CHAPTER 15

Low Country Resources, Conservation and Development Authority

**SECTION 48‑15‑10.** Low Country Resources, Conservation and Development Authority created; purpose.

 There is hereby created the Low Country Resources Conservation and Development Authority which shall be a body corporate and politic hereinafter referred to as the “authority”. The purpose of the authority shall be to institute and operate programs of soil drainage and flood prevention and any and all other measures to improve, enlarge, increase and otherwise enhance conservation of the natural resources in the counties of Beaufort, Jasper, Colleton, Dorchester, Berkeley, Hampton and Charleston.

HISTORY: 1962 Code Section 63‑501; 1968 (55) 2822; 1981 Act No. 162, Section 1.

Library References

Environmental Law 43, 123.

Westlaw Topic No. 149E.

C.J.S. Health and Environment Sections 130, 167, 173.

**SECTION 48‑15‑20.** Membership of authority; appointment, terms, and organization.

 The authority shall be composed of fifteen members who shall be appointed by the Governor. The original members shall be the present commissioners of the Low Country resources, conservation and development project. There shall be two members from each county, except Charleston, which shall have four members; and one member‑at‑large.

 The terms of office shall be for four years, except of those initially appointed, one member from each county, except Charleston, and two from Charleston County shall be appointed for two‑year terms, and the member‑at‑large shall be appointed for a two‑year term.

 The organizational meeting shall be called by the present chairman of the Low Country resources, conservation and development project as soon as all members have been appointed and qualified. Upon the expiration of any member’s term, or should a vacancy occur, the remaining members, after consultation with the resident members of the county legislative delegation entitled to representation, shall make recommendations for appointment to the Governor.

 In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996.

HISTORY: 1962 Code Section 63‑502; 1968 (55) 2822.

Library References

Environmental Law 43, 45, 123, 138.

Westlaw Topic No. 149E.

C.J.S. Health and Environment Sections 130, 133, 135 to 136, 140, 167, 173.

Editor’s Note

By Resolution 96‑07, dated July 15, 1996, the Dorchester County Council has notified the Code Commissioner that it accepts the responsibility and authority for making the appointments provided in Act 512 of 1996 which were formerly made by the Dorchester County Legislative Delegation pursuant to the authority of this section.

**SECTION 48‑15‑30.** Powers of authority.

 In order to carry out the purposes for which it was created 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 accept gifts or grants of services, properties or moneys from the United States Government or any of its agencies or from the State or any of its political subdivisions or from private or other sources;

 (8) To sell, lease, or otherwise dispose of any of its property or interest therein to any political subdivision of the State of South Carolina or any Federal or State agency in furtherance of the purposes and provisions of this chapter;

 (9) Clean out, straighten, open up, widen, or deepen, any canal, ditch, drain, river, watercourse or natural stream without diminishing the quality or quantity of the flow of water therein;

 (10) Construct and maintain main and lateral ditches, canals, levees, dykes, dams, sluices, revetments, reservoirs, holding basins, floodways, pumping stations and syphons and connect them or any of them with any canals, drains, ditches, levees or other works;

 (11) Construct or enlarge or cause to be constructed or enlarged any and all bridges that may be needed across any drain, ditch, canal, floodway, holding basin, excavation, public highway, railroad right‑of‑way, track, grade, fill or cut;

 (12) Construct roadways over levees and embankments;

 (13) Construct any and all of such works and improvements across, through or over any public highway, railroad right‑of‑way, track, grade, fill or cut;

 (14) Remove any fence, building or other improvement;

 (15) Hold, control and acquire by donation or purchase and if need be condemn any land, easement, railroad right‑of‑way, sluice, reservoir, holding basin or franchise for rights‑of‑way, holding basins or for any of the purposes herein provided or for material to be used in constructing and maintaining the works and improvements for draining, protecting and reclaiming the lands;

 (16) To exercise the rights of eminent domain. The condemnation of an existing public use must be denied unless it is shown that the specific property to be condemned is absolutely essential to the authority and the use to be condemned does not materially impair the existing public use.

 All of the above powers shall be exercised within the geographical boundaries of the counties comprising the authority.

HISTORY: 1962 Code Section 63‑503; 1968 (55) 2822; 1987 Act No. 173, Section 24.

CROSS REFERENCES

Procedures for the condemnation of property, see the Eminent Domain Procedure Act, Sections 28‑2‑10 et seq.

Library References

Environmental Law 43, 123.

Westlaw Topic No. 149E.

C.J.S. Health and Environment Sections 130, 167, 173.

**SECTION 48‑15‑40.** Funds to come from member counties and other political subdivisions; costs include attorney fees and other incidental expenses.

 All funds used by the authority to acquire lands and rights in land may be provided by the county governments comprising the authority or other political subdivisions, including the United States Government.

 The costs of acquiring rights‑of‑way or other interests in land shall include attorney’s fees and all other expenses incidental thereto.

HISTORY: 1962 Code Section 63‑504; 1968 (55) 2822.

Library References

Environmental Law 43, 123.

Westlaw Topic No. 149E.

C.J.S. Health and Environment Sections 130, 167, 173.

**SECTION 48‑15‑50.** Rights‑of‑way and easements.

 When political subdivisions of the State submit requests to the authority for works of improvement, and when the authority determines that the works of improvement to be installed is a feasible project and consists entirely of construction of drainage canals, including necessary clearing of vegetation, tidal flood gates, and disposition of excavated materials, according to standards of good drainage and other works of improvement as described in Section 48‑15‑30 (9), (10), (11), (12), (13), and (14), the authority may by virtue of this chapter acquire by any means, including condemnation rights‑of‑way and easements necessary to locate, survey, cause to be constructed, and to maintain works of improvement for the purpose of draining wet or overflow lands, or lands subject to overflow. The drainage or flood prevention must be considered public benefits and conducive to public health, convenience, and welfare.

HISTORY: 1962 Code Section 63‑505; 1968 (55) 2822; 1987 Act No. 173, Section 25.

CROSS REFERENCES

Procedures for the condemnation of property, see the Eminent Domain Procedure Act, Sections 28‑2‑10 et seq.

Library References

Environmental Law 43, 123.

Westlaw Topic No. 149E.

C.J.S. Health and Environment Sections 130, 167, 173.