

1973 WL 27676 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

February 28, 1973

*1 Skipper Brown
Deputy Sheriff
Fairfield County Sheriff's Office
Finnsboro, South Carolina

Dear Mr. Brown:

You have requested that this office advise you as to whether the operation of a dance hall is permitted between the hours of twelve o'clock midnight, Saturday and twelve o'clock midnight, Sunday, and whether this applies to dance halls with 'live' music as well as juke box music.

Section 5-601, Code of Laws of South Carolina 1962 states 'it shall be unlawful for any person to keep open any public dance hall between the hours of twelve o'clock midnight, Saturday and twelve o'clock midnight Sunday, and all such places shall be and remain closed to the public between such hours.' A dance hall has been defined as a public hall specifically devoted to dancing, not necessarily used exclusively for dancing but primarily and predominantly so used. [State v. Rice Properties TEX. CIV. APP. 163 SW 2d 669](#). There is no distinction made in the laws of this State between the use of 'live' versus juke box music in determining whether or not an establishment is a dance hall.

It is, therefore, the opinion of this office that a dance hall is required pursuant to Section 5-601, to be closed and remain so closed between the hours of twelve o'clock midnight, Saturday and twelve o'clock midnight, Sunday.

I trust that this has been sufficient in answer to the questions which you posed. If we can be of any further assistance, please do not hesitate to call or write.

Very truly yours,

Timothy G. Quinn
Senior Assistant Attorney General

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