

436.165 Retail sales and activities on Sunday subject to control of legislative body of city or county -- Restrictions -- Public vote.

In addition to the provisions of KRS 436.160:

- (1) The legislative body of any city, except as to activities permitted under KRS 436.160, shall have the exclusive power to enact ordinances or orders permitting and regulating other retail sales and activities on Sunday within its jurisdictional boundaries, subject to subsection (4) hereof.
- (2) The fiscal court of each county, except as to activities permitted under KRS 436.160, shall have exclusive power to enact resolutions or orders permitting and regulating other retail sales and activities on Sunday in that portion of the county which lies outside of the corporate limits of any cities within said county, subject to subsection (4) hereof.
- (3) In any city, county, or urban-county government where the legislative body has failed to enact ordinances permitting retail sales and activities on Sunday, the matter may be put to a vote of the people. Upon a petition signed by eligible voters in a number equal to twenty-five percent (25%) of the voters who voted in the last general election, a proposition to permit retail sales and activities on Sunday shall be placed before the voters at the next general election. Any such petition shall be submitted to the county clerk of that county for verification of the signatures. The petition shall be submitted to the county clerk and certified by the county clerk as sufficient not later than the second Tuesday in August prior to a general election to be eligible for placement of the question before the voters.
- (4) Notwithstanding subsections (1), (2), and (3) of this section, any ordinance, resolution or order adopted by the legislative body of any city or the fiscal court of any county pertaining to retail sales and activities on Sunday shall be subject to the following limitations:
 - (a) No employer shall require as a condition of employment that any employee work on Sunday or on any other day of the week which any such employee may conscientiously wish to observe as a religious Sabbath.
 - (b) No employer shall in any way discriminate in the hiring or retaining of employees between those who designate a Sabbath as their day of rest and those who do not make such designation, provided, however, that the payment of premium or overtime wage rates for Sunday employment shall not be deemed discriminatory.
 - (c) No person permitted, under the provisions of this section, to engage in a retail business on Sunday shall be open to the public between the hours of 6 a.m. and noon on any Sunday.
 - (d) Every employer engaged in retail sales on Sunday shall allow each person employed by him in connection with such business or service at least twenty-four (24) consecutive hours of rest in each calendar week in addition to the regular periods of rest normally allowed or legally required in each working day.
 - (e) No business shall be required to be open on Sunday as part of a lease

agreement, franchise agreement or any other contractual arrangement. The provisions of this subsection shall not apply to any lease agreement, franchise agreement or any other contractual arrangement entered into before July 15, 1980.

Effective: July 15, 1996

History: Amended 1996 Ky. Acts ch. 195, sec. 70, effective July 15, 1996. -- Amended 1982 Ky. Acts ch. 360, sec. 85, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 142, sec. 1, effective January 1, 1980. -- Created 1972 Ky. Acts ch. 18, sec. 2.