

1977 S.C. Op. Atty. Gen. 216 (S.C.A.G.), 1977 S.C. Op. Atty. Gen. No. 77-281, 1977 WL 24621

Office of the Attorney General

State of South Carolina

Opinion No. 77-281

September 9, 1977

\*1 James P. Harrelson, Esquire  
Town Attorney  
Town of Edisto Beach  
Post Office Drawer 732  
Walterboro, South Carolina 29488

Dear J. P.:

You have requested that we provide you with our opinion regarding three questions about which you have already advised the Town Council of the Town of Edisto Beach, South Carolina.

You inquire first as to whether a town, which does not have a comprehensive building code, may prohibit the use of mobile homes within the corporate limits. In our opinion, a municipality cannot absolutely prohibit the use of safe and sanitary mobile homes or trailers; and in order to prohibit single trailers in residential zones, it is necessary, we think, for the municipality to provide zones or areas where they may be allowed. See, e.g., [Connor v. West Bloomfield Tp.](#), 207 F.2d 482 (6th Cir. 1953); see also, RAYNE, MUNICIPAL LAW § 26-40 at 584 (1957); cf., McQUILLIN, MUNICIPAL CORPORATIONS § 24.564 at 614 (1968); cf. also, [Town of Conover v. Jolly](#), 277 N.C. 439, 177 S.E.2d 879 (1970).

Your second question is directed at whether or not a town may enact a building code that would, as a practical matter, eliminate mobile homes. Once again, we do not believe that a municipality can absolutely proscribe the use of safe and sanitary mobile homes or trailers; however, where mobile homes that are to be used as a dwelling will constitute 'buildings' [see, 1973 Op. Atty. Gen. No. 3664 at 352 (November 15, 1973)] upon erection, such mobile homes may come within the scope of building laws and regulations fixing certain minimum and reasonable requirements relating to floor space, light, air, sanitation and safety of buildings which they must meet in order to be so used. [Commonwealth v. McLaughlin](#), 169 Pa. Super. 442, 78 A.2d 880 (1951); [Lower Merion Tp. v. Gallup](#), 158 Pa. Super. 572, 46 A.2d 35 (1946); see also, McQUILLIN, MUNICIPAL CORPORATIONS § 24.564 at 617 (1968); cf., CODE OF LAWS OF SOUTH CAROLINA § 6-9-10 (1976); cf. also, *id.* §§ 31-17-10 *et seq.*

The last question that you have asked is whether a town may require a person to obtain a business license when he posts the name of his business at his residence but does no business in the town. We think such a license may properly be required if it appears that, in addition to the posting of a sign, administrative work relating to the business is done at the location. See [Triplett v. Chester](#), 209 S.C. 455, 40 S.E.2d 684 (1946); see also CODE OF LAWS OF SOUTH CAROLINA § 5-7-30 (1976).

Kindest personal regards,

C. Tolbert Goolsby, Jr.

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