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CHAPTER 1

Sundays

**SECTION 53‑1‑5.** Provisions inapplicable after 1:30 p.m. on Sunday; rights of employees, lessees, and franchisees to refuse to work; discrimination against persons who worship on Saturday prohibited.

 The provisions of this chapter do not apply after the hour of 1:30 p.m. on Sunday. Any employee of any business which operates on Sunday under the provisions of this section has the option of refusing to work in accordance with Section 53‑1‑100. Any employer who dismisses or demotes an employee because he is a conscientious objector to Sunday work is subject to a civil penalty of treble the damages found by the court or the jury plus court costs and the employee’s attorney’s fees. The court may order the employer to rehire or reinstate the employee in the same position he was in prior to dismissal or demotion without forfeiture of compensation, rank, or grade.

 No proprietor of a retail establishment who is opposed to working on Sunday may be forced by his lessor or franchisor to open his establishment on Sunday nor may there be discrimination against persons whose regular day of worship is Saturday.

HISTORY: 1985 Act No. 86 Section 1; 1995 Act No. 134, Section 1, eff (became law without the Governor’s signature on June 13, 1995).

Effect of Amendment

The 1995 amendment corrected a reference to treble instead of triple damages.

**SECTION 53‑1‑6.** Failure of law enforcement officer to enforce provisions of chapter.

 A determination that a sheriff or other law enforcement officer has failed to enforce the provisions of this chapter to the best of his ability constitutes neglect of duty and misconduct.

HISTORY: 1985 Act No. 86 Section 5.

**SECTION 53‑1‑10.** Permit required for holding sports and entertainment events.

 (A) It 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 of the county 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.

 (B) When a permit is granted as required by this section, the town or city council or county governing body may by resolution suspend the 1:30 p.m. opening hour provided in Section 53‑1‑5 and allow businesses to operate after the hour of 10:00 a.m. on Sunday.

HISTORY: 1962 Code Section 64‑1; 1952 Code Section 64‑1; 1942 Code Section 1733; 1932 Code Section 1733; Cr. C. ‘22 Section 715; Cr. C. ‘12 Section 700; Cr. C. ‘02 Section 502; G. S. 1633; R. S. 387; 1896 (22) 331; 1961 (52) 98; 1978 Act No. 482; 1980 Act No. 363; 1983 Act No. 121 Section 1; 1995 Act No. 134, Section 2, eff (became law without the Governor’s signature on June 13, 1995).

Effect of Amendment

The 1995 amendment designated the first paragraph as (A) and added paragraph (B).

**SECTION 53‑1‑15.** Certain automobile races exempt from prohibitions of section 53‑1‑10.

 The provisions of Section 53‑1‑10 do not apply to automobile races which are scheduled to be two hundred fifty miles or more in length.

HISTORY: 1983 Act No. 28.

**SECTION 53‑1‑20.** College and university campuses exempt from prohibition on Sunday public sports and pastimes.

 Notwithstanding any provision of law to the contrary, college and university campuses shall be exempt from the provisions of Section 53‑1‑10.

HISTORY: 1962 Code Section 64‑1.01; 1970 (56) 2289.

**SECTION 53‑1‑30.** Amusement parks and certain fairs exempt from prohibition on Sunday public sports and pastimes.

 All amusement parks and recognized state and county fairs may operate on Sundays, except that the governing body of a county may by ordinance prohibit Sunday operation of recognized state and county fairs in the county between the hours of 10:00 a.m. and 1:00 p.m.

HISTORY: 1962 Code Section 64‑1.02; 1974 (58) 2608; 1985 Act No. 86 Section 4; 1986 Act No. 474.

**SECTION 53‑1‑40.** Unlawful to work on Sunday.

 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 or the selling or offering to sell, publicly or privately or by telephone, at retail or at wholesale to the consumer any goods, wares or merchandise or to employ others to engage in work, labor, business or selling or offering to sell any goods, wares or merchandise, excepting work of necessity or charity. Provided, that in Charleston County the foregoing shall not apply to any person who conscientiously believes, because of his religion, that the seventh day of the week ought to be observed as the Sabbath and who actually refrains from secular business or labor on that day.

HISTORY: 1962 Code Section 64‑2; 1952 Code Section 64‑2; 1942 Code Section 1732; 1932 Code Section 1732; Cr. C. ‘22 Section 713; Cr. C. ‘12 Section 698; Cr. C. ‘02 Section 500; G. S. 1631; R. S. 385; 1691 (2) 69; 1712 (2) 396; 1962 (52) 2134; 1971 (57) 441.

**SECTION 53‑1‑50.** Exceptions to prohibition on Sunday work.

 Section 53‑1‑40 does not apply to the following:

 (1) The sale of food needs, ice, or soft drinks.

 (2) The sale of tobacco and related products.

 (3) The operation of radio or television stations nor to the printing, publication, and distribution of newspapers or weekly magazines, nor to the sale of newspapers, books, and magazines.

 (4) The operation of public utilities or sales usual or incidental thereto.

 (5) The transportation by air, land, or water of persons or property, nor to the sale or delivery of heating, cooling, refrigerating, or motor fuels, oils, or gases, or the purchase or installation of repair parts or accessories for immediate use in cases of emergency in connection with motor vehicles, boats, bicycles, aircrafts, or heating, cooling, or refrigerating systems, nor to the cleaning of motor vehicles.

 (6) The providing of medical services and supplies, nor to the sale of drugs, medicine, hygenic supplies, surgical supplies, and all other services and supplies related thereto.

 (7) The operation of public lodging or eating places, including food caterers.

 (8) Janitorial, custodial, and like services.

 (9) Funeral homes and cemeteries.

 (10) The sale of novelties, souvenirs, paper products, educational supplies, cameras, film, flash bulbs and cubes, batteries, baby supplies, hosiery and undergarments, flowers, plants, seeds, and shrubs.

 (11) The sale of art and craft objects at arts or craft exhibitions held pursuant to Section 53‑1‑10 provided that each art or craft object shown or sold has been designed by and is the original work of artisans present at the exhibition.

 (12) Exhibition of noncommercial real property and mobile homes.

 (13) The providing of any service, product, or other thing by means of a mechanical device not requiring the labor of any person.

 (14) The sale or rental of swimming, fishing, and boating equipment.

 (15) Any farming operations necessary for the preservation of agricultural commodities.

 (16) Light bulbs or fluorescent tubes.

HISTORY: 1962 Code Section 64‑2.1; 1962 (52) 2134; 1983 Act No. 121 Section 2.

Code Commissioner’s Note

At the direction of the Code Commissioner, this section has been reprinted to correct a typographical error.

Editor’s Note

Section 4 of 1983 Act No. 121, effective June 16, 1983, provides as follows:

“Nothing in this act shall be construed to affect or in any way repeal the provisions of Chapters 11, 13, and 15 of Title 52 of the 1976 Code.”

**SECTION 53‑1‑60.** Sale of certain items on Sunday prohibited.

 The sale or offer to sell the following items on Sunday is prohibited: Clothing and clothing accessories (except those which qualify as swimwear, novelties, souvenirs, hosiery, or undergarments); housewares, china, glassware, and kitchenware; home, business and office furnishings, and appliances; tools, paints, hardware, building supplies, and lumber; jewelry, silverware, watches, clocks, luggage, musical instruments, recorders, recordings, radios, television sets, phonographs, record players or so‑called hi‑fi or stereo sets, or equipment; sporting goods (except when sold on premises where sporting events and recreational facilities are permitted); yard or piece goods; automobiles, trucks, and trailers. No inference shall arise from the foregoing enumeration that either the sale or the offering for sale on Sunday of items or articles not mentioned is permitted.

HISTORY: 1962 Code Section 64‑2.2; 1962 (52) 2134; 1983 Act No. 121 Section 3.

Editor’s Note

Section 4 of 1983 Act No. 121, effective June 16, 1983 provides as follows:

“Nothing in this act shall be construed to affect or in any way repeal the provisions of Chapters 11, 13, and 15 of Title 52 of the 1976 Code.”

**SECTION 53‑1‑70.** Penalties for violating prohibition on Sunday work.

 A violation of any of the provisions of Section 53‑1‑40 shall be punished by a fine of not less than fifty dollars nor more than two hundred fifty dollars in the case of the first offense, and by a fine of not less than one hundred dollars nor more than five hundred dollars for each and every subsequent offense. Each separate sale, offer or attempt to sell on Sunday, and each Sunday a person is engaged in other work, labor or business in violation of Section 53‑1‑40, or employs others to be so engaged, shall constitute a separate offense.

HISTORY: 1962 Code Section 64‑2.3; 1962 (52) 2134.

**SECTION 53‑1‑80.** Sunday work declared public nuisance; injunctive relief; time off to attend church.

 The doing of any worldly work or labor, business of his ordinary calling, or the selling or offering for sale of any goods, wares or merchandise contrary to Section 53‑1‑40 is declared to be a public nuisance and any State, county or municipal law‑enforcement officer may apply to any court of competent jurisdiction for and may obtain an injunction restraining such operation, work, labor, sale or offering for sale. Provided, that any employee in a retail store where there are more than three employees shall upon request of said employee be granted time off to attend service allowing one hour for preparing to go and traveling to church and one hour after service for returning therefrom.

HISTORY: 1962 Code Section 64‑2.4; 1962 (52) 2134.

**SECTION 53‑1‑90.** Prohibitions on Sunday work and sales shall not affect certain businesses.

 The provisions of Sections 53‑1‑40 to 53‑1‑80 shall not be applicable to or affect the carrying on of any business or the rendering of any service which was lawful on April 7, 1962.

HISTORY: 1962 Code Section 64‑2.5; 1962 (52) 2134.

**SECTION 53‑1‑100.** Operation of machine shops exempt from chapter; conscientious opposition to Sunday work.

 Notwithstanding any other provision of law, the operation of machine shops and rubber molding and plastic injection molding facilities shall be exempt from the provisions of this chapter. No person shall be required to work on Sunday who is conscientiously opposed to Sunday work. If any person refuses to work on Sunday because of conscientious or physical objections, he shall not jeopardize his seniority rights by such refusal or be discriminated against in any manner. Sunday work shall be compensated at a rate no less than that required by the Fair Labor Standards Act.

HISTORY: 1962 Code Section 64‑3; 1952 Code Section 64‑3; 1942 Code Section 1735; 1932 Code Section 1735; Cr. C. ‘22 Section 716; Cr. C. ‘12 Section 701; Cr. C. ‘02 Section 503; 1899 (23) 100; 1971 (57) 476; 1982 Act No. 353.

**SECTION 53‑1‑110.** Manufacture or finishing of textile products exempt from chapter; conscientious opposition to Sunday work.

 Notwithstanding any other provision of law, the manufacture and finishing of textile products shall be exempt from the provisions of Chapter 1, Title 53, as amended. Provided, however, that no person shall be required to work on Sunday who is conscientiously opposed to Sunday work. If any person refuses to work on Sunday because of conscientious or physical objections, he shall not jeopardize his seniority rights by such refusal or be discriminated against in any manner. Sunday work shall be compensated at a rate no less than that required by the Fair Labor Standards Act.

HISTORY: 1962 Code Section 64‑4; 1952 Code Section 64‑4; 1942 Code Section 1735‑1; 1937 (40) 528; 1939 (41) 313; 1953 (48) 241; 1954 (48) 1717; 1971 (57) 476.

**SECTION 53‑1‑120.** Employment of children in mercantile or manufacturing establishments on Sunday; conscientious opposition to Sunday work; “mercantile establishment” defined.

 It shall be unlawful for any person to employ, require or permit the employment of children to work or labor in any mercantile establishment or manufacturing establishment on Sunday. Provided, that no employee shall be required to work on Sunday, who is conscientiously opposed to Sunday work; and if any employee should refuse to work on Sunday on account of conscientious or physical objections he or she shall not jeopardize his or her seniority rights by such refusal or be discriminated against in any other manner. This section shall not apply to those manufacturing establishments described in Section 53‑1‑130.

 The term”mercantile establishment” shall be construed to mean any place where goods or wares are offered or exposed for sale, except cafeterias and restaurants. The term “manufacturing establishment” shall be construed to mean any plant or place of business engaged in manufacturing. The Commissioner of Labor and factory inspectors are charged with the enforcement of this section. The commission and his duly authorized agents or inspectors shall have free access to any place where children are employed for the purpose of enforcing compliance with the provisions of this section. Any person who hinders or obstructs the commissioner, or any of his duly authorized agents or inspectors in the performance of their duties shall be guilty of violating this section. Any person violating any of the provisions hereof shall be guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than twenty‑five dollars, nor more than one hundred dollars, or imprisonment not to exceed thirty days for each offense.

HISTORY: 1962 Code Section 64‑5; 1952 Code Section 64‑5; 1942 Code Section 1735‑2; 1934 (38) 1454; 1941 (42) 119; 1953 (48) 242; 1973 (58) 372.

**SECTION 53‑1‑130.** Exceptions for manufacturing plants requiring continuous operation.

 The provisions of Sections 53‑1‑5 through 53‑1‑120 do not apply to manufacturing establishments or to research and development operations of any person, including the support services necessary for these operations, or to the employees of these operations when these establishments in the nature of their business involve manufacturing processes requiring continuous and uninterrupted operation or which for economical operation must engage in a continuous process nor do the provisions apply to maintenance, repair, and other service personnel of any manufacturing establishment.

HISTORY: 1962 Code Section 64‑6; 1952 Code Section 64‑6; 1950 (46) 2260; 1966 (54) 2182; 1983 Act No. 121 Section 6; 1985 Act No. 86 Section 2.

Editor’s Note

Section 4 of 1983 Act No. 121, effective June 16, 1983, provides as follows:

“Nothing in this act shall be construed to affect or in anyway repeal the provisions of Chapters 11, 13, and 15 of Title 52 of the 1976 Code.”

**SECTION 53‑1‑140.** Manufacturing of bakery products as requiring continuous operation.

 For the purpose of this chapter, the “manufacturing of bakery products” is defined as being a chemical manufacturing process requiring continuous, uninterrupted operation.

HISTORY: 1962 Code Section 64‑7; 1963 (53) 165.

**SECTION 53‑1‑150.** Exemption of certain counties; rights of employees, lessees, and franchisees to refuse to work; discrimination against persons who worship on Saturday prohibited.

 (A) The General Assembly finds that certain areas of the State would benefit greatly from a complete exemption from Chapter 1 of Title 53. This benefit would be a result of an expanded tax base thereby reducing the burden placed on property owners through the property tax. Allowing the operation of establishments on Sunday in these areas also would reduce the property tax burden through additional accommodations tax revenue which allows these areas to provide necessary governmental service from these revenues.

 (B) The provisions of Chapter 1 of Title 53 do not apply to any county area, as defined in Section 6‑4‑5(1), which collects more than nine hundred thousand dollars in one fiscal year in revenues from the accommodations tax provided for in Section 12‑36‑2630(3) and imposed in Section 12‑36‑920(A). After a county area has collected more than nine hundred thousand dollars in one fiscal year in revenues from the accommodations tax provided for in Section 12‑36‑2630(3) and imposed in Section 12‑36‑920(A), the exclusion from the provisions of Chapter 1 of Title 53 will continue from year to year irrespective of whether revenue falls below nine hundred thousand dollars in subsequent years.

 (C) Any employee of any business which operates on Sunday under the provisions of this section has the option of refusing to work in accordance with Section 53‑1‑100. Any employer who dismisses or demotes an employee because he is a conscientious objector to Sunday work is subject to a civil penalty of treble the damages found by the court or the jury plus court costs and the employee’s attorney’s fees. The court may order the employer to rehire or reinstate the employee in the same position he was in prior to dismissal or demotion without forfeiture of compensation, rank, or grade.

 No proprietor of a retail establishment who is opposed to working on Sunday may be forced by his lessor or franchisor to open his establishment on Sunday nor may there be discrimination against persons whose regular day of worship is Saturday.

HISTORY: 1985 Act No. 86 Section 3; 1995 Act No. 134, Section 3, eff (became law without the Governor’s signature on June 13, 1995).

Editor’s Note

**SECTIONS 12‑35‑710 and 12‑35‑730 have been repealed, see Sections 12‑36‑920 and 6‑4‑20 respectively.**

Effect of Amendment

The 1995 amendment, in subsection (B), changed the statutory references and added the last sentence.

**SECTION 53‑1‑160.** Suspension of Sunday work prohibitions.

 (A) In addition to other exemptions provided by statute, the county governing body may by ordinance suspend the application of the Sunday work prohibitions provided in Chapter 1 of Title 53 in a county which does not qualify for the exemption provided in Section 53‑1‑150. If the county governing body suspends the application of Sunday work prohibitions, any employee of any business which operates on Sunday under the provisions of this section has the option of refusing to work in accordance with Section 53‑1‑100. Any employer who dismisses or demotes an employee because he is a conscientious objector to Sunday work is subject to a civil penalty of treble the damages found by the court or the jury plus court costs and the employee’s attorney’s fees. The court may order the employer to rehire or reinstate the employee in the same position he was in prior to the dismissal or demotion without forfeiture of compensation, rank, or grade. No proprietor of a retail establishment who is opposed to working on Sunday may be forced by his lessor or franchisor to open his establishment on Sunday nor may there be discrimination against persons whose regular day of worship is Saturday.

 (B) In addition to other exemptions provided by statute, the Sunday work prohibitions provided in Chapter 1 of Title 53 may only be continued:

 (1) in a county which does not qualify for the exemption provided in Section 53‑1‑150 within ninety days before the 1996 general election; or

 (2) in a county in which the county governing body has not suspended application of the Sunday work prohibitions by ordinance as provided in subsection (A) within ninety days before the 1996 general election; if a majority of the qualified electors of that county voting in a referendum at the time of the 1996 general election vote in favor of the continued prohibition on Sunday work.

 (C) The county election commission shall place the question in subsection (G) on the ballot in November 1996 in a county:

 (1) which does not qualify for the exemption provided in Section 53‑1‑150 within ninety days before the 1996 general election; or

 (2) in which the county governing body has not suspended application of the Sunday work prohibitions by ordinance as provided in subsection (A) within ninety days before the 1996 general election.

 (D) The state election laws shall apply to the referendum, mutatis mutandis. The State Board of Canvassers shall publish the results of the referendum within each county and certify them to the Secretary of State.

 (E) If a county in which the referendum is to be held qualifies for the exemption provided in Section 53‑1‑150 after September 1, 1996, and before November 5, 1996, the county governing body shall direct the county election commission not to place the question on the ballot and not to hold the referendum.

 (F) If the result of this referendum is not in favor of a continuation of the prohibition on Sunday work within the county, Chapter 1 of Title 53 shall not apply within such county after the result of the referendum is certified to the Secretary of State. Any employee of any business which operates on Sunday under the provisions of this section has the option of refusing to work in accordance with Section 53‑1‑100. Any employer who dismisses or demotes an employee because he is a conscientious objector to Sunday work is subject to a civil penalty of treble the damages found by the court or the jury plus court costs and the employee’s attorney’s fees. The court may order the employer to rehire or reinstate the employee in the same position he was in prior to the dismissal or demotion without forfeiture of compensation, rank, or grade. No proprietor of a retail establishment who is opposed to working on Sunday may be forced by his lessor or franchisor to open his establishment on Sunday nor may there be discrimination against persons whose regular day of worship is Saturday.

 (G) The question put before the voters shall read as follows:

 “Shall the prohibition on Sunday work continue in this county subject to an employee’s right to elect not to work on Sunday if the prohibition is not continued after certification of the result of this referendum to the Secretary of State?

Yes []

No []”

 (H) Notwithstanding the provisions of subsections (A) through (G), the referendum provided by subsection (B) must be held in a county which qualified for the exemption provided in Section 53‑1‑150 after May 8, 1985.

HISTORY: 1995 Act No. 134, Section 4, eff (became law without the Governor’s signature on June 13, 1995).