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SPECIAL DISTRICTS - SOUTH CAROLINA

County of Florence v. West Florence Fire District

Supreme Court of South Carolina - March 7, 2018 - S.E.2d - 811 S.E.2d 770 - 2018 WL 1177701

County filed a declaratory judgment action, alleging act creating a fire district was unconstitutional.

The Circuit Court ruled in favor of county. Fire district appealed.

The Supreme Court of South Carolina held that fire district was not truly a multicounty district, and thus violated home-rule provision of state constitution.

Fire district was not truly a multicounty district, and therefore, legislation creating the district violated home rule provision of state constitution; only three parcels—totaling one-tenth of a square mile—were in neighboring county, home rule precluded legislation enacting fire protection services specific to a county, and General Assembly could not indirectly accomplish the same goal merely by adding a small amount of acreage of another county.

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