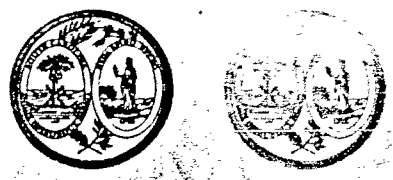


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The State of South Carolina



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March 27, 1985

Honorable Dick Elliott
Member, House of Representatives
Post Office Box 3165
North Myrtle Beach, South Carolina 29582

Dear Representative Elliott:

You have requested an opinion as to whether a municipality and a county bordering on the Atlantic Ocean may close the beach or regulate the period during the year when traffic may be allowed on the public beach between high and low tides. Sections 5-7-140 and 4-9-45, 1976 Code of Laws, as amended, pertaining to cities and counties respectively, provides that those entities do have the authority to exercise their police jurisdiction between the high tide line and low tide line within their borders.

You have also asked whether a county government has legal jurisdiction to override a decision by a city council as to the use of beach areas within a city. This is also answered by § 4-9-45, which extends the jurisdiction of the counties only to those areas not within the corporate limits of any municipality.

If further assistance is needed, please do not hesitate to contact us.

Sincerely yours,
Kenneth P. Woodington
Kenneth P. Woodington
Senior Assistant Attorney General

KPW:rmr

REVIEWED AND APPROVED BY:

Robert D. Cook
Robert D. Cook
Executive Assistant for Opinions

REQUEST LETTER