SC Court of Appeals Reverses Dorchester County Fee Grab

March 29, 2010

CHARLESTON, SC-The South Carolina Court of Appeals ruled that Dorchester County has no right to charge the owner of a residential development for sewer fees, reversing an earlier decision by county officials.

The case involved Tranquil Acres, a 40-unit residential complex in Dorchester County. Residents of the complex had paid for water and sewer individually for years until the county suddenly billed the property owner, Tranquil Properties, LLC, for the service. The county refused to provide the owner with a basis for the billing, later claiming that Tranquil Properties could be subject to the fees since it was a "successor" to a tenant association that had been defunct for more than a decade.

Attorneys for Rosen, Rosen & Hagood, who represented Tranquil Properties, argued that the county could not bill the company directly for the use of sewer services by its tenants. A three-judge panel of the South Carolina Court of Appeals agreed.

Writing for the court, Judge Aphrodite K. Konduros found that the county had "no basis" for concluding that Tranquil Properties was responsible for the sewer bills and overturned a decision by the Dorchester County master-in-equity.

"Obtaining the means for sewer service by securing a connection to the public system or providing the original septic tank is different than paying for the ongoing service in each unit each month," Konduros wrote in her unanimous opinion filed on March 29.

Attorneys David G. Jennings and James A. Bruorton IV of Rosen, Rosen & Hagood were the lead attorneys in the appeal. Mr. Bruorton presented Tranquil Properties' argument to the South Carolina Court of Appeals.

"We're very happy for our client that the master-in-equity's decision was reversed," said Bruorton. "This was a clear case of the county overstepping its bounds. They tried to maximize revenue by going after a private development company for fees it didn't owe," said Jennings. Additional legal challenges are expected by county officials.

Jennings is a member the Charleston County Bar Association and graduate of Davidson College. He received his law degree from the University of South Carolina School of Law.

Mr. Bruorton is a member of the Charleston Bar Association and a graduate of Clemson University. He earned his law degree from the University of Tennessee College of Law.

©2026 Rosen Hagood All Rights Reserved |

Rosen, Rosen & Hagood, LLC, was founded in 1947 and is based in Charleston, South Carolina. The firm represents businesses, individuals, and governmental entities in civil litigation matters.

©2026 Rosen Hagood All Rights Reserved