CHAPTER 21

Fire Protection and Ambulance Services; Medical Clinic Facilities

**SECTION 4‑21‑10.** Counties may provide fire protection and ambulance services and medical clinic facilities; special tax, fees and charges; municipalities may choose not to participate.

 The governing body of any county may by ordinance or resolution provide that the county shall provide fire protection services, ambulance services and medical clinic facilities. Services may be provided by use of county employees and equipment or by contract with municipalities or private agencies. Counties may contract with water and sewer authorities to make provision for fire protection services. As used in this act “private agencies” shall include but not be limited to nonprofit corporations organized pursuant to Chapter 35 of Title 33 and financed in whole or in part by the Farmers Home Administration.

 A special tax, fee or service charge may be levied against property or occupants thereof in areas receiving such services. Proceeds of such taxes, fees or service charges shall be used to defray the cost of providing the particular service for which they are levied, including the fulfillment of contract obligations with municipalities and private agencies.

 Any municipality may by resolution choose not to participate in any such services or facilities provided such resolution is filed with the county governing body within ninety days after written notice is given the municipal governing body. The written notice shall specify the nature of the services to be rendered and the level of taxes to be levied.

HISTORY: 1962 Code Section 14‑700.231; 1974 (58) 2277; 1975 (59) 318; 1975 (59) 619.

CROSS REFERENCES

Fees for fire protection for property exempt under Section 12‑37‑220, see Section 12‑37‑235.

Prevention and investigation of fires and the role of State government therein, see Sections 23‑9‑10 et seq.

Attorney General’s Opinions

Charging fire fees to property owners is appropriate and would not constitute an illegal expansion of the special purpose district so long as the property owners being taxed are not already under a contract with another fire protection service provider. S.C. Op.Atty.Gen. (May 18, 2011) 2011 WL 2214059.

County Council may provide fire protection services to some areas of the county and not in others. S.C. Op.Atty.Gen. (May 18, 2011) 2011 WL 2214059.

County governments may join together in an association to provide emergency medical services for the member counties. 1976‑77 Op Atty Gen, No 77‑67, p 65.

Ambulance operators employed by a private operator pursuant to an agreement with a county, which provides the equipment and billing services, are not employees of the county, for purposes of workmen’s compensation. 1974‑75 Op Atty Gen, No 4164, p 227.

**SECTION 4‑21‑20.** House Legislative Districts may choose not to participate.

 (1) Any House Legislative District located in one county only by petition executed by a majority of the qualified electors of the district and presented to the governing body of the county concerned may choose not to participate in the fire fighting, fire prevention or ambulance service phases provided by the county. Such petition shall be certified by the appropriate county election commission as containing the signatures of a majority of the qualified electors of the district.

 (2) If a House Legislative District is composed of sections of more than one county, that portion of the district located in a particular county by petition executed by a majority of the qualified electors of the district from that county and presented to the governing body of the county concerned may choose not to participate in the fire fighting, fire prevention or ambulance service phases provided by the county. Such petition shall be certified by the appropriate county election commission as containing the signatures of a majority of the qualified electors of the district.

HISTORY: 1975 (59) 318.

**SECTION 4‑21‑30.** County governing body shall give certain notices.

 Beginning July 1, 1975, the county governing body, at least ninety days before implementing any additional fire fighting, fire prevention or ambulance service under the provisions of this chapter or before levying any additional tax therefor, shall give written notice to the governing body of each municipality affected and to the member of the House of Representatives representing each House Legislative District affected which shall specify the nature of the services to be rendered and the amount of taxes to be levied.

HISTORY: 1975 (59) 318.

**SECTION 4‑21‑40.** Authority to promulgate rules and regulations.

 The governing body of any county which engages in providing fire protection and ambulance services or medical clinic facilities is authorized to promulgate rules and regulations as deemed necessary to carry out and regulate such functions authorized by this chapter. Provided, that no rule or regulation shall become effective until the tenth day after it has been both filed with the county clerk of court and published in a newspaper having daily general circulation in the county.

HISTORY: 1962 Code Section 14‑700.232; 1974 (58) 2277; 1975 (59) 619.

Attorney General’s Opinions

The Florence County Council has authority to regulate by means of franchise or otherwise private ambulance services in an effort to promote the public interest. 1975‑76 Op Atty Gen, No 4488, p 347.

**SECTION 4‑21‑50.** Penalties.

 Any person violating the provisions of such rules and regulations shall be deemed guilty of a misdemeanor and upon conviction shall be fined not more than one hundred dollars or imprisoned not more than thirty days.

HISTORY: 1962 Code Section 14‑700.233; 1974 (58) 2277.

**SECTION 4‑21‑60.** Chapter shall not limit powers of county; authority to contract for services.

 The provisions of this chapter shall not be construed to be a limitation on the powers of counties and all counties may provide any service authorized by the general law in accordance with the provisions of this chapter, including specifically those provisions which authorize counties to contract with municipalities or private agencies to perform such services.

HISTORY: 1975 (59) 619.

Attorney General’s Opinions

County governments may join together in an association to provide emergency medical services for the member counties. 1976‑77 Op Atty Gen, No 77‑67, p 65.