

4) Conway
A-20617

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ORDINANCE NO. 0-02-146

AN ORDINANCE GRANTING A TEMPORARY FRANCHISE TO SPECIAL TEAM ON PREVENTION OF DOMESTIC VIOLENCE TO UTILIZE STREET RIGHTS-OF-WAY FOR HORSE-DRAWN CARRIAGE RIDES TO RAISE FUNDS FOR CHARITABLE PURPOSES; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

Whereas, Special Team on Prevention of Domestic Violence desires to temporarily utilize streets and public grounds and places for the purpose of offering seasonal horse-drawn buggy rides to raise funds for charitable purposes, and

Whereas, the City of Conway has control of such streets and public grounds and places and finds it advantageous to grant a temporary franchise for the use of such streets and public grounds and places for the offering of seasonal horse-drawn buggy rides to raise funds for charitable purposes:

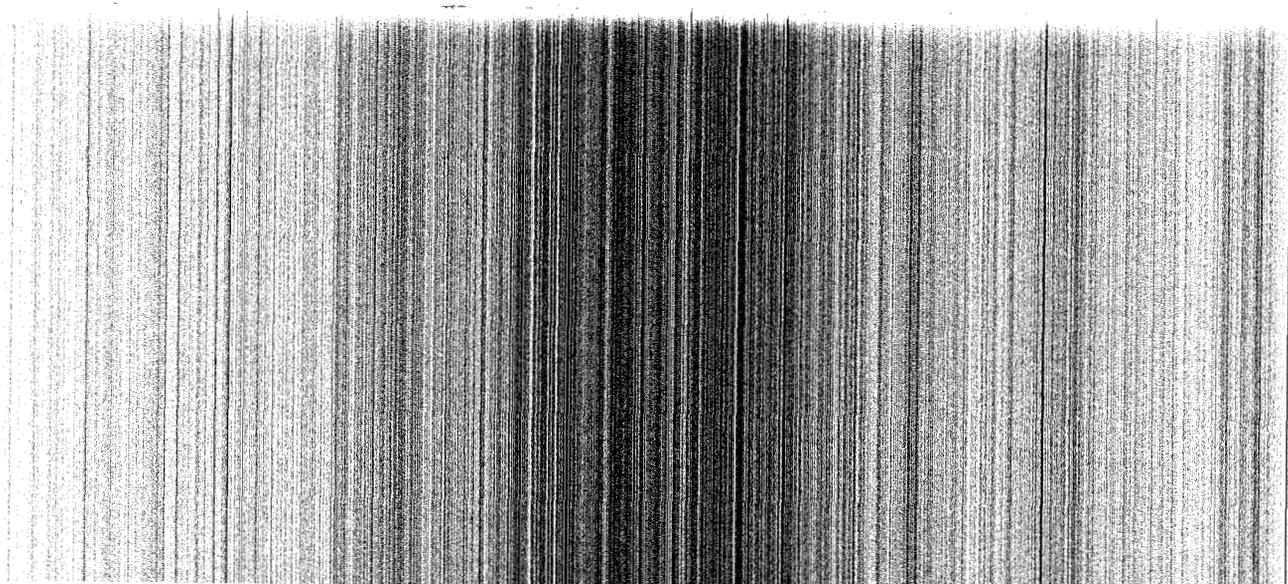
NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

Section 1: That a temporary, seasonal Franchise that shall be in effect from December 1, 2002 to January 1, 2003 is hereby granted from the City of Conway, Arkansas (hereinafter referred to as "City") to Special Team on Prevention of Domestic Violence (hereinafter referred to as "Team") for the purpose of offering horse-drawn buggy rides to raise funds for charitable purposes in a limited area within the City of Conway, State of Arkansas. Team, in the conduct of its business shall be authorized to utilize the streets and public grounds and places within an area bounded by the outer edges of the rights-of-way of the hereinafter named streets. The boundaries of this area shall start at the intersection of **Oak** and Court Street and move southeasterly along Court Street to Main Street, then southwesterly along **Main** Street to Locust Street, then southeasterly along Locust Street to Robinson Avenue, then west along Robinson Avenue to Watkins Street, then north along Watkins Street to Caldwell Street, then east along Caldwell Street to **Oak** Street and then northeasterly along **Oak** Street to the point of beginning.

Section 2: Fees - That, due to the charitable uses to which any proceeds are to be utilized, no fees for this Franchise shall be charged.

Section 3: That Team shall be responsible for obtaining insurance in the amount of \$25,000 per person for bodily injury claims, with a \$50,000 aggregate limit for bodily injury claims and \$25,000 for property damage, and that this franchise shall not be valid without such insurance.

Section 4: That Team shall provide a light source (consisting of a positive source of light, not merely a reflector) on the rear of such horse-drawn buggy that will be



sufficient to provide adequate illumination to assure that any vehicles approaching from the rear can clearly see the buggy.

Section 5: That Team shall be responsible for seeing that the animals used for pulling the buggy or buggies shall be adequately cared for and not overworked. Any abuse or neglect of these animals shall be grounds for revoking this franchise. Adequate records to determine the hours the animal(s) are worked must be maintained.

Section 6: That Team shall be responsible for keeping the street rights-of-way, easements and public grounds and places clear of any animal excrement or other waste products and shall assume the costs of such actions. That failure to do so will be adequate grounds for revocation of this franchise.

Section 7: That this franchise shall not be transferred to any other party.

Section 8: That all drivers of these conveyances shall at all times be sober as determined by state law and capable of driving in a safe manner. That failure to comply will be adequate grounds for revocation of this franchise.

Section 9: That any accidents must be reported immediately to the proper authorities. That failure to do so will be adequate grounds for revocation of this franchise.

Section 10: That all conveyances shall be maintained in a safe manner and licensed if required by the State of Arkansas. That failure to comply will be adequate grounds for revocation of this franchise.

Section 11: That all conveyances must have a braking system adequate to control a runaway horse. That failure to do so will be adequate grounds for revocation of this franchise.

Section 12: That the City assumes no maintenance or liability responsibility for the Team plant and appurtenances.

Section 13: That the Mayor, Police Chief or Fire Chief may temporarily revoke this franchise if it is determined that a situation exists that requires such revocation for the public safety or for abatement of a public nuisance. Upon such temporary revocation, Team shall remove equipment and appurtenances from the streets and/or public grounds or places at their own expense.

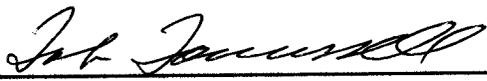
Section 14: Team shall have ninety (90) days from and after its passage and approval to file its written acceptance of this ordinance with the City Clerk, and upon such acceptance being filed, this Ordinance shall be considered as taking effect and being in force from and after the date of its passage and approval by the Mayor. The Ordinance shall continue in effect and be in force from December 1, 2002 to January 1, 2003.

Section 15: That all ordinances or parts of ordinances of a permanent and general nature in effect at the time of adoption of this ordinance, and not included herein, are hereby repealed where they are in conflict with this ordinance.

Section 16: That it is ascertained and declared that it is necessary for the public peace and welfare of the citizens of the City of Conway, Arkansas, an emergency is hereby declared to exist and this ordinance shall take effect and be in force from and after its passage and publication.

PASSED this 17th day of September 2002.

APPROVED:



Tab Townsell, Mayor

ATTEST:



Michael O. Garrett, City Clerk