

1974 WL 27583 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 8, 1974

***1 Re: Goose Creek Board of Rural Fire Control—Collection of Fees**

R. Markley Dennis, Esquire
Attorney at Law
Post Office Drawer 1174
Moncks Corner, S. C. 29461

Dear Mr. Dennis:

You have requested an opinion as to whether or not the authority to charge rates for services rendered in fighting or controlling fires as set forth in Section 14-1087 of the 1962 South Carolina Code of Laws carries, by inference, the right of enforcement or collection of these charges by withholding of protection from those who fail or refuse to pay the charges.

Section 14-1087 of the 1962 Code of Laws provides as follows:

The fire-fighting equipment provided for in this article shall be used to control, extinguish and fight any fire within the area covered by the truck company to which the equipment is assigned. All service rendered including the personnel used in the fighting or controlling of fires shall be financed by charges at rates prescribed by the Board governing the area. 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.

This statute provides on its face that services shall be rendered to fight ‘any fire within the area covered by the truck company to which the equipment is assigned’ (emphasis added). It is the opinion of this office that the wording of the statute itself would preclude an inference that the right to charge rates for services would include the right to withhold protection from those who fail or refuse to pay the charges.

Generally speaking, a statutory grant of express power carries with it by necessary implication every other power necessary and proper to the execution of the power expressly granted. However, when construing statutes involving the public safety, the overriding standard for proper conduct is that standard which is reasonable and which satisfies the public policy to be served. The withholding of fire protection from those who fail or refuse to pay the prescribed charges would raise some question as to reasonableness, and the best statutory interpretation would be to conclude that such a policy could not be instituted by inference from Section 14-1087 of the 1902 Code of Laws of South Carolina.

Very truly yours,

Walter Davies Merry, III
Assistant Attorney General

1974 WL 27583 (S.C.A.G.)