

1976 WL 30619 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 20, 1976

***1 In Re: Businesses Operating Pool Tables on Sunday**

Lt. Andrew Hughes
Sheriff's Department
County Office Building
Spartanburg, South Carolina 29301

Dear Lt. Hughes:

You have inquired generally with reference to the operation of pool tables on Sunday and after 11:00 P.M. on other days - -
- with particular regard to small, coin-operated tables.

Size of Tables

The size of the pool tables operated has nothing to do with the question of whether or not a place of business is a 'billiard room' within the meaning of the State's pool room statutes, viz., Section 5-501 et sequentia, 1962 Code of Laws of South Carolina, as amended. A pool room using nothing but small, coin-operated tables (described in Section 5-665, 1962 Code of Laws of South Carolina, as amended) would be subject to the restrictions imposed on 'billiard rooms' by the pool room statutes. [Melody Music Company v. McLeod](#), 248 S. C. 545, 151 S. E. 2d 749.

Billiard Room - - - Definition

A room which is maintained principally for the purpose of conducting a business other than that of operating pool or billiard tables is not a 'billiard room' or 'pocket billiard room' subject to the restrictions of the pool room statutes, viz., Section 5-501, 1962 Code of Laws of South Carolina, as amended. [Melody Music Company](#), *supra*. For example, such a room would not be required to close at 11:00 P.M., nor would the operator be required to bar persons under 18 years of age.

The business declared by the State Supreme Court not to be a 'billiard room' or 'pocket billiard room' in [Melody Music Company](#) was a restaurant in which a small, coin-operated pool table was operated. It was agreed that the room was maintained principally for the sale of food rather than for the operation of the pool table. The Court said that it mattered not that the pool table was small and coin-operated; the same rule would apply had the table been of regulation size and non-coin-operated.

Sunday Operation

A pool table in a room maintained principally for some other business may be operated without regard to the restrictions imposed by the pool room statutes (Section 5-501, et seq.). This does not mean, however, that such tables may be operated contra to the provisions of other criminal laws, such as the Sunday closing statutes. Section 64-2, 1962 Code of Laws of South Carolina, as amended, reads in part:

'On - - - Sunday, it shall be unlawful for any person to engage in worldly work, labor, business - - - or to employ others to engage in work, labor, business - - - excepting work of necessity or charity.'

Certain specific work, labor or business is excepted from the foregoing provision. For example, operation of eating places and gasoline service stations, inter alia, is permitted. (Section 64-2.1, 1962 Code of Laws of South Carolina, as amended). The operation of pool tables is not excepted from the provisions of Section 64.2; therefore, such operation on Sunday is prohibited by provisions of that Section.

CONCLUSION

*2 In view of the foregoing, it is the opinion of this Office that operation of pool tables on Sunday in any business establishment is violative of the provisions of Section 64.2.

Yours very truly,

Joseph C. Coleman
Deputy Attorney General

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