

ORDINANCE NO. A-555

AN ORDINANCE TO PROHIBIT THE SALE OF MERCHANDISE ON SUNDAY WITH CERTAIN EXCEPTIONS; TO DECLARE UNLAWFUL SELLING ON SUNDAY TO BE A NUISANCE; TO PROVIDE FOR INJUNCTION; TO FIX PENALTIES; CALLING FOR AN ELECTION THEREON AND FOR OTHER PURPOSES.

WHEREAS, it is deemed necessary for the health, safety and welfare of the people of the City of Conway that they should be afforded the opportunity to have at least twenty-four (24) consecutive hours of rest in an unbroken period; and

WHEREAS, it will prevent discrimination and promote equality and uniformity if a common day of rest and recreation is designated as the public policy; and

WHEREAS, the first day of the week, Sunday, has historically been observed as a day of rest and recreation by the vast majority of the residents of the City of Conway;

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

SECTION 1. That no person, association, or corporation in the City of Conway shall do or perform any labor or work, or cause or permit the same to be done or performed by his or its agents, employees or servants, in order to sell, dispose of, barter, trade, deal in or give away or offer to sell or display to the public for sale any articles of merchandise on Sunday, except that the following or similar items may be sold:

- (a) Milk, bread, cakes, pastries, fresh fruits, bacon, eggs, coffee, tea, cooked meats and fish (not packaged in cans, jars or bottles), slaw, salads, cheese, preserves, pickles and relishes;
- (b) Cut flowers, shrubbery and growing plants;
- (c) Drugs and medical supplies, and all other such items as are customarily used for the relief of pain and the preservation of health; toilet goods and razor blades; baby foods; school supplies; flashlights and flashlight bulbs and batteries, insecticides, charcoals, tigher fluids, matches; tennis balls; golf balls; baseballs, softballs, bats, gloves, basketballs, footballs, baby supplies; and camera supplies;
- (d) Cigars, cigarette;, and all other forms of tobacco; candy, gum, ice cream, ice cream salt, soft drinks, soft drink mixes, and sodas; ice; small arms ammunition; live bait, artificial bait, fishing supplies and equipment, except rods, reels, motors and/or boats;

- (e) Newspapers, stationery (limited to writing supplies and related items only), greeting cards, paper goods (limited to recreational supplies only), periodicals, magazines, and books;
- (f) Gasoline, oil, greases, and motor vehicle parts or equipment necessary to the operation of a motor vehicle, or legally required thereon;
- (g) Professional services and the following businesses may be conducted: Hotels, motels, restaurants, theaters, athletic events, public utilities, parks and recreational and cultural facilities, hospitals, undertaking establishments, and annual trade shows and exhibitions;
- (h) In places of business open on Sunday to sell the above enumerated articles, displays of other articles not herein permitted to be sold shall be restricted by appropriate signs or other devices indicating that items other than those permitted to be sold as hereinabove set forth may not be sold.

SECTION 2. No natural person shall be subject to the criminal or injunctive provisions of this ordinance if that such natural person conscientiously observes a day other than Sunday as a day of rest in accordance with the requirements of his religious faith and abstains on such day from selling, or offering for sale, any items which may not be sold on Sunday under the provisions of this ordinance.

SECTION 3. It is hereby declared that the sales of any articles on Sunday prohibited by this ordinance shall be, and is declared to be a public nuisance, and any store or other establishment wherein such sales or offers of sales are made in violation of this ordinance is hereby declared to be a public nuisance, and any citizen of this City may enjoin said nuisance in the Chancery Court of Faulkner County, Arkansas. The issuance of an injunction shall not relieve a person from criminal prosecution for violation of the provisions of this ordinance, but such remedy of injunction shall be in addition to liability to criminal prosecution.

SECTION 4. Every person, association or corporation who shall violate this ordinance shall be guilty of a misdemeanor and shall upon conviction therefor be fined in a sum not less than Twenty-five Dollars (\$25.00), nor more than One Hundred Dollars (\$100.00). Each day on which the sale of a prohibited item is made shall be deemed to constitute a separate offense.

SECTION 5. The provisions of this ordinance are separable and if any section, sentence or word shall be declared to be invalid as to any person, association or corporation, it shall not affect the remaining parts thereof nor its application in general.

SECTION 6. All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. That an election shall be called for the 7th day of November, 1972, for the purpose of determining the wishes of the electsrate of the City of Conway on the provisions of this ordinance. If same shall be approved by a majority vote of the electors voting thereon this ordinance shall be in full farce and effect sixty (60) days after the certification of the results of said election.

PASSED : \_\_\_\_\_

APPROVED : \_\_\_\_\_  
Mayor

ATTEST :

\_\_\_\_\_  
Clerk-Treasurer