

1976 S.C. Op. Atty. Gen. 347 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4488, 1976 WL 23105

Office of the Attorney General

State of South Carolina

Opinion No. 4488

October 13, 1976

*1 Peter D. Hyman, Esquire
County Attorney
Box G, City-County Complex
Florence, South Carolina 29501

Dear Mr. Hyman:

You have requested an opinion from this Office as to whether or not the Florence County Council (Council) is authorized to enact an ordinance (#7-⁶/77) establishing the Florence County Ambulance Service Commission (Commission) to provide ambulance service in Florence County as a county function or, in the alternative, to grant franchises to private ambulance services to provide the same. In my opinion, it is so authorized as hereinafter discussed.

Act No. 1063 of 1975 authorizes counties to engage in fire fighting, fire prevention and ambulance services, such services to be provided either by use of county employees and equipment or by contract with private agencies or municipalities of the county. See, 58 STAT. 2277 (1974); see also, 59 STAT. 318 (1975).

In addition, Act No. 283 of 1975, the 'home rule' legislation, expressly authorizes county governing bodies to grant franchises 'to provide for the orderly control of services and utilities affected with the public interest' [§ 14-3703(11)]; services 'affected with the public interest' most probably include ambulance services. Cf., 12 McQUILLIN MUNICIPAL CORPORATIONS Franchises §§ 34.01 et seq. (3rd ed. 1970); 1969 OP.ATTY.GEN. No. 2726 at 187.

The Council, therefore, has the authority to regulate, by means of franchise, private ambulance services in an effort to provide for the orderly control thereof, as Section 7 of the ordinance contemplates. The fact that Section 7 of the ordinance speaks of a franchise 'from the Commission' rather than from the Council does not appear to be a material variance from the authority vested in the Council by Section 14-3703(11) of Act No. 283 of 1975 since the Commission functions only as the agent of the Council.

I have not considered herein the Commission's by-laws which, it should be noted, have been reviewed and approved by the Resident Judge of the Twelfth Judicial Circuit nor other provisions of the ordinance not specifically discussed hereinabove and, accordingly, express no opinion as to them.

With kind regards,

Karen LeCraft Henderson
Assistant Attorney General

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