



The State of South Carolina  
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON  
ATTORNEY GENERAL

October 29, 1997

Q. B. Walters, Chief of Police  
Town of Branchville  
Post Office Box 85  
Branchville, South Carolina 29432

Re: Informal Opinion

Dear Chief Walters:

You have asked for an opinion "concerning a Game Room, containing Pool Tables, being open on Sundays." You have also asked whether "a business of this nature [would] be required to have restrooms not serving food or beverage."

Law / Analysis

The issue which you raise is discussed at considerable length in Op. Atty. Gen., Op. No. 85-124 (October 28, 1985). I am enclosing that opinion for your review. Therein, this Office stated:

[c]ertain state statutes do provide for the closing of particular businesses at certain times. For instance, Section 52-13-10 of the Code prohibits the operation of 'public dance halls' between the hours of midnight Saturday and midnight Sunday. Billiard rooms are required to be closed at eleven o'clock each night and remain closed until six o'clock the following morning. See: Section 52-11-10(6) of the Code. This State's 'blue laws,' Section 53-1-5 et seq. prohibit the operation of certain businesses until after 1:30 p.m. on Sunday. Obviously, such statutes may be enforced where applicable within your municipality ...

You also asked whether a certain amusement center operating in your town on Sunday is in violation of this State's 'blue laws.' You indicated that the amusement center has eleven pool tables, twenty-two video machines (some inoperative) and sells snacks to its patrons. According to your letter, the hours of such establishment vary but the center is open on Sundays.

As referenced above, state statutes regulate in certain respects the operation of billiard or pool rooms in this State. See: Sections 52-11-10 et seq. of the Code. However, in Melody Music Co. v. McLeod, 248 S.C. 545, 151 S.E.2d 749 (1966), the State Supreme Court held that the operation of a billiard or pool table in places where the principal business is something other than the operation of pool or billiard tables is not subject to the provisions of State law outlining the 'lawful manner' of operating billiard or pool rooms generally. See: Section 52-11-10(6). An opinion of this Office, 1967 Op. Atty. Gen. No. 2218 p. 13, stated that the term 'principal business' as used in the Melody Music case meant that if the main activity of the business is the operation of billiard or pool tables, then, in such circumstances the establishment would be a billiard or pool room. Another opinion of this Office dated April 3, 1975, stated that unless a place of business is a pool room within the definition of the State statute, the mandatory closing hours set forth by state law do not apply ... .

As to your specific question concerning whether this particular business if operated on Sunday would violate the 'blue laws,' in another opinion of this Office dated September 15, 1976, a copy of which is enclosed, it was determined that the operation of a family entertainment center, in which was located coin-operated game machines and which sold food and drinks through the use of vending machines, would constitute the business of one's ordinary calling as stated in Section 53-1-40. Therefore, its operation would be controlled by the 'blue laws.' Since the opinion as written, the 'blue laws' have been amended as referenced above so as to be inapplicable after 1:30 p.m. on Sunday. Therefore, as

to the business referenced by you, it appears that it could operate after 1:30 p.m. on Sunday. Of course, I am assuming as pointed out above, that the business should not be considered as being a pool hall so as to be subject to the provisions of Section 52-11-10 et seq. which, as stated, prohibit the operation of a pool room on Sunday.

Since the 1985 opinion was written, §§ 52-11-10 et seq. has been repealed. Section 12-21-2730 requires, however, that

[e]very person owning or operating a billiard or pocket billiard table, football table, bowling lane table, or skeeball table for profit shall apply for and procure from the commission [Revenue Department] for a license for the privilege of operating the table and pay for the license a biennial tax of fifty dollars for each table owned or operated.

The license in this section must be issued and is valid in accordance with Section 12-21-2734.

Thus, assuming that the establishment is properly licensed as referenced above, the only state statutes of which I am aware relative to the operation of the business in question on Sunday are the "blue laws." Of course, in any event, such laws are inapplicable after 1:30. I would suggest that you contact the Department of Revenue for any additional information in this regard.

As to your question regarding the legal necessity for bathroom facilities, I have examined numerous state regulations and can find none which appear to be on point. These various Regulations relate primarily to the sale of food or some other specific service where health requirements dictate public restrooms. I would suggest you contact the Department of Health and Environmental Control which is the agency which would be primarily responsible for the enforcement of such Regulations or, if the establishment is licensed to sell alcohol on the premises (or otherwise), you may wish to contact the Revenue Department (ABC enforcement). As to any local regulations contained in the City Building Code or zoning regulations, you may also wish to consult with your City Attorney.

This letter is an informal opinion only. It has been written by a designated Assistant Deputy Attorney General and represents the position of the undersigned attorney

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as to the specific questions asked. It has not, however, been personally scrutinized by the Attorney General nor officially published in the manner of a formal opinion.

With kind regards, I am

Very truly yours,



Robert D. Cook  
Assistant Deputy Attorney General

RDC/an  
Enclosure