

1983 WL 182067 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

November 29, 1983

\*1 A. Ray Godshall, Esquire  
City Attorney  
City of Gaffney  
Post Office Box 66  
Gaffney, South Carolina 29340

Dear Ray:

Attorney General Medlock has referred your letter, dated November 10, 1983, to me for reply. You will recall that we have had several conversations concerning the issue you raised.

I understand that Bob Cook, Executive Assistant to Mr. Medlock in charge of Opinions, will be in contact with you concerning a new procedure regarding opinions.

In your letter, you raised the following question: Could a Rollerland Skating Rink, a private business, operate on Sunday between the hours of 7:00 p.m. and 9:00 p.m.? It is located in the city.

Although the recent amendments to the Blue Laws are without any specific indication of legislative intent, it would appear reasonable, reading the amendments with the prior law, to conclude that there would be no prohibition against the roller skating business operating during the hours you mentioned, provided it obtained a permit from the City Council.

I am enclosing a copy of the Blue Laws, as they stand today with the 1983 amendments. Please note I arbitrarily added numbers to the last two sections where they relate to Chapters 3, 11, 13, and 15 of Title 52 of the 1976 Code.

[Section 53-1-10 of the Code](#) provides that an 'athletic event' may be operated on Sunday after a permit is obtained from the city or county council, depending upon the location of the event. 'Athletic events' is not defined in the new statute.

However, Article 1, Chapter 3, of Title 52 of the Code dealt with moving pictures, athletic sports and musical concerts to be held on Sunday in certain cities, counties, and resorts, as distinguished by population and location, and at certain times of the day. In § 52-3-30, it was stated that 'athletic sports' could be held in certain cities on Sunday after 2:00 p.m. That section further prohibited an athletic sport from being publicly exhibited between the hours of 7:00 p.m. and 9:00 p.m. on Sunday. Finally, that section defined 'athletic sport' to include, relevant to your inquiry, roller skating.

The final provision of the 1983 Blue Law amendments repealed Article 1, Chapter 3, of Title 52. (§§ 52-3-10, 52-3-20, and 52-3-30).

In my opinion, it is reasonable to conclude that in repealing a specific statute such as § 52-3-20, the legislature replaced it with a general statute, relating to permits for athletic events, in [§ 53-1-10](#). It is reasonable to presume the legislature repealed a specific, complex statute, relating to populations and locations and times of day, and replaced it with a more general, simpler statute requiring merely a permit. Accordingly, I think it is reasonable to read into the definition of 'athletic event', as is used in the 1983 amendments, those terms which were included under 'athletic sports' in § 52-3-30 of the old Code. That being the case, roller skating would be included, and would be permissible on Sundays, provided the business obtained a permit. The time restriction of 7:00 p.m. to 9:00 p.m. would no longer be applicable, since it was part of the repealed statute.

\*2 In conclusion, please be advised that the roller skating business of which you wrote may operate between 7:00 p.m. and 9:00 p.m. on Sundays, provided it obtains permit from your city council. You should be aware, that my research has not located an instance where a South Carolina court has construed 'athletic events' to include the provisions under the old term 'athletic sports'. Since our Code is absent indication of legislative intent, it is possible that, should the matter be tested in court, the conclusions expressed in this letter might not be followed. They are conclusions based upon my research into your inquiry, and not a formal opinion of this office.

Sincerely yours,

James G. Bogle  
Assistant Attorney General

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