

No. 498

An Act To Create The James Island Public Service District In Charleston County And To Provide That Bonds Of Such District May Be Issued In An Amount Not To Exceed One Hundred Thousand Dollars And To Provide For The Payment Of The Bonds.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. James Island Public Service District created-area. – There is hereby created in Charleston County a public service district designated as James Island Public Service District (hereinafter known as the District). The District shall include and be composed of all that area of James Island delineated as follows: beginning at the junction of the Ashley River and Wappoo Creek, thence along Wappoo Creek to Elliotts Cut, thence through Elliotts Cut to the Stono River, thence along the Stono River to Kings Flat Creek, thence to Kings Flat into Long Island Creek, thence along Long Island Creek to Secessionville Creek, thence through Secessionville Creek to Clark Sound, thence to Schooner Creek, thence to the Charleston Harbor, thence to the Ashley River thence to point of beginning.

SECTION 2. District to be corporate body. – The James Island Public Service District shall be a body politic and corporate with perpetual succession, and shall exercise, through its Commission, the functions committed to it by this act and acts amendatory hereof.

SECTION 3. To be governed by a commission – members – appointment – terms – officers – vacancies – compensation. – The District shall be governed by a Commission to be known as the James Island Public Service District Commission (hereafter called the “Commission”), and all functions committed to the District shall be exercised by the Commission. The Commission shall consist of five members, two members shall be residents of James Island Precinct No. 1, two shall be residents of the remaining portion of James Island and one shall be appointed at large. The members shall be appointed by the Governor upon written recommendation of the Senator and a majority of the Charleston County Legislative Delegation. Except as provided herein for those initially appointed, each member of the Commission shall hold office for a term of three years and until his successor shall be appointed and shall qualify. Of those initially appointed hereunder, two shall serve for one year, two for two years and one for three years. Immediately following the appointment of the Commission, it shall meet and organize by electing a chairman and a secretary; thereupon the duration of the term of the term of the initial appointees shall be determined by lots. Whereupon the secretary shall file with the Clerk of Court for Charleston County and the Secretary of State of South Carolina a certificate establishing the duration of the terms of the initial appointees. Any vacancy shall be filled for the unexpired term in the manner of the original appointment. The members of the Commission shall be paid compensation, from the funds of the Commission, in such amount as is approved as an item in the Annual Budget of the Commission.

Section 4. Duties – The following functions are hereby committed to the James Island Public Service District viz.:

- (1) The construction, operation, maintenance and enlargement of such system of sewers and sewage disposal as the Commission shall from time to time deem necessary to protect the health of those living in the District.

- (2) The construction, operation, maintenance and enlargement of such system of fire protection as the Commission shall from time to time deem necessary to protect life and property within the District.
- (3) The construction, operation, maintenance and enlargement of such system of street lighting as the Commission shall from time to time deem necessary to protect the safety of those living in the District.
- (4) The construction, operation, maintenance and enlargement of such system of garbage disposal as the Commission shall from time to time deem necessary to protect the health of those living in the District.

Section 5. Powers – To the end that the functions of the District may be conveniently exercised, its Commission shall be empowered to:

- (1) Expend the proceeds of any tax levy made for the District, for such purposes and under such conditions as such tax levy shall from time to time be made; *provided*, that such tax levy shall be approved by the Senator and a majority of the members of the House of Representatives from Charleston County.
- (2) Sue and be sued, (except that the right to be sued shall not extend any waiver of sovereign immunity).
- (3) Adopt, use and alter a corporate seal.
- (4) Make bylaws for the management and regulation of its affairs, and to define a quorum for its meetings.
- (5) Accept gifts and grants.
- (6) Prescribe regulations requiring persons who shall be residents of the District to make use of any sewer system which the District shall place in operation. Such regulations shall, however, become effective only after they have been adopted by resolution of the Commission, a certified copy thereof has been recorded in the office of the Register of Mense Conveyance for Charleston County, a copy has been posted in the Charleston County Courthouse, and the notice of the adoption of the regulations shall be published at least once for three successive weeks in a newspaper published in Charleston County, and having general circulation in the District. The notice shall specify in brief the scope of the regulations, and shall state the date on which the same shall become effective. Prior to the adoption of the aforesaid resolution, the Commission shall give public notice of the meeting which is to be held to consider their adoption, and the notice shall appear in a newspaper published in Charleston County, and having general circulation in the District, not less than seven days prior to the occasion fixed for the holding of such meeting. Any persons affected may attend such meeting and express their views on the proposed regulation. The provisions of this paragraph, prescribing conditions upon the effectiveness of regulations adopted to require compulsory use of water and sewer facilities, shall not be deemed to impose mandatory conditions upon the making or adoption of any other type of regulation authorized by this act.

- (7) Acquire, purchase, hold, use, lease, mortgage, sell, transfer and dispose of any property, real, personal or mixed, or any interest therein.
- (8) Build, construct, operate and maintain a system for the collection and disposal of sewage, including the construction of sewer mains, sewer lines and sewage treatment and disposal plants, and from time to time to enlarge and extend the same.
- (9) Purchase, or otherwise acquire, a supply of water for any water distribution system it may acquire and to that end to build, construct, maintain and operate water tanks, reservoirs, pumps and such other apparatus as may be necessary to obtain and distribute water, and to enter into contracts for the purchase of water at wholesale.
- (10) Distribute and sell water on such terms and rates as it shall from time to time approve. To that end, the Commission shall be empowered to place into effect and to revise, whenever it so wishes or may be so required, a schedule of rates and charges for water furnished by its water distribution system.
- (11) Contract with any existing water company or municipality having mains adjacent to or in the District for the furnishing of water to the Commission, whether for resale or otherwise, and for the providing of any other services in connection with the operation of a water distribution system.
- (12) Establish, operate and maintain a system of fire protection.
- (13) Establish, operate and maintain a garbage collection service.
- (14) Build, construct, operate and maintain a system for the lighting of streets.
- (15) Construct, purchase, acquire, lease or otherwise provide poles, wires, transformers and all other material, equipment and instrumentalities for street lighting, and to make contracts and agreements for such purposes, and for electrical current for such system.
- (16) Name all streets in the District in accordance with recommendations of the Charleston County Planning Board, and promulgate a numbering system and purchase and erect street name markers.
- (17) Promulgate rules and regulations relating to the disposal of garbage throughout the District.
- (18) Require a permit for connection with any sewer constructed and maintained by the Commission, and as a condition to the issuance of such permits to promulgate uniform regulations prescribing the type and manner of connections permitted to be made therewith, and to inspect such connections to insure compliance, and to make a reasonable charge for permits sufficient to cover the cost thereof and of such inspection.
- (19) Place into effect and to revise, whenever it so wishes or may be required, a schedule of rates and charges for the use made of its sewage disposal system.

- (20) Promulgate rules and regulations regarding fire hazards and the protection therefrom within the District, including appropriate powers to enforce the observance thereof, and provide for penalties for the non-observance thereof.
- (21) 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.
- (22) Exercise the power of eminent domain for any corporate function. The power of eminent domain may be exercised through any procedure prescribed by Charter 3, Title 25, Code of Laws of South Carolina, 1952, or by following the procedure for the exercise of eminent domain by the State Highway Department, prescribed by Article 2, Chapter 3, Title 33, Code of Laws of South Carolina, 1952.
- (23) 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 contract with the Commissioners of Public Works of the City of Charleston for the collection of sewer charges imposed for the use of any public sewage disposal system maintained by the District. Such contract may empower Commissioners of Public Works to add charges made for the use of the sewage disposal system to the water bill of any person who shall obtain water from the Waterworks System operated by Commissioners of Public Works, provided such person shall be a user of the public sewage system.
- (25) Contract with any municipal or public agency for any or all of the services authorized under this act.

SECTION 6. Exempt from taxes – The property of the District shall be exempt from all taxes of whatever kind or nature.

SECTION 7. Tax Levy – For the purposes of carrying out the functions of the James Island Public Service District and to provided funds therefore, the County Auditor shall levy and the Treasurer of Charleston County shall annually collect a tax of sufficient millage as is approved pursuant to Section 14-1182, Code of Laws of South Carolina, 1952, on all taxable property in the territorial limits of the District, the proceeds of which tax shall be placed to the credit of the James Island Service District Commission and paid out under warrants of its chairman and secretary for carrying out the purposes of this act and the functions of the Commission.

SECTION 8. Bids – records – audits – The Commission shall advertise for bids for at least thirty days in one or more newspapers for all work to be done and the material to be used in constructing water, sewer or light systems and for fire apparatus when the estimated cost of construction or apparatus exceeds one thousand dollars, with the right to reject any and all bids, to enter into contracts with the lowest responsible bidder thereon, and to secure competent persons, if deemed advisable, to superintend the construction thereof and counsel and advise in all matters relating thereto. A permanent record shall be kept by the Commission of all its proceedings, contracts and other matters done and performed by it, including an accurate plan of the work done, and proper books shall be kept, showing in detail all moneys and funds received and disbursed by it. The books of the Commission shall be audited annually, and at such other times as the Charleston Delegation shall direct, by a certified public accountant and

a copy of such audit filed with the delegation. All books and records of the Commission shall be open at all times to the inspection of any citizen of the District.

SECTION 9. Penalties – Any person, firm or corporation, willfully failing or refusing to comply with any rule or regulation of the Commission promulgated or adopted under authority duly vested in it, after written notice of such rule or regulation and demand for compliance therewith, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not exceeding twenty-five dollars or imprisonment of not exceeding ten days; *provided*, that each day after conviction of such failure or refusal to comply that the same shall continue shall constitute a separate offence, and be subject to like punishment.

SECTION 10. Further. – It shall be unlawful for any person to willfully injure or destroy, or in any manner hurt, damage, tamper with or impair any facility, or to obtain water from its water distribution system or to connect to its sewers except in accordance with the regulations promulgated by the Commission. 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 thirty days at the discretion of the court, and shall be further liable to pay all damages suffered by the District.

SECTION 11. Bond issue authorized – purpose – maturity – The James Island Public Service District Commission is hereby authorized and empowered to issue negotiable coupon bonds of the District in the sum of not exceeding one hundred thousand dollars, the proceeds of which shall be used by the Commission for purchasing, establishing, equipping, operating and maintaining fire systems and fire departments in the District; and such garbage collection equipment as may be needed to furnish garbage collection services within the District; the bonds shall be of the denomination of one thousand dollars and/or five hundred dollars, shall bear interest not to exceed five per cent per annum, payable annually or semiannually as the Commission shall determine; shall determine, but all bonds shall mature all at one time or in series or installments as the Commission shall determine, but all bonds shall mature not later than twenty years from their respective dates and shall be exempt from all State, county and municipal taxes, and may be registerable as to principal.

SECTION 12. Execution - The bonds shall be signed by the Chairman and Secretary of the Commission, and the official seal of the James Island Public Service District shall be affixed to or impressed upon the bonds; the coupons on the bonds shall not be authenticated other than by the facsimile signature of the officials lithographed, printed or engraved thereon.

SECTION 13. Sale - The bonds shall be issued and sold as a whole or from time to time and in such amounts as the Commission shall determine; the sales to be made to the highest bidder for cash after such advertisement as the Commission shall deem proper. No bonds shall be sold at less than par and accrued interest to date of delivery thereof; the Commission to have the right to reject any all bids in its discretion, provided the bonds may be sold to the United States, or any department or agency thereof, at private sale without advertisement.

SECTION 14. Payment – Until the interest and principal of all bonds issued under this act shall be fully paid, there shall be levied annually on all taxable property in James Island Public Service District a tax sufficient to pay such interest as it becomes due and to provide a Sinking Fund sufficient to pay such principal at the date or dates of maturity thereof; *provided*, however, that if after the application of the revenue from the fire system and garbage collection system to the payment of the operation, maintenance and improvement of the systems and the expense of the operation, improvement and upkeep of the fire protection system and the garbage collection

system, there remains any surplus, then the annual levy may be reduced to such amount as with the application of such surplus revenue thereto will be sufficient to pay the interest and principal as they respectively mature. The annual tax shall be levied and collected by the same officers and in the same manner as provided for the levy and collection of taxes for county purposes in Charleston County. The money so collected shall be applied by or under the direction of the County Treasurer to the payment of the principal and interest as they respectively become due.

SECTION 15. Proceeds - The proceeds of the sale of the bonds as provided by this act shall be kept by the County Treasurer as a separate fund and shall be paid out only upon orders or warrants of the James Island Public Service District Commission and the County Treasurer for the purposes specified by this act.

SECTION 16. Duties of James Island Water District Commission devolved upon Commission – The powers and duties of the James Island Water District Commission are hereby devolved upon the James Island Public District Commission, and the James Island Public Service District Commission shall receive the revenues of the water district commission and disburse them from time to time in accordance with the act creating the water district and any and all contractual agreements, obligations and bond indentures of the water district and all of the rights, powers, duties and obligations of the James Island Water District and its commission are hereby devolved upon and shall hereafter be assumed, exercised and discharged by the James Island Public Service District Commission.

SECTION 17. Saving clause. - If any part of this act shall be held unconstitutional, such unconstitutionality shall not affect the remainder of this act.

SECTION 18. Repeal. – All acts or parts of acts inconsistent herewith are repealed.

SECTION 19. Time effective – This shall take effect upon approval by the Governor.

Approved the 4th day of May, 1961.

No. 1049

An Act To Amend Act 498 Of 1961, Creating The James Island Public Service District, So As To Provide Penalties For Non-Compliance With Rules Or Regulations Of The Commission.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Item (20), Section 5 of Act 498 of 1961 amended – rules and regulations regarding fire hazards – Penalties – Item (20) of Section 5 of Act 498 of 1961 is amended by striking beginning on line 3 “, and provide for penalties for the nonobservance thereof” and inserting in lieu thereof “, Any person willfully failing or refusing to comply with any rule or regulation of the James Island Public Service Commission promulgated or adopted under the authority of this item, after written notice of such rule or regulation or demand for compliance therewith, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not exceeding twenty-five dollars or imprisonment for a period not exceeding ten days; *provided*, that each day’s violation after notice and demand for compliance shall constitute a separate offense”, so that when amended the item shall read as follows:

“(20) Promulgate rules and regulations regarding fire hazards and the protection therefrom within the District, including appropriate powers to enforce the observance thereof. Any person willfully failing or refusing to comply with any rule or regulation of the James Island Public Service Commission promulgated or adopted under the authority of this item, after written notice of such rule or regulation or demand for compliance therewith, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not exceeding twenty-five dollars or imprisonment for a period not exceeding ten days; *provided*, that each day’s violation after notice and demand for compliance shall constitute a separate offense.”

SECTION 2. Time effective – This act shall take effect upon approval by the Governor.

Approved the 1st day of February, 1962

No. 1362

An Act To Amend Act No. 498 Of 1961, As Amended, Creating The James Island Public Service District In Charleston County, So As To Empower The District To Acquire Upon Certain Conditions Sewer Systems Constructed By Private Persons.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Powers – Act No. 498 of 1961, as amended, is further amended by adding in Section 5 item (8-A), as follows:

“(8-A). To accept any sewer system constructed within the district provided that each of the following conditions has been met:

- (1) Each system on the occasion when it is accepted by the Commission shall be a complete system, including facilities both for the collection and treatment of sewage and shall be in good condition and working order in compliance with the requirements of all county, state and federal regulatory bodies;
- (2) The system shall be given to the district at no expense to the district, and the grantor shall pay all costs and charges in connection with the transfer;
- (3) The estimated revenues to be derived from the system when added to the estimated revenues to be derived from any other sewer systems previously acquired pursuant to this act shall be sufficient to defray the estimated costs of operating and maintaining the system to be acquired and any other sewer system previously acquired pursuant to this act;
- (4) The district shall acquire an unencumbered title to the system, including all necessary rights of ways, easements, lines, pumps and other equipment and all collection and treatment facilities; *provided*, however in its discretion, the Commission may acquire any lagoon site upon the condition that it will revert to the grantor in the event the district discontinues using the same; and
- (5) Notice of the holding of a meeting of the Commission at which a resolution accepting such system shall be considered shall have been given once at least seven days and not more than twenty days prior to the date set or meeting in a newspaper of general circulation within the district.

Upon the acquisition of any sewer system pursuant to this item (8-A) the Commission shall establish and thereafter maintain a separate account to be designated as the “Sewer System Revenue Fund” into which it shall deposit all revenues derived from the operation of all sewer systems acquired pursuant to this item (8-A), including, but not limited to, connection fees and sewer service charges, together with any funds paid by the grantor of any system to the district. The cost of operating and maintaining such sewer systems shall be defrayed out of the Sewer System Revenue Fund to the end that no tax revenues will be utilized for that purpose.

The Commission shall operate all such sewer systems as a single system and shall impose a uniform schedule of rates and charges for the use of such single system as shall be adequate at all times to defray the cost of operation and maintenance. The cost of operation and maintenance shall include salaries of all persons employed in connection with such single system and the acquisition, operation and maintenance of all vehicles and equipment used in connection therewith.”

SECTION 2. Rates not subject to regulation – Act No. 498 of 1961, as amended, is further amended by adding Section 5-A, as follows:

“Section 5-A. The rates charged by the Commission pursuant to the authorizations of Section 5 shall not be subject to regulation by the South Carolina Public Service Commission.”

SECTION 3. Time effective – This act shall take effect upon approval by the Governor.

Approved the 22nd day of May, 1970.

No. 600

An Act To Amend Act No. 1768 of 1972, Relating To The North Charleston Sewer District, So As To Further Provide For The Terms Of The Commissioners.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Membership – Section 5, Part II of Act No. 1768 of 1972 is amended to read as follows:

“Section 5. The Commission shall be composed of nine members, three of whom shall be appointed by the Governor upon the recommendation of City Council, and six of whom shall be appointed by the Governor upon the joint recommendation of a majority of the House Members of the Charleston County Legislative Delegation and a majority of the Senators from Senatorial District No. 16. The initial appointees shall serve until July 1, 1974 or until their successors are appointed and qualify, commencing July 1, 1974. Vacancies shall be filled in the manner of the original appointment for the unexpired portion of the term only.”

SECTION 2. Time effective. – This act shall take effect upon approval by the Governor.

Approved the 26th day of June, 1973

No. 1367

An Act To Amend Act 498 Of 1961, As Amended, Relating To The James Island Public Service District In Charleston County, So As To Provide For The Election Of Members Of The District Commission And To Provide For The Filling Of Vacancies.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. District to be governed by a committee - Section 3 of Act 498 of 1961, as last amended by Act 601 of 1973, is further amended by striking it out and inserting:

“Section 3. The District shall be governed by a commission to be known as the James Island Public Service District Commission (commission) and all functions committed to the District shall be exercised by the commission. The commission shall consist of seven members, all of whom may reside anywhere within the District. The members shall be elected in the general election preceding the year in which their terms expire. The terms of members of the commission shall be for four years and until their successors are elected and qualify and shall commence on January first following their election. Any vacancy shall be filled for the unexpired portion of the term by appointment by the Governor upon the recommendation of a majority of the Charleston County Legislative Delegation. The commission shall elect a chairman and secretary and such other officers as it may deem desirable. The members of the commission shall be paid compensation from funds of the commission in such amount as is approved as an item in the annual budget of the commission.”

SECTION 2. Election and terms – Notwithstanding the provisions of Section 3 of Act 498 of 1961, the successors to the commissioners whose terms expire in 1974 and in 1975 shall be elected in 1974. Successors to the commissioners whose terms expire in 1976 shall be elected in 1976. The terms of all current commissioners shall terminate when their successors are elected and qualify.

SECTION 3. Time effective – This act shall take effect upon approval by the Governor.

Approved the 20th day of February, 1974.