

1976 S.C. Op. Atty. Gen. 309 (S.C.A.G.), 1976 S.C. Op. Atty. Gen. No. 4447, 1976 WL 23064

Office of the Attorney General

State of South Carolina

Opinion No. 4447

September 15, 1976

**\*1 Re: Operation of Family Entertainment Center on Sunday**

William H. Gibbes, Esquire

1518 Washington Street

Columbia, SC 29201

Dear Mr. Gibbes:

You have requested an opinion from this Office concerning the operation of a family entertainment center at Dutch Square on Sunday. You asked three (3) specific questions: [1] Is it permissible under South Carolina law for a family entertainment center to remain open on Sunday for the use of its patrons and not be in violation of the Sunday Blue Laws? The proposed family entertainment center at Dutch Square will have a substantial number of coin-operated machines. It will also have food, soft drinks, candies, confections and other items which will be available through the use of vending machines. Provided there is no violation of the Blue Laws, the current plan is to have the family entertainment center open seven days a week.

As to your first question, Section 64–2, CODE OF LAWS OF SOUTH CAROLINA, 1962, as amended, provides in pertinent part:

On the first day of the week, commonly called Sunday, it shall be unlawful for any person to engage in worldly work, labor, business of his ordinary calling . . . , excepting work of necessity or charity.

Operating a family entertainment center would constitute the business of one's ordinary calling and is therefore prohibited by the Blue Laws unless there is specific exemption contained in the statutes. The only possible exemption which I have been able to find is that contained in Section 64–1.02, which provides:

All amusement parks and recognized State and county fairs may operate on Sundays after 1:00 P. M.

If the family entertainment center comes within the definition of 'amusement parks' then it may operate after 1:00 P. M. on Sundays. However, an amusement park has been defined as a 'grouping of various amusements in one place.' 3 Words and Phrases, 'Amusement Park' at 538, [Tice v. Borough of Woodcliff Lake, 78 A.2d 825](#). Here the amusements are all coin-operated game machines. Furthermore, Section 64–1.02 groups amusement park with recognized State and county fairs. This categorization leads to the conclusion that the Legislature intended to exempt only those amusement parks which had the same type and variety of amusements as State and county fairs. Therefore, it is the conclusion of this Office that the family entertainment center would be violating Section 64–2 if it were operated on Sunday.

As to your second and third questions concerning the legality of the operation of pinball machines, after studying the opinion written by your office of August 30, 1976, this Office is of the opinion that you are perfectly correct in your interpretation of Sections 5–621, et seq. The operation of pinball machines is not prohibited by Section 5–621 and pinball machines may not be operated by anyone under the age of eighteen years.

Yours very truly,

M. Elizabeth Crum

\*2 Assistant Attorney General

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