CHAPTER 23

Joint County Fire Districts

ARTICLE 1

Murrell’s Inlet‑Garden City Fire District in Georgetown and Horry Counties

(Form No. 5)

**SECTION 4‑23‑10.** District created; boundaries.

There is established the Murrell’s Inlet‑Garden City Fire District in Georgetown and Horry Counties. Effective January 1, 2016, the district consists of that area shown on the official map prepared by and on file with the Revenue and Fiscal Affairs Office designated as document F‑43‑51‑16, and as shown on certified copies of the official map which must be kept on file at the fire district.

HISTORY: 1962 Code Section 14‑700.101; 1966 (54) 2205; 2016 Act No. 141 (S.1002), Section 1, eff March 14, 2016.

Editor’s Note

2016 Act No. 141, Section 3, provides as follows:

“SECTION 3. This act takes effect upon approval by the Governor. This act applies to all property tax years beginning after 2015, and the auditor of each respective county shall adjust the millage levy appropriately for each taxpayer within the district to reflect the provisions of this act.”

Effect of Amendment

2016 Act No. 141, Section 1, rewrote the section.

LIBRARY REFERENCES

20 C.J.S., Counties Section 6.

**SECTION 4‑23‑15.** Repealed.

HISTORY: Former Section, titled Murrell’s Inlet‑Garden City Fire District expanded, had the following history: 2015 Act No. 78 (S.754), Section 1, eff June 8, 2015. Repealed by 2016 Act No. 141, Section 2, eff March 14, 2016.

**SECTION 4‑23‑20.** Board of Fire Control; appointment or election, terms and compensation of members; reports; chairman.

After the creation of the Murrell’s Inlet‑Garden City Fire District, there is established a Board of Fire Control for the District to be composed of three members from Georgetown County who must be appointed by the Governor upon the recommendation of a majority of the Georgetown County legislative delegation notwithstanding the provisions of Act 515 of 1996 and three members from Horry County who must be appointed by the Governor upon the recommendation of a majority of the members of the Horry County legislative delegation. The members of the board shall serve without pay and shall file annually a report with the governing bodies of Georgetown and Horry Counties not later than the first of November of each year, showing all activities and disbursements made by the board during the year. The board shall elect a chairman from its membership and such other officers as it considers necessary. The chairman shall not vote except in case of a tie.

If at least twenty percent of the qualified electors residing in the District petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purpose of electing a member to the board to succeed the member whose term expires during the year, for a four‑year term. Thereafter, members must be elected in each succeeding general election for terms of four years.

HISTORY: 1962 Code Section 14‑700.102; 1966 (54) 2205; 2013 Act No. 86, Section 1, eff June 13, 2013.

Editor’s Note

2013 Act No. 86, Section 2, provides as follows:

“SECTION 2. This act takes effect upon approval by the Governor and first applies to members from Georgetown County on the Board of Fire Control of the Murrell’s Inlet—Garden City Fire District whose terms expire on or after that date.”

Effect of Amendment

The 2013 amendment rewrote the section.

Attorney General’s Opinions

Discussion of whether the Murrell’s Inlet‑Garden City Board of Fire Control may be elected by popular vote and whether and how it can increase millage. S.C. Op.Atty.Gen. (December 9, 2016) 2016 WL 7425911.

**SECTION 4‑23‑30.** Duties and responsibilities of Board of Fire Control.

The Board shall have the following duties and responsibilities:

(a) To buy such fire‑fighting equipment as the Board deems necessary for the purpose of controlling fires within the money allocated or made available to the Board for such purposes.

(b) To select the sites or places within the area where the fire‑fighting equipment shall be kept.

(c) To provide and select the drivers and other volunteer firemen to man such equipment who shall serve without compensation.

(d) To provide for the hiring and paying of such permanent, full‑time firemen as shall be necessary to qualify this Fire District for the most advantageous fire protection classification as established by the rating authorities.

(e) To procure and supervise the training of the volunteer firemen selected to insure that the equipment shall be utilized for the best interest of the area.

(f) To be responsible for the upkeep, maintenance and repairs of the trucks and other fire‑fighting equipment and to that end shall, as often as is deemed necessary, inspect such equipment.

(g) To promulgate such rules and regulations as it may deem proper and necessary to insure that the equipment is being used to the best advantage of the area.

(h) To construct, if necessary, buildings to house the equipment authorized herein.

(i) To borrow not exceeding twenty‑five thousand dollars on such terms and for such a period as to the Fire Control Board may seem most beneficial for the Fire District, in anticipation of taxes. The indebtedness shall be evidenced by a note or notes issued by the members of the Board and the county treasurers of Georgetown and Horry Counties. The full faith, credit and taxing power of the Murrell’s Inlet‑Garden City Fire District is hereby irrevocably pledged for the payment of the indebtedness; provided, that in no event shall the credit of Georgetown or Horry Counties be obligated for any indebtedness of the District.

HISTORY: 1962 Code Section 14‑700.103; 1966 (54) 2205.

**SECTION 4‑23‑40.** Tax shall be levied and collected; moneys credited to Fire District.

The auditors and treasurers of Georgetown and Horry Counties are hereby directed to levy and collect a tax of not more than five mills, to be determined by the Board of Fire Control, upon all the taxable property of the District for the purpose of defraying the expenses incurred by the Board. All moneys collected from this levy shall be credited to the Fire District.

HISTORY: 1962 Code Section 14‑700.104; 1966 (54) 2205.

**SECTION 4‑23‑50.** Supervision of equipment.

The fire chief or equivalent official of the truck company to which the equipment is assigned shall have complete supervision over its use and operation and it shall be his responsibility to insure that the equipment is readily available for use at all times.

HISTORY: 1962 Code Section 14‑700.105; 1966 (54) 2205.

**SECTION 4‑23‑60.** Control of traffic at fires; enforcement of laws.

All members of the truck company of the District may direct and control traffic at the scene of any fire in the area and enforce the laws of this State relating to the following of fire apparatus, the crossing of fire hose and interfering with firemen in the discharge of their duties in connection with a fire in like manner as provided for the enforcement of such laws by peace officers.

HISTORY: 1962 Code Section 14‑700.106; 1966 (54) 2205.

**SECTION 4‑23‑70.** Interference with firemen or apparatus is unlawful; violations.

It is unlawful to interfere with a member of a fire department in the discharge of his duties in the District or to interfere with any fire apparatus used by the fire department in the District, and any person so offending shall be subject to a fine of not exceeding one hundred dollars or imprisonment not exceeding thirty days.

HISTORY: 1962 Code Section 14‑700.107; 1966 (54) 2205.

ARTICLE 3

Pelham‑Batesville Fire District in Greenville and Spartanburg Counties

**SECTION 4‑23‑210.** District created; boundaries shall be shown on recorded plat.

There is hereby established the Pelham‑Batesville Fire District in Spartanburg and Greenville Counties encompassed within the lines as shown on a plat to be recorded in the R.M.C. Offices of Spartanburg and Greenville Counties.

HISTORY: 1962 Code Section 14‑700.151; 1971 (57) 1044.

Editor’s Note

1992 Act No. 616, Section 2, provides as follows:

“SECTION 2. Section 3 of Act 554 of 1971 is amended to read:

“‘Section 3. If a majority of those voting in the election vote in favor of the creation of the fire district, there is established the Pelham‑Batesville Fire District in Spartanburg and Greenville counties encompassed within the lines as shown on a plat to be recorded in the R.M.C. offices of Spartanburg and Greenville counties. However, effective on and after December 31, 1993, any property of the Greenville‑Spartanburg Airport District which would otherwise be included within the fire district as created by this act is specifically excluded from it. Tenants and users of Greenville‑Spartanburg Airport shall pay one hundred percent of Pelham‑Batesville Fire District tax assessments for tax years 1991, 1992, and 1993, in the manner provided by law.’”

LIBRARY REFERENCES

20 C.J.S., Counties Section 6.

**SECTION 4‑23‑220.** Board of Fire Control; appointment or election, terms and compensation of members; annual report.

After the creation of the Fire District, there shall be established a Board of Fire Control for the District composed of five members appointed by the Governor upon the recommendation of a majority of the Spartanburg and Greenville County legislative delegations. Terms of office shall be for four years and until successors are appointed and qualify. Provided, however, that of those first appointed two shall serve a term of two years, one shall serve a term of three years and two shall serve a term of four years, the respective terms of office being designated by the Governor in his appointments. The members of the Board shall serve without pay and shall file annually a report with the Spartanburg County Board of Control and the Greenville County Council, not later than the first of November of each year, showing all activities and disbursements made by the Board during the year.

If at least twenty percent of the qualified electors residing in the district petition the commissioners of election by the first of September of any general election year, the commissioners shall call an election to be held at the following general election for the purpose of electing a member to the Board to succeed the members whose terms will expire during such year, for a four‑year term. Thereafter, members shall be elected in each succeeding general election for terms of four years.

HISTORY: 1962 Code Section 14‑700.152; 1971 (57) 1044.

**SECTION 4‑23‑230.** Duties and responsibilities of Board of Fire Control.

The board has the following duties and responsibilities:

(a) to buy such firefighting equipment as the board considers necessary for the purpose of controlling fires within the money allocated or made available to the board for these purposes;

(b) to select the sites or places within the area where the firefighting equipment must be kept;

(c) to provide and select the drivers and other volunteer firemen to man this equipment who shall serve without compensation;

(d) to procure and supervise the training of the volunteer firemen selected to ensure that the equipment must be utilized for the best interest of the area;

(e) to be responsible for the upkeep, maintenance, and repairs of the trucks and other firefighting equipment and shall inspect this equipment as often as is considered necessary;

(f) to promulgate regulations as it considers necessary to ensure that the equipment is being used to the best advantage of the area;

(g) to construct, if necessary, buildings to house the equipment authorized in this section;

(h) to borrow not exceeding twenty thousand dollars on such terms and for such a period as to the Fire Control Board may seem most beneficial for the fire district in anticipation of taxes. The indebtedness must be evidenced by a note issued by the members of the board and the treasurer of each county. The full faith, credit, and taxing power of the fire district is irrevocably pledged for the payment of the indebtedness;

(i) to contract for construction, engineering, and other services, for purchase of water, and for maintenance of water pipes, hydrants, valves, and equipment necessary to provide water for protection against and control of fire;

(j) to appoint and hire officers, agents, employees, and servants, prescribe their duties, fix their compensation, and determine if and to what extent they must be bonded for the faithful performance of their duties;

(k) to acquire, purchase, hold, use, lease, mortgage, sell, transfer, and dispose of any property, real, personal, or mixed, or any interest in the property, and to acquire by purchase or by exercise of the power of eminent domain.

HISTORY: 1962 Code Section 14‑700.153; 1971 (57) 1044; 2000 Act No. 255, Section 1, eff May 1, 2000.

Effect of Amendment

The 2000 amendment added Items (i), (j) and (k) and made other nonsubstantive changes.

**SECTION 4‑23‑240.** Tax shall be levied and collected; moneys credited to Fire District.

The auditors and treasurers of Spartanburg and Greenville Counties are hereby directed to levy and collect a tax, to be determined by the Board of Fire Control, upon all taxable property of the District for the purpose of defraying the expenses incurred by the Board, which shall reflect any difference in assessment procedures between the two counties. All moneys collected from this levy shall be credited to the Fire District.

HISTORY: 1962 Code Section 14‑700.154; 1971 (57) 1044.

**SECTION 4‑23‑250.** Supervision of equipment.

The fire chief or equivalent official of the truck company to which the equipment is assigned shall have complete supervision over its use and operation, and it shall be his responsibility to insure that the equipment is readily available for use at all times.

HISTORY: 1962 Code Section 14‑700.155; 1971 (57) 1044.

**SECTION 4‑23‑260.** Control of traffic at fires; enforcement of laws.

All members of the truck company of the District may direct and control traffic at the scene of any fire in the area of the District and to enforce the laws of this State relating to the following of fire apparatus, the crossing of fire hose and interfering with firemen in the discharge of their duties in connection with a fire in a like manner as provided for the enforcement of such laws by peace officers.

HISTORY: 1962 Code Section 14‑700.156; 1971 (57) 1044.

**SECTION 4‑23‑270.** Interference with firemen or apparatus is unlawful; violations.

It is unlawful to interfere with a member of a fire department in the discharge of his duties in the District or to interfere with any fire apparatus used by the fire department in the District, and any person so offending shall be subject to a fine of not exceeding one hundred dollars or imprisonment for not exceeding thirty days.

HISTORY: 1962 Code Section 14‑700.157; 1971 (57) 1044.

**SECTION 4‑23‑280.** Bonding; capital improvements.

(A) The Pelham‑Batesville Fire District (district) was established by the South Carolina General Assembly pursuant to the provisions of Act 554 of 1971, as amended (act). The implementation of the act was contingent upon the results of a referendum to create the district. Thereafter, a referendum was held on September 14, 1971, which resulted favorably to the creation of the district. The district serves portions of Greenville County and Spartanburg County for the purpose of providing fire protection services. Since its creation, the area of the district has grown both industrially and commercially and now includes numerous manufacturing facilities as well as corporate headquarters of national and international companies along and beyond the corridor of I‑85 between the cities of Greenville and Spartanburg.

In order to adequately serve the residents, commercial establishments and industrial facilities, the board of fire control, the governing body of the district (fire board) has determined that certain capital improvements must be undertaken as provided in subsection (B) (improvements). Due to the fact that the district is not a governmental entity with its boundaries located in only one county but is a fully integrated political unit located both in Greenville and Spartanburg counties, neither the County Council of Greenville County nor the County Council of Spartanburg has the individual authority to authorize the fire board to issue general obligation bonds. Thus, because of its regional nature, the fire board has determined to ask the General Assembly to authorize the issuance of general obligation bonds of the district in a specific amount for specific purposes.

(B) The district is hereby authorized to issue general obligation bonds (bonds) in the principal amount of $6,500,000 in a single series or multiple series, in accordance with the remaining subsections of this section. The proceeds shall be used to defray the costs of the improvements to include, as follows:

(1) the development, construction, and outfitting of an approximately 26,000 square foot headquarters and fire station building of the district, to include public access areas for meeting facilities, training, and community events; office and administrative areas; crew quarters; apparatus bays and apparatus and facility support areas; and furniture, fixtures, and equipment, the plan of which shall provide sufficient space, facilities, and equipment to satisfy the current and projected future needs of the district as necessary to ensure the district is capable of meeting the standards of modern fire and rescue facilities; and

(2) the costs of issuance of the bonds.

(C) A public hearing or hearings shall be held upon the question of the issuance of the bonds of the district by the governing bodies of both Spartanburg and Greenville counties at such time and place as they may prescribe. In the event public hearings are held under the provisions of Article 5, Chapter 11, Title 6 of the 1976 Code, as amended, such hearings shall meet the requirements to hold the public hearings provided for herein.

(D) A notice of each public hearing shall be published once a week for three successive weeks in a newspaper or newspapers, as necessary, of general circulation in Greenville County and in Spartanburg County. Such notice shall state:

(1) the time and date of each such public hearing, which shall be not less than sixteen days following the first publication of the notice;

(2) the place of each such public hearing;

(3) the proposed principal amount of bonds to be issued by the district;

(4) a statement setting forth the purpose for which the proceeds of such bonds are to be expended; and

(5) a brief summary of the reasons for the issuance of such bonds and the method by which the principal and interest of such bonds are to be paid.

(E) Such public hearing or hearings shall be conducted publicly and both proponents and opponents of the issuance of the bonds shall be given full opportunity to be heard.

(F) Following the holding of the public hearing or hearings by the governing bodies of Greenville County and Spartanburg County, the fire board shall hold a public hearing in order to discuss the use of the proceeds of the bonds, the estimated annual principal and interest requirements for the proposed bonds and the method by which the bonds will be paid. A notice of such public hearing shall be published once not less than sixteen days prior to the public hearing in a newspaper of general circulation in Greenville County and in a newspaper of general circulation in Spartanburg County and except for requiring only one notice to be published, shall state the same particulars as required by the notice published pursuant to subsection (D). Subsequent to this public hearing, the fire board, by public vote, shall determine whether the bonds are to be issued. If the bonds are to be issued, the fire board shall determine by resolution the manner in which the bonds shall be issued, all in accordance with the remaining subsections of this section.

(G) All bonds issued pursuant to this section shall mature in such annual series or installments as the fire board shall prescribe, except that the first maturing bonds shall mature not later than five years from the date of their original issuance. No bond shall mature later than forty years from the date of its original issuance.

The bonds shall be dated as of the date of delivery and shall bear interest from their dated date. The resolution of the fire board approving the bonds (resolution) shall state: (1) whether the bonds will be issued in fully registered form registered in the name of the purchaser thereof or under a book‑entry only system in accordance with the provisions of subsection (R); (2) the denomination of the bonds, and the interest payment dates of the bonds; (3) whether to award the bonds on a net interest cost or true interest cost basis; (4) whether, and in what manner, the bonds may be subject to optional and/or mandatory sinking fund redemption; and (5) such other matters regarding the bonds as are necessary, desirable, or appropriate to effect the issuance thereof.

(H) Subsequent to the adoption of the resolution, a notice of such adoption shall be published in a newspaper or newspapers, as necessary, of general circulation in Greenville County and in Spartanburg County. The resolution and the validity of the bonds authorized thereby shall not be open to question except by a suit or other proceeding instituted within twenty (20) days from the date of the publication.

(I) Subject to the last sentence of this subsection, as long as any of the bonds remain outstanding, there shall be a registrar and paying agent, each of which shall be a financial institution maintaining corporate trust offices where: (1) the bonds may be presented for registration of transfers and exchanges, (2) notices and demands to or upon the district in respect of the bonds may be served, and (3) the bonds may be presented for payment, exchange, and transfer. Initially, such financial institution designated by the fire board shall act as both registrar and paying agent. In the event the bonds are issued in physical form payable to the successful bidder at the sale of the bonds, the Treasurer of Greenville County shall serve as registrar and paying agent for the bonds.

(J) Any bonds issued pursuant to this section may be issued with a provision for their redemption prior to their maturity at par and accrued interest, plus such redemption premium as may be prescribed by the fire board, but no bond shall be redeemable before maturity unless it contains a statement to that effect. In the proceedings authorizing the issuance of the bonds, provisions shall be made specifying the manner of redemption and the notice thereof that must be given.

(K) The bonds shall be payable in any coin or currency of the United States of America which at the time of payment is legal tender for the payment of public and private debts.

(L) The bonds issued pursuant to this section shall bear interest at a rate or rates determined by the fire board.

(M)(1) The bonds shall be executed in the name and on behalf of the district by the manual or facsimile signature of the chairman of the fire board, with its official seal impressed, imprinted, or otherwise reproduced thereon, and attested by the manual or facsimile signature of the secretary of the fire board. The bonds may bear the signature of any person who shall have been such an officer authorized to sign the bond at the time such bond was so executed, and shall bind the district notwithstanding the fact that his or her authorization may have ceased prior to the authentication and delivery of the bond.

(2) Each bond shall not be valid or obligatory for any purpose nor shall it be entitled to any right or benefit hereunder unless there shall be endorsed on the bond a certificate of authentication in the form set forth in the resolution, duly executed by the manual signature of the registrar, and such certificate of authentication upon any bond executed on behalf of the district shall be conclusive evidence that the bond so authenticated has been duly issued hereunder and that the holder thereof is entitled to the benefit of the terms and provisions of the resolution authorizing the issuance of the bonds.

(N) The bonds shall be sold at public sale, after advertisement of a notice of sale, which may be in summary form, in The State Newspaper or in a financial publication published in the City of New York. The advertisement must appear not less than seven days prior to the date set for the sale. The advertisement may set as a sale date a fixed date not less than seven days following publication, or the advertisement may advise that the sale date will be at least seven days following the date of publication. If a fixed date of sale is not set forth in the notice of sale published in accordance with this subsection, the date selected for the receipt of bids must be disseminated via an electronic information service at least forty‑eight hours prior to the time set for the receipt of the bids. If a fixed date of sale is set forth in the notice of sale, it may be modified by notice disseminated via an electronic information service at least forty‑eight hours prior to the time set for the receipt of bids on the modified date of sale. No bonds may be sold pursuant to this section on a date that is more than sixty days after the date of the most recent publication of the notice of sale. Bids for the purchase of bonds may be received in such form as determined by the fire board.

(O) For the payment of the principal and interest of all bonds issued pursuant to this section, as they respectively mature, and for the creation of such sinking fund as may be necessary therefor, the full faith, credit, and taxing power of the district shall be irrevocably pledged, and there shall be levied annually by the auditors of Greenville County and Spartanburg County and collected by the treasurers of Greenville County and Spartanburg County, in the same manner as county taxes are levied and collected, a tax without limit on all taxable property in the district sufficient to pay the principal and interest of such bonds as they respectively mature and to create such sinking fund as may be necessary therefor. The taxes levied and collected for the bonds shall be subject to a statutory lien in favor of the purchaser of the bonds. Each bond shall contain a statement on the face thereof specifying the sources from which payment is to be made and shall state that the full faith, credit, and taxing power of the district are pledged therefor.

(P) The auditors of Greenville County and Spartanburg County and the treasurers of Greenville County and Spartanburg County shall each be notified of the issuance of the bonds or each series of bonds, as the case may be, and directed to levy and collect, upon all taxable property in the district an annual tax sufficient to meet the payment of the principal installment and interest on said bonds, as the same respectively mature, and to create such sinking fund as may be necessary therefor.

(Q) The bond payments shall be exempt from all State, county, municipal, school district, and all other taxes or assessments of the State, direct or indirect, general or special, whether imposed for the purpose of general revenue or otherwise, except inheritance, estate, transfer, or certain franchise taxes.

(R)(1) Notwithstanding anything to the contrary herein, the fire board may determine that the bonds will be issued in physical form to the purchaser or issued under the book‑entry only system in fully registered form, registered in the name of a securities depository nominee (the securities depository nominee), which will act as initial securities depository (a securities depository) for the bonds. Notwithstanding anything to the contrary herein, so long as the bonds are being held under a book‑entry system of a securities depository, transfers of beneficial ownership of the bonds will be effected pursuant to rules and procedures established by such securities depository.

(2) As long as a book‑entry system is in effect for the bonds, the securities depository nominee will be recognized as the holder of the bonds for the purposes of: (i) paying the principal, interest, and premium, if any, on such bonds, (ii) selecting the portions of such bonds to be redeemed, if bonds are to be redeemed in part, (iii) giving any notice permitted or required to be given to bondholders under the resolution, (iv) registering the transfer of bonds, and (v) requesting any consent or other action to be taken by the holders of such bonds, and for all other purposes whatsoever, and the district shall not be affected by any notice to the contrary.

(3) The district shall not have any responsibility or obligation to any participant, any beneficial owner or any other person claiming a beneficial ownership in any bonds which are registered to a securities depository nominee under or through the securities depository with respect to any action taken by the securities depository as holder of such bonds.

(4) The paying agent shall pay all principal, interest, and premium, if any, on bonds issued under a book‑entry system, only to the securities depository or the securities depository nominee, as the case may be, for such bonds, and all such payments shall be valid and effectual to fully satisfy and discharge the obligations with respect to the principal of and premium, if any, and interest on such bonds.

(5) In the event that the district determines that it is in the best interest of the district to discontinue the book‑entry system of transfer for the bonds, or that the interests of the beneficial owners of the bonds may be adversely affected if the book‑entry system is continued, then the district shall notify the securities depository of such determination. In such event, the district shall appoint the Treasurer of Greenville County as registrar and paying agent, which shall authenticate, register and deliver physical certificates for the bonds in exchange for the bonds registered in the name of the securities depository nominee.

(6) In the event that the securities depository for the bonds discontinues providing its services, the district shall either engage the services of another securities depository or arrange with the registrar and paying agent for the delivery of physical certificates in the manner described in subsection (5).

(7) In connection with any notice or other communication to be provided to the holders of bonds by the district or by the registrar and paying agent with respect to any consent or other action to be taken by the holders of bonds, the district or the registrar and paying agent, as the case may be, shall establish a record date for such consent or other action and give the securities depository nominee notice of such record date not less than fifteen days in advance of such record date to the extent possible.

(S) The proceeds derived from the sale of any bonds issued pursuant to this section shall be paid to the Treasurer of Greenville County, to be deposited in a bond account fund for the district, and shall be expended and made use of by the fire board as follows:

(1) Any accrued interest shall be applied to the payment of the first installment of interest to become due on such bonds.

(2) Any premium shall be applied to the payment of the first installments of principal of, and/or interest on the bonds or paid into the bond account fund described above.

(3) The remaining proceeds shall be used to pay the cost of acquiring and constructing the improvements specified in subsection (A) and to pay the costs of issuance of the bonds, and, if the fire board shall so prescribe, to fund the interest to become due on the bonds issued under this section during but not exceeding the first three years following the date of the bonds.

(4) If any balance remains, it shall be held by the Treasurer of Greenville County in a special fund or otherwise transferred to the paying agent and used to effect the retirement of the bonds authorized hereby.

(T) The district may utilize the provisions of Article 5, Chapter 15, Title 11 of the 1976 Code, as amended, to effect the refunding or, pursuant to Section 11‑21‑20 of the 1976 Code, as amended, the advance refunding of the bonds issued pursuant hereto.

(U) Any prior act, or provision contained within a prior act, of the General Assembly related to bonding by the district that is in conflict with this section, or any provision contained within this section, shall be superseded by the provisions contained herein.

HISTORY: 2017 Act No. 20 (S.530), Sections 1 to 21, eff May 9, 2017.

Code Commissioner’s Note

This section was codified at the direction of the Code Commissioner. To accommodate the codification, nonsubstantive changes were made.

ARTICLE 5

Gowensville Fire District in Greenville and Spartanburg Counties

(Form No. 5)

**SECTION 4‑23‑410.** District created; boundaries.

There is created and established in Greenville and Spartanburg Counties the Gowensville Fire District. The district shall consist of areas of Greenville and Spartanburg Counties and more specifically described as follows:

The district is defined as an area encompassing approximately fifty square miles. The boundary lines of the district are defined as follows: Beginning at a point where South Carolina Highway 14 intersects with the Spartanburg‑Greenville County line; thence running in a northeasterly direction following the center of County Road 845 to a point being the center of the intersection of County Roads 845 and 184; thence in a southerly direction along the center of Road 184 to its intersection with U.S. Highway 11; thence following the center of Highway 11 in a northerly direction to Road S‑42‑833 also known as Caldwell Road; thence following the center of S‑42‑833 in a southerly direction, crossing Macedonia Church Road, to Rocky Creek Road; thence along the center of Rocky Creek Road to its intersection with S‑42‑210; thence southwesterly along the center of S‑42‑210 to its intersection with S‑42‑876; thence southerly along the center of S‑42‑876 to its intersection of County Road 52 also known as New Cut Road; thence northeasterly along the center of New Cut Road to a point approximately 1,000 feet west of Road 357 and joining the Holly Springs Fire District northern boundary; thence precisely parallel with the Holly Springs Fire District westerly to the Spartanburg‑Greenville county line; thence joining line no. 316 of Greenville County map 620.1 and following the Middle Tyger River northerly to the intersection of lines 315‑316 of said map; thence westerly along said line (Reference map 629.1) to its intersection with Barnette and Jug Factory Roads (Jug Factory also known as Wingo Road); thence westerly along the center of Barnette Road to its intersection with Babb Road; thence along the center of Babb Road to Highway 14; thence crossing Highway 14 to Pink Dill Mill Road; thence along the center of Pink Dill Mill Road to its intersection with Liberty Church Road (Reference Maps 629.1 and 629.2); thence westerly along Pink Dill Mill Road to a creek being the westerly boundaries of lot nos. 21.1, 21.4 (Reference map 636.4); thence following then the southwesterly and northwesterly boundaries of lot nos. 21.4, 24, 25, and 28 to a point where lot no. 28 corners with lot no. 1 just below Beaverdam Creek; thence northerly along westerly boundary of lot no. 1; thence following a northerly course along the western boundary of block map 636.1 to its conclusion at the Middle Tyger River; thence easterly to the common corner of block maps 636.1, 637.3, and 627.1; thence northerly along the common boundary of 637.3 and 627.1 to the common corner of 673.3, 627.1, and 637.1; thence northerly along the common boundary of 627.1 and 637.1 to Highway 11; thence following the northern boundary of lot no. 4 of map 637.1 in a westerly course to the corner of lot nos. 1, 2, and 4 of said map; thence to the southwesterly most corner of lot no. 1; thence northerly to the center of S. C. Highway 116; thence following the center of S. C. Highway 116 to a point being at the center of the Pacolet River also being a property line (Reference 626.1); thence northerly along said straight line of lot nos. PT6, 6.2, PT6 to the common corner of lots 8.3 and 8, being at the intersection of S. C. Highway 116 and S. C. Highway 180; thence easterly from said corner 413’; thence northerly along the southeastern line of lot 8 to the common corner of lot nos. 8 and 1; thence easterly to the common corner of lot nos. 7.3 and 7.4; thence northerly along the common boundary of map 626.1 and 623.2 to its intersection with the boundary line of map 623.1 at lot no. 1; thence easterly along this boundary line 1668 feet; thence northerly in a straight line to the center of Blue Mill Road; thence following this road to its intersection with Highway 340 also known as Blue Mill Road (Reference map 723.2); thence along the center of this road to its intersection with Highway 14 at the Spartanburg‑Greenville County line, be all measurements a little more or less.

HISTORY: 1982 Act No. 346, Section 1; 1983 Act No. 35.

LIBRARY REFERENCES

20 C.J.S., Counties Section 6.

**SECTION 4‑23‑420.** Gowensville Fire District Commission; commissioners.

The district shall be governed by a commission to be known as the Gowensville Fire District Commission. The commission shall consist of five resident electors of the district who shall be elected by the qualified electors of the district. The election shall be conducted by the Greenville and Spartanburg County Election Commissions upon a date set by the commissions. The commissions shall give notice by publication sixty days prior to the election and a second notice two weeks after the first notice, in one or more newspapers with general circulation in the district. The election commissions in both counties shall certify the five candidates receiving the highest vote as the elected commissioners of the district. Beginning with the election in 1982, the terms of the three commissioners who receive the highest number of votes shall expire December 31, 1985, and an election shall be held on the Tuesday following the first Monday in November 1985 to elect their successors. The terms of the remaining two commissioners shall expire December 31, 1983, and an election shall be held on the Tuesday following the first Monday in November 1983 to elect their successors. Beginning with the election in 1983, all terms shall be for four years and such terms shall commence on the first day of January in the year following the election. The election shall be held on the Tuesday following the first Monday of each of the odd years. Any vacancy occurring by reason of death, resignation, or otherwise, shall be filled by the Governor, upon recommendation by the members of the House of Representatives in Greenville County from Districts 17, 18, and in Spartanburg County, from District 38 for the remainder of the unexpired term. Upon any commissioner moving out of the area of the district, his position shall become vacant. During the period between the initial election of commissioners, and December 31, 1982, the Gowensville Fire District shall continue as provided by Greenville County Council Ordinance No. 644, adopted September 19, 1978.

Any resident qualified elector of the district may be a candidate for the position of commissioner by filing with the election commission of the county in which he resides at least thirty days prior to the election.

HISTORY: 1982 Act No. 346, Section 2; 1982 Act No. 408, Section 1.

**SECTION 4‑23‑430.** Powers and duties of commission.

There is committed to the district the functions of constructing, operating, maintaining, improving and extending a fire protection and fire control district. To that end the commission shall be empowered as follows:

1. Have perpetual succession.

2. Sue and be sued.

3. Adopt, use and alter a corporate seal.

4. Make bylaws for the management and regulations of its affairs.

5. Acquire, purchase, hold, use, lease, mortgage, sell, transfer, and dispose of any property, real, personal, or mixed, or any interest therein, and to acquire easements or other property rights necessary for the operation of its stated functions.

6. Build, construct, operate, and maintain water lines and water mains throughout the district and all apparatus necessary for the proper functioning of same in the control and prevention of fires.

7. Purchase or otherwise acquire a supply of water sufficient to furnish proper fire protection and fire control to residents of the district.

8. Enter into contracts for the purchase of water and for maintenance of water pipes, hydrants, valves, and all equipment necessary to provide water for protection against and control of fire.

9. Appoint officers, agents, employees and servants, prescribe the duties of such, fix their compensation, and determine if and to what extent they shall be bonded for the faithful performance of their duties.

10. Make contracts for construction, engineering and other services with or without competitive bidding.

11. To purchase such fire fighting equipment as the commission deems necessary for controlling fires and furnishing fire protection in the district.

12. To select the sites or places within the area where the fire fighting equipment shall be kept.

13. To provide personnel, voluntary or otherwise, necessary to man such equipment.

14. To provide and supervise the training of any volunteers used in manning such equipment with the end that the equipment shall be fully utilized for the protection and control of fire within the district.

15. To be responsible for the upkeep, maintenance and repairs of the trucks and other fire fighting equipment and to make regular inspection of all equipment and operations.

16. To promulgate such regulations as it may deem necessary and proper to insure that the equipment shall be utilized for the best advantage of the area.

17. To construct, if necessary, buildings to house the equipment provided for herein.

18. [Blank]

19. [Blank]

20. Do all other acts necessary or convenient to carry out any function or power granted to the district.

21. The commission is vested with the power to raise funds for discharging the duties vested in it by levying a tax therefor. The commission shall notify the auditors and treasurers of Greenville and Spartanburg Counties of any desired tax, which tax shall be uniform throughout the district, and they shall assess and collect the tax as requested and the treasurers shall hold the funds and disburse them as directed by the commission. All such taxes shall constitute a lien upon the property against which the same are levied, on a parity with the lien of county taxes, and the provisions of law relating to penalties for the nonpayment or tardy payment of county taxes, and the provisions relating to sale of property for delinquent county taxes shall apply to taxes levied pursuant to this article.

HISTORY: 1982 Act No. 346, Section 3; 1982 Act No. 408, Sections 2, 3, 4.

**SECTION 4‑23‑450.** Rates charged for services by revenue producing facility.

The rates charged for services furnished by any revenue‑producing facility of the district, as constructed, improved, enlarged or extended, shall not be subject to supervision or regulation of any state bureau, board, commission or other like instrumentality or agency thereof.

HISTORY: 1982 Act No. 346, Section 5.

**SECTION 4‑23‑460.** Exemption of property and income of district from taxation.

The property of and income of the district shall be exempt from all taxes levied by the State, county, or any municipality, division, subdivision or agency thereof direct or indirect.

HISTORY: 1982 Act No. 346, Section 6.

**SECTION 4‑23‑470.** Indebtedness of district; contract provisions between district and holder of obligations.

So long as the district shall be indebted to any person on any bonds, notes or other obligations issued pursuant to the authority of this article, the provisions of this article and the powers granted to the district and the Commission shall not be in any way diminished or restricted, and this provision of this article shall be deemed a part of the contract between the district and the holders of such obligations.

HISTORY: 1982 Act No. 346, Section 7.

**SECTION 4‑23‑480.** Supervisory powers of fire chief or equivalent official; readiness of equipment.

The fire chief or equivalent official of the truck company to which the equipment is assigned shall have complete supervision over its usage and operation, and it shall be his responsibility to insure that the equipment is readily available for use at all times.

HISTORY: 1982 Act No. 346, Section 8.

**SECTION 4‑23‑490.** Traffic control at fire scene.

All members of the truck company or fire districts, employees or volunteers may direct and control traffic at the scene of any fire in the area of the county and enforce the laws of this State relating to the following of fire apparatus, the crossing of fire hose and interfering with firemen in the discharge of their duties in connection with a fire in the same manner as provided for the enforcement of such laws by law enforcement officers.

HISTORY: 1982 Act No. 346, Section 9.

**SECTION 4‑23‑500.** Interference with firemen; damage to property of fire district; penalties.

It shall be unlawful for any person to wilfully destroy or damage any facility of the district, or equipment used in the operation of such facility, to interfere with a member of a fire department in the discharge of his duties in the district or to interfere with any fire apparatus used by the fire department in the district. Any person violating the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not exceeding one hundred dollars or be imprisoned not exceeding thirty days.

HISTORY: 1982 Act No. 346, Section 10.

ARTICLE 9

South Lynches Fire District in Florence and Williamsburg Counties

**SECTION 4‑23‑810.** District created; boundaries.

There is created in Florence and Williamsburg Counties the South Lynches Fire District (district). It consists of areas of Florence and Williamsburg Counties encompassing approximately two hundred eleven square miles described as follows, with the exception of the municipalities of Lake City and Scranton as they presently exist or may exist in the future and that portion of Subdistrict No. 3 of the Florence County Fire District as established by Act 1817 of 1972 not hereinafter included in the following description:

Beginning at a point in the center of the Turbeville Highway (U. S. 378) at the intersection of the Florence, Williamsburg, and Clarendon County lines; thence running due north for 1000 feet; thence turning in an easterly direction and running parallel with and 1000 feet north of the Florence‑Williamsburg County line (being the center of the Turbeville Highway) to a point 1000 feet west of Osborne Road; thence turning in a northeasterly direction and running parallel with and 1000 feet northwest of the Florence‑Williamsburg County line (being the center of Osborne Road) and proceeding across South Green Road(S‑21‑485) along said Osborne Road for 1000 feet; thence turning in a northwesterly direction and running parallel with and 1000 feet northeast of South Green Road (S‑21‑485) to the center of the Olanta Highway (S. C. 341); thence turning in a northerly direction and running straight to the intersection of Bethel Road (S. C. 403) and Hancock Road (S‑21‑514); thence turning in a northeasterly direction and running straight to a point in the center of Salem Road (S. C. 541) lying 1000 feet west of the intersection of said road with Pole Cat Road; thence turning in a northerly direction and running parallel with and 1000 feet west of Pole Cat Road to the center of Old No. 4 Highway (S‑21‑147); thence turning in a due north direction and running straight to the center of Lynches River; thence turning in an easterly direction and running along the center of said Lynches River the same being the northern boundary of Florence County School District No. 3 to a point at which said boundary leaves Lynches River; thence turning in a southerly direction, joining the western boundary of the Johnsonville Rural Fire District, and running parallel to said boundary to its intersection with the main run of Lynches Lake Swamp; thence turning in a westerly direction and continuing to run parallel to the Johnsonville Rural Fire District boundary to its intersection with South Old Georgetown Road (S‑21‑58); thence turning in a southerly direction, joining the Florence‑Williamsburg County line, and running parallel to said line (also being the center of the Old Georgetown Road), to a point at which said county line turns from said road; thence turning in an easterly direction and continuing to run parallel to the Florence‑Williamsburg County line for two and two‑tenths (2.2) miles; thence turning and running due south to the center of the Old Georgetown Road (S‑45‑39); thence turning in a westerly direction and running straight to the intersection of the Cades‑Indiantown Road (S. C. 512) and Roper Road (S‑45‑504); thence turning in a southwesterly direction and running straight to a point in the center of an unnamed dirt road lying 1000 feet south of the eastern terminus of Road S‑45‑572; thence proceeding in a southwesterly direction parallel with and 1000 feet south of Road S‑45‑572 to the center of Cooper Road (S‑45‑116); thence proceeding in a southwesterly direction parallel with and 1000 feet south of an unnamed dirt road, thence forms an extension of Road S‑45‑572 at its western terminus, to the center of Road S‑45‑591; thence turning in a westerly direction and running parallel with and 1000 feet south of Road S‑45‑591 to the center of Thomas Road (S‑45‑159); thence proceeding in a westerly direction straight to the intersection of the Ridge‑King Township boundary and the center of the Seaboard System Railroad right‑of‑way; thence proceeding in a westerly direction parallel to the Ridge‑King Township boundary to the center of U. S. Highway 52; thence proceeding in a westerly direction straight to the intersection of Sandy Bay Road (S‑45‑44) and Ditchbank Road (S‑45‑490); thence turning in a northerly direction and running straight to a point in the center of Road S‑45‑454 lying 1000 feet west of the intersection of said road and Coleman Road (S‑45‑490); thence turning in a westerly direction and running straight to the intersection of Road S‑45‑28 and the Williamsburg‑Clarendon County line; thence turning in a northeasterly direction and running parallel to said county line to the intersection with the Florence County line in the center of the Turbeville Highway (U. S. 378), this being the point of beginning.

HISTORY: 1983 Act No. 149 Section 1.

**SECTION 4‑23‑820.** South Lynches Fire District Commission; members.

(A) The district must be governed by a commission to be known as the South Lynches Fire District Commission (commission). The commission shall consist of five resident electors of the district who shall be elected by the qualified electors of the district.

(B) The initial five commissioners shall be appointed by the Senators and members of the House of Representatives who represent any portion of the district. They shall be appointed upon a date not later than ninety days after the effective date of this article, their terms expire December 31, 1984. Thereafter, all commissioners shall be elected as provided by this article.

(C) The election shall be conducted by the Florence and Williamsburg County Election Commissions at the time of the general election. The commissions shall give notice by publication sixty days prior to the election and a second notice two weeks after the first notice, in one or more newspapers with general circulation in the district. The election commissions in both counties shall certify the candidates receiving the highest number of votes as the election commissioners of the district as provided by this section. In order to stagger the terms, beginning with the election in 1984, the terms of the three commissioners who receive the highest number of votes shall begin January 1, 1984, and expire December 31, 1988, and the two commissioners receiving the lowest number of votes shall receive two‑year terms to begin January 1, 1984, and expire December 31, 1986. At the expiration of these terms, all commissioners shall be elected for terms of four years.

(D) Any vacancy occurring by reason of death, resignation, or otherwise must be filled by the Senators and members of the House of Representatives representing any portion of the district for the remainder of the unexpired term. Upon any commissioner moving out of the area of the district, his position shall become vacant.

(E) Any resident qualified elector of the district may be a candidate for the position of commissioner by filing with the election commission of the county in which he resides at least thirty days prior to the election.

HISTORY: 1983 Act No. 149 Section 2.

**SECTION 4‑23‑830.** Powers and duties of commission.

There is committed to the district the functions of constructing, operating, maintaining, improving, and extending a fire protection and fire control district. To that end the commission is empowered as follows:

1. Have perpetual succession.

2. Sue and be sued.

3. Adopt, use, and alter a corporate seal.

4. Make bylaws for the management and regulations of its affairs.

5. Acquire, purchase, hold, use, lease, mortgage, sell, transfer, and dispose of any property, real, personal, or mixed, or any interest therein, and to acquire easements or other property rights necessary for the operation of its stated functions.

6. Enter into contracts for the purchase of water and for maintenance of water pipes, hydrants, valves, and all equipment necessary to provide water for protection against and control of fire.

7. Appoint officers, agents, employees and servants, prescribe the duties of such, fix their compensation, and determine if and to what extent they must be bonded for the faithful performance of their duties.

8. Make contracts for construction, engineering, and other services.

9. To purchase such fire fighting equipment as the commission deems necessary for controlling fires and furnishing fire protection in the district.

10. To select the sites or places within the area where the fire fighting equipment must be kept.

11. To provide personnel, voluntary or otherwise, necessary to man such equipment.

12. To provide and supervise the training of any volunteers used in manning such equipment with the end that the equipment must be fully utilized for the protection and control of fire within the district.

13. To be responsible for the upkeep, maintenance, and repairs of the trucks and other fire fighting equipment and to make regular inspection of all equipment and operations.

14. To promulgate such regulations as it may deem necessary and proper to insure that the equipment is utilized for the best advantage of the area.

15. To construct, if necessary, buildings to house the equipment provided for herein.

16. To borrow in anticipation of taxes on such terms and for such a period as the governing body of Florence and Williamsburg Counties may deem most beneficial. The indebtedness must be evidenced by a note or notes issued by the members of the commission and the county treasurers of Florence and Williamsburg Counties. The full faith, credit, and taxing power of the commission is hereby irrevocably pledged for the payment of the indebtedness; provided, that in no event shall the credit of Florence and Williamsburg Counties be obligated for any indebtedness of the commission.

17. Do all other acts necessary or convenient to carry out any function or power granted to the district.

18. The commission is vested with the power to raise funds for discharging the duties vested in it by levying a tax therefor. The commission shall notify the auditors and treasurers of Florence and Williamsburg Counties of any desired tax not to exceed twenty mills, which tax shall be uniform throughout the district, and they shall assess and collect the tax as requested and the treasurers shall hold the funds and disburse them as directed by the commission. The commission is authorized a tax in excess of twenty mills upon a favorable vote of the registered electors of the district. All such taxes shall constitute a lien upon the property against which the same are levied, on a parity with the lien of county taxes, and the provisions of law relating to penalties for the nonpayment or tardy payment of county taxes, and the provisions relating to sale of property for delinquent county taxes shall apply to taxes levied pursuant to this article.

HISTORY: 1983 Act No. 149 Section 3.

**SECTION 4‑23‑840.** Exemption of property and income of district from taxation.

The property of and income of the district is exempt from all taxes levied by the State, county, or any municipality, division, subdivision, or agency thereof direct or indirect.

HISTORY: 1983 Act No. 149 Section 4.

**SECTION 4‑23‑850.** Indebtedness of district.

So long as the district is indebted to any person on any bonds, notes, or other obligations issued pursuant to the authority of this article, the provisions of this article and the powers granted to the district and the commission may not be in any way diminished or restricted, and this provision of this article is deemed a part of the contract between the district and the holders of such obligations.

The district must assume a portion of indebtedness from the Florence County Fire District to be determined by agreement of the Florence County Fire District, the South Lynches Fire District Commission, and the governing body of Florence County.

HISTORY: 1983 Act No. 149 Section 5.

**SECTION 4‑23‑860.** Supervisory powers of fire chief or equivalent official; readiness of equipment.

The fire chief or equivalent official of the truck company to which the equipment is assigned shall have complete supervision over its usage and operation, and it is his responsibility to insure that the equipment is readily available for use at all times.

HISTORY: 1983 Act No. 149 Section 6.

**SECTION 4‑23‑870.** Emergency vehicles.

Vehicles of the fire departments and vehicles of individual members of the fire departments in this district are designated and are deemed emergency vehicles while traveling to fires.

HISTORY: 1983 Act No. 149 Section 7.

**SECTION 4‑23‑880.** Parking in vicinity of fire apparatus or emergency vehicle.

It is unlawful in the fire district to park within five hundred feet of a place where fire apparatus or an emergency vehicle is stopped in answer to an emergency and no person shall cause any highway, road, either public or private, in the area of fire apparatus or emergency vehicles to be blocked by his vehicle in such a manner that fire apparatus or emergency vehicles will be hindered from reaching the scene of the emergency. It is also unlawful to drive a vehicle over any unprotected hose of a fire department without the consent of the fire department official in command on any street, road, or private driveway when the hose is being used for fire fighting. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than ten dollars or more than one hundred dollars.

HISTORY: 1983 Act No. 149 Section 8; 1998 Act No. 392, Section 1, eff June 15, 1998.

Effect of Amendment

The 1998 amendment substantially rewrote the section to include emergency vehicles.

**SECTION 4‑23‑890.** Traffic control at fire scene.

All members of the truck company of fire districts, employees or volunteers may direct and control traffic at the scene of any fire in the area of the county and enforce the laws of this State relating to the following of fire apparatus, the crossing of fire hose, and interfering with firemen in the discharge of their duties in connection with a fire in the same manner as provided for the enforcement of such laws by law enforcement officers.

HISTORY: 1983 Act No. 149, Section 9.

**SECTION 4‑23‑900.** Damage to property of fire district; penalty.

It is unlawful for any person to wilfully destroy or damage any facility of the district, or equipment used in the operation of such facility, to interfere with a member of a fire department in the discharge of his duties in the district or to interfere with any fire apparatus used by the fire department in the district. Any person violating the provisions of this section is guilty of a misdemeanor and upon conviction must be fined not less than thirty dollars nor more than one hundred dollars or be imprisoned not exceeding thirty days.

HISTORY: 1983 Act No. 149, Section 10.

ARTICLE 10

West Florence Fire District in Florence and Darlington Counties

Validity

For validity of this article, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

**SECTION 4‑23‑1000.** Legislative findings.

The General Assembly finds that a certain portion of Darlington County primarily consisting of Interstate 95 from the Florence County line northward to Exit 169 in Darlington County is presently served by fire departments in Florence County because no fire department in Darlington County provides service to this area. This therefore presents concerns for the safety and well‑being of citizens residing and traveling in this area in addition to placing additional burdens on fire personnel in Florence County which are called on to provide fire service in this area. The General Assembly has therefore determined to create a joint county fire district in the same manner other joint county fire districts have been established pursuant to this chapter, consisting of areas in two counties, to solve this problem, and to provide fire service to all areas of the district on the most economically feasible basis possible.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

**SECTION 4‑23‑1005.** West Florence Fire District.

There is created in Florence and Darlington counties the West Florence Fire District (district). It consists of areas of Florence and Darlington counties as follows:

(1) the unincorporated areas of the West Florence Rural Fire District as it existed on May 7, 2014, the introduction date of H.5225 of 2014 (Act 183 of 2014). The General Assembly declares that it intended the original Florence County portion of the West Florence Fire District created by this article to be the unincorporated area of the former West Florence Rural Fire District from which the new district drew its name and from which commissioners were properly elected in 2014 after this article took effect, as provided in Section 4‑23‑1010, and that it has therefore amended the description of the Florence County portion of the West Florence Fire District created by this article without changing the original boundaries of the district at its creation to remove any ambiguity as to the Florence County portion of this new district or to any citations thereto;

(2) the area of Darlington County reflected in the rights of way for Interstate 95 beginning at the boundary line of Florence County and Darlington County and extending northward into Darlington County for approximately three miles to Exit 169. Additionally, areas described by the following Tax Map Sheet numbers in Darlington County also are included in the area of the district:

(a) TMS 218‑14‑01‑013;

(b) TMS 219‑03‑01‑001; and

(c) TMS 219‑03‑01‑002.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014; 2015 Act No. 89 (H.3670), Section 1, eff July 7, 2015.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

Editor’s Note

2015 Act No. 89, Section 6, provides as follows:

“SECTION 6. The provisions of this act shall expire five years from its effective date.”

Effect of Amendment

2015 Act No. 89, Section 1, rewrote (1), clarifying the original boundaries.

**SECTION 4‑23‑1006.** New areas of district.

In addition to the area of the West Florence Fire District in Florence and Darlington counties as enumerated in Section 4‑23‑1005, there is added to the area of the district that area bounded by the following: beginning at the intersection of Hoffmeyer Road and the Florence‑Darlington County line running in a westerly direction including all parcels on both sides of the road until the intersection of Hoffmeyer Road and Winburn Drive, turning down Winburn Drive running in a southerly direction until the intersection of Winburn Drive and the Florence‑Darlington County line and being bounded on the east by the Florence‑Darlington County line.

HISTORY: 2015 Act No. 89 (H.3670), Section 2, eff July 7, 2015.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

Editor’s Note

2015 Act No. 89, Section 6, provides as follows:

“SECTION 6. The provisions of this act shall expire five years from its effective date.”

**SECTION 4‑23‑1010.** West Florence Fire District Commission.

(A) The district must be governed by a commission to be known as the West Florence Fire District Commission (commission). The commission shall consist of five resident electors of the district who shall be elected by the qualified electors of the district.

(B) The five commissioners shall be elected in a nonpartisan special election to be conducted on the first Tuesday following the first Monday in September 2014, and thereafter in nonpartisan elections to be conducted at the same time as the general election every two or four years thereafter beginning in 2016, in a manner required by this article and other applicable provisions of law.

(C) The election shall be conducted by the Florence and Darlington County Election Commissions. The commissions shall give notice by publication sixty days prior to the election and a second notice two weeks after the first notice, in one or more newspapers with general circulation in the district. Filing for election to the commission opens on July 1, 2014 at noon to run for a period of fifteen days until noon on July 15, 2014. The election commissions in both counties shall certify the candidates receiving the highest number of votes as the election commissioners of the district as provided by this section. In order to stagger the terms, the terms of the three commissioners who receive the highest number of votes in 2014, shall serve initial terms of four years each and the two commissioners receiving the next highest number of votes in 2014, shall serve initial terms of two years each. At the expiration of these initial terms which shall expire at the time the commissioners elected in either 2016 or 2018 qualify and take office, all commissioners shall be elected for terms of four years. The results of the elections shall be determined in accordance with the nonpartisan plurality method provided in Section 5‑15‑61.

(D) Any vacancy occurring by reason of death, resignation, or otherwise must be filled by the Senators and members of the House of Representatives representing any portion of the district for the remainder of the unexpired term or until the next scheduled election if the remainder of the unexpired term runs past this date. Commissioners shall take office on the Monday following their election. Upon any commissioner moving out of the area of the district, his position shall become vacant.

(E) Any resident qualified elector of the district may be a candidate for the position of commissioner by filing with the election commission of the county in which he resides at least thirty days prior to the election.

(F) After taking office in 2014, the commissioners shall meet within ten days of their election to organize, select officers and determine the tax millage levy for 2014. The commission shall elect from among its membership a chairman, vice chairman and such other officers as they consider necessary.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

**SECTION 4‑23‑1015.** District functions; power to raise funds; millage levy.

(A) There is committed to the district the functions of constructing, operating, maintaining, improving, and extending a fire protection and fire control district. To that end the commission is empowered as follows:

(1) have perpetual succession;

(2) sue and be sued;

(3) adopt, use, and alter a corporate seal;

(4) make bylaws for the management and regulations of its affairs;

(5) acquire, purchase, hold, use, lease, mortgage, sell, transfer, and dispose of any property, real, personal, or mixed, or any interest therein, and to acquire easements or other property rights necessary for the operation of its stated functions;

(6) enter into contracts for the purchase of water and for maintenance of water pipes, hydrants, valves, and all equipment necessary to provide water for protection against and control of fire;

(7) appoint officers, agents, employees, and servants, prescribe their duties, fix their compensation, and determine if and to what extent they must be bonded for the faithful performance of their duties;

(8) make contracts for construction, engineering, and other services;

(9) purchase that firefighting equipment as the commission deems necessary for controlling fires and furnishing fire protection in the district;

(10) select the sites or places within the area where the firefighting equipment must be kept;

(11) provide personnel, voluntary or otherwise, necessary to man this equipment;

(12) provide and supervise the training of any volunteers used in manning this equipment with the end that the equipment must be fully utilized for the protection and control of fire within the district;

(13) be responsible for the upkeep, maintenance, and repairs of the trucks and other firefighting equipment and to make regular inspection of all equipment and operations;

(14) promulgate those regulations as it considers necessary and proper to ensure that the equipment is utilized for the best advantage of the area;

(15) construct, if necessary, buildings to house the equipment provided for herein;

(16) borrow in anticipation of taxes on those terms and for such a period as the governing body of Florence and Darlington counties considers most beneficial. The indebtedness must be evidenced by a note or notes issued by the members of the commission and the county treasurers of Florence and Darlington counties. The full faith, credit, and taxing power of the commission is hereby irrevocably pledged for the payment of the indebtedness; provided, that in no event shall the credit of Florence and Darlington counties be obligated for any indebtedness of the commission; and

(17) do all other acts necessary or convenient to carry out any function or power granted to the district.

(B) The commission is vested with the power to raise funds for discharging the duties vested in it by levying a tax for the benefit of the district. The commission shall notify the auditors and treasurers of Florence and Darlington counties of any desired tax not to exceed thirteen mills for the year 2014. Thereafter, the authorized millage levy for any year shall be at the discretion of the commission, subject to all applicable provisions of law. The millage levy shall be uniform throughout the district, and they shall assess and collect the tax as requested and the treasurers shall hold the funds and disburse them as directed by the commission. All such taxes shall constitute a lien upon the property against which the same are levied, on a parity with the lien of county taxes, and the provisions of law relating to penalties for the nonpayment or tardy payment of county taxes, and the provisions relating to sale of property for delinquent county taxes shall apply to taxes levied pursuant to this article.

(C) Notwithstanding the provisions of Section 6‑1‑320, the commission is authorized to impose a millage levy after 2014 it considers appropriate and necessary for the operation of the district above that permitted by Section 6‑1‑320 upon a favorable vote of the registered electors of the district in a referendum called for this purpose by the commission held pursuant to the provisions and requirements of Sections 6‑11‑271 and 6‑11‑273.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014; 2015 Act No. 89 (H.3670), Section 3, eff July 7, 2015.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

Editor’s Note

2015 Act No. 89, Section 6, provides as follows:

“SECTION 6. The provisions of this act shall expire five years from its effective date.”

Effect of Amendment

2015 Act No. 89, Section 3, in (C), inserted “held pursuant to the provisions and requirements of Sections 6‑11‑271 and 6‑11‑273”.

**SECTION 4‑23‑1020.** Exemption of property and income of district from taxation.

The property of and income of the district is exempt from all taxes levied by the State, county, or any municipality, division, subdivision, or agency thereof direct or indirect.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

**SECTION 4‑23‑1025.** Indebtedness of district; controlling provisions; transfer of property.

(A) So long as the district is indebted to any person on any bonds, notes, or other obligations issued pursuant to the authority of this article, the provisions of this article and the powers granted to the district and the commission may not be in any way diminished or restricted, and the provisions of this article are considered a part of the contract between the district and the holders of these obligations. However, the provisions of Section 5‑3‑310 supersede any provisions of this section to the contrary and upon annexation of any real property in the area of this district by a municipality, the provisions of Section 5‑3‑310 shall control.

(B) The real and personal property of the former West Florence Rural Fire District shall be transferred to the new West Florence Fire District created by this article. However, the district must assume any current indebtedness attributed to the West Florence Rural Fire District, if any, to be determined by agreement of the West Florence Fire District Commission, and the governing body of Florence County. The real property on Hoffmeyer Road in the county which the governing body of Florence County has acquired to construct a new fire station also must be transferred to the new district established by this article.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014; 2015 Act No. 89 (H.3670), Section 4, eff July 7, 2015.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

Editor’s Note

2015 Act No. 89, Section 6, provides as follows:

“SECTION 6. The provisions of this act shall expire five years from its effective date.”

Effect of Amendment

2015 Act No. 89, Section 4, in (A), added the second sentence, and rewrote (B).

**SECTION 4‑23‑1030.** Rates charged for services.

The rates charged for services furnished by any revenue‑producing facility of the district, as constructed, improved, enlarged or extended, shall not be subject to supervision or regulation of any state bureau, board, commission or other like instrumentality or agency of it.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

**SECTION 4‑23‑1035.** General obligation bonds.

The district commission is authorized and empowered to issue general obligation bonds of the district in the manner provided in Article 11 of this chapter.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

**SECTION 4‑23‑1040.** Other millage levy or uniform service fee for the provision of fire services.

Upon the establishment of the district, notwithstanding any other provisions of law, no other millage levy or uniform service fee may be imposed in the district by any other political subdivision or entity for the provision of fire services. The provisions of this section shall not be construed as any type of property tax or other type of exemption, but rather a clarification of what property taxes may be imposed in the district and by whom to prevent double or multiple taxation for the same fire protection services.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014; 2015 Act No. 89 (H.3670), Section 5, eff July 7, 2015.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

Editor’s Note

2015 Act No. 89, Section 6, provides as follows:

“SECTION 6. The provisions of this act shall expire five years from its effective date.”

Effect of Amendment

2015 Act No. 89, Section 5, added the second sentence.

**SECTION 4‑23‑1045.** Agreements with other departments to provide fire services.

The district commission, upon agreement with another fire department or district not located in the service area of the district, may permit the other department or district to provide fire services in certain parts of the district if this is considered to be a more cost‑effective solution to the provision of fire services in that particular location, and alternatively also may agree to provide fire services in parts of Florence or Darlington counties outside the service area of the district if this is considered to be a more cost‑effective solution to the provision of fire services in that particular location.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

**SECTION 4‑23‑1050.** Supervisory powers of fire chief or equivalent official; readiness of equipment.

The fire chief or equivalent official of the truck company to which the equipment is assigned shall have complete supervision over its usage and operation, and it is his responsibility to ensure that the equipment is readily available for use at all times.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

**SECTION 4‑23‑1055.** Emergency vehicles.

Vehicles of the fire departments and vehicles of individual members of the fire departments in this district are designated and are considered emergency vehicles while traveling to fires.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

**SECTION 4‑23‑1060.** Parking in vicinity of fire apparatus or emergency vehicle; penalty.

It is unlawful in the fire district to park within five hundred feet of a place where fire apparatus or an emergency vehicle is stopped in answer to an emergency and no person shall cause any highway, road, either public or private, in the area of fire apparatus or emergency vehicles to be blocked by his vehicle in such a manner that fire apparatus or emergency vehicles will be hindered from reaching the scene of the emergency. It is also unlawful to drive a vehicle over any unprotected hose of a fire department without the consent of the fire department official in command on any street, road, or private driveway when the hose is being used for firefighting. A person who violates the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than ten dollars nor more than one hundred dollars.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

**SECTION 4‑23‑1065.** Traffic control at fire scene.

All members of a truck company of the fire district, employees, or volunteers may direct and control traffic at the scene of any fire in the area of the district and enforce the laws of this State relating to the following of fire apparatus, the crossing of a fire hose, and interfering with firemen in the discharge of their duties in connection with a fire in the same manner as provided for the enforcement of these laws by law enforcement officers.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

**SECTION 4‑23‑1070.** Damage to property of fire district; penalty.

It is unlawful for any person to wilfully destroy or damage any facility of the district, or equipment used in the operation of a facility, to interfere with a member of a fire department in the discharge of his duties in the district or to interfere with any fire apparatus used by the fire department in the district. Any person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, must be fined not less than thirty dollars nor more than one hundred dollars or be imprisoned not exceeding thirty days.

HISTORY: 2014 Act No. 183 (H.5225), Section 1, eff May 28, 2014.

Validity

For validity of this section, see County of Florence v. West Florence Fire District, ‑ S.C. ‑, ‑ S.E.2d ‑ (S.C. 2018), 2018 WL 1177701.

ARTICLE 11

Joint County Fire District—Issuance of Bonds

CROSS REFERENCES

West Florence Fire District, general obligation bonds, see Section 4‑23‑1035.

**SECTION 4‑23‑1100.** Joint county fire district defined.

For purposes of this article, “joint county fire district” means a special purpose district created for the provision of fire protection consisting of areas in more than one county and created by act of the General Assembly before the effective date of this article.

HISTORY: 2011 Act No. 16, Section 1, eff May 9, 2011.

**SECTION 4‑23‑1105.** General obligation bonds; authorization for Joint county fire district to issue; purpose; procedures.

A joint county fire district may issue general obligation bonds for any corporate purpose by utilizing the procedures set forth in Sections 6‑11‑820 through 6‑11‑1030, the provisions of Section 6‑11‑810(d) and (e) notwithstanding.

HISTORY: 2011 Act No. 16, Section 1, eff May 9, 2011.

ARTICLE 12

Landrum Fire and Rescue District in Greenville and Spartanburg Counties

**SECTION 4‑23‑1200.** Landrum Area Fire and Rescue District established.

(A) There is created and established in Greenville and Spartanburg Counties a multicounty special purpose district to be known as “Landrum Area Fire and Rescue District” (district). The district shall consist of areas of Greenville and Spartanburg Counties, which are more specifically described in subsection (B). The Spartanburg County Council and the Greenville County Council are authorized to enlarge, diminish, or alter the boundaries of the district located within their respective counties pursuant to the provisions of Article 3, Chapter 11, Title 6.

(B) The district is defined as an area consisting of the following three regions:

(1) the region within the corporate limits of the City of Landrum in Spartanburg County (Region 1);

(2) the region surrounding the City of Landrum designated as the Landrum Community Fire Service Area by Resolution No. 836, adopted by Spartanburg County Council on November 28, 1990, (Region 2) described as:

“Beginning at a point where existing Gowensville Fire Department intersects the Spartanburg‑Greenville County line (northern most point); thence following the Spartanburg‑Greenville County line in a northern direction approximately three miles to its intersection with the Polk County N.C. line; thence following the Spartanburg‑Polk County line in an eastern direction approximately five miles to its intersection with County Road #940 (Pacolet Road) (existing New Prospect Fire District); thence following North Pacolet Road in a southwestern direction approximately one mile to its intersection with Landrum Mill Road (County Road #936); thence following Landrum Mill Road for approximately three and one‑half miles to its intersection with Miracle Farm Road; thence following said road for approximately one hundred feet to its intersection with Howard Road (County Road #2010); thence following Howard Road in a southwestern direction for approximately one mile to its intersection with State Highway 176; thence following State Highway 176 in a southern direction for approximately twenty‑five feet to its intersection with State Road 209; thence following State Road 209 in a southern direction for approximately one mile to its intersection with State Road 183; thence following State Road 183 in a northern direction for approximately one mile to its intersection with State Road 208; thence following State Road 208 in a southwestern direction for approximately one‑half mile to its intersection with existing Gowensville Fire District, the point of ending”; and

(3) a region equal to approximately twenty‑two percent of that area in Greenville County currently designated as the Foothills Fire Service Area by Ordinance No. 2268 enacted by Greenville County Council on June 18, 1991, (Region 3), and shown on a map identified as F‑45‑83‑15‑Landrum that is maintained by the Revenue and Fiscal Affairs Office.

(C) The assets used by the City of Landrum to provide fire protection and other first‑responder services to Regions 1, 2, and 3 must be transferred to the district and used by the district to provide fire protection and other first‑responder services to Regions 1, 2, and 3. Any liabilities of the City of Landrum related to or arising from the provision of fire services also must be transferred to the district.

HISTORY: 2015 Act No. 48 (H.3304), Section 1, eff June 3, 2015.

**SECTION 4‑23‑1210.** Landrum Fire and Rescue District Commission established.

(A) The district must be governed by a commission to be known as the Landrum Fire and Rescue District Commission (commission). The commission shall consist of five resident electors of the district, two residing in Region 1, two residing in Region 2, and one residing in Region 3; however, upon the effective date of this act and prior to the election of commissioners, the City Council of the City of Landrum shall appoint two commissioners, the County Council of Spartanburg County shall appoint two commissioners, and the members of the Board of Directors of Foothills Fire Service Area Board shall appoint one commissioner, with each commissioner serving until his or her successor is elected and qualifies.

(B) After the original appointments, a nonpartisan election must be conducted by the Greenville and Spartanburg County Boards of Voter Registration and Elections on the first Tuesday following the first Monday in November of the first odd‑numbered year after the effective date of this act. The county boards of voter registration and elections shall give notice by publication ninety days prior to the election and a second notice two weeks after the first notice, in one or more newspapers of general circulation in the district. The terms of the commissioners who receive the highest number of votes from Regions 1 and 2 and the term of the commissioner from Region 3 shall expire on December thirty‑first of the fourth full year following the election. The terms of the remaining commissioners shall expire on December thirty‑first of the second full year following the election. After these terms expire, each successor commissioner’s term must be four years, and each successor commissioner must be elected during the general election in November prior to the expiration of a commissioner’s term. These terms shall commence on the first day of January in the year following the election.

(C) A vacancy occurring on the commission by reason of death, resignation, incapacity, or otherwise, must be filled for the remainder of the unexpired term by the Governor upon recommendation by the members of the South Carolina Senate and House of Representatives who represent the district. Upon a commissioner moving his legal residence out of the appropriate district region, dying, or resigning, that commissioner’s position automatically becomes vacant.

(D) A resident qualified elector of the district may be a candidate for election to the position of commissioner by filing with the county board of voter registration and elections of the county in which he resides at least ninety days prior to the election.

HISTORY: 2015 Act No. 48 (H.3304), Section 1, eff June 3, 2015.

Attorney General’s Opinions

Absent amendment of notice statutes requiring notice in a newspaper of general circulation by the General Assembly, the term newspaper of general circulation cannot be extended to include online newspapers. S.C. Op.Atty.Gen. (October 21, 2015) 2015 WL 6745997.

**SECTION 4‑23‑1220.** Authority of commission.

There is committed to the district the functions of constructing, operating, equipping, maintaining, improving and extending a fire protection and fire control district and the functions of providing other first‑responder services to promote the general safety of the district. To that end, the commission must be empowered to:

(1) have perpetual succession;

(2) sue and be sued;

(3) adopt, use, and alter a corporate seal;

(4) make bylaws for the management and regulations of its affairs;

(5) acquire, purchase, hold, use, lease, mortgage, sell, transfer, and dispose of any property, real, personal or mixed, or interest in any real, personal or mixed property, and to acquire easements or other property rights necessary for the operation of its stated functions;

(6) appoint officers and agents, and employ paid employees and servants, as well as volunteers, and to prescribe the duties of each of these, fix their compensation, if any, and determine if and to what extent they must be bonded for the faithful performance of their duties, and to establish employment policies;

(7) adopt appropriately competitive policies of procurement suited for the particular needs of the district, as required by Section 11‑35‑50;

(8) solicit proposals or bids for and enter into contracts for construction and equipment purchases in accordance with procurement procedures; however, engineering, land surveying, and architectural services must be procured based on qualifications, as required by state law, rather than through competitive bidding;

(9) purchase fire‑fighting and other first‑responder equipment the commission considers necessary for controlling fires and furnishing fire protection and first‑responder services in the district;

(10) select the sites or places within the area where the fire‑fighting and other equipment is kept;

(11) provide sufficient personnel or volunteers necessary to man the equipment;

(12) provide and supervise the training of all personnel used in manning the equipment with the end that the equipment is fully utilized for the protection and control of fire and the provision of first‑responder services within the district;

(13) be responsible for the upkeep, maintenance and repairs of the trucks and other equipment, and to make regular inspections of all equipment and operations;

(14) promulgate regulations it may consider necessary and proper to insure that the equipment is utilized for the best advantage of the area;

(15) construct, if necessary, buildings to house the equipment provided for in this section;

(16) issue general obligation bonds of the district in the manner and up to the limits provided by Article X, Section 14 of the South Carolina Constitution, 1895, the proceeds of which must be used to defray the costs of constructing and establishing a fire protection and control system in the district and the costs of providing first‑responder services in the district. For purposes of this section, the term “construct and establish” includes the cost of direct construction, the cost of all land, property, rights, easements, and franchises acquired that are considered necessary for this fire protection system, the cost of all machinery, equipment, and apparatus needed for this system, payment to contractors, laborers, or others for work done or material furnished, financing charges, interest prior to and during construction and for six months after completion of construction, cost of engineering services, legal services, legal expenses, plans, specifications, surveys, administrative expenses and other expenses necessary or incidental to the construction of a fire control or fire protection system, and the placing of this system in operation. If bonds are issued pursuant to this item:

(a) They must be issued as a single issue, or from time to time, as several separate issues. They shall bear the date or dates the commission determines and the bonds of an issue shall mature in equal or unequal annual installments determined by the commission. They must be made payable at a place or places the commission prescribes and shall bear interest at a rate or rates payable in the manner the commission determines. The bonds may be registered with the privilege to the holder of having them registered as to principal on the books of the treasurers of Greenville and Spartanburg counties and the principal on them made payable to the registered holder, unless the last registered transfer shall have been to bearer, upon conditions the commission may prescribe. A bond issued pursuant to this subitem may be made subject to redemption prior to its stated maturity on the terms and conditions and with a redemption premium the commission prescribes.

(b) They must be sold at not less than par and accrued interest to the date of their respective deliveries at public sale and, at least thirty days prior to a sale, notice announcing the intention to receive bids for the sale of these bonds must be published in a newspaper of general circulation in the State of South Carolina. In offering the bonds for sale, the commission reserves the right to reject any and all bids, and if all bids are rejected, the commission may negotiate privately for the disposition of these bonds.

(c) These bonds and all interest to become due on them shall have the tax exempt status prescribed by Section 12‑2‑50.

(d) These bonds must be executed in the name of “Landrum Fire and Rescue District” by the Chairman of the Landrum Fire and Rescue District Commission and authenticated by the treasurers of Greenville and Spartanburg counties and under the seal of the district. The delivery of any bonds so executed and authenticated must be valid, notwithstanding any changes in offices occurring after the execution or authentication.

(e) There must be irrevocably pledged for the payment of the bonds and interest, as they mature, the full faith, credit, and resources of the district, and the auditors and treasurers of Greenville and Spartanburg counties are authorized and directed to annually levy and collect a tax upon all taxable property within the district sufficient to pay the bonds and interest as they respectively mature, and to create a sinking fund as necessary for the redemption of the bonds and interest at their respective maturities. The bonds additionally may be secured by a pledge of the net revenues that the district may derive from the operation of a revenue‑producing facility. In that event, net revenues available must be delivered to the treasurers of Greenville and Spartanburg counties prior to the occasion when the auditors fix the annual levy. The annual ad valorem tax in this section directed to be levied may be reduced each year by the amount of net revenues actually in the hands of the treasurers of Greenville and Spartanburg counties at the time the tax for that year is required to be levied, and the tax may be entirely suspended for any year in case the monies on hand, applicable as aforesaid, are sufficient to pay both principal and interest then due or falling due in that year and remaining unpaid.

(f) The pledge of net revenues authorized by subitem (e), in the discretion of the commission, need not be exclusive and the commission may reserve the right to issue further bonds, payable in whole or in part, from these net revenues, on a parity with the bonds authorized by this subitem under conditions the commission prescribes.

(g) The proceeds derived from the sale of these bonds must be deposited with the treasurers of Greenville and Spartanburg counties in a separate and special fund and must be expended upon the warrants and orders of the commission for the purpose specified in this act, and no others except that any premium received must be deposited with the treasurers of Greenville and Spartanburg counties and applied by them to the first installment of principal becoming due on the bonds, and any accrued interest received must be applied by the treasurers of Greenville and Spartanburg counties to the first installment of interest becoming due on the bonds. Neither the purchasers of the bonds, nor any subsequent holders of the bonds, are responsible for the proper application of the proceeds of sale.

(h) The issuance of these bonds is exempt from the requirements contained in Article 5, Chapter 11, Title 6.

(17) raise funds for discharging the duties vested in it by levying a property tax for that purpose. The commission may levy for operating purposes without the approval of any additional governing boards or bodies. The commission shall notify the auditors and treasurers of Greenville and Spartanburg counties of any desired property tax necessary to fund the annual budget. That tax must be uniformly imposed throughout the district. The auditors shall assess and collect the tax as requested, and the treasurers shall hold the funds and disburse them as directed by the commission. All property taxes shall constitute a lien upon the property against which they are levied, on a parity with the lien of county taxes, and the provisions of law relating to penalties for the nonpayment or tardy payment of county taxes, and the provisions relating to sale of property for delinquent county taxes shall apply to taxes levied pursuant to this act;

(18) exercise the power of eminent domain as provided by the laws of this State to acquire any land, any easement, or any right of way for an authorized public purpose; and

(19) do all other acts necessary or convenient to carry out a function or power granted to the district.

HISTORY: 2015 Act No. 48 (H.3304), Section 1, eff June 3, 2015.

Attorney General’s Opinions

Absent amendment of notice statutes requiring notice in a newspaper of general circulation by the General Assembly, the term newspaper of general circulation cannot be extended to include online newspapers. S.C. Op.Atty.Gen. (October 21, 2015) 2015 WL 6745997.

**SECTION 4‑23‑1230.** Revenues derived by the commission.

All revenues derived by the commission from the operation of a revenue‑producing facility, which may not be required to discharge covenants made by it in issuing bonds, notes, or other obligations authorized by this act, must be utilized by the commission from time to time for the public purposes of the district.

HISTORY: 2015 Act No. 48 (H.3304), Section 1, eff June 3, 2015.

**SECTION 4‑23‑1240.** Rates charged for services.

The rates charged for services furnished by a revenue‑producing facility of the district, as constructed, improved, enlarged or extended, are not subject to supervision or regulation by a state bureau, board, commission or other like instrumentality or agency of the State.

HISTORY: 2015 Act No. 48 (H.3304), Section 1, eff June 3, 2015.

**SECTION 4‑23‑1250.** Exemption of property and income of district from taxation.

The property and income of the district is exempt from all taxes levied by the State, county, or any municipality, division, subdivision or agency of them, direct or indirect.

HISTORY: 2015 Act No. 48 (H.3304), Section 1, eff June 3, 2015.

**SECTION 4‑23‑1260.** Indebtedness of district; contract provisions between district and holder of obligations.

So long as the district is indebted to a person on any bonds, notes or other obligations issued pursuant to the authority of this act, the provisions of this act and the powers granted to the district and the commission are not in any way diminished or restricted, and this provision of this act is considered a part of the contract between the district and the holders of these obligations.

HISTORY: 2015 Act No. 48 (H.3304), Section 1, eff June 3, 2015.

**SECTION 4‑23‑1270.** Supervisory powers of fire chief or equivalent official; readiness of equipment.

The fire chief or equivalent official of the truck companies to which equipment is assigned shall have complete supervision over its usage and operation, and it is his responsibility to insure that the equipment is readily available for use at all times.

HISTORY: 2015 Act No. 48 (H.3304), Section 1, eff June 3, 2015.

**SECTION 4‑23‑1280.** Traffic control at fire scene.

All members of the truck companies of the district, whether employees or volunteers, may direct and control traffic at the scene of a fire in the area of the district and enforce the laws of this State relating to the following of fire apparatus, the crossing of a fire hose, and interfering with firemen in the discharge of their duties in connection with a fire in the same manner as provided for the enforcement of these laws by law enforcement officers.

HISTORY: 2015 Act No. 48 (H.3304), Section 1, eff June 3, 2015.

**SECTION 4‑23‑1290.** Damage to property of fire district; penalty.

It is unlawful for a person to wilfully destroy or damage a facility of the district or equipment used in the operation of a facility, to interfere with a member of a fire department in the discharge of his duties in the district, or to interfere with a fire apparatus used by the fire department in the district. A person violating the provisions of this section is guilty of a misdemeanor and, upon conviction, may be fined or imprisoned in an amount or for a term not exceeding the maximum penalty for an offense within the jurisdiction of the magistrates courts, unless a lesser penalty is established by state law.

HISTORY: 2015 Act No. 48 (H.3304), Section 1, eff June 3, 2015.