



The State of South Carolina
OFFICE OF THE ATTORNEY GENERAL

CHARLES MOLONY CONDON
ATTORNEY GENERAL

July 15, 1996

The Honorable Bill Blanton
Sheriff, Cherokee County
200 West Montgomery Street
Gaffney, South Carolina 29341

Re: Informal Opinion

Dear Sheriff Blanton:

You seek an opinion "regarding dirt track racing on Sundays." You further indicate that it is your understanding "that the track owner must get a permit from county council before having a race on Sundays." However, you have also been advised that the track owner "does not need a permit and it is up to the sheriff to allow or not allow racing on Sunday."

LAW/ANALYSIS

S.C. Code Ann. Sec. 53-1-10 provides that

[i]t shall be unlawful to operate for professional purposes athletic events, public exhibitions, historic or musical entertainment, or concerts unless a permit shall first be obtained from the town or city council, if the activity is in an incorporated town or city, or from the governing body if the activity takes place outside of an incorporated town or city by either the sponsor of the athletic or entertainment event or exhibition or the individual participant.

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Section 53-1-5, however, states that the provisions of Chapter 1 of Title 53 of the Code ("blue laws") do not apply after 1:30 on Sunday.

In Op. Atty. Gen., Op. No. 85-130 (November 6, 1985), this Office addressed the question of holding events such as automobile or motorcycle races, musical events, car shows or exhibitions and tractor pulls on Sunday. Particularly, the issue was whether a permit was required to carry out "preparatory activities leading up to an event when such [preparatory activities] take place prior to 1:30 p.m., on Sunday." There, we concluded:

[i]t appears that automobile and motorcycle races, musical events, car shows or exhibitions, and tractor [pulls] are included in the type of events permitted to be held on Sunday where a permit is obtained pursuant to Section 53-1-10. Furthermore, the type activities referenced in your letter associated with or incidental to a particular event, such as advance ticket sales, the admission of ticketholders and participants, and preparatory activities leading up to an event could also take place at any time on Sunday if a permit to hold the particular event is obtained pursuant to Section 53-1-10. While such statute authorizes the holding of the event, it appears that it must also be read to authorize preparatory activities such as ticket sales, incidental to the event. To determine otherwise would constitute an absurd result, a result surely not intended by the legislature and which should be avoided. See: 2A Sutherland Statutory Construction Section 45.12; State ex rel. McLeod v. Montgomery, 244 S.C. 308, 136 S.E.2d 778 (1964).

Referencing the above, it is clear that certain activities such as races, musical events, car shows, and tractor pulls may be held on Sundays in this State. Also, if a permit is obtained pursuant to Section 53-1-10, activities incidental to an event such as those described above could take place prior to 1:30 p.m. on Sunday.

This Opinion remains the Opinion of the Office. Thus, I would advise that a permit should be obtained, pursuant to Section 53-1-10, for any races to be held on Sunday, particularly where events preparatory thereto occur prior to 1:30 p.m.

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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 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/ph