

1981 WL 158112 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 16, 1981

*1 The Honorable Jack Weatherly
Sheriff
Marlboro County
Bennettsville, South Carolina 29512

Dear Sheriff Weatherly:

You have recently asked the opinion of this Office on the following questions:

I. Can a beer and wine permit holder which is chartered as a private club violate [§ 52-13-10, Code of Laws of South Carolina \(1976\)](#), as amended, which forbids operation of a public drinking hall on Sunday?

II. Can such a club furnish or sell or allow the possession and consumption of beer and wine on Sunday?

III. Can a club which holds both a beer and wine permit and a liquor permit sell alcoholic beverages on Sunday?

I.

It appears from your question that you are referring to a club granted a license to sell minibottles under the provisions of § 61-5-20(3). Licenses issued to clubs pursuant to this statute are by law restricted to nonprofit organizations with limited membership, not open to the general public. These clubs, by the terms of their license, are thus private in nature rather than public. [Section 52-13-10](#), on the other hand, has been interpreted to apply exclusively to public halls primarily and predominately used for dancing. 1964 Op. Atty. Gen. No. 1703, p. 162. Thus, unless the club is violating the terms under which its license was granted by holding itself open to the general public for dancing, it would appear that [§ 52-13-10](#) is not applicable to private clubs operating with a license granted pursuant to § 61-5-20.

II.

In response to your second question, a private club holding a minibottle license pursuant to § 61-5-20(3), may sell beer and wine on Sunday as authorized by § 61-9-90 if it also possesses an on premises beer and wine permit.

III.

In response to your third question, a private club licensed under § 61-5-20(3) may sell minibottles during prescribed hours on Sunday.

If I can be of further service to you, please do not hesitate to call.

Very truly yours,

Edwin E. Evans
Assistant Attorney General

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