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The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

October 6, 1997

Mr. Dan Richardson
134 Richardson Drive
Greenwood, South Carolina 29649

Re: Informal Opinion .

Dear Mr. Richardson:

Representative Carnell has asked this Office to respond to the question raised in your September 15, 1997 letter addressed to Representative Carnell. You have asked the following question: "IS THE LANDOWNER INITIATIVE AS SET OUT IN 6-11-20 A PREREQUISITE TO ACTION BY A COUNTY GOVERNING BODY UNDER 4-11-10 ET SEQ IN THE FORMATION OF A FIRE PROTECTION DISTRICT?" For purposes of answering this question, I will assume that reference in your question to Section 4-11-10 is a misprint and the Code section that you intended to refer to is Section 4-19-10 et seq.

The South Carolina Code of Laws provides several distinct methods by which a fire protection district may be created within a county. In an opinion dated March 5, 1990, this Office described these several methods. One method of creating an autonomous political subdivision to provide fire protection services would be pursuant to Section 6-11-10 et seq. of the Code. This method would require a petition for formation of the district and a referendum, as outlined in the statutes. A second way to create a fire district for a specified area of a county would be the establishment of a special tax district by the county council acting pursuant to Section 4-9-30(5) of the Code. Finally, a county may follow the procedures set forth in Section 4-19-10 et seq. or 4-21-10 et seq. of the Code.

Section 4-19-10 et seq. and Section 6-11-10 et seq. are distinct methods of providing fire protection. I gather from your letter that the Greenwood County Council intends to create a fire protection district pursuant to Section 4-19-10 et seq. of the Code.

Request Letter

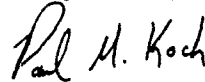
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If this is the case, then the County Council must follow the provisions of Section 4-19-10 et seq. There is nothing contained in Section 4-19-10 et seq. which would indicate that Section 6-11-20 must be followed prior to the creation of a fire protection district pursuant to Section 4-19-10 et seq.

This letter is an informal opinion only. It has been written by a designated assistant attorney general and represents the position of the undersigned attorney as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kindest regards, I remain

Very truly yours,



Paul M. Koch

Assistant Attorney General

cc: The Honorable Marion P. Carnell
The Honorable John Drummond
The Honorable Jim Klauber
The Honorable Anne Parks
The Honorable Harry Stille