CHAPTER 13

Trespass on Private Docks

**SECTION 54‑13‑10.** “Privately owned dock” defined.

 For the purpose of this chapter, a privately owned dock is defined as any dock which is constructed on or appurtenant to property on which the person constructing the dock owns a leasehold interest in or title to or has obtained permission, express or implied, from the title owner to construct the dock.

HISTORY: 1962 Code Section 54‑432; 1968 (55) 3079.

CROSS REFERENCES

Summary ejectment of trespassers, see Sections 15‑67‑610 et seq.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Shipping Law Section 92, Privately Owned Docks.

NOTES OF DECISIONS

In general 1

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Section 54‑13‑10 contemplates that private docks include both those built over submerged land owned by the builder or those built over submerged land owned by another but with its terminus on property owned by the builder. Sea Cabin on the Ocean IV Homeowners Ass’n v. City of North Myrtle Beach, 1993, 828 F.Supp. 1241.

This section, together with Fourth Circuit precedent and other case law, compels conclusion that plaintiff’s pier is appurtenance to the real property located above the mean high water mark. Sea Cabin on the Ocean IV Homeowners Ass’n v. City of North Myrtle Beach, 1993, 828 F.Supp. 1241.

**SECTION 54‑13‑20.** Exceptions.

 The provisions of this chapter shall not apply to docking facilities open to the general public or to persons utilizing privately owned docking facilities in an emergency situation, or to persons having permission, express or implied, to use such facilities from the owner thereof, or to any person, association or corporation, and the agents and servants thereof, in the performance of duties arising out of the usual conduct of business or arising out of the terms of a State or Federal charter, license or franchise, and regulations thereunder.

HISTORY: 1962 Code Section 54‑433; 1968 (55) 3079.

CROSS REFERENCES

Summary ejectment of trespassers, see Sections 15‑67‑610 et seq.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Shipping Law Section 92, Privately Owned Docks.

**SECTION 54‑13‑30.** Trespassing on privately owned docks unlawful; posting of notice.

 It shall be unlawful, except as provided herein, for any person to trespass upon or attach a boat or other device to any privately owned dock erected along the shores of any public or private waters within this State. Provided, however, that no person shall be convicted under this chapter unless the owner of such dock has posted a notice in a conspicuous place thereon stating that “Trespassing on this Dock is Prohibited by Law.” Any person violating the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction shall be fined not less than twenty‑five dollars nor more than one hundred dollars.

HISTORY: 1962 Code Section 54‑431; 1968 (55) 3079.

CROSS REFERENCES

Summary ejectment of trespassers, see Sections 15‑67‑610 et seq.

LIBRARY REFERENCES

87 C.J.S., Trespass Sections 144 et seq.

RESEARCH REFERENCES

Encyclopedias

S.C. Jur. Shipping Law Section 92, Privately Owned Docks.

**SECTION 54‑13‑40.** Certain rights not affected.

 This chapter shall not be construed to prevent or to interfere with the right of any person, governmental body, commission or agency, and the licensees and franchisees thereof, from regulating or controlling any activities on the waters and appurtenant lands under the jurisdiction of such person, governmental body, commission or agency, and the licensees and franchisees thereof. No vested property right shall accrue under this chapter to any person in derogation of the ownership or rights of any person, the public, any governmental body, commission or agency, and the licensees and franchisees thereof.

HISTORY: 1962 Code Section 54‑434; 1968 (55) 3079.

CROSS REFERENCES

Summary ejectment of trespassers, see Sections 15‑67‑610 et seq.