

ORDINANCE 10-702

AN ORDINANCE INDEFINITELY SUSPENDING SUNDAY WORK PROHIBITIONS AND OTHER MATTERS RELATED THERETO

WHEREAS, pursuant to Section 53-1-160 of the South Carolina Code of Laws, 1976, as amended (the "Code"), Sumter 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 Sumter County before 1:30 p.m.; and,

WHEREAS, the County Council recognizes that many merchants in Sumter 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, the 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, Sumter 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 Sumter County to open prior to 1:30 p.m. on Sundays:

NOW, THEREFORE, it is hereby resolved by Sumter County Council in meeting duly assembled, that:

1. Pursuant to Section 53-1-160 of the Code of Laws of South Carolina (1976, as amended), Sumter County Council hereby suspends indefinitely the Sunday work prohibitions contained in Section 53-1-5 *et. seq.* of the Code, thus allowing businesses in Sumter County to open prior to 1:30 p.m. on Sundays.
2. Any employee of any business in Sumter 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 church service hours of the church of his or her choice. Any employer who dismisses, demotes, discriminates or otherwise penalizes an employee because he or she is a conscientious objector to Sunday work or because he or she chooses not to work during specific church service hours 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.

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 resolution 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 and be in force immediately upon enactment.

First Reading: February 23, 2010
Second Reading: March 23, 2010
Public Hearing: March 23, 2010
Third Reading: April 13, 2010

County Council

Vivian Fleming McGhaney

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ATTEST:

BY *Mary W. Blanding*
Mary W. Blanding, Clerk to County Council
of Sumter County, South Carolina