

# **Waters, Water Resources and Drainage**

## **Publication of a notice on the creation of an artificial lake, pond or reservoir on cemetery or burial ground 49-9-10**

A notice for the purpose of a proposal of an artificial lake, pond or reservoir on a cemetery or burial ground must be made public. A notice may be published in a newspaper in the county or counties where this is located once a week for four consecutive weeks. The notice needs to contain the name(s) and any other information that may be known surrounding the buried in or around the area with a statement that a request can be sent to the company on the wishes of the relatives of the deceased.

Section When	Notice	Where	
49-9-10	A notice of a proposed creation of an artificial lake, pond or reservoir on a cemetery or burial ground. The notice needs to contain the name(s) and any other information that may be known surrounding the buried in or around the area with a statement that a request can be sent to the company on the wishes of the relatives of the deceased.	A newspaper in the county or counties where it may be located or if no newspaper than a newspaper in	Once a week for four consecutive weeks

Exact wording:

“Any water-power or reservoir company proposing to create an artificial lake, pond or reservoir on land whereon is situated a cemetery or burying ground shall, before the creation of such lake, pond or reservoir, cause to be published once a week for four successive weeks in a newspaper published in the county or counties in which such lake, pond or reservoir shall be created or, if there be no such newspaper, in a newspaper having general circulation in such county or counties a notice which shall set forth (a) the names, if known, of all persons buried within the area to be covered by water, (b) the names, if known, of all family and other burying grounds within such area and (c) such other information as may be known to the company and which would serve to designate the known graves or graveyards within such area. Such notice shall further contain a provision calling upon the relatives of all persons buried within such area to furnish to the company in writing within a stated period of time, to be not less than thirty days from the date of last publication, a statement of their wishes with respect to the disposition of the remains of the persons so buried, signed by the person making the request and giving his post-office address.”

## ***Drainage Districts under 1911 Act***

### **Notice of hearing to establish a drainage or levee district**

**49-17-300**

If a drainage district is to be established under the 1911 act than a public notice must be published in a newspaper of general circulation for two consecutive weeks in the county or counties in the proposed district. Notices should also be posted in five conspicuous places. There must be at least fifteen days between the publication of the notice, posting of the notice and the date set for the hearing.

Section When	Notice	Where	
49-17-300	Notice of a public hearing on a proposed drainage district under the 1911 act	A newspaper of general circulation in the county or counties affected	Fifteen days prior to any public posting and the date of the hearing

Exact wording:

“If the petition is entertained by the clerk of court notice shall be given by publication for two consecutive weeks in some newspaper of general circulation within the county or counties, if one shall be published in such counties, and also by posting a written or printed notice at the door of the courthouse and at five conspicuous places within the drainage district that on the date set, naming the day, the clerk of court will consider and pass upon the report of the viewers. At least fifteen days shall intervene between the date of publication and the posting of notices and the date set for the hearing.”

**Notice of hearing on final report  
49-17-610**

When a final report for the established drainage or levee district is complete and accepted by the clerk of court than a date can be made for a final hearing that will be held less than twenty days from that date. A notice of this hearing must be published in a newspaper of general circulation in the county at least two weeks prior to the final hearing. A notice must also be made public on the county courthouse door and five conspicuous places.

Section When	Notice	Where	
49-17-610	A notice of a final hearing on the completed report of a drainage or levee district under the 1911 act	A newspaper of general circulation in the county	At least two weeks prior to the final hearing

Exact wording:

“When the report is fully completed and accepted by the clerk, a date, not less than twenty days thereafter, shall be fixed by the clerk for the final hearing upon the report and notice thereof shall be given by publication in a newspaper of general circulation in the county and by posting a written or printed notice on the door of the courthouse and at five conspicuous places throughout the district, such publication to be made for at least two weeks before the final hearing. During this time a copy of the report shall be on file in the office of the clerk of the court of common pleas and shall be open to the inspection of any landowner or other person interested within the drainage district.”

**Notice of contract for improvements  
49-17-1010**

If construction is to be made on a drainage district than the commissioner of this district must publish a notice of the improvements for two consecutive weeks. The notice shall be placed in a newspaper in the county where the improvements will take place and an engineering or contract journal with general circulation for the same length in time. The notice needs to contain the approximate amount of work to be done and the estimated time of completion.

Section When	Notice	Where
49-17-1010	A notice of improvements that will be made to a drainage district. The notice shall contain the approximate amount of work to be done and the estimated time of completion	A newspaper in the county and an engineering or contract journal with statewide circulation for the same length of time

Exact wording:

“The board of drainage commissioners shall cause notice to be given for two consecutive weeks in some newspaper published in the county wherein such improvement is located, if such there be, and publication for the same length of time in at least one engineering or contracting journal of wide circulation of the time and place of letting the work of construction of such improvement. In such notice they shall specify the approximate amount of work to be done and the time fixed for the completion thereof.”

**Notice of proposed bond issue  
49-17-1330**

If an estimate of improvements exceeds twenty-five cents per acre on all the lands than a notice by the commissioner may be placed for the proposed issuance of bonds. The notice can be published in a newspaper of general circulation in the district, posted at the courthouse door and in five conspicuous places. The notice shall contain the proposal, the amount of bonds to be issued, the rate of interest and the time when the bonds shall be paid.

Section When	Notice	Where
49-17-1330	A notice of the issuance of bonds for the improvements on a drainage district if it exceeds twenty five cents per acre on all the lands. The notice	A newspaper with general circulation in the district, posted at the courthouse door and in five conspicuous places

	shall contain the proposal, the amount of bonds to be issued, the rate of interest and the time when the bonds shall be paid.		
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Exact wording:

“In case the total assessment exceeds the average of twenty-five cents per acre on all the lands in the district the board of drainage commissioners may give notice of three weeks by publication in some newspaper of general circulation in the district, if there be one, and also by posting a written or printed notice at the door of the courthouse and at five conspicuous places in the drainage district that they propose to issue bonds for the construction of such improvement, giving the amount of bonds to be issued, the rate of interest they are to bear and the time when payable.”

### ***Drainage Districts under 1920 Act***

#### **Notice of filing of petition 49-19-250**

After a petition has been filed for the establishment of a drainage district under the 1920 act than the clerk in the office where the notice was filed shall give notice. The notice needs to be published once a week for four consecutive weeks in a newspaper in each county where the lands in the petition are located. The last publication should not be less than twenty days before the date fixed in the notice.

Section When	Notice	Where	
49-19-250	A notice of the petition for the establishment of a drainage district under the 1920 act	A newspaper in each county where the lands in the petition are located	Once a week for four consecutive weeks

Exact wording:

“Immediately after such petition shall have been filed, the clerk in whose office it has been filed shall give notice by causing publication to be made once a week for four consecutive weeks in some newspaper published in each county in which the lands referred to in the petition are situate, the last publication to be not less than twenty days before the appearance day fixed in the notice.”

#### **Notice of meeting to elect board of supervisors 49-19-510**

Once a drainage district has been organized and incorporated, a meeting to elect a board of three supervisors must be made that will be held no later than twenty days from the time of the publication. A notice of this meeting must be published once a week for two consecutive weeks in a newspaper published in each county where the lands are located, with the last publication not less than ten but nor more than fifteen days before the date of the meeting. The notice needs

to contain the time and place of the meeting. The board will be made up of land owners (two must be residents of the county.)

Section When	Notice	Where	
49-19-510	A notice of the time and place of a meeting to elect a board of three supervisors for a drainage district under 1920 act	A newspaper published in each county where the lands are located	The last publication cannot be less than ten but nor more than fifteen days before the date of the meeting

Exact wording:

“Within twenty days after any drainage district shall have been organized and incorporated under the provisions of Article 3 of this chapter the clerk of the court in which the petition has been filed shall, upon giving notice by causing publication thereof to be made once a week for two consecutive weeks in some newspaper published in each county in which lands of the district are situate, the last insertion to be not less than ten nor more than fifteen days before the day of such meeting, call a meeting of the owners of the lands situate in the district at a day and hour specified at some public place in the county in which the district was organized for the purpose of electing a board of three supervisors, to be composed of owners of lands in the district, two of whom at least shall be residents of the county or counties in which such district is situate or some adjoining county.”

**Notice of the filing of the report for the appraisal commissioners  
49-19-1020**

Once the report by the commissioner on the appraisal of a drainage district has been filed the clerk of court of common please shall than give notice by publication. The notice shall be placed in a newspaper in each county where the land in the report is located, once a week for two consecutive weeks. The last day the notice may be placed is ten days prior to the date set for the filing of exceptions.

Section When	Notice	Where	
49-19-1020	A notice of the filing of an appraisal report for a date to file any exceptions	A newspaper in each county where the land in the report is located	Once a week for two consecutive weeks with the last publication being placed ten days prior to the date set for exceptions

Exact wording:

“Upon the filing of the report of the commissioners the clerk of the court of common pleas shall give notice thereof by causing publication to be made once a week for two consecutive weeks in some newspaper published in each county in which there are lands covered by the report, the last publication to be made at least ten days before the day to be named in such notice on which exceptions may be filed.”

**Notice of suit due to lack of drainage tax payment  
49-19-1820**

A notice of a suit that is pending on the delinquency of payment on drainage taxes must be published once a week for four successive weeks before a judgment can be made on the sale of the land. The notice shall be placed in a newspaper in the county where the land is situated. An example of the notice can be found below.

Section When	Notice	Where
49-19-1820	A notice of a pending suit for the sale of land due to lack of payment on drainage taxes	A newspaper in the county where the land is situated

Exact wording:

“Notice of the pendency of such suit shall be given by publication once each week for four successive weeks before judgment is entered for the sale of such lands in some newspaper published in the county in which such suits may be pending. Such notice may be in the following form:

NOTICE

In the Court of Common Pleas, \_\_\_\_\_ County, South Carolina.

\_\_\_\_\_, Plaintiff.

vs.

\_\_\_\_\_, Defendants.

Notice is hereby given to all persons having or claiming any interest in the lands hereinafter mentioned that suit is pending in the court of common pleas of \_\_\_\_\_ County, South Carolina, to enforce the collection of certain drainage taxes on such lands situated in \_\_\_\_\_ drainage district in said county, the name or names of the owners, so far as known, having been set opposite the lands owned by them, together with the amounts severally due from each, to wit: (Here follows a list of owners, so far as can be ascertained, with a descriptive list of the delinquent lands and amounts due thereon respectively.)

Any and all persons and corporations interested in said lands or any part thereof are hereby notified that they are required by law to appear within twenty days after this notice has been published four weeks and make defense to such suit or the same will be taken for confessed and final judgment and decree will be entered directing the sale of all or any part of such lands for the purpose of collecting such taxes, together with the payment of interest, penalty and costs allowed by law, including a reasonable attorney's fee.

First publication \_\_\_\_\_ 19\_\_\_\_, \_\_\_\_\_,

Clerk of the Court of Common Pleas,

\_\_\_\_\_ County, South Carolina.

**Notice of judgment in suit**

**49-19-1860**

If there is no answer to the filed suit for the lack of payment on drainage taxes on or before the time set than judgment of the suit may take place. An advertisement of the sale of the land must be placed once a week for three consecutive weeks in a newspaper in the county. The sale is to be made by the sheriff at the courthouse door to the highest bidder.

Section When	Notice	Where
48-19-1860	An advertisement of the sale of land if there	A newspaper in the county

	is no answer to the suit filed for the lack of payment on drainage taxes		
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Exact wording:

“When no answer has been filed on or before the time for filing an answer as stated in the notice, the notice having been published as required by Section 49-19-1820 or if answer is filed and the cause shall be decided for the plaintiff the court by its decree shall grant the relief prayed for and the decree for the delinquent taxes and penalty shall include all costs of suit and a reasonable attorney’s fee to be fixed by the court, recoverable the same as the delinquent tax in the same suit. By such decree the court shall direct the sheriff to sell the land described in the complaint to the highest bidder for cash in hand at public outcry at the courthouse door of the county wherein the suit is pending after having first advertised such sale once each week for three consecutive weeks in some newspaper published in the county. Such advertisement may include all the lands described in the decree and ordered sold.”

## ***Interbasin Transfer of Water***

### **Notice of permit application 49-21-30**

A filed permit application for the transfer of interbasin water must be placed by DHEC in a newspaper for publication. The notice shall be placed once a week for four consecutive weeks in a newspaper of general circulation where each affected river basin(s) is located. It must also be published in the State register and mailed to holders of interbasin water in the area.

Section When	Notice	Where
49-21-30	A notice of a filed permit application for an interbasin water transfer	A newspaper of general circulation in each affected river basin

Exact wording:

“B. The applicant shall specify the location of all collection, withdrawal, and transportation facilities and additional information as the department may require. The department shall publish notice of the permit application once a week for four consecutive weeks in a newspaper of general circulation in each river basin area to be affected by the transfer; the department shall publish the notice in the State Register; and the department shall provide notice to each holder of an interbasin water transfer permit within the proposed losing river basin by mailing a notice by registered or certified mail, return receipt requested.”

## ***South Carolina Drought Response Act***

### **Functions of the Department of Natural Resources (in reference to a notice of a drought alert) 49-23-50**

A notice of each drought alert phase shall be published by the Department of Natural Resources at least once during the phase. This should be done by publication in a newspaper of general circulation in the areas that will be affected. Notice should also be given to the media in each drought management area.

Section When	Notice	Where	
49-23-50	A notice of each drought alert by the Department of Natural Resources	A newspaper of general circulation in each affected area	At least once at each drought alert phase

Exact wording:

“Consistent with the South Carolina Water Resources Planning and Coordination Act, as provided in Chapter 3 of Title 49, the department, without limiting its general authority, shall:

(2) The department shall publish notice of each drought alert phase at least once in a newspaper of general circulation in the areas affected and provide notice to the media in each drought management area at each drought alert phase;”

**Notice of the declaration of drought management areas  
49-23-70**

If a Drought Response Committee has determined that there is a need to cut back on nonessential water than a notice must be given. The notice needs to be distributed to news media and published in a newspaper of general circulation in each affected county at least once a week during the phase.

Section When	Notice	Where	
49-23-70	A notice of determination on the need to cut back on nonessential water use	A newspaper of general circulation in each affected area	Once a week during the drought alert phase

Exact wording:

“(2) The department shall publish notice of each drought alert phase at least once in a newspaper of general circulation in the areas affected and provide notice to the media in each drought management area at each drought alert phase;”

***Lake Wylie Marine Commission***

**Notice of a public hearing on regulations for Lake Wylie  
49-27-80**

A public hearing for the adoption and filing of any regulations that are made to Lake Wylie must be published in a newspaper of general circulation in the three counties of Lake Wylie. The notice shall be placed at least ten days prior to the hearing.

Section When	Notice	Where	
49-27-80	A notice for a public hearing on the adoption and filing of regulations for Lake Wylie	A newspaper of general circulation in the three counties of Lake Wylie	At least ten days prior to the hearing

Exact wording:

“(A) Except as limited in subsection (B) of this section, by restrictions in any joint ordinance, and by other supervening provisions of law, the commission may make regulations applicable to Lake Wylie and its shoreline area concerning all matters relating to or affecting the use of Lake Wylie. These regulations may not conflict with or supersede provisions of general or special acts or of regulations of state agencies promulgated under the authority of general law. No regulations adopted under the provisions of this section may be adopted by the commission except after public hearing, with publication of notice of the hearing in a newspaper of general circulation in the three counties at least ten days before the hearing. In lieu of or in addition to passing regulations supplementary to state law and regulations concerning the operation of vessels on Lake Wylie, the commission may, after public notice, request that the North Carolina Wildlife Resources Commission and the South Carolina Department of Natural Resources pass local regulations on this subject in accordance with the procedure established by appropriate state law.”

## ***South Carolina Scenic Rivers***

### **Notice of a public meeting on proposed designation of river as a scenic river 49-29-60**

Before a river or river segment can be added to the scenic river program a public meeting must be held on the proposal. A notice of this meeting must be published at least thirty days prior to the meeting in a newspaper having general circulation in the State and in the State Register.

Section When	Notice	Where	
49-29-60	A notice of a public meeting on a proposed river or river segment being added to the scenic river program	A newspaper with general circulation in the State and in the State Register	At least thirty days prior to the meeting

Exact wording:

“The department shall hold a public meeting in the vicinity of the river or river segment proposed for addition to the State Scenic Rivers Program. This public meeting must be conducted before any action by the department to designate the river or river segment as an eligible state scenic river. The purpose of this meeting is to solicit comments from the public concerning the proposed designation of a river or river segment. Notice of this meeting must be published at least thirty days before the meeting in the State Register and in a newspaper having general circulation in each county containing or bordering the river or river segment under study and in a newspaper having general circulation in the State. Landowners along the proposed river or river segment also must be notified by letter.”

**Notice of action by the Department of Natural Resources  
49-29-90**

Once DNR has declared the river or river segment eligible as a state scenic river a notice of this must be published in a newspaper of general circulation in the State. The notice should also be placed in the State Register, written notice shall be given to the State Budget and Control Board, the Department of Revenue and the affected units of local government. The notice shall contain the boundaries of the river or river segment. The same notice should be given to the General Assembly for review.

Section When	Notice	Where	
49-29-90	A notice of the eligibility of a river or river segment as a state scenic river. The notice shall contain the boundaries of the river or river segment.	A newspaper of general circulation in the State	Once eligibility has been declared

Exact wording:

“No river or river segment may be eligible as a state scenic river and accorded the protection of this chapter, except upon formal action by the department. Following action by the department declaring a river or river segment eligible as a state scenic river, the department shall publish a notice of the eligibility in the State Register and provide written notice to the State Budget and Control Board, the Department of Revenue, and the affected units of local government. Notice of eligibility also must be published in a newspaper of general circulation in the State to apprise interested parties of the opportunities under Section 49-29-100. The notice must describe the boundaries of the river or river segment. Following notice of eligibility, the department shall submit the same to the General Assembly for review. No river or river segment may be designated a state scenic river until the General Assembly has duly enacted legislation ratifying such designation.”