

1974 WL 27908 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

August 8, 1974

\*1 William M. Bruner, Esquire  
City Attorney  
Suite 209 Rainbow Harbor  
5001 N. Kings Highway  
Myrtle Beach, South Carolina 29377

Dear Mr. Bruner:

In your letter of July 17, 1974, you question whether or not the City of Myrtle Beach has the authority to enter into a contractual relationship with the new Hilton Hotel for fire protection, since the Hotel is located without the City limits.

In November, 1974, the City of Myrtle Beach adopted the Council-Manager Form of Government pursuant to 847-691, et seq. CODE OF LAWS OF SOUTH CAROLINA (1962). The basic powers of a municipal corporation under the Council-Manager form of government are contained in § 47-699.32, CODE OF LAWS OF SOUTH CAROLINA (1962). These powers do not give the City Council the authority to enter into a contract for city services outside the city limits. Fire Departments for the various municipalities of this State are provided for pursuant to its § 47-1151, et. seq., CODE OF LAWS OF SOUTH CAROLINA (1962). Generally, a municipal fire department may provide services only for those within the city fire limits. However, there is an exception to this general prohibition.

Any municipal corporation having a population of between three thousand and three thousand five hundred, based upon the United States census of 1950, may furnish fire protection to properties situated outside of, and beyond the corporate limits of, any such municipality and may contract for the furnishing of such fire protection. § 47-1154.1, CODE OF LAWS OF SOUTH CAROLINA (1962).

If the City of Myrtle Beach meets the requirements of § 47-1154.1, then it may contract with the Hilton Hotel for fire protection. Otherwise, I can find no authority to allow the city to enter into that type contract.

Yours very truly,

M. Elizabeth Crum  
Assistant Attorney General

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