to serve for terms of four years. One member from either of the two counties shall be selected to serve for a term of six years. The persons attending the meeting shall determine which of the counties the member shall represent. A meeting shall be held each two years for the purpose of selecting persons to be recommended for appointment as successors to members of the board, except successors to the director, initially appointed for six years, shall be appointed so that the counties represented shall be alternated each six years. All terms after the initial appointments shall be for six years. All appointees shall hold office until their successors shall have been appointed and qualify. The initial terms of office shall begin as of June 14, 1968. Any vacancy shall be filled in like manner as the original appointment for the unexpired portion of the term. Immediately after appointment, the board shall meet and organize by the election of one of its members as chairman, one as vice chairman, one as secretary and one as treasurer. The offices of the secretary and treasurer may be combined in the discretion of the board.

HISTORY: 1968 (55) 3087.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

**SECTION 6‑13‑440.** Powers of district and board.

 The district, acting through its governing body, is hereby vested with all such powers as may be necessary or incidental to carry out its purposes, functions and responsibilities including, but without limitation, the following:

 (1) To have perpetual succession.

 (2) To sue and be sued.

 (3) To adopt, use and alter a corporate seal.

 (4) To define a quorum for meetings.

 (5) To maintain a principal office.

 (6) To make bylaws for the management and regulation of its affairs.

 (7) To build, construct, maintain and operate ditches, tunnels, culverts, flumes, conduits, mains, pipes, dikes, dams and reservoirs.

 (8) To build, construct, maintain and operate distribution systems for the distribution of water for domestic or industrial use.

 (9) To acquire and operate any type of machinery, appliances or appurtenances, necessary or useful in constructing, operating and maintaining the system.

 (10) To contract for or otherwise acquire a supply of water and sell water for industrial or domestic use.

 (11) To prescribe rates and regulations under which such water shall be sold for industrial and domestic use.

 (12) To enter into contracts of long duration for the purchase and sale of water with persons, private corporations, municipal corporations or public bodies or agencies.

 (13) To prescribe such regulations as it shall deem necessary to protect from pollution all water in its pipes, tanks, reservoirs, distribution systems or elsewhere within its system.

 (14) To make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the district.

 (15) To acquire, purchase, hold, use, lease, mortgage, sell, transfer and dispose of any property, real, personal or mixed, or any interest therein.

 (16) To make use of county and State highway rights‑of‑way in which to lay pipes and lines in such manner and under such conditions as the appropriate officials in charge of such rights‑of‑way shall approve.

 (17) Subject always to the limitations of Section 15, Article VIII of the Constitution of South Carolina, 1895, to make use of all the streets and public ways of an incorporated municipality for the purpose of laying pipes and lines.

 (18) To alter and change county and State highways wherever necessary to construct the system under such conditions as the appropriate officials in charge of such highways shall approve.

 (19) To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Sections 28‑5‑10 through 28‑5‑390 and Sections 57‑5‑310 through 57‑5‑590 of the 1976 Code, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of these code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph. Provided, that the power of eminent domain conferred hereunder shall not extend to the property of any public utility that the utility could have acquired under its power of eminent domain.

 (20) To appoint officers, agents, employees and servants, to prescribe the duties of such, to fix their compensation and to determine if and to what extent they shall be bonded for the faithful performance of their duties.

 (21) To make contracts for construction and other services; provided, that such contracts shall be let on competitive bidding and shall be awarded to the lowest responsible bidder.

 (22) To borrow money and to make and issue negotiable bonds, notes and other evidences of indebtedness, payable from all or any part of the revenues derived from the operation of its system. The sums borrowed may be those needed to pay all costs incident to the construction and establishment of the system, and any extensions, additions and improvements thereto, including engineering costs, legal costs, construction costs; the sum needed to pay interest during the period prior to which the system, or any extension, addition or improvement thereof, shall be fully in operation; such sum as is needed to supply working capital to place the system in operation; and all other expenses of any sort that the district may incur in establishing, extending or enlarging the system. Neither the full faith and credit of the State of South Carolina, nor Pickens and Anderson Counties, shall be pledged for the payment of the principal and interest of the obligations, and there shall be on the face of each obligation a statement, plainly worded, to that effect. Neither the members of the board, nor any person signing the obligations, shall be personally liable thereon. To the end that a convenient procedure for borrowing money may be prescribed, the district shall be fully empowered to avail itself of all powers granted by Chapters 17 and 21 of this title, Code of Laws of South Carolina, 1976, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of the code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph. In exercising the power conferred upon the district by such code provisions, the district may make or omit all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by law. Notwithstanding contrary provisions in the Code, the district may:

 (a) Disregard any provision requiring that bonds have serial maturities, and issue bonds in such form and with such maturities as the district shall determine.

 (b) Provide that its bonds, notes or other evidence of indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of its system, as such net revenues may be defined by the district.

 (c) Covenant and agree that upon it being adjudged in default as to the payment of any installment of principal or interest upon any obligation issued by it, or in default as to the performance of any covenant or undertaking made by it, in such event the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured.

 (d) Confer upon a corporation trustee the power to make disposition of the proceeds from all borrowings and of all revenues derived from the operation of the system, in accordance with the resolutions adopted by the authority as an incident to the issuance of any notes, bonds or other types of securities.

 (e) Dispose of bonds, notes or other evidence of indebtedness at public or private sale, and upon such terms and conditions as it shall approve.

 (f) Make provision for the redemption of any obligations issued by it prior to their stated maturity, with or without premium, and on such terms and conditions as the district shall approve.

 (g) Covenant and agree that any cushion fund established to further secure the payment of the principal and interest of any obligation shall be in a fixed amount.

 (h) Covenant and agree that no free service will be furnished to any person, municipal corporation or any subdivision or division of the State.

 (i) Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto and the manner in which consent shall be given.

 (j) Prescribe the events of default and terms and conditions upon which all or any obligations shall become or may be declared due before maturity and the terms and conditions upon which such declarations and their consequences may be waived.

 (23) To extend its system or systems, within Pickens and Anderson Counties, beyond the defined limits of the district to provide services to those living outside the district and outside any incorporated municipality when, in the discretion of the board, it is feasible and practicable so to do, in which case any person or agency receiving such service shall be subject to the same rules, regulations and requirements concerning services being received from the district as persons residing within the district. The board may, in its discretion, establish rates and charges higher than those within the district for the extension of its system and the provision of services beyond the limits of the district.

HISTORY: 1968 (55) 3087.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Eminent Domain Section 17, Special Purpose Districts and Agencies.

**SECTION 6‑13‑450.** Rates shall not be regulated.

 The rates charged for services furnished by the system, as constructed, improved, enlarged and extended, shall not be subject to supervision or regulation by any State bureau, board, commission or like instrumentality or agency thereof.

HISTORY: 1968 (55) 3087.

LIBRARY REFERENCES

Waters and Water Courses 203(6).

Westlaw Key Number Search: 405k203(6).

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

**SECTION 6‑13‑460.** Exemption of evidences of indebtedness and district property from taxes.

 (1) Bonds, notes or other evidences of indebtedness issued pursuant to Section 6‑13‑440(22) and interest payable thereon are hereby exempted from any and all State, county, municipal and other taxation whatsoever under the laws of this State, and it shall be plainly stated on the face of each such obligation as follows:

 “The principal of and interest on this (bond, note or other evidence of indebtedness) are exempted from any and all State, county, municipal and other taxation whatsoever under the laws of the State of South Carolina.”

 (2) All property of the district shall be exempt from all ad valorem taxes levied by the State, county or any municipality, division, subdivision or agency thereof, direct or indirect.

HISTORY: 1968 (55) 3087.

LIBRARY REFERENCES

Taxation 218.

Westlaw Key Number Search: 371k218.

C.J.S. Taxation Section 304.

**SECTION 6‑13‑470.** Fiscal year, audit and annual report.

 The district shall conduct its affairs on the fiscal year basis employed by the State. As shortly after the close of its fiscal year as may be practicable, an audit of its affairs shall be made by certified public accountants of good standing, to be designated by the district. Copies of such audits incorporated into an annual report of the district shall be filed with the Auditor and Treasurer of Pickens County, and the Auditor and Treasurer of Anderson County, and with the secretary to the Legislative Delegation of Pickens County and with the secretary to the Legislative Delegation of Anderson County.

HISTORY: 1968 (55) 3087.

**SECTION 6‑13‑480.** Wilful damage or destruction of district property, pollution of waters or obtaining water illegally.

 It shall be unlawful for any person to wilfully injure or destroy, or in any manner hurt, damage, tamper with or impair the system of the district, or any part thereof, or any machinery, apparatus or equipment of the district, or to pollute the water in any part of its system, or to obtain water therefrom except in accordance with the regulations promulgated by the district. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned for not more than thirty days, in the discretion of the court, and shall be further liable to pay all damages suffered by the district.

HISTORY: 1968 (55) 3087.

LIBRARY REFERENCES

Waters and Water Courses 212.

Westlaw Key Number Search: 405k212.

C.J.S. Waters Section 739.

**SECTION 6‑13‑490.** Contracts for purchase or sale of water with other public entities.

 The municipalities of Pickens and Anderson Counties and all public bodies and public agencies now or hereafter operating water distribution systems in Pickens and Anderson Counties shall be fully empowered to enter into contracts to buy water from the district or sell water to the district. These contracts shall extend over such period of time and shall contain such terms and conditions as shall be mutually agreeable to the district and to the contracting municipality, public body or public agency.

HISTORY: 1968 (55) 3087.

LIBRARY REFERENCES

Waters and Water Courses 200.

Westlaw Key Number Search: 405k200.

C.J.S. Waters Sections 616 to 639.

**SECTION 6‑13‑500.** Board abolished in Pickens County.

 At such time that a board of directors is elected pursuant to the provisions of Section 6‑13‑430, the Saluda Valley Rural Community Water District, which was organized wholly in Pickens County pursuant to the provisions of Article 1 of this chapter, shall be abolished.

HISTORY: 1968 (55) 3087.

ARTICLE 7

Mitford Rural Water District of Fairfield and Chester Counties

**SECTION 6‑13‑610.** Creation and purpose of Mitford Rural Water District of Fairfield and Chester Counties.

 There is hereby created a body corporate and politic of perpetual succession to be known as the Mitford Rural Water District of Fairfield and Chester Counties (hereinafter called the district). It shall be the purpose and function of the district to acquire, construct and operate a water works system, utilizing therefor water from available sources, by purchase or otherwise, at such convenient points as the district shall select to provide a flow of water through pipes to the areas described in Section 6‑13‑620, and to such other domestic, commercial or industrial users who can be conveniently and economically served within or without the service area as herein provided. To this end the district shall perform the functions prescribed by this article, and shall be vested with the powers herein granted and all other powers that may be necessary or incidental in carrying out the functions herein prescribed and exercising the powers herein granted. The water mains, distribution facilities, tanks, their several component parts, and all apparatus, equipment and property incident thereto or used or useful in the operation thereof and all additions, improvements, extensions and enlargements to any of them shall be referred to in this article as the system.

HISTORY: 1965 (54) 259.

CROSS REFERENCES

Water supply, generally, see Sections 44‑55‑10 et seq.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

**SECTION 6‑13‑620.** Service area.

 The district shall include and be comprised of the following territory which shall be known as the service area:

 BEGINNING where Rocky Creek empties into the Catawba River, also being the point where the Chester‑Fairfield County line intersects the Catawba River, and proceeding upstream (Chester County) with the center of Rocky Creek to center of Hodges Branch; thence running upstream with the center of Hodges Branch to a point 1000’ west of S. C. Hwy. #12‑53; thence running in a southerly direction 1000’ west of and parallel to S. C. Hwy. #12‑53 to a point 1000’ (measured perpendicularly) northwest of S. C. Hwy. #12‑75; thence running southwesterly and parallel to and at a distance of 1000’ from Hwy. #12‑75 to the Fairfield County line and continuing with same road into Fairfield County (#20‑89) to a point where this line intersects the centerline of Hwy. #20‑52; thence approximately S 18 E about 8,700 feet to the center of the S. C. Hwy. #200 bridge over Mitford Branch; thence running downstream with the center of Mitford Branch to Wateree Creek; thence with the center of Wateree Creek downstream to the west bank of the Catawba River; thence running upstream with the west bank of the Catawba River to the Chester‑Fairfield County Line, being the point of beginning.

HISTORY: 1965 (54) 259.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

**SECTION 6‑13‑630.** Creation and membership of Mitford Rural Water District Board of Fairfield and Chester Counties.

 The district shall be operated and managed by a board of directors to be known as the Mitford Rural Water District Board of Fairfield and Chester Counties which shall constitute the governing body of the district. The board shall consist of five resident electors of the area who shall be appointed by the Governor, upon the recommendation of a majority of those persons attending a meeting of residents of the area held pursuant to at least one week’s notice in a local newspaper giving the time and place of the meeting. The chairman and secretary of the meeting shall certify the names of those recommended to the Governor. The original appointments shall be for a term of two years for two appointees, for four years for two appointees, and for six years for one appointee. All terms after the initial appointments shall be for six years. All appointees shall hold office until their successors shall have been appointed and qualified. The initial terms of office shall begin as of April 12, 1965. Any vacancy shall be filled in like manner as the original appointment for the unexpired portion of the term. Immediately after appointment, the board shall meet and organize by the election of one of its members as chairman, one as vice chairman, one as secretary and one as treasurer. The offices of the secretary and treasurer may be combined in the discretion of the board.

HISTORY: 1965 (54) 259.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

**SECTION 6‑13‑640.** Powers of district and board.

 The district, acting through its governing body, is hereby vested with all such powers as may be necessary or incidental to carry out its purposes, functions and responsibilities including, but without limitation, the following:

 (1) To have perpetual succession.

 (2) To sue and be sued.

 (3) To adopt, use and alter a corporate seal.

 (4) To define a quorum for meetings.

 (5) To maintain a principal office.

 (6) To make bylaws for the management and regulation of its affairs.

 (7) To build, construct, maintain and operate ditches, tunnels, culverts, flumes, conduits, mains, pipes, dikes, dams and reservoirs.

 (8) To build, construct, maintain and operate distribution systems for the distribution of water for domestic or industrial use.

 (9) To acquire and operate any type of machinery, appliances or appurtenances, necessary or useful in constructing, operating and maintaining the system.

 (10) To contract for or otherwise acquire a supply of water and sell water for industrial or domestic use.

 (11) To prescribe rates and regulations under which such water shall be sold for industrial and domestic use.

 (12) To enter into contracts of long duration for the sale of water with persons, private corporations, municipal corporations, or public bodies or agencies.

 (13) To prescribe such regulations as it shall deem necessary to protect from pollution all water in its pipes, tanks, reservoirs, distribution systems or elsewhere within its system.

 (14) To make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the business of the district.

 (15) To acquire, purchase, hold, use, lease, mortgage, sell, transfer and dispose of any property, real, personal or mixed, or any interest therein.

 (16) To make use of county and state highway rights‑of‑way in which to lay pipes and lines in such manner and under such conditions as the appropriate officials in charge of such rights‑of‑way shall approve.

 (17) Subject always to the limitations of Section 15, Article VIII, of the Constitution of this State, to make use of all the streets and public ways of an incorporated municipality for the purpose of laying pipes and lines.

 (18) To alter and change county and state highways wherever necessary to construct the system under such conditions as the appropriate officials in charge of such highways shall approve.

 (19) To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Sections 28‑5‑10 through 28‑5‑390 and Sections 57‑5‑310 through 57‑5‑590, Code of Laws of South Carolina, 1976, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of these code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph. Provided, that the power of eminent domain conferred hereunder shall not extend to the property of any public utility that the utility could have acquired under its power of eminent domain.

 (20) To appoint officers, agents, employees and servants, to prescribe the duties of such, to fix their compensation and to determine if and to what extent they shall be bonded for the faithful performance of their duties.

 (21) To make contracts for construction and other services; provided, that such contracts shall be let on competitive bidding and shall be awarded to the lowest responsible bidder.

 (22) To borrow money and to make and issue negotiable bonds, notes and other evidences of indebtedness, payable from all or any part of the revenues derived from the operation of its system. The sums borrowed may be those needed to pay all costs incident to the construction and establishment of the system, and any extensions, additions and improvements thereto, including engineering costs, legal costs, construction costs; the sum needed to pay interest during the period prior to which the system, or any extension, addition or improvement thereof, shall be fully in operation; such sum as is needed to supply working capital to place the system in operation; and all other expenses of any sort that the district may incur in establishing, extending or enlarging the system. Neither the full faith and credit of the State of South Carolina, nor Fairfield and Chester Counties, shall be pledged for the payment of the principal and interest of the obligations, and there shall be on the face of each obligation a statement, plainly worded, to that effect. Neither the members of the board, nor any person signing the obligations, shall be personally liable thereon. To the end that a convenient procedure for borrowing money may be prescribed, the district shall be fully empowered to avail itself of all powers granted by Chapters 17 and 21 of this title, Code of Laws of South Carolina, 1976, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of the code provisions shall be deemed to amend and revise correspondingly the powers granted by this paragraph. In exercising the power conferred upon the district by such code provisions, the district may make or omit all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by law. Notwithstanding contrary provisions in the code, the district may:

 (a) Disregard any provision requiring that bonds have serial maturities, and issue bonds in such form and with such maturities as the district shall determine.

 (b) Provide that its bonds, notes or other evidence of indebtedness be payable, both as to principal and interest, from the net revenues derived from the operation of its system, as such net revenues may be defined by the district.

 (c) Covenant and agree that upon it being adjudged in default as to the payment of any installment of principal or interest upon any obligation issued by it, or in default as to the performance of any covenant or undertaking made by it, in such event the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured.

 (d) Confer upon a corporation trustee the power to make disposition of the proceeds from all borrowings and of all revenues derived from the operation of the system, in accordance with the resolutions adopted by the authority as an incident to the issuance of any notes, bonds or other types of securities.

 (e) Dispose of bonds, notes or other evidence of indebtedness at public or private sale, and upon such terms and conditions as it shall approve.

 (f) Make provision for the redemption of any obligations issued by it prior to their stated maturity, with or without premium, and on such terms and conditions as the district shall approve.

 (g) Covenant and agree that any cushion fund established to further secure the payment of the principal and interest of any obligation shall be in a fixed amount.

 (h) Covenant and agree that no free service will be furnished to any person, municipal corporation, or any subdivision or division of the State.

 (i) Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which consent shall be given.

 (j) Prescribe the events of default and terms and conditions upon which all or any obligations shall become or may be declared due before maturity and the terms and conditions upon which such declarations and their consequences may be waived.

 (23) To extend its system or systems, within Fairfield and Chester Counties, beyond the defined limits of the district to provide services to those living outside the district and outside any incorporated municipality when, in the discretion of the board, it is feasible and practicable so to do, in which case any person or agency receiving such service shall be subject to the same rules, regulations and requirements concerning services being received from the district as persons residing within the district. The board may, in its discretion, establish rates and charges higher than those within the district for the extension of its system and the provision of services beyond the limits of the district.

HISTORY: 1965 (54) 259.

LIBRARY REFERENCES

Waters and Water Courses 183.5.

Westlaw Key Number Search: 405k183.5.

C.J.S. Waters Sections 543 to 581.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Eminent Domain Section 17, Special Purpose Districts and Agencies.

**SECTION 6‑13‑650.** Rates shall not be regulated.

 The rates charged for services furnished by the system, as constructed, improved, enlarged and extended, shall not be subject to supervision or regulation by any state bureau, board, commission or like instrumentality or agency thereof.

HISTORY: 1965 (54) 259.

LIBRARY REFERENCES

Waters and Water Courses 203(6).

Westlaw Key Number Search: 405k203(6).

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

**SECTION 6‑13‑660.** Exemption of evidences of indebtedness and district property from taxes.

 (1) Bonds, notes or other evidences of indebtedness issued pursuant to Section 6‑13‑640(22) and interest payable thereon are hereby exempted from any and all State, county, municipal and other taxation whatsoever under the laws of this State, and it shall be plainly stated on the face of each such obligation as follows:

 “The principal of and interest on this (bond, note, or other evidence of indebtedness) are exempted from any and all State, county, municipal and other taxation whatsoever under the laws of the State of South Carolina.”

 (2) All property of the district shall be exempt from all ad valorem taxes levied by the State, county or any municipality, division, subdivision or agency thereof, direct or indirect.

HISTORY: 1965 (54) 259.

LIBRARY REFERENCES

Taxation 218.

Westlaw Key Number Search: 371k218.

C.J.S. Taxation Section 304.

**SECTION 6‑13‑670.** Fiscal year, audit and annual report.

 The district shall conduct its affairs on the fiscal year basis employed by the State. As shortly after the close of its fiscal year as may be practicable, an audit of its affairs shall be made by certified public accountants of good standing, to be designated by the district. Copies of such audits incorporated into an annual report of the district shall be filed with the Auditor and Treasurer of Fairfield County, and the Auditor and Treasurer of Chester County, and with the secretary to the Legislative Delegation of Fairfield County and Chester County.

HISTORY: 1965 (54) 259.

**SECTION 6‑13‑680.** Wilful damage or destruction of district property, pollution of waters or obtaining water illegally.

 It shall be unlawful for any person to wilfully injure or destroy, or in any manner hurt, damage, tamper with, or impair the system of the district, or any part thereof, or any machinery, apparatus or equipment of the district, or to pollute the water in any part of its system, or to obtain water therefrom except in accordance with the regulations promulgated by the district. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined not less than ten dollars nor more than one hundred dollars, or be imprisoned for not more than thirty days, in the discretion of the court, and shall be further liable to pay all damages by the district.

HISTORY: 1965 (54) 259.

LIBRARY REFERENCES

Waters and Water Courses 212.

Westlaw Key Number Search: 405k212.

C.J.S. Waters Section 739.

**SECTION 6‑13‑690.** Contracts for purchase or sale of water with other public entities.

 The municipalities of Fairfield and Chester Counties and all public bodies and public agencies now or hereafter operating water distribution systems in Fairfield and Chester Counties shall be fully empowered to enter into contracts to buy water from the district. These contracts shall extend over such period of time and shall contain such terms and conditions as shall be mutually agreeable to the district and to the contracting municipality, public body or public agency.

HISTORY: 1965 (54) 259.

LIBRARY REFERENCES

Waters and Water Courses 200.

Westlaw Key Number Search: 405k200.

C.J.S. Waters Sections 616 to 639.

ARTICLE 9

Edgefield County Water and Sewer Authority

**SECTION 6‑13‑910.** Edgefield County Water and Sewer Authority; service area.

 There is hereby created a body corporate and politic to be known as the Edgefield County Water and Sewer Authority, hereinafter sometimes referred to as the “Authority.” Its service area shall include all of Edgefield County, and the small area of Aiken County described in 6‑13‑960, excluding any area within an incorporated municipality which owns and operates a municipal waterworks system. It shall be the principal function of the Authority to acquire supplies of fresh water, capable of being used for industrial and domestic purposes, and to distribute such water, in the manner herein provided, for industrial and domestic use within its service area. To that end, it shall be empowered to construct such reservoirs, diversion dams, impounding dams or dikes, canals, conduits, aqueducts, tunnels, water distribution facilities, water mains and water lines, as in the opinion of the Authority may be deemed necessary, and to acquire such land, rights of way, easements, machinery, apparatus and equipment as shall be deemed useful therefor.

HISTORY: 1967 Act No. 571, Section 1, eff July 12, 1967; 1970 Act No. 1192, Section 1, eff May 1, 1970.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner in 2012.

Effect of Amendment

The 1970 amendment inserted after “County,” “and the small area of Aiken County described in Section 6‑13‑960,”; inserted “which owns and operates a municipal waterworks system” after “municipality”; and inserted between the words “the” and “function” the word “principal”.

**SECTION 6‑13‑920.** Composition; terms; appointment.

 The authority shall be composed of seven members, who shall be resident electors of either Edgefield or Aiken Counties; provided, however, that no more than two members may be resident electors of Aiken County. Those members of the authority who are resident electors of Edgefield County must be appointed by the Governor, upon the recommendation of a majority of the members of the Edgefield County Council with the approval of the Edgefield County Legislative Delegation. The Governor, upon the recommendation of the members of the Edgefield County Legislative Delegation, may appoint no more than two members of the authority who must be resident electors of Aiken County and who must reside within the service area of the authority in Aiken County. Of those originally appointed, two shall be appointed for terms of two years, two for terms of four years, and one for a term of six years. Upon the termination of the terms of the original members, their successor shall be appointed by the Governor, in the same manner as is provided for the original appointment, for terms of six years. Any vacancy occurring by reason of death, resignation, or otherwise shall be filled for the remainder of the unexpired term by appointment of the Governor in the same manner as is provided for the original appointment. All members of the authority shall hold office until their successors shall have been appointed and shall have qualified.

HISTORY: 1967 Act No. 571, Section 2, eff July 12, 1967; 1973 Act No. 337, Section 1, eff June 15, 1973; 2012 Act No. 240, Section 1, eff June 18, 2012.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner in 2012.

Editor’s Note

1973 Act No. 337, Section 2, provides as follows:

“The terms of the two members to be appointed pursuant to the provisions of this act shall be coterminous with the term of the original member of the Authority who was appointed for a term of six years.”

Effect of Amendment

The 1973 amendment in the first sentence substituted “seven” for “five”.

The 2012 amendment rewrote this section.

**SECTION 6‑13‑930.** Compensation.

 Members of the authority are authorized a per diem of fifty dollars and may be reimbursed for the use of their personal automobile in traveling on necessary official business at the rate of twenty‑one cents a mile and for any actual expenses incurred in connection with the business of the authority.

HISTORY: 1967 Act No. 571, Section 3, eff July 12, 1967; 1986 Act No. 600, Section 1, eff June 2, 1986.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner in 2012.

Effect of Amendment

The 1986 amendment rewrote this section.

**SECTION 6‑13‑940.** Organization.

 The Authority shall convene and organize by electing one of their number as chairman, a second as vice‑chairman, and a third as secretary. The terms of office of the foregoing officers of the Authority shall be for such period as the Authority shall determine in its bylaws.

HISTORY: 1967 Act No. 571, Section 4, eff July 12, 1967.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner in 2012.

**SECTION 6‑13‑950.** Reports.

 The secretary of the Authority shall from time to time file in the office of the Clerk of Court for Edgefield County appropriate certificates showing the personnel of the Authority and the duration of the terms of the respective members.

HISTORY: 1967 Act No. 571, Section 5, eff July 12, 1967.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner in 2012.

**SECTION 6‑13‑960.** Sale of water restricted.

 To the end that the Authority shall not unduly compete with the existing publicly operated water systems in the county, the Authority shall not sell water to be used by persons or private corporations within the corporate limits of municipalities which own and operate therein a municipal waterworks system or areas now served by such municipalities without the consent of the municipal officers of such municipalities, nor shall it sell water elsewhere than in Edgefield County and in a small area in the southwestern corner of Aiken County bounded on the cast by the eastern right of way of U.S. Highway No. 25 and on the south by the southern right of way of U.S. Interstate 20. Edgefield County and the above described area of Aiken County are hereby defined to be the service area of the Authority.

HISTORY: 1967 Act No. 571, Section 6, eff July 12, 1967; 1970 Act No. 1192, Section 2, eff May 1, 1970.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner in 2012.

Effect of Amendment

The 1970 amendment rewrote this section.

**SECTION 6‑13‑970.** Powers and duties.

 The Authority shall be fully empowered to acquire, construct, operate, maintain, improve and extend facilities which would enable it to obtain fresh water in large volume, and to distribute and sell the same, subject to the limitations set forth in Section 6‑13‑960, to persons, firms, corporations, municipal corporations, political divisions, and the United States Government, or any agencies thereof, at any point within its service area. To that end, the Authority shall have the following powers:

 (1) To have perpetual succession.

 (2) To sue and be sued.

 (3) To adopt, use and alter a corporate seal.

 (4) To define a quorum for its meetings.

 (5) To establish a principal office.

 (6) To make bylaws for the management and regulation of its affairs.

 (7) To build, construct, maintain and operate canals, aqueducts, ditches, tunnels, culverts, flumes, conduits, mains, pipes, dikes, dams and water reservoirs.

 (8) To impound fresh water in lakes or reservoirs.

 (9) To build, construct, maintain and operate water distribution systems for the distribution of water for domestic or industrial use and from time to time enlarge and extend such systems.

 (10) To acquire and operate any type of machinery, appliances or appurtenances, necessary or useful to discharge the functions committed to the Authority by this act.

 (11) To accept gifts or grants of services, properties or moneys from the United States, or any of its agencies, under such conditions as the United States, or such agency shall prescribe.

 (12) Subject to the provisions of Section 6‑13‑960, to sell water for industrial or domestic use.

 (13) To prescribe rates and regulations under which water shall be sold for domestic and industrial use.

 (13A) To prescribe rates and regulations under which sewer service shall be provided for domestic and industrial use.

 (14) Subject to the provisions of Section 6‑13‑960, to enter into contracts for the sale of water, upon such terms as the parties thereto shall approve, with persons, private corporations, municipal corporations, public bodies, public agencies and with the United States Government or any agencies thereof.

 (15) To prescribe such regulations as it shall deem necessary to protect from pollution all water in its canals, aqueducts, reservoirs or distribution systems, and to provide for the efficient and sanitary collection and treatment of sewage.

 (16) To make contracts of all sorts and to execute all instruments necessary or convenient for the carrying on of the Authority.

 (17) To lease or sell and convey lands, or interests therein.

 (18) To make use of county and State highway rights of way in which to lay pipes and lines, in such manner and under such conditions as the appropriate officials in charge of such rights of way shall approve.

 (19) Subject always to the limitations of Section 15, Article VIII of the Constitution, to make use of the streets and public ways of any incorporated municipality for the purpose of laying pipes and lines.

 (20) To alter and change county and State highways wherever necessary in order that it may discharge the functions committed to it, in such manner and under such conditions as the appropriate officials in charge of such highways shall approve.

 (21) To acquire, by purchase, gift, or through the exercise of eminent domain, all land, interests therein, easements, rights of way which the Authority shall deem necessary to enable it to fully and adequately discharge all functions committed to it. The power herein granted shall be deemed to include the power to acquire protective areas of land adjacent to any of its facilities.

 (22) To exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by law or by following the procedure for the exercise of eminent domain by the Department of Transportation, prescribed by Article 1, Chapter 3, Title 57, as such statutes are now constituted or as they may afterwards be constituted following any amendments thereto.

 (23) To appoint officers, agents, employees and servants, to prescribe the duties of such, to fix their compensation, and to determine if and to what extent they shall be bonded for the faithful performance of their duties.

 (24) To make contracts for construction, engineering, legal and other services, with or without competitive bidding.

 (25) To borrow money and to make and issue negotiable bonds, notes and other evidences of indebtedness, payable from all or any part of the revenues derived from the operation of its facilities. The sums borrowed may be those needed to pay all costs incident to the construction and establishment of the facilities, and any extension, addition, and improvement thereto, including engineering costs, construction costs, the sum needed to pay interest during the period prior to which the facilities, or any extension, addition or improvement thereto shall be fully in operation, and self‑liquidating, such sum as is needed to supply working capital to place the facilities in operation, and all other expenses of any sort that the Authority may incur in establishing, extending and enlarging the facilities. Neither the faith and credit of the State, nor of any county, municipality, or political subdivision of the State shall be pledged for the payment of the principal and interest of the obligations and there shall be on the face of each obligation a statement, plainly worded to that effect. Neither the members of the Authority nor any person signing the obligations shall be personally liable thereon. To the end that a convenient procedure for borrowing money may be prescribed, the Authority shall be fully empowered to avail itself of all power granted by law and by Chapter 16, Title 6, as now or hereafter constituted, it being the intent of this provision that further amendments and modifications of these Code provisions shall be deemed to amend and revise correspondingly the powers granted by this section. In exercising the power conferred upon the Authority by such Code provisions, the Authority may make all pledges and covenants authorized by any provision thereof, and may confer upon the holders of its securities all rights and liens authorized by such Code provisions. Specifically, and notwithstanding contrary provisions in any of such Code provisions, if contrary provisions there be, the Authority may:

 (a) Covenant and agree that upon it being adjudged in default as to the payment of any installment of principal or interest upon any obligation issued by it or in default as to the performance of any covenant or undertaking made by it, that in such event, the principal of all obligations of such issue may be declared forthwith due and payable, notwithstanding that any of them may not have then matured;

 (b) Confer upon a corporate trustee the power to make disposition of the proceeds from all borrowings and of all revenues derived from the operation of the facilities, in accordance with and in the order of priority prescribed by the resolutions adopted by the Authority as an incident to the issuance of any notes, bonds or other types of securities;

 (c) Declare that such obligations and the interest thereon shall be exempt from all State, county, municipal, school district, and all other taxes or assessments, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise. This provision shall be deemed a part of the contract, inuring to the benefit of all holders or beneficiaries of its securities;

 (d) Dispose of its obligations at public or private sale, and upon such terms and conditions as it shall approve;

 (e) Make such provision for the redemption of any obligations issued by it prior to their stated maturity, with or without premium, and on such terms and conditions as the Authority shall approve;

 (f) Covenant and agree that any cushion fund established to further secure the payment of the principal and interest of any obligations shall be in a fixed amount;

 (g) Limit or prohibit free service to any person, firm, corporation, municipal corporation, or any subdivision or division of the State;

 (h) Prescribe the procedure, if any, by which the terms of the contract with the holders of its obligations may be amended, the number of obligations whose holders must consent thereto, and the manner in which such consent shall be given;

 (i) Prescribe the events of default and the terms and conditions upon which all or any obligations shall become or may be declared due before maturity, and the terms and conditions upon which such declaration and its consequences may be waived.

 (26) To do all other acts and things necessary or convenient to carry out any function or power committed or granted to the Authority.

 (27) To build, acquire, construct, operate and maintain such sewage facilities as shall, in the opinion of the Authority, be necessary for the district and economically practicable.

 (28) To build, acquire, construct, operate and maintain a sewage treatment plant and sewage collection system.

 (29) To build, acquire, construct, maintain, enlarge and improve sewer lines and facilities for the treatment and disposal of sewage and other waste.

 (30) To acquire existing water systems and sewer systems upon such terms and conditions as the Authority shall agree upon, including any such systems under construction.

HISTORY: 1967 Act No. 571, Section 6, eff July 12, 1967; 1970 Act No. 1192, Sections 3, 4, eff May 1, 1970; 1971 Act No. 593, Section 1, eff July 7, 1971.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner in 2012.

Effect of Amendment

The 1970 amendment rewrote item (15), and added items (28), (29), and (30).

The 1971 amendment added item (13A).

**SECTION 6‑13‑980.** Rates.

 The rates charged for services furnished by the Authority shall not be subject to supervision or regulation by any State bureau, board, commission or like instrumentality or agency thereof.

HISTORY: 1967 Act No. 571, Section 8, eff July 12, 1967.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner in 2012.

**SECTION 6‑13‑990.** Tax exempt.

 All property of the Authority shall be exempt from all ad valorem taxes levied by the State, county or any municipality, division, subdivision or agency thereof, direct or indirect.

HISTORY: 1967 Act No. 571, Section 9, eff July 12, 1967.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner in 2012.

**SECTION 6‑13‑1000.** Fiscal year; audits.

 The Authority shall conduct its affairs on the fiscal year basis employed by the State, viz., its fiscal year shall begin on July first of each year and shall end on the thirtieth day of June of the succeeding year. As shortly after the close of its fiscal year as may be practicable, an audit of its affairs shall be made by certified public accountants, of good standing, to be designated by the Authority. Copies of such audits, incorporated into an annual report of the Authority, shall be filed in the office of the Clerk of Court for Edgefield County, and with the Secretary of State.

HISTORY: 1967 Act No. 571, Section 10, eff July 12, 1967.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner in 2012.

**SECTION 6‑13‑1010.** Penalties; prohibited acts.

 It shall be unlawful for any person to willfully injure or destroy, or in any manner hurt, damage, tamper with, or impair the facilities of the Authority, or any part of such facilities, or any machinery, apparatus or equipment of the Authority, or to pollute the water in any part of its service area, or to obtain water therefrom except in accordance with the regulations promulgated by the Authority. Any person so offending shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than ten dollars nor more than one hundred dollars, or shall be imprisoned for not more than thirty days at the discretion of the court, and shall be further liable to pay all damages suffered by the Authority.

HISTORY: 1967 Act No. 571, Section 11, eff July 12, 1967.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner in 2012.

**SECTION 6‑13‑1020.** Disposition of revenue.

 All revenues derived by the Authority from the operation of its facilities, which may not be required to discharge covenants made by it in issuing bonds, notes or other obligations authorized by this act, shall be disposed of by the Authority from time to time for purposes germane to the functions of the Authority, or in such other manner as the General Assembly may, by proper enactment, direct.

HISTORY: 1967 Act No. 571, Section 12, eff July 12, 1967.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner in 2012.

**SECTION 6‑13‑1030.** Contractual authority.

 All municipalities, public bodies and public agencies operating water district systems in and adjacent to Edgefield County shall be fully empowered to enter into contracts to buy water from the Authority. Such contracts shall extend over such period of time and shall contain such terms and conditions as shall be mutually agreeable to the Authority, and to the contracting municipality, public body or public agency. No municipality or other agency operating water systems shall extend its present facilities beyond the corporate limits without prior written approval of the Authority.

HISTORY: 1967 Act No. 571, Section 13, eff July 12, 1967.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner in 2012.