



Lynn Fitch
ATTORNEY GENERAL
OPINIONS AND POLICY

June 8, 2026

J. Kirkham Povall, Esq.
Attorney, Town of Boyle
Post Office Drawer 1199
Cleveland, Mississippi 38732

Re: Sanitary Sewer Services for Homeowners Residing Outside Municipality

Dear Mr. Povall:

The Office of the Attorney General has received your request for an official opinion.

Background

According to your request, the Town of Boyle (“Town”) operates a municipal water system, which provides water and sanitary sewer services to citizens who reside within the Town’s corporate boundaries. The Town also provides water services to individuals and businesses residing outside of its corporate boundaries and sanitary sewer services to a few residential users residing outside of its corporate boundaries. You advise that the Town has been awarded “grant and/or loan funds from the State of Mississippi to extend sanitary sewer services to additional users and replace water lines to the same users outside its boundaries.” You also indicate that there is concern that “potential users of sanitary sewer services” who currently receive municipal water services may reject the sanitary sewer services which would replace their septic tanks.

Questions Presented

1. Does the Town have the right to terminate the water service of a homeowner who rejects sanitary sewer services?
2. Does the Town have the right to sue an individual homeowner for injunctive relief requiring the homeowner to accept sanitary services?
3. Is there any legal basis for the Town to request the Mississippi Department of Health assist in requiring the homeowner to abandon a septic tank and sign a user agreement accepting sanitary sewer services?

Brief Response

1. The Town may not terminate the water services of a homeowner solely because he rejects sanitary sewer services.
2. There is no statutory authority for the Town to sue to compel the owner of a septic system to connect to the town's sewer system.
3. Nothing in the law prohibits the Town from contacting the Department of Health to ask for assistance.

Applicable Law and Discussion

You first ask if the Town has the right to terminate the water service of a homeowner who rejects sanitary sewer services. While Mississippi Code Annotated Section 21-27-7 gives the municipal governing authorities jurisdiction over waterworks, including sewer services, the law does not provide the Town with authority to terminate the water service of a homeowner outside of the corporate limits who rejects sanitary sewer services. The only reason we can find to terminate water service is "for nonpayment of a just bill after giving notice and an opportunity to be heard in a meaningful time and manner to the utility customer." MS AG Op., *Povall* at *1 (July 28, 2006) (citation omitted).

To the extent that your second question asks for advice on initiating legal proceedings against certain residents, we are unable to respond. However, we have found no statutory authority for the Town to seek injunctive relief to force septic system users outside of the Town to connect to the sewer system.

Your third question asks if there is any legal basis for the Town to request that the Mississippi Department of Health assist in requiring a homeowner to abandon a septic tank and sign a user agreement accepting the sanitary sewer services. Nothing in the law prohibits the Town from contacting the Department of Health and asking for assistance.

If this office may be of any further assistance to you, please do not hesitate to contact us.

Sincerely,

LYNN FITCH, ATTORNEY GENERAL

By: /s/ Kristi D. Kennedy

Kristi D. Kennedy
Special Assistant Attorney General