

09925

Doc#2010- 9805

Date 06/04/2010

01:02:03 PM

Filed & Recorded in

Official Records of

Faulkner County

RHONDA WHARTON

FAULKNER COUNTY CIRCUIT CLERK

Fees \$25.00

by

338732

LB

D.C.



City of Conway, Arkansas
Ordinance No. O-10-50

AN ORDINANCE GRANTING A TEMPORARY FRANCHISE TO UTILIZE STREET RIGHTS-OF-WAY AND PARKS FOR HORSE-DRAWN CARRIAGE RIDES; DECLARING AN EMERGENCY AND FOR OTHER PURPOSES:

WHEREAS, Bryan Cox of 875 Granite LN, Conway and co-owner Josh Riley of 203 East Oak St Conway desire to utilize streets and public grounds and parks for the purpose of offering horse-drawn buggy rides; and

WHEREAS, the City of Conway has control of such streets and public grounds and parks and finds it advantageous to grant a franchise for the use of such streets and public grounds and parks for the offering of horse-drawn buggy rides.

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

Section 1: A temporary franchise that shall be in effect until December 31st, 2011 is hereby granted from the City of Conway, Arkansas (hereinafter referred to as "City") to Bryan Cox of 875 Granite LN Conway and co-owner Josh Riley of 203 East Oak St Conway, AR (herein after referred to as "Franchisee") for the purpose of offering horse-drawn buggy rides for profit in a limited area within the City of Conway, State of Arkansas. Franchisee, in the conduct of his business shall be authorized to utilize the streets and public grounds within an area bounded by the outer edges of the rights-of-way of the hereinafter named streets to as follows: Harkrider, Tyler Robins, and Donaghey (including UCA).

Section 2: Franchise may be extended to utilize the Conway city parks at the discretion of the City, which at the time of the extension shall set hours and conditions of park use.

Section 3: Fees – A fee of **50.00** shall be charged for this franchise annually and for this franchise it will be prorated for 2010.

Section 4: Franchisee 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 5: Franchisee 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 6: Franchisee 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 7: Franchisee shall be responsible for keeping the street rights-of-way, easements and public grounds and parks 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 8: This franchise shall not be transferred to any other party.

Section 9: 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 10: Any accidents must be reported immediately to the proper authorities. Failure to do so will be adequate grounds for revocation of this franchise.

Section 11: 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 12: 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 13: That the City assumes no maintenance or liability responsibility for Franchisee's plant appurtenances.

Section 14: 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, Franchisee shall remove equipment and appurtenances from the streets and/or public grounds or places at their own expense.

Section 15: Franchisee 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.

Section 16: 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 17: 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 25th day of May 2010.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer