1974 WL 27563 (S.C.A.G.)

Office of the Attorney General

State of South Carolina
December 31, 1974

*1 R. Cecil Ratcliffe, Mayor
Town of Surfside Beach
Office of the Mayor
Surfside Beach, SC 29577

Dear Mayor Ratcliffe:
Please accept our embarrassed apologies for the tardiness of this reply. Apparently your letter was lost for some time within the office.

You ask whether or not an amendment to your zoning ordinance restricting rentals of less than one month to resort residential areas would be permissible Section 47-1001, et. seq. of the Code of Laws of South Carolina of 1962 specifically grant to incorporated municipalities the power to zone themslves for the purposes of promoting the 'health, safety, morals, or the general welfare of the community.' Further, it specifically allows the municipality to determine the general location where 'buildings and structures, and land for trade industry, residence or other purposes.' These powers are similar to those granted in most jurisdictions, and their constitutional validity, when enforced in a non-arbitrary manner, is no longer doubted. 10 C.J.S. Section 323 at page 1111 states that courts, in reviewing zoning decisions, will generally look to the questions of whether the steps taken constitute proper exercise of the police power (conform with valid motives such as those found in Section 43-1001) and whether or not they were reasonable or arbitrary. If the record on review indicates that the zoning ordinance was passed for a valid, understandable purpose in a reasonable manner, it may be expected to be upheld.

Without specific information pertaining to the pros and cons of the controversy it is impossible to advise you as to proper decision to reach, however, I hope this general information may be of service. Should any further questions arise, please feel free to call upon us.
Very truly yours,

W. Davies Merry, III
Assistant Attorney General

1974 WL 27563 (S.C.A.G.)

End of Document