

1978 WL 35179 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

October 23, 1978

*1 Richard Ruhle, Esquire
Anderson City Attorney
P. O. Box 107
Anderson, SC 29622

Dear Mr. Ruhle:

This is in response to your request of August 29, 1978, concerning the legality of agricultural commodities sales in the areas zoned for single family residences. After conversations with the general counsel for the State Department of Agriculture, Dick Bowman, and a thorough examination of the relevant statutory authority, it is the opinion of this Office that the applicable municipal zoning laws control and no statutory exceptions exist on the State level. Neither Title 46, Chapter 15, 'Agricultural Marketing Generally', Title 46, Chapter 17, 'Agricultural Commodities Marketing', or the rules and regulations of the Department of Agriculture, R5-1, et seq., are relevant to the question present. Apparently, the only solution available would be a variance to the local zoning law.

Very truly yours,

Treva G. Ashworth
Assistant Attorney General

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