CHAPTER 33

South Carolina Forest Fire Protection Act

**SECTION 48‑33‑10.** Short title.

 This chapter shall be cited as the “South Carolina Forest Fire Protection Act.”

HISTORY: 1962 Code Section 29‑51; 1952 Code Section 29‑51; 1945 (44) 138.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

**SECTION 48‑33‑20.** “Forest land” defined.

 For the purpose of this chapter all lands shall be construed as “forest land” which have enough forest growth, standing or down, or have sufficient inflammable debris or grass, outside of corporate limits, to constitute, in the judgment of the State Commission of Forestry, a fire menace to itself or adjoining lands.

HISTORY: 1962 Code Section 29‑52; 1952 Code Section 29‑52; 1945 (44) 138.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

**SECTION 48‑33‑30.** “Forest fire” defined.

 The term “forest fire,” as used in this chapter, means any fire burning uncontrolled on any land covered wholly or in part by timber, brush, grass or other inflammable vegetation.

HISTORY: 1962 Code Section 29‑53; 1952 Code Section 29‑53; 1945 (44) 138.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

**SECTION 48‑33‑40.** State Commission of Forestry to direct forest fire protection work.

 All forest fire protection work shall be under the direction and supervision of the State Commission of Forestry, through the State Forester, subject to the provisions of this chapter and the laws of the State enacted relative to forestry and forest fire prevention and suppression.

HISTORY: 1962 Code Section 29‑54; 1952 Code Section 29‑54; 1945 (44) 138.

CROSS REFERENCES

Exemption from power of fire authority to order evacuation, see Section 6‑11‑1430.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

**SECTION 48‑33‑50.** Creation of county forestry boards.

 There shall be set up in each county a board, to be known as the county forestry board, consisting of five members, who shall be appointed by the State Commission of Forestry on the recommendation of a majority of the county legislative delegation in the House of Representatives and the Senator of such county. The members shall be residents of the county from which they are appointed. Change of residence from the county shall terminate the appointment. The initial term of all the members of the county forestry boards having been one for one year, one for two years, one for three years, one for four years and one for five years, the terms of the members of each board since appointed have been and shall hereafter be for five years, each member holding office until his successor is appointed, so that one member shall be appointed annually.

 In case of a vacancy or termination of appointment on a county forestry board, such vacancy shall be filled in the same manner as provided for the appointment of members thereof, except that if a vacancy shall exist in the office of member of a county forestry board for more than two months the then existing members of the county forestry board may recommend for appointment some suitable person to fill such vacancy and the State Commission of Forestry shall make the appointment on such recommendation.

 In Berkeley County, appointments made pursuant to this section are governed by the provisions of Act 159 of 1995.

 In Dorchester County, appointments made pursuant to this section are governed by the provisions of Act 512 of 1996.

 In Georgetown County, appointments made pursuant to this section are governed by the provisions of Act 515 of 1996.

HISTORY: 1962 Code Section 29‑55; 1952 Code Section 29‑55; 1945 (44) 138.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

Attorney General’s Opinions

Appointment recommendations for the position of county service officer and member of county forestry board made by a county council violates the constitutional prohibition against special legislation where general legislation can be made applicable. 1968‑69 Op. Atty Gen, No. 2698, p 139.

Editor’s Note

By a Ordinance No. 96‑5‑15, dated October 2, 1996, the Berkeley County Council has notified the Code Commissioner that it accepts the responsibility and authority for making the appointments provided in Act 159 of 1995 which were formerly made by the Berkeley County Legislative Delegation pursuant to the authority of this section.

By Resolution 96‑07, dated July 15, 1996, the Dorchester County Council has notified the Code Commissioner that it accepts the responsibility and authority for making the appointments provided in Act 512 of 1996 which were formerly made by the Dorchester County Legislative Delegation pursuant to the authority of this section.

By a resolution dated August 13, 1996, the Georgetown County Council has notified the Code Commissioner that it accepts the responsibility and authority for making the appointments provided in Act 515 of 1996 which were formerly made by the Georgetown County Legislative Delegation pursuant to the authority of this section.

**SECTION 48‑33‑60.** Duties and powers of county forestry boards; employees.

 The county boards shall assist in the efficient performance of the requirements of this chapter and the general conduct of the forestry program in the county. They shall review, revise and adopt the annual forest fire protection plan and the county ranger, fire wardens, towermen and all other county forest fire protection officers shall be employed, retained or dismissed only with the consent of the county forestry board. The county ranger, fire wardens and towermen and all other county officers of the county board shall be residents of the county in which they are so employed.

HISTORY: 1962 Code Section 29‑56; 1952 Code Section 29‑56; 1945 (44) 138.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

Attorney General’s Opinions

Method of employment and dismissal of certain Forestry personnel set forth in Forest Fire Protection Act has not been repealed by either State Personnel Act or State Grievance Act; county forestry board cannot directly dismiss personnel, but does possess power to withdraw its consent to employment, retention, or dismissal of any employee. 1985 Op. Atty Gen, No. 85‑78, p 209.

**SECTION 48‑33‑70.** Plans for forest fire protection; rules and regulations for administration of plans.

 The State Commission of Forestry shall prepare for each county forestry board a plan for forest fire protection for the fiscal year and present such plan at the July meeting of the board. It shall have power to make and enforce all rules and regulations necessary for the administration of forest fire protection.

HISTORY: 1962 Code Section 29‑57; 1952 Code Section 29‑57; 1945 (44) 138.

CROSS REFERENCES

Exemption from power of fire authority to order evacuation, see Section 6‑11‑1430.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

Attorney General’s Opinions

The Commission on Forestry would have the authority pursuant to Section 48‑33‑70 to promulgate a regulation requiring on‑site inspections prior to giving permission to start a fire. 1989 Op. Atty Gen, No. 89‑113, p 305.

**SECTION 48‑33‑80.** Access to property.

 The State Commission of Forestry, any of its authorized agents and any member of a county forestry board may, at any or all times, go upon any land for the purpose of preventing or controlling forest fires, as defined herein, without making themselves liable for trespassing.

HISTORY: 1962 Code Section 29‑58; 1952 Code Section 29‑58; 1945 (44) 138.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.

**SECTION 48‑33‑90.** Title to property acquired vested in State Commission of Forestry.

 The title to all property acquired incident to carrying out the provisions of this chapter shall be vested in the State Commission of Forestry.

HISTORY: 1962 Code Section 29‑59; 1952 Code Section 29‑59; 1945 (44) 138.

Library References

Environmental Law 44.

Woods and Forests 8.

Westlaw Topic Nos. 149E, 411.

C.J.S. Health and Environment Sections 167, 173.

C.J.S. Woods and Forests Sections 1, 8, 11 to 13.