

## **CHAPTER 12.1-30 SUNDAY CLOSING LAW**

### **12.1-30-01. Business or labor on Sunday - Exemptions - Classification of offenses.**

1. Except as otherwise provided in sections 12.1-30-02 and 12.1-30-03, it is a class B misdemeanor for any person between the hours of twelve midnight and twelve noon on Sunday to do any of the following activities:
  - a. Engage in or conduct business or labor for profit in the usual manner and location.
  - b. Operate a place of business open to the public.
  - c. Authorize or direct that person's employees or agents to take action prohibited under this section.
2. The prohibition in subsection 1 does not apply to a person who in good faith observes a day other than Sunday as the Sabbath, if that person refrains from engaging in or conducting business or labor for profit and closes the place of business to the public between the hours of twelve midnight and twelve noon on the day observed as the Sabbath.
3. The attorney general, a state's attorney, a mayor, a city manager, or a city attorney may petition a district court, for the district where a violation is occurring, to enjoin a violation of this section.

### **12.1-30-02. Items prohibited from sale or rental on Sunday.**

Except for items sold at hobby shows, craft shows, fairs, exhibits, occasional rummage sales including garage sales or other sales for which a sales tax permit is not required, and tourist attractions that derive at least fifty percent of their annual gross sales from seasonal or tourist customers, the sale or rental of any of the following items between the hours of twelve midnight and twelve noon on Sunday is prohibited:

1. Clothing other than work gloves and infant supplies.
2. Clothing accessories.
3. Wearing apparel other than that sold to a transient traveler under emergency conditions.
4. Footwear.
5. Headwear.
6. Home, business, office, or outdoor furniture.
7. Kitchenware.
8. Kitchen utensils.
9. China.
10. Home appliances.
11. Stoves.
12. Refrigerators.
13. Air-conditioners.
14. Electric fans.
15. Radios.
16. Television sets.
17. Washing machines.
18. Dryers.
19. Cameras.
20. Hardware other than emergency plumbing, heating, cooling, or electrical repair or replacement parts and equipment.
21. Tools other than manually driven hand tools.
22. Jewelry.
23. Precious or semiprecious stones.
24. Silverware.
25. Watches.
26. Clocks.
27. Luggage.

28. Motor vehicles other than the daily rental of vehicles by businesses whose sole activity is automobile rental.
29. Musical instruments.
30. The sale of aural or video recordings, records, or tapes. Rental of these items is permitted.
31. Toys other than those customarily sold as novelties or souvenirs.
32. Mattresses.
33. Bed coverings.
34. Household linens.
35. Floor coverings.
36. Lamps.
37. Draperies.
38. Blinds.
39. Curtains.
40. Mirrors.
41. Cloth piece goods.
42. Lawnmowers.
43. Sporting or recreational goods other than those sold or rented on the premises where sports or recreational activities are conducted.
44. Paint and building and lumber supplies.

**12.1-30-03. Businesses allowed to operate on Sunday - Limitations.**

Subject to the limitations of this section and section 12.1-30-02, a business specified in this section may operate in the business's usual manner, location, and for its usual purposes. The businesses authorized under this section to operate on Sunday include:

1. Restaurants, cafeterias, or other prepared food service organizations.
2. Hotels, motels, and other lodging facilities.
3. Hospitals and nursing homes, including the sale of giftware on the premises.
4. Dispensaries of drugs and medicines.
5. Ambulance and burial services.
6. Generation and distribution of electric power, water, steam, natural gas, oil, or other fuel used as a necessary utility.
7. Distribution of gas, oil, and other fuels.
8. Telephone, telegraph, and messenger services.
9. Heating, refrigeration, and cooling services.
10. Railroad, bus, trolley, subway, taxi, and limousine services.
11. Water, air, and land transportation services and attendant facilities.
12. Cold storage warehouse.
13. Ice manufacturing and distribution facilities and services.
14. Minimal maintenance of equipment and machinery.
15. Plant and industrial protection services.
16. Industries where continuous processing or manufacturing is required by the very nature of the process involved.
17. Newspaper publication and distribution.
18. Newsstands.
19. Radio and television broadcasting.
20. Motion picture, theatrical, and musical performances.
21. Motor vehicle service stations that sell motor fuel and motor oil, and that customarily provide daily repair services or products for any of the following systems or parts of a motor vehicle:
  - a. Air-conditioning system.
  - b. Batteries.
  - c. Electrical system.
  - d. Engine cooling system.
  - e. Exhaust system.
  - f. Fuel system.

- g. Tires and tubes.
- h. Emergency work necessary for the safe and lawful operation of the motor vehicle.
- 22. Athletic and sporting events.
- 23. Parks, beaches, and recreational facilities.
- 24. Scenic, historic, and tourist attractions.
- 25. Amusement centers, fairs, zoos, and museums.
- 26. Libraries.
- 27. Educational lectures, forums, and exhibits.
- 28. Service organizations (USO, YMCA, etc.).
- 29. Coin-operated laundry and drycleaning facilities.
- 30. Food stores operated by an owner or manager in addition to not more than six employees working in the store at one time on a Sunday; however, the governing body of a city or county may, by ordinance, increase the number of employees allowed to work in a store at one time on a Sunday.
- 31. Bait shops for the sale of live bait and fishing tackle.
- 32. Floral nurseries.
- 33. Christmas tree stands.
- 34. Hobby shows, craft shows, fairs, and exhibits.
- 35. Occasional rummage sales, including garage sales or other sales for which a sales tax permit is not required.
- 36. Community festivals licensed or authorized by the governing body of a city or the board of county commissioners.
- 37. Premises licensed to dispense beer and alcoholic beverages within the limits prescribed in sections 5-02-05 and 5-02-05.1.
- 38. Credit approval services, lodging and travel reservation services, and, notwithstanding section 12.1-30-02, telemarketing of goods and services.
- 39. Bingo halls and onsite food concessions between the hours of twelve midnight and one a.m. and within the hours permitted under section 12.1-30-01.

**12.1-30-04. Retail business leases or agreements - Penalty.**

A retail business may not be required to be open on Sunday as a part of a lease agreement, franchise agreement, or any other contractual arrangement. A violation of this section is a class A misdemeanor.