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City of Conway-Env.

ORDINANCE NO. O-07-55 \_\_\_\_\_ D.C.

**AN ORDINANCE GRANTING A TEMPORARY FRANCHISE TO ROBERT HASKETT, OWNER OF THE BREWERY TO UTILIZE SIMON PARK TO OPERATE A VENDING CART; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**Whereas,** Robert Haskett of The Brewery located at 2519 Prince Street desires to utilize Simon Park in downtown Conway to operate a portable concession stand, and

**Whereas,** the City of Conway has control of such streets and public grounds and parks and find it advantageous to grant a franchise for the use of a vending cart in Simon Park

**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 1, 2007 is hereby granted from the City of Conway (hereinafter referred to as "City") to Robert Haskett of 2519 Prince Street (hereinafter referred to as "Franchisee") for the purpose of the use of a vending cart in Simon Park for profit in a limited area (Simon Park) within the City of Conway. Franchisee, in the conduct of his business shall be authorized to utilize the park and public grounds in and around Simon Park not including the public parking lots or driveways except when the city shall notify Mr. Haskett of the events that reserve the park for other purposes.

Section 2: This franchise is non-exclusive.

Section 3. Fees – A fee of \$50 shall be charged for this franchise.

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 damages, and that this franchise shall not be valid without such insurance.

Section 5. This franchise shall not be transferred to any other party.

Section 6. That franchisee shall be responsible for keeping the park and public grounds and parking areas clean of all waste and trash that is generated by the operations of this franchise. That failure to do comply will be adequate grounds for revocation of this franchise.

Section 7. All operations and facilities shall be maintained in a safe manner and licensed and inspected as required by the State of Arkansas. That failure to comply will be adequate grounds for revocation of this franchise.

Section 8. That the City assumes no maintenance or liability responsibility for franchisee's plant or appurtenances.

Section 9. That the Mayor, Police Chief or Fire Chief may temporarily revoke this franchise or restrict the free exercise of this franchise if it is determined that a situation exists that requires such revocation or restriction for the public safety or for abatement of a public nuisance. Upon such temporary revocation or restriction, Franchisee shall remove equipment and appurtenances from the park and/or public grounds at his expense until further notice from the city.

Section 10. That all ordinances or parts of ordinances of a permanent and general nature in effect at the time of this ordinance, and not included herein, are hereby repealed where they are in conflict with this ordinance.

Section 11. This ordinance is necessary for the protection of the public peace, health and safety; an emergency is hereby passage declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

**PASSED** this 22<sup>nd</sup> day of May, 2007.

**Approved:**

  
**Mayor Tab Townsell**

**Attest:**

  
**Michael O. Garrett**  
**City Clerk/Treasurer**