

STATE OF SOUTH CAROLINA)
)
COUNTY OF DARLINGTON)

ORDINANCE NO. 19-02

An Ordinance To Indefinitely Suspend Sunday Work Prohibitions, Commonly Referred To As Blue Laws, Pursuant To Title 53, Chapter 1, Section 53-1-160 Of South Carolina Code Of Laws, As Amended

WHEREAS, pursuant to Section 53-1-160 of the South Carolina Code of Laws, 1976, as amended (the "Code"), Darlington County Council (the "County Council") is authorized to suspend Sunday work prohibitions contained in 53-1-5 *et. seq.* of the Code, commonly referred to as "Blue Laws," which declares that it is unlawful for some businesses to open on Sundays in Darlington County before 1:30 p.m.; and,

WHEREAS, Darlington County Council recognizes that many merchants in Darlington County need Sunday sales to maintain viable businesses and to pay their employees and those merchants compete for business with merchants in surrounding counties which open their businesses before 1:30 on Sundays; and,

WHEREAS, Darlington County Council further recognizes that the ability to shop on Sundays will be a convenience to the public; and,

WHEREAS, in light of the foregoing declarations, Darlington County, a body politic and corporate and a political subdivision of the State of South Carolina, acting by and through its County Council, desires to exercise its authority under Section 53-1-160 of the Code and suspend indefinitely the Sunday work prohibitions contained in Section 53-1-5 *et. seq.* of the Code, thus allowing businesses in Darlington County to open prior to 1:30 p.m. on Sundays:

NOW, THEREFORE, BE IT ORDAINED BY DARLINGTON COUNTY COUNCIL, THE GOVERNING BODY OF DARLINGTON COUNTY, SOUTH CAROLINA, that:

1. Pursuant to Section 53-1-160 of the Code of Laws of South Carolina (1976, as amended), Darlington County Council hereby suspends indefinitely the Sunday work prohibitions contained in Section 53-1-5 *et. seq.* of the Code, thus allowing businesses in Darlington County to open prior to 1:30 p.m. on Sundays.
2. Any employee of any business in Darlington County which operates on Sunday has the option of refusing to work:
 - a) at any time on Sunday in accordance with Section 53-1-100 of the Code of Laws of South Carolina; or
 - b) solely during the regular worship service hours of the worship center of his or her choice. Any employer who dismisses, demotes, discriminates or otherwise penalizes

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Joe B. Suggs
CLERK OF COURT/RMG
DARLINGTON COUNTY, SC

an employee because he or she is a conscientious objector to Sunday work or because he or she chooses not to work during specific worship service hours is subject to a civil penalty of triple 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/she was in prior to the dismissal or demotion without forfeiture of compensation, rank, or grade.

3. All orders and resolutions in conflict herewith are, to the extent of such conflict only, repealed and rescinded.
4. Should any part or portion of this ordinance be deemed unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such finding shall not affect the remainder hereof, all of which is hereby deemed separable.
5. This ordinance shall take effect upon third reading.

ATTEST:


J. Janet Bishop
Clerk to Council

DARLINGTON COUNTY COUNCIL


BOBBY HUDSON, CHAIRMAN

First Reading: March 4, 2019
Second Reading: April 1, 2019
Public Hearing: May 6, 2019
Third Reading: April 1, 2019

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