

City Council Members

Mayor Tab Townsell

City Attorney Michael Murphy

City Clerk/Treasurer Michael O. Garrett



Ward 1 Position 1 – Andy Hawkins
Ward 1 Position 2 – David Grimes
Ward 2 Position 1 – Mark Vaught
Ward 2 Position 2 – Shelley Mehl
Ward 3 Position 1 – Jim Rhodes
Ward 3 Position 2 – Mary Smith
Ward 4 Position 1 – Theodore Jones, Jr.
Ward 4 Position 2 – Shelia Whitmore

City of Conway - City Council Meeting
Tuesday, May 25th, 2010 @ 6:30pm
District Court Building – 810 Parkway St., Conway, AR 72032
5:30pm - City Council Committee Meeting:
TBA

Call to Order

Roll Call

Minutes: **May 11th, 2010**

Announcements / Proclamations / Recognition: **Employee Service Awards**
Central Baptist College Women Softball Team

1. Public Hearings

A. Discussion of renaming Sutton Street to Bishop Anderson Street.

2. Report of Standing Committees:

A. Economic Development Committee (Airport, Conway Corporation, Conway Development Corporation, Chamber of Commerce)

1. Resolution certifying local government endorsement of RockTenn to participate in the targeted taxback program.
2. Consideration of a request from Ronald & Tammy Brown for the use of land for farming at the new Conway Airport location.
3. Consideration to accept the Conway Airport Business Plan as prepared by General Aviation Consulting Services Inc.

B. Community Development Committee (Planning, Zoning, Permits, Community Development, Historic District, Streets, & Conway Housing Authority)

1. Resolution setting a public hearing to discuss the closing of an easement located at 3255 Miller's View (between Lots 11 & 12).
2. Resolution ordering the demolition of a structure located on 4 Gwen Lane and declaring the City's intent to bring the property up to city code.
3. Consideration of a request by Steve Conley of C&C Commercial services for a conditional use permit to allow MF-1 density in an R-2 zoning district for property located at 307 South Center Street.
4. Consideration of a request by Allen Shaver, Shaver Properties for a conditional use permit to allow MF-1 density in an R-2 zoning district for property located at 617 & 621 Third Avenue.

5. Ordinance amending the permit fees for the construction and alterations of buildings and building systems for the City by adding a commercial plan review fee.
6. Ordinance waiving the requirement to obtain competitive bids for parts and equipment repairs to a Trackhoe for the Street Department.
7. Consideration to sell right of way along Hwy 266 (Bruce Street) to the Arkansas State Highway & Transportation Department.

C. Public Service Committee (Sanitation, Parks & Recreation & Physical Plant)

1. Consideration to accept bids for Universal Refuse Roll Carts & Recycling Roll Carts for the Conway Sanitation Department.
2. Ordinance waiving the requirement to obtain competitive bids for the purchase/lease of a compactor for the Sanitation Department.

D. Public Safety Committee (Police, CEOC, Information Technology, Fire, District Court, City Attorney & Animal Welfare)

1. Ordinance appropriating donated funds from Faulkner County in conjunction with a grant through Central Arkansas Planning Development on behalf of the Metro SWAT team.
2. Ordinance appropriating asset forfeiture funds for the Conway Police Department.

E. Personnel

1. Consideration to insert pay rates into vacant grade and step positions listed on the existing police and fire pay grid.

(Information will be provided prior to the meeting)

F. Old Business

1. Ordinance appropriating funding for FCCDD, Senior Citizens Center, & Boys & Girls Club for transportation needs within the City of Conway.

G. New Business

1. Ordinance granting a temporary franchise to Bryan Cox for a horse drawn carriage to operate in Downtown Conway area.

Adjournment

NOTICE OF PUBLIC HEARING

BEFORE THE CITY COUNCIL OF THE CITY OF CONWAY, ARKANSAS:

The Conway City Council will hold a public hearing (per Resolution R-10-15) to discuss the renaming of Sutton Street in Conway, AR.

A public hearing will be held during the next City Council meeting May 25th, 2010 at District Court (810 Parkway Street, Conway, AR 72032) at 6:3pm.

Interested persons are invited to attend this meeting.

For additional information please contact Felicia Rogers/Mayor's Office at 501.450.6110 or by email at felicia.rogers@cityofconway.org



**City of Conway, Arkansas
Resolution No. R-10-_____**

RESOLUTION OF THE CITY OF CONWAY OF CERTIFYING LOCAL GOVERNMENT ENDORSEMENT OF BUSINESS TO PARTICIPATE IN THE TAX BACK PROGRAM (AS AUTHORIZED BY SECTION 15-4-2706(d) OF THE CONSOLIDATED INCENTIVE ACT OF 2003).

WHEREAS, in order to be considered for participation in the Tax Back Program, the local government must endorse a business to participate in the Tax Back Program; and

WHEREAS, the local government must authorize the refund of local sales and use taxes as provided in the Consolidated Incentive Act of 2003; and

WHEREAS, said endorsement must be made on specific form available from the Arkansas Department of Economic Development; and

WHEREAS, RockTenn located at 198 Commerce Street has sought to participate in the program and more specifically has requested benefits accruing from the modifications of the leased facility and various other office & computer equipment as necessary located at that the facility; and

WHEREAS, RockTenn has agreed to furnish the local government all necessary information for compliance.

NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CONWAY THAT:

1. RockTenn be endorsed by the City of Conway for benefits from the sales & use tax refunds as provided by Section 15-4-2706(d) of the Consolidated Incentive Act of 2003.
2. The Department of Finance and Administration is authorized to refund local sales and use taxes to Rock Tenn.
3. This resolution shall take effect immediately.

Mayor Tab Townsell

Date Passed: _____

Attest: _____
City Clerk/ Treasurer

Tuesday, May 18, 2010

MAYOR TAB TOWNSELL

RE: FARMING ON CITY LAND IN LOLLIE

MAYOR TOWNSELL,

I AM WRITING TO REQUEST PER OUR PRIOR AGREEMENT TO FARM THE LAND WE OWNED PRIOR TO SALE ON 05/17/10 TO THE CITY. WE DO UNDERSTAND DAMAGES MAY OCCUR BY CONSTRUCTION OF THE AIRPORT, BUT WE ARE HOPEFUL THEY WILL BE MINIMAL. PER OUR CONVERSATION LAST WEEK WE DISCUSSED THAT SINCE WE OWNED THE LAND AT TIME OF PLANTING WE WOULD NOT BE CHARGED RENT THIS YEAR.

WE APPRECIATE YOUR REVIEW AND CONSIDERATION OF THIS PROPOSAL AND ARE WAITING TO HERE BACK FROM YOU. WE WILL NEED AN AGREEMENT FROM YOU FOR THE ASCS OFFICE BEFORE 06/01/10

THANK YOU,

RONALD AND TAMMY BROWN

501-472-2012 TAMMY

501-472-2011 RONALD

GACS

General Aviation Consulting Services, Inc.

May 18, 2010

The Honorable Tab Townsell, Mayor
City of Conway
1201 Oak Street
Conway, Arkansas 72032

Dear Mayor Townsell:

General Aviation Consulting Services is pleased to present the Conway Regional Airport Business Plan for your review. Additional copies will be made available as requested.

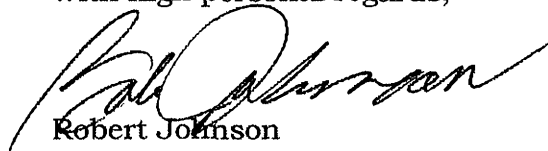
In preparing this Plan, we felt it necessary to look beyond the normal revenue and expense projections and consider issues that were more essential to the "start-up" of your new airport. Accordingly, you will find chapters on airport revenues and the federal government's requirement that airports be as self-sustaining as possible. While normally not referenced in most airport business plans, the issues of airport governance, finances, insurance, marketing and advertising are also included. We have also focused on the new federal order on airport compliance which was implemented subsequent to our initial meeting. This new directive brings clarity to numerous polices that have impacted airport operations for many years. Given the timing and complexity of the new regulation, we were regrettably delayed in completing the Plan in the timeframe that we established for completion.

We believe that the information contained within this Plan will provide guidance that will be essential in the operation of the Conway Regional Airport. We would suggest that the Plan be enhanced approximately one year prior to the opening of the Airport so that accurate projections may be made regarding the number of tenants that may be expected to construct hangars or store aircraft on the Airport.

We greatly appreciate the assistance of Messrs. Jack Bell, Ronnie Hall, Bill Atkisson, Jamie Gates, Bill Cope and the numerous citizens of Conway and Faulkner County whose assistance was invaluable in the preparation of this document.

Please contact us at your convenience should you have any questions or comments. We appreciate your confidence in GACS and look forward to having the pleasure of working with you in the future.

With high personal regards,



Robert Johnson

**1915 Rannoch Trace
Fort Smith, Arkansas 72908
479.650.6848
GACS@cox.net**

Conway Regional Airport

Business Plan



May 2010

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Conway Regional Airport SWOT Analysis

Strengths

- The City of Conway will provide all aviation services
- Land available for development of aviation businesses
- 5,500 foot runway with all weather access
- Strong cash reserve
- Located in a strong and vibrant growth area
- Excellent year-round weather
- Excellent access
- No congestion

Weaknesses

- New Airport – Initial confusion with “old” Airport facility
- Initial length of runway [5,500 feet]
- Experience in operating an Airport
- Start-up difficulties [FBO operation, leasing, management]

Opportunities

- Funding from Federal and State Governments
- Strong aircraft ownership base
- Aggressive community leadership
- Capitalize on enthusiasm for new Airport
- Sale of old Airport

Threats

- Economy
- Competition
- Oil prices
- Aircraft pricing
- Product Liability and the Court System

EXECUTIVE SUMMARY

Every successful business operates with a business plan. Businesses develop plans to target their desired market in order to sell products and services by recognizing operational techniques that positively affect the bottom line. A vibrant community, like a successful business, adopts a comprehensive plan addressing the needs of the current citizenship and planning for future growth.

General aviation Airports provide public services with a high degree of service at a fair and reasonable cost, with little to no subsidy; it provides a host of benefits to the local community. As the Airport continues to grow, more businesses locate at the Airport and the surrounding areas to provide both direct and indirect support to the aviation industry, including non-aeronautical services such as restaurants, catering, hotel/motel services, and rental car businesses that cater to Airport patrons. Above and beyond the service aspects derived, the Airport also impacts the community by increasing jobs and the local tax base. This translates directly into more general fund revenues that can be applied toward education, police and fire protection.

This document is designed to assist the City of Conway better clarify the concept of services provided and describe the process for further development. It will also address how to enhance, as well as sustain revenues and provide a detailed description and clarification of the need for capital investment. The completed document will be a planning tool and a checklist designed to assist the City of Conway in tracking objectives.

As a marketing tool, the Airport Business Plan will discuss the perceived market place, the extent of the market, and explanations of each segment of the market. Business strategy will be addressed to include marketing, promotion, leasing, pricing, customer support, and financial management.

With the multitude of changes that have taken place in the aviation industry within the past few years, in conjunction with the normal difficulties of making projections 20 years into the future, this analysis examines the opportunities and challenges that will exist with the opening of the new Conway Regional Airport.

The Conway Regional Airport in Context

The Conway Regional Airport is an essential component of the City of Conway. The Airport is also an essential element of the economic development efforts of the Conway Development Corporation and Faulkner County. The importance of the Conway Regional Airport, as a vital component of the national transportation system, is recognized by the federal government, by and through the Federal Aviation Administration, and the State of Arkansas, by and through the Arkansas Department

of Aeronautics. These agencies require the City of Conway to take the steps necessary to protect and maintain the Airport so that it can be used safely and efficiently by the general public.

Further, the City of Conway has an obligation to the federal government to operate the Airport in accordance with Federal Grant Assurances and Airport Compliance Requirements, as described in FAA Order 5190.6B, dated September 30, 2009. At the same time, the vibrant Conway community is concerned about noise impacts on neighborhoods and the need for compatible land use and zoning surrounding the Airport.

The Conway Regional Airport

The Conway Regional Airport will ultimately be a fully developed general aviation Airport. Tenants of the Conway Regional Airport will be involved in a broad spectrum of general aviation activities; i.e., flying clubs, flight schools, aircraft maintenance, rentals and charters, as well as other services available to the flying public. The Airport will also be home to a large number of private and corporate hangars for storage of privately owned aircraft. The City of Conway will operate and manage the Airport, to include fuel sales, hangars and ground leasing.

Aviation Activity Trends

The Conway Regional Airport is part of the Arkansas State Systems Plan and the National Plan of Integrated Airport Systems. The Conway Regional Airport, through its close proximity to Little Rock, fulfills a critical role in the system. The existing Airport, known as Dennis Cantrell Field, is currently home to 49 of the 77 aircraft registered in Faulkner County. Each year, almost 16,000 flight operations are conducted at the Airport. During the next 20 years, both the number of aircraft and the number of operations are projected to grow significantly, reflecting a fully leased Airport with unlimited growth potential.

Context for Leasing and Management

Airports are an unusual public-private partnership, with the public and private sector sharing many of the responsibilities of a functioning Airport, since the service companies must be on the Airport facility.

The public sector tends to focus on the public infrastructure of the Airport, while the private sector may, and typically does, provide facilities for the services required by the aviation community. There is a broad range of different types of leases, dependent on the type of leased property (land or facility) and the level of investment that is required from private sector tenants. Airports across the nation typically use a wide variety of approaches to addressing leasing issues. As long as all tenants are treated equally, most are viable options for the City of Conway.

Reversion and Direct Management of Airport Facilities

The City of Conway will be taking an active role in leasing property on the Airport. At the existing Airport, the City has a long-term lease with the fixed base operator, who then operates the Airport as a control over all of the leasable area on the Airport, which is then in turn leased to the fixed base operator.

All future land leases on the Airport will contain a reversion clause giving ownership of any improvements made by the tenant to the City. Greater control and direct management of the Airport can only come if the City assumes responsibility for all leaseholds at the new Airport. It should be noted, however, that if the City of Conway should universally invoke the reversion clause contained in its land leases, without the possibility for re-negotiation at some future time, tenants may elect to not make significant capital investments in their facilities in the later years of their lease.

Lease Duration, Sub-Leasing and Lease Rates

The Conway Regional Airport, like most airports, will have different lease durations for undeveloped land versus building sites. The duration for land leases will generally be much longer than that for facility leases; typically 15-30 years instead of 5-10 years, thus enabling tenants to amortize their investments and recognize a reasonable return on investment. There are various options for lease terms and for the extension of land leases. Lease terms can be fixed for a specific number of years, tied to the level of investment or based on the time-frame required to amortize the investment.

Land leases to tenants of the existing Airport should be granted only if the tenant is in good standing and has met all obligations, serves the broad public interest and it is willing to make a substantial investment in the new leasehold.

The City of Conway will develop a comprehensive Leasing Agreement Policy in advance of opening the new Airport.

Environmental Requirements and Minimum Standards

As a municipality that owns and operates an Airport, the City of Conway has legal responsibilities to protect the environment (for both its residents and Airport users) and legal obligations to keep the Airport open to all aviation users. This means that the City will manage the Airport to minimize hazardous materials contamination of the Airport and adjacent water bodies. To achieve this goal, the City of Conway will develop Airport Rules and Regulations and Minimum Standards for Commercial Service Providers as the baseline for achieving Airport tenant standards and for treating all tenants equally. This also means the City will not screen potential tenants or penalize existing Airport tenants on the basis of noise.

Recommendations

Recommendations have been developed to assist the City of Conway in achieving compatibility with its planning goals, minimizing impacts on the community, meeting tenant and user market demands and needs, providing for sufficient Airport infrastructure improvements and revenues and addressing FAA grant assurances and Airport compliance requirements.

The recommendations focus on actions that can be taken to encourage the mix of Airport activities and the leasing policies that best support the City of Conway's community and economic goals.

Vision Statement

The Conway Regional Airport will be Arkansas's premier regional Airport supporting general aviation as a whole, in conjunction with viable business opportunities for both aviation and non-aviation uses.

Goals of the Conway Regional Airport

The Conway Regional Airport will:

- Become a regional leader in providing competitive general aviation services to the public, including corporate flight activities, pilot training, and personal aviation; and
- provide outstanding opportunities as an investment engine for aeronautical related business, including diversified aircraft services, vertical facility investment, hangar operations, aeronautical operation, and aircraft manufacturing and sales; and
- be a catalyst for economic development opportunities, both on and off the Airport, through support of investment zones and appropriate corporate incentives that will support the mission of the Airport and the city of Conway; and
- attract forward thinking investors and industry leaders with sound business models; attract investment and employment opportunities to the region; and
- work with existing businesses to retain, expand and attract opportunities for economic growth and vitality; and
- be a good neighbor with the surrounding community by working actively with regional jurisdictions to secure appropriate adjoining land uses and support public disclosure of aircraft activities and nearby residential development. The Airport will seek to operate within all industry-standards and institute noise abatement procedures and expect all operators to safely and responsibly operate within those parameters, following AOPA noise awareness steps and Airport abatement procedures when consistent with aircraft safe operating procedures; and
- comply with all regulations by ensuring that all federal, state and local funds received or generated will be expended in support of a long-term

capital and financial plan to maintain the highest standards of Airport infrastructure, in accordance with FAA regulations, and to grow the Airport as self-sustaining enterprise fund; and

- work with the FAA to improve the safety of air travel; the Department of Agriculture and the Environmental Protection Agency to promote an environmentally friendly Airport in support of community goals.

Business Plan Proposed Actions

Fixed Base Operator (FBO) - the FBO functions as the service station at an Airport. The FBO is the entity providing aeronautical services such as fueling, maintenance, storage, ground and flight instruction, etc., to the public. In addition, the FBO assists with aircraft tie-down and may rent or lease aircraft hangars for transient and based aircraft. The FBO typically sells flight publications and supplies, as well as processes rental car transactions. As the Airport operator, the City of Conway may exercise the exclusive option to:

- Assume all responsibility for the fixed base operation services; and
- construct a functional FBO facility, with appropriate office space, meeting rooms and waiting areas; and
- construct new fuel storage facility meeting all safety and environmental standards; and
- evaluate fuel cost at competing Airports; and
- manage all Airport leasing functions, to include all hangar and ground leases; and
- implement a fee structure based on cost of services; with an appropriate return on investment; and
- implement appropriate agreements for all Airport users, i.e., hangar tenants, land leases, farm leases, minimum standards, and rules and regulations; and
- implement restrictions on “through the fence” operators and residential aircraft hangars.

Economic Development

- Retain Conway Economic Development Council to list on-Airport properties; and

- develop marketing materials for on-Airport opportunities; and
- develop economic development focused website for the Airport; and
- implement a capital improvement plan (different from the master plan) to facilitate on-Airport aviation related businesses/uses.

Conway Regional Airport Finances

- Adopt the goal of Airport financial self-sufficiency by 2017; and
- adopt an enterprise fund model for the Airport - implement by 2013; and
- adopt a 10 year financial plan for the Airport by January 2013.

Additional Information:

For the complete Business Plan for the New Conway
Airport

Please email the request to Felicia Rogers @
felicia.rogers@cityofconway.org

Or stop by City Hall / 1201 Oak Street Conway, AR 72032
for a complete copy.

Thank you,

Office of the Mayor



City of Conway, Arkansas
Resolution No. O-10- _____

**A RESOLUTION SETTING A PUBLIC HEARING TO DISCUSS THE CLOSING OF AN EASEMENT
 LOCATED AT 3255 MILLER'S VIEW (BETWEEN LOTS 11 AND 12):**

WHEREAS, a petition has been filed with the City Council of the City of Conway, Arkansas by Elms-Clowers Construction, Inc., on behalf of the lone property owner Rob Harkness to abandon a utility easement located in the Nob Hill Subdivision between Lots 11 and 12 within the corporate limits of the City of Conway, Arkansas; and

WHEREAS, upon the filing of the petition with the City, the City shall set a date and time for a hearing before the City Council for consideration of the petition.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF CONWAY, ARKANSAS;

1. That the City Council shall hear said petition at its regular meeting to be held at District Court Building, 810 Parkway Street, Conway, Arkansas, on the 8th day of June, 2010 @ 6:30pm.
2. That the City Clerk is hereby directed to publish notice of the filing of said petition and of said hearing for the time and in the manner prescribed by law.

PASSED this 25th day of May, 2010.

APPROVED:

ATTEST:

Mayor Tab Townsell

Michael O. Garrett
City Clerk/Treasurer



City of Conway, Arkansas
Resolution No. R-10-_____

**A RESOLUTION ORDERING THE DEMOLITION OF STRUTURE LOCATED ON 4 GWEN LANE
AND DECLARING THE INTENT OF THE CITY TO BRING THE PROPERTY UP TO CITY CODE IF
THE OWNER DOES NOT**

WHEREAS, there is a structure located at 4 Gwen Lane which because of its, unsightly, unsafe and unsanitary condition, has become detrimental to the public health, safety and welfare of the citizens of Conway, Arkansas; and

WHEREAS, Conway's Municipal Code and Arkansas Code Annotated § 14-56-203 authorizes this City Council to, by Resolution, order the cleanup of said property by the owner within thirty (30) days after proper service.

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

SECTION 1: That the structure at 4 Gwen Lane in Conway, Arkansas, because of its, unsightly, unsafe and unsanitary condition has become detrimental to the public health, safety and welfare of the citizens of Conway, Arkansas, and it is hereby ordered that the property be brought up city code by the owner therefore.

SECTION 2: That a notice of the time and place of this meeting was mailed to the owner of said property by certified mail, return receipt requested, advising the owner that the City Council would take action on this matter.

SECTION 3: That a copy of this Resolution be forwarded to the owner of said property by certified mail, return receipt requested, directing that said owner has thirty (30) days in which to bring the property up to city code, then the Mayor of the City of Conway, Arkansas is directed to proceed at once to clean up the property and prepare an itemized statement of cost of bringing the property up to code said structure with a request for payment.

SECTION 4: If payment is not made within ten (10) days after receipt of said itemized statement, the Mayor is directed to sell, at public or private sale, any debris or material obtained from the clean up of property and pay to the owner any balance after the City has been reimbursed. If the proceeds from said sale are not sufficient to cover the cost, then the City shall proceed to file a lien on the property in order to recover the money so owed.

PASSED this 25th day of May, 2010.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

May 18, 2010

Council Members
Conway, AR 72032

Dear Council Members:

A request for a conditional use permit to allow MF-1 density in an R-2 zoning district by Steve Conley of C & C Commercial Services for the property that is located at 307 South Center Street with the legal description

The South half except the West 31 feet of Lot 3, Block 3,
N. F. Ward Subdivision

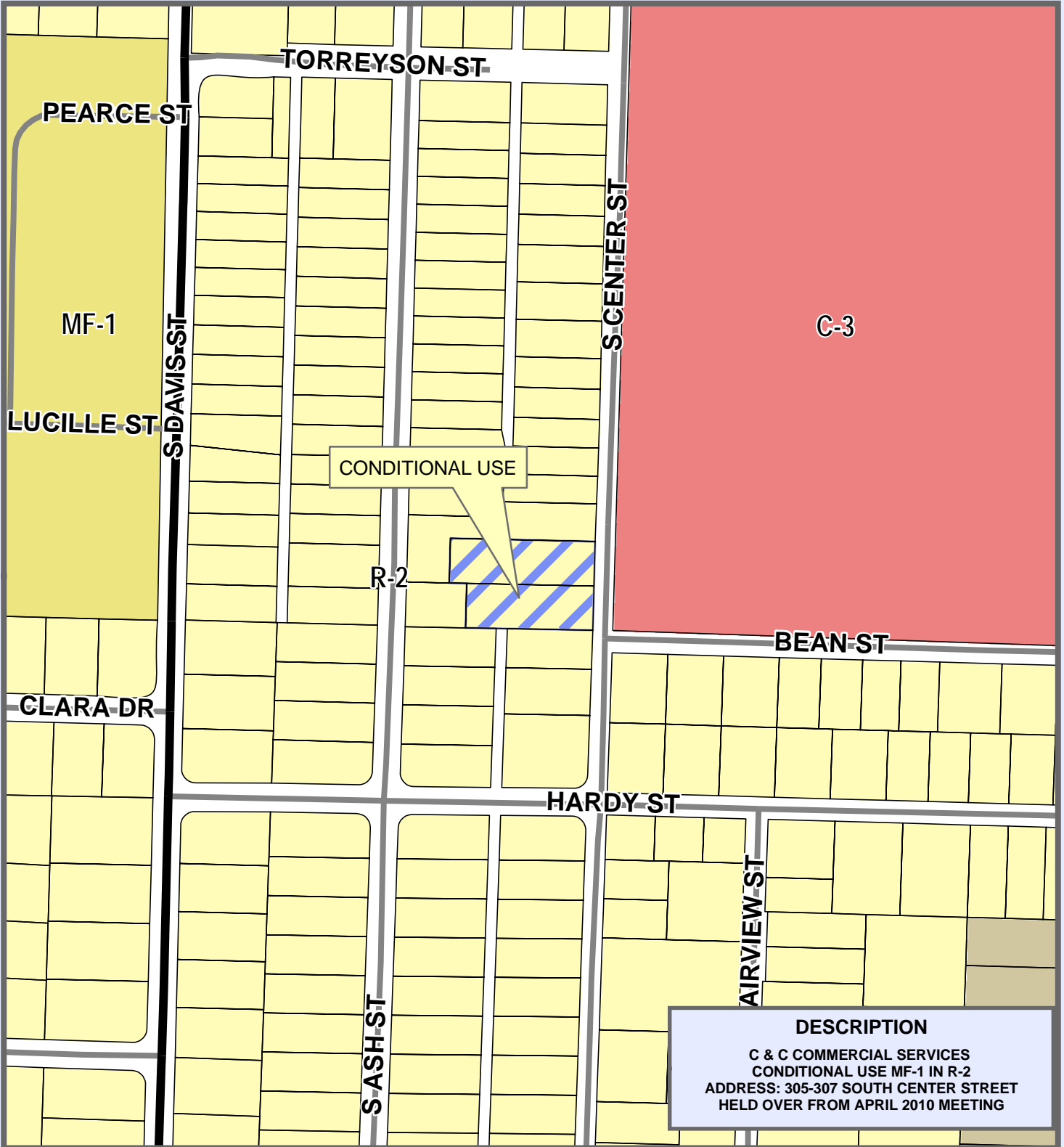
was reviewed by the Planning Commission at their regular meeting on May 17, 2010. The Planning Commission voted 7 – 0 to forward this request to the City Council without recommendation after being unable to reach consensus on two separate motions. The first motion to deny the request died for lack of a second. The second motion to deny the request passed 4 – 3 with commissioners Kim Gardner, Jeff Sturdivant, and Chris Steplock voting against the motion to deny. This second motion effectively failed because it did not receive the six (6) votes necessary to be forwarded to Council with a recommendation—in this case, denial. A third motion to send the item on to the City Council with no recommendation but noting the 4 – 3 vote on the motion to deny passed 7 – 0. Members voting in opposition felt that the MF-1 density would not match the existing character of the area which consists mainly of duplex residences.

Sincerely,

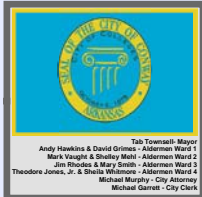
Sandra Mabry, Chair
Planning Commission

CITY OF CONWAY

C & C COMMERCIAL SERVICES CONDITIONAL USE MF-1 IN R-2 HELD OVER APRIL 2010 MEETING



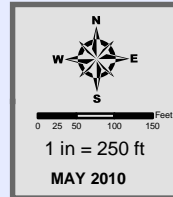
DESCRIPTION
C & C COMMERCIAL SERVICES
CONDITIONAL USE MF-1 IN R-2
ADDRESS: 305-307 SOUTH CENTER STREET
HELD OVER FROM APRIL 2010 MEETING



INTERSTATE	LOT LINE
MAJOR ARTERIAL	STREAMS
MINOR ARTERIAL	LAKES & PONDS
COLLECTOR	CITY LIMITS
RESIDENTIAL	
PRIVATE ROAD	
INTERSTATE RAMP	
RAILROADS	

Residential		Industrial	
R-1	MF-1	I-1	RU-1
R-2A	MF-2	I-2	RU-2
R-2	MF-3	I-3	
HR	RMH		
SR			

Commercial		Office		Special	
C-1	O-1	SP			
C-2	O-2	S-1			
C-3	O-3	A-1			
C-4		PUD			



THIS MAP WAS PREPARED BY THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT FOR ITS USE, AND MAY BE REVISED AT ANY TIME WITHOUT NOTIFICATION TO ANY USER. THE CITY OF CONWAY PLANNING AND DEVELOPMENT DEPARTMENT DOES NOT GUARANTEE THE CORRECTNESS OR ACCURACY OF ANY FEATURES ON THIS MAP. CITY OF CONWAY ASSUMES NO RESPONSIBILITY IN CONNECTION THEREWITH.

CONTACT INFORMATION
 LANDMARK GIS WEBSITE
gis.cityofconway.org/LANDMARK_DEVELOPMENT
 E-MAIL: Jason.Lyon@CityOfConway.org



CONWAY PLANNING COMMISSION

1201 OAK STREET CONWAY, AR 72032 (501) 450-6105

May 18, 2010

Council Members
Conway, AR 72032

Dear Council Members:

A request for a conditional use permit to allow MF-1 density in an R-2 zoning district by Allen Shaver, Shaver Properties LLC, for the property that is located at 617 and 621 Third Avenue with the legal description

Lots 27 – 32, Block 10, Hayes Addition

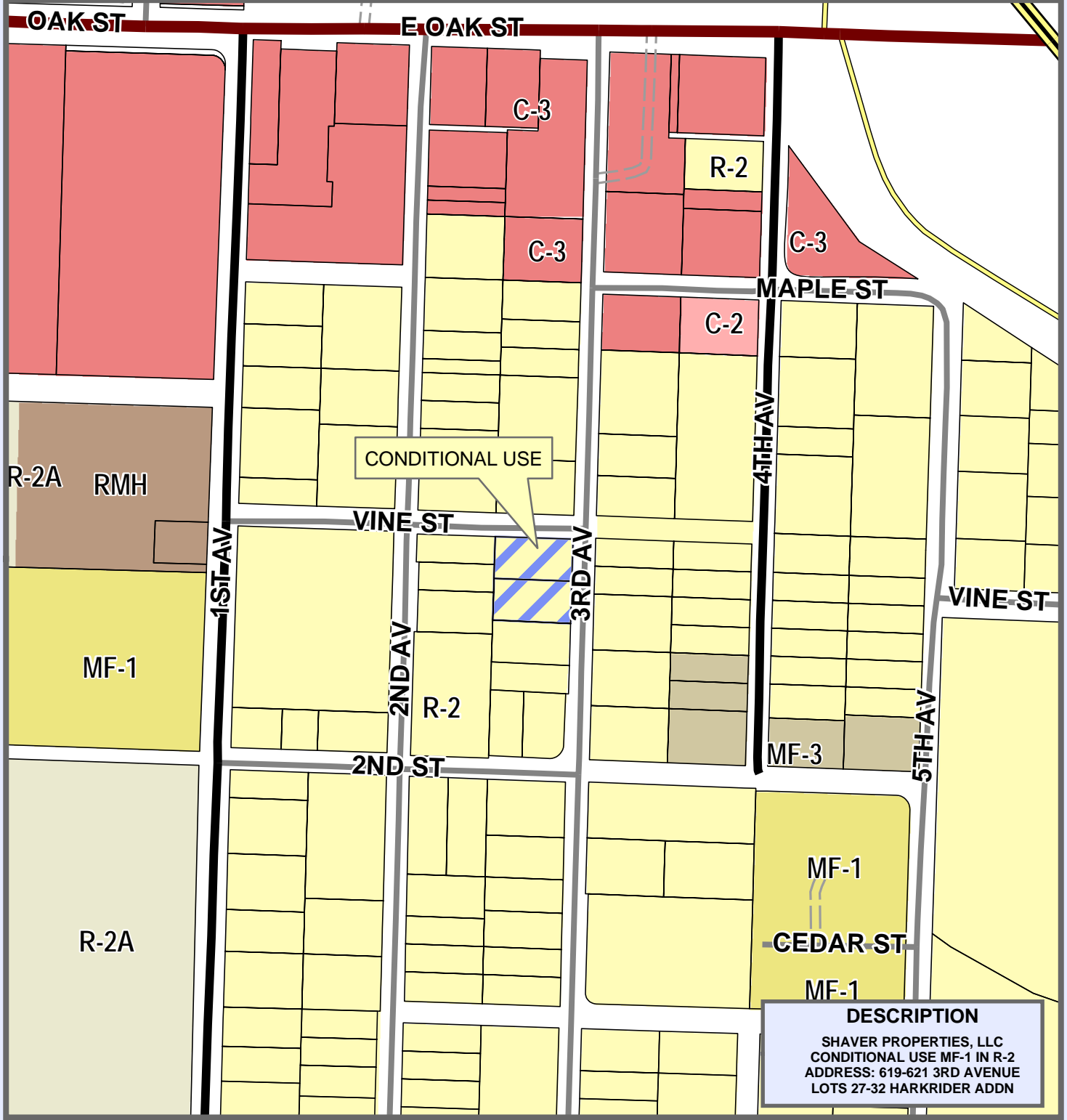
was reviewed by the Planning Commission at their regular meeting on May 17, 2010. The Planning Commission voted 7 – 0 to forward this request to the City Council with a recommendation for approval.

Sincerely,

Sandra Mabry, Chair
Planning Commission

CITY OF CONWAY

SHAVER PROPERTIES, LLC CONDITIONAL USE

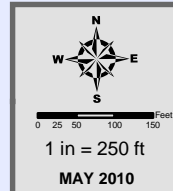


DESCRIPTION
 SHAVER PROPERTIES, LLC
 CONDITIONAL USE MF-1 IN R-2
 ADDRESS: 619-621 3RD AVENUE
 LOTS 27-32 HARKRIDER ADDN



	INTERSTATE		LOT LINE
	MAJOR ARTERIAL		STREAMS
	MINOR ARTERIAL		LAKES & PONDS
	COLLECTOR		CITY LIMITS
	RESIDENTIAL		PRIVATE ROAD
	INTERSTATE RAMP		RAILROADS

Residential		Industrial	
	R-1		MF-1
	R-2A		MF-2
	R-2		MF-3
	HR		RMH
	SR		
Commercial		Office	
	C-1		O-1
	C-2		O-2
	C-3		O-3
	C-4		



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CONTACT INFORMATION
 LANDMARK GIS WEBSITE
gis.cityofconway.org/LANDMARK_DEVELOPMENT
 E-MAIL: Jason.Lyon@CityOfConway.org



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

AN ORDINANCE AMENDING THE PERMIT FEES FOR THE CONSTRUCTION AND ALTERATIONS OF BUILDINGS AND BUILDING SYSTEMS IN THE CITY OF CONWAY BY ADDING A COMMERCIAL PLANS REVIEW FEE: AMENDING SECTION 11.16.06A.1 OF THE CONWAY MUNICIPAL CODE: DECLARING AN EMERGENCY AND FOR OTHER PURPOSES.

WHEREAS, The City of Conway would like to update the permit fees for the construction and alterations to buildings and building systems by adding an additional commercial building permit plans review fee;

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

SECTION 1. Section 11.16.06A.1. of the Conway Municipal Code be hereby amended to delete Section 11.08.06A.1. in its entirety and replace with the following:

“11.16.06A.1. Building Permit fees.

11.16.06.A.1.01 Schedule of building permit fees. A fee for each building permit shall be paid in accordance with the following schedule:

Schedule of Building Permit Fees for One and Two Family Dwellings		
1.	New Building	\$0.10 per square foot of area under roof with a minimum of \$250.00.
2.	Addition	\$0.10 per square foot of area under roof with a minimum \$35.00
3.	Remodeling	\$1.00 per \$1,000 of Construction Cost with a minimum of \$30.00.
4.	Accessory	\$0.10 per square foot of area under roof with a minimum \$20.00
5.	Re-Inspections and Additional Inspections (*See note below)	\$25.00 per inspection
6.	Work commencing before permit issuance	Permit fee shall be doubled
7.	Building Code Appeals Board Application Fee	\$250.00
*Note – Re-inspections will not be rescheduled until each re-inspection fee for each trade that failed inspection has been paid.		

Schedule of Building Permit Fees for Other than One and Two Family Dwellings		
1.	New Building	\$0.10 per square foot of area under roof with a minimum of \$250.00.

2.	Addition	\$0.10 per square foot of area under roof with a minimum of \$45.00
3.	Remodeling	\$1.00 per \$1,000 of Construction Cost with a minimum of \$30.00.
4.	Accessory	\$0.10 per square foot of area under roof with a minimum of \$50.00
5.	Temporary Structures	\$0.10 per square foot of area under roof with a minimum of \$250.00.
6.	Re-Inspections and Additional Inspections (*See note below)	\$25.00 per inspection
7.	Work commencing before permit issuance	Permit fee shall be doubled
8.	Building Code Appeals Board Application Fee	\$250.00
9.	Plan Review Fee	When the valuation of the proposed construction exceeds \$1,000.00 a Plan Review Fee shall be paid at a rate equal to one-half the building permit fee with a minimum \$125.00 fee and a maximum \$5,000.00 fee. The Plan Review fee shall be charged at the time of submittal of the building permit application and is a non-refundable fee.
*Note - Re-inspections will not be rescheduled until each re-inspection fee for each trade that failed inspection has been paid.		

SECTION 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 3. That this ordinance is necessary for the protection of the peace, health and safety of the citizens of Conway, and therefore, an emergency is declared to exist, and this ordinance shall go into effect from and after its passage and approval.

PASSED this 25th day of May, 2010.

Approved:

Mayor Tab Townsell

Attest:

COMMERCIAL PLANS REVIEW FEE COMPARISON														
Little Rock Arkansas	50% of Bldg. Pmt Fee with a minimum of \$50.00													
Pine Bluff, Ar	50% of Bldg. Pmt Fee													
Collierville, Tn	50% of Bldg. Pmt Fee													
Jackson, Tn	50% of Bldg. Permit Fee with a min. \$75.00 and max. of \$10,000													
Franklin, Tn.	0 to \$100,000 = \$50.00	\$100,001 to \$5,000,000 = Val x .0005					\$5,000,000 and above = \$2500 for the 1st \$5,000,000 plus .0001 x Val. Over \$5,000,000							
Jonesboro, Ar	25% of Bldg. Permit Fee													
North Little Rock, Ar	25% of Bldg. Permit Fee with a min. of \$50.00													
Fayetteville, Ar	50% of Bldg. Permit Fee, not to exceed \$1000													
Fort Smith, Ar	20% of Bldg. Pmt Fee with a max. of \$1,500.00													
Malvern, Ar	50% of Bldg. Permit Fee with a min. \$100.00 and max. of \$500.00													
Batesville, Ar	100,000 to 499,999 = \$50	500,000 to 999,999.99 = \$100					1,000,000 plus = \$150							
Harrison	\$100 plus \$15.00 per page													
							Little Rock	Jackson		Fayetteville	Ft. Smith	Malvern	Proposal for Fee @	
							Pine Bluff	Fee @ 50%		Jonesboro	Fee @ 50%	Fee @ 20%	Fee @ 50%	50% w/
			Type of Work	Square Footage	Permit Fee	Collierville	w/ max	Franklin	N. Little Rk.	w/ max	w/ max.	w/ max	max	
	Project	Address				Fee @ 50%	10,000		Fee @ 25%	1,000	\$1,500	\$500	\$5,000	
1	Laquinta Inn	2350 Sanders	New Bldg.	4,336,575	53,391	5,339.10	2,669.55	2,669.55	2,168.29	1,334.78	1,000	1,067.82	500	2,669.55
2	TGI Fridays	1105 E. Oak	New Bldg.	1,000,000	6994	699.4	349.7	349.7	500	174.85	349.7	139.88	349.7	349.7
3	HP Conway Shell	355 LedgeLawn	New Bldg.	18,260,000	15,300	1530	765	765	3,826	382.5	765	306	500	765
4	HP Conway Infill	355 LedgeLawn	Interior Infill	9,189,000	15,300	9,189	4,594.50	4,594.50	2918.9	2297.25	1,000	1500	500	4,594.50
5	Kroger Remodel	101 Oak St.	Remodel	1,800,000	43,346	1800	900	900	900	450	900	360	500	900
6	Cinemark Theater	210 Skyline	New Bldg.	5,044,865	42,279	4,227.90	2,113.95	2,113.95	2504.49	1056.98	1,000	1500	500	2,113.95
7	Stephens CPA	2490 Washington	New Bldg.	250,000	2,660	266	133	133	125	66.5	133	53.2	133	133
8	Fitness 10 Remodel	2125 Harkrider	Remodel	400,000	25,500	400	200	200	200	100	200	80	200	200
9	Enertech Bldg	1750 Whitten	New Bldg.	500,000	11,000	1,100	550	550	250	275	550	220	500	550
10	Southwestern Energy Shell	1000 Southwestern Energy Dr.	New Bldg.	13,156,368	12,300	1,230	615	615	3,765.64	307.5	615	246	500	615
11	Southwestern Energy Infill	1000 Southwestern Energy Dr.	Interior Infill	5,100,000		5,100	2,550	2,550	2,510	1275	1,000	1500	500	2,550
12	Southwestern Energy Infill	1000 Southwestern Energy Dr.	Interior Infill	1,954,300		1,954	977	977	977.15	488.5	977	390.8	500	977
13	The Grove @ Campus Crest	Dave Ward Drive	New (12 Bldgs)	5,052,274	244,688	24,468.80	12,234.40	10,000	2,505.23	6,117.20	1,000	1500	500	5000
14	Nephrology Clinic	2445 Christina Ln.	New Bldg.	1,314,965	10,267	1026.7	513.35	513.35	657.49	256.68	513.35	205.34	500	513.35
15	Conway Corp Engr. Bldg.	800 S. Harkrider	New Bldg.	1,357,000	9,675	967.5	483.75	483.75	678.5	241.88	483.75	241.88	483.75	483.75
16	PonDeRosa Apts.	Hartje Lane	New Bldg.	600,000	11,758	1,175.80	587.9	587.9	300	293.95	587.9	235.16	500	587.9
17	Harps	E. German Lane	New Bldg.	3,700,000	32,000	3,200	1600	1600	1,850	800	1,000	640	500	1600
							31,837.10	29,602.70	24468.4	15,918.57	12,075	10,186.08	7666.45	\$24,603



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

AN ORDINANCE WAIVING THE REQUIREMENT TO OBTAIN COMPETITIVE BIDS FOR PARTS FOR EQUIPMENT REPAIR; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES:

WHEREAS, the Conway Street Department's 315 Caterpillar Trackhoe which is utilized on a daily basis for street department construction activity and is essential for the construction work has a broken boom: and

WHEREAS, because the Central Arkansas source of manufactures replacement parts for Caterpillar equipment is the J.A. Riggs Company; the City desires to utilize J.A. Riggs as the supplier of the replacement part to repair this equipment; and

WHEREAS, the purchase price of \$23,867.80 exceeds the amount that allows purchase without bids being taken; and

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

SECTION 1. The City of Conway shall waive the requirements to obtain competitive bids for the purchase of the replacement boom for the Street Department's Caterpillar 315 Trackhoe and authorizes the purchase of this part from the local franchised Caterpillar dealership, J.A. Riggs.

SECTION 2. This ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

SECTION 3. All ordinances in conflict herewith are repealed to the extent of the conflict.

PASSED this 25th day of May, 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer

ARKANSAS STATE HIGHWAY
AND
TRANSPORTATION DEPARTMENT

Dan Flowers
Director
Telephone (501) 569-2000



P.O. Box 2261
Little Rock, Arkansas 72203-2261
Telefax (501) 569-2400

City of Conway
1201 Oak Street
Conway, AR 72032

*Need Board Minutes approving sale
Need Mayor or City Clerk to sign documents
(Whomever is authorized to sign per
Board Minutes)*

Re: Job 080273
HSIP-9095 (20)
Hwy. 266 – Bruce St. (Conway)
Faulkner County
Tract 17 (Mill Street)

Dear Property Owner(s):

A negotiator for the Arkansas State Highway Commission presented to you a Contract to Sell offering to purchase the fee simple title to your property needed for highway purposes. A description of the property needed is attached hereto. The negotiator will contact you within 10 business days for your response that should include all issues or concerns you may have regarding the offer. It is anticipated that negotiations should be concluded within 30 calendar days from the date of the initial contact.

The offer of \$0.00 is based on the opinion of a qualified real estate appraiser. The offered amount is based on the market value concept and is broken down as follows: \$0.00 as just compensation for the realty to be acquired and \$-0- for damage to the remaining lands.

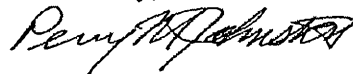
Should you elect to accept this offer, the State will determine if you can convey a merchantable title, and if so, a proper deed conveying the land to the Arkansas State Highway Commission will be prepared and you will be paid the amount contained in the written offer.

If you make a final rejection of this offer, and if the Arkansas State Highway Commission elects to do so, a condemnation suit will be filed and the amount that the Arkansas State Highway Commission has determined to be estimated just compensation for your property will be deposited into the registry of the Circuit Court of this County. You may at this time elect to accept the amount deposited as just compensation for your property. If you elect to do so, the Circuit Court will be asked to enter Judgment in the sum of the estimated just compensation and this amount -will be paid to you thereby disposing of the condemnation suit.

If you do not elect to accept the amount deposited as estimated just compensation, then you may withdraw the amount placed on deposit as estimated just compensation without prejudice to your rights to claim additional compensation. In this event, you will be entitled to a trial by jury by the Circuit Court of the County in which your lands are situated to determine just compensation for your lands condemned.

In either event, payment of the estimated just compensation will be made available to you prior to vacating your property.

Yours truly,



Perry M. Johnston
Division Head
Right of Way Division

PMJ:dac

JOB NAME: Hwy. 266 - Bruce St. (Conway)

JOB 080273

TRACT 17

FAP HSIP-9095 (20)

ORIGINAL

CONTRACT TO SELL
REAL ESTATE FOR HIGHWAY PURPOSES

Grantor: City of Conway
Address: 1201 Oak Street, Conway, AR 72032

Grantee: ARKANSAS STATE HIGHWAY COMMISSION

IN CONSIDERATION of the benefits that will inure to the Grantor(s) and the public, the undersigned does hereby give and grant to the Arkansas State Highway Commission, an agency of the State of Arkansas, upon the terms and conditions hereinafter stated, the right to purchase the following described real estate, save and except the oil and gas only therein and thereunder, situated in the County of Faulkner, State of Arkansas, to wit:

LEGAL DESCRIPTION

Part of Lot 5, Block 4 of Srygley Addition to the City of Conway being in the Southwest Quarter of the Southwest Quarter of Section 6, Township 5 North, Range 13 West, Faulkner County, Arkansas, more particularly described as follows:

Commencing at a point being used as the Northeast corner of Block 4 of Srygley Addition, said point being on the Southerly right of way line of Mill Street as established by the Map of Conway as found in Plat Cabinet "A", Slide 46-60; thence North 88° 16' 15" West along said right of way line a distance of 229.54 feet to a point on the Easterly right of way line of U.S. Highway 65B (Harkrider Street) as established by AHTD Job 080273 for the POINT OF BEGINNING; thence South 09° 11' 29" East along said right of way line a distance of 31.57 feet to a point; thence North 88° 16' 15" West a distance of 34.22 feet to a point on the Easterly right of way line of U.S. Highway 65B (Harkrider Street) as established by AHTD Job 6234; thence in a Northerly direction along said right of way line along a curve to the Left having a radius of 994.94 feet a distance of 27.03 feet and having a chord bearing of North 11° 35' 19" West a distance of 27.03 feet to a point; thence North 01° 43' 45" East along said right of way line a distance of 4.70 feet to a point on the platted Southerly right of way line of Mill Street as established by the Map of Conway as found in Plat Cabinet "A", Slide 46-60; thence South 88° 16' 15" East along said platted right of way line a distance of 34.46 feet to the point of beginning and containing 1,078 square feet more or less as shown on plans prepared by the AHTD referenced as Job 080273.

RER
4/8/08
Revised RA 11/23/09
Revised DH 2/22/10

- Uncontrolled Access
- Partially Controlled Access – Access break from Station _____ to Station _____
- Fully Controlled Access
- Fully Controlled Access with a frontage road

PREAUDITED AND ACCEPTED:

Property Manager to Negotiator

By _____ Date _____



CITY OF CONWAY
SANITATION DEPARTMENT

*P.O. Box 915
 4550 Hwy. 64 West
 Conway, AR 72033
 (501) 450-6155
 Fax: (501) 450-6157*

Cheryl Harrington
Director

May 19, 2010

Mayor Tab Townsell
 1201 Oak Street
 Conway, AR 72032

Re: Recycling Roll Carts

Dear Mayor Townsell,

Bids were submitted at 10.00 am, Tuesday, May 16, 2010 at City of Conway City Hall for Recycling Roll Carts. Six bids were submitted:

Toter Incorporated Recycling Cart	\$32,513.00/\$39.65 ea
Schaefer Systems International, Inc. Recycling Carts	\$32,882.00/\$40.10 ea
Ameri-Kart Recycling Carts	\$33,825.00/\$41.25 ea
Otto Environmental Systems (NC), LLC Recycling Carts	\$34,380.80/\$41.84 ea
Rehrig Pacific Company Recycling Carts	\$35,842.20/\$43.71 ea
Downing Sales & Service, Inc. Recycling Carts	\$38,133.45/\$46.50 ea

I recommend accepting Bid #3 from Toter, Inc for \$32,513.00 or \$39.65 ea. This is the lowest bid. Toter is the cart we are now using. It has less maintenance on wheels.

Please advise if you have questions or need additional information.

Sincerely,

Cheryl Harrington
 Cheryl Harrington
 Sanitation Director

BID SUMMARY
64 gallon containers
Bid #2010-27

Bid #1 submitted by Toter Incorporated
820 count-\$32,513.00
\$39.65 each
Bid price held for 60 days after closing
Delivery time 3-4 weeks

Bid #2 submitted by Schaefer Systems International, Inc.
820 count-\$32,882.00
\$40.10 each
Bid price held through November 14, 2010
Delivery time 30-45 days

Bid #3 submitted by Ameri-Kart
820 count-\$33,825.00
\$41.25 each
Bid price held until 8/1/2010
Delivery time 45 days

Bid #4 submitted by Otto Environmental Systems (NC) LLC
820 count-\$34,380.80
\$41.84 each
Bid price held 6 months from date of bid
Delivery time 45 days

Bid #5 submitted by Rehrig Pacific Company
820 count-\$35,842.20
\$43.71 each
Bid price held until 7/18/2010
Delivery time 30 days

Bid #6 submitted by Downing Sales & Service, Inc.
820 count-\$38,133.45
\$46.50 each
Bid price held until 6/17/2010
Will not comply with the 10 day Delivery

I recommend the bid from Toter Incorporated for \$32,513.00 or \$39.65 each. The cart suggested is the one with the lowest bid and met all specifications. These are the carts we are using at this time.



CITY OF CONWAY
SANITATION DEPARTMENT

*P.O. Box 915
4550 Hwy. 64 West
Conway, AR 72033
(501) 450-6155
Fax: (501) 450-6157*

Cheryl Harrington
Director

May 19, 2010

Mayor Tab Townsell
1201 Oak Street
Conway, AR 72032

Re: Universal Refuse Roll Carts

Dear Mayor Townsell,

Bids were submitted at 10.00 am, Tuesday, May 16, 2010 at City of Conway City Hall for Universal Refuse Roll Carts. Six bids were submitted:

Schaefer Systems International, Inc. Refuse Cart	\$22,932.00/\$44.10 ea
Ameri-Kart Refuse Carts	\$22,490.00/\$43.25 ea
Toter Incorporated Refuse Carts	\$24,408.80/\$46.94 ea
Otto Environmental Systems (NC), LLC Refuse Carts	\$24,601.20/\$47.31 ea
Rehrig Pacific Company Refuse Carts	\$25,386.40/\$48.82 ea
Downing Sales & Service, Inc. Refuse Carts	\$25,220.00/\$56.82 ea

I recommend accepting Bid #3 from Toter, Inc for \$24,408.80 or \$46.94 ea. This is not the lowest bid. Toter is the cart we are now using. It has less maintenance on wheels.

Please advise if you have questions or need additional information.
Sincerely,

Cheryl Harrington
Cheryl Harrington
Sanitation Director

BID SUMMARY
96 gallon containers
Bid #2010-26

Bid #1 submitted by Schaefer Systems International, Inc.
520 count-\$22,932.00
\$44.10 each
Bid price held through November 14,2010
Delivery time 30-45 Days

Bid #2 submitted by Ameri-Kart
520 count-\$22,490.00
\$43.25 each
Bid price held through August 1, 2010
Delivery time 30-45 days

Bid #3 submitted by Toter Incorporated
520 count-\$24,408.80
\$46.94 each
Bid price held 60 days after opening
Delivery time 3-4 weeks

Bid #4 submitted by Otto Environmental Systems (NC) LLC
520 count-\$24,601.20
\$47.31 each
Bid price held 6 months from date of bid
Delivery time 45 days

Bid #5 submitted by Rehrig Pacific Company
520 count-\$25,386.40
\$48.82 each
Bid price held until 7/18/2010
Delivery time 30 days

Bid #6 submitted by Downing Sales & Service, Inc.
520 count-\$27,300.65
\$56.82 each
Bid price held until 6/17/2010
Will not comply with the 10 day Delivery

I recommend the bid from Toter Incorporated for \$24,408.80 or \$46.94 each. The cart suggested is the one with the lowest bid and met all specifications. These are the carts we are using at this time.



**City of Conway, Arkansas
Ordinance No. O-10-_____**

AN ORDINANCE WAIVING BID REQUIREMENT FOR THE CITY OF CONWAY SANITATION DEPARTMENT TO UTILIZE A SOLE SOURCE VENDOR TO PURCHASE A LANDFILL TRASH COMPACTOR, DECLARING AN EMERGENCY, AND FOR OTHER PURPOSES,

WHEREAS, the City of Conway Sanitation Dept has in need of immediate purchase and desires to utilize a particular vendor as the sole source available and knowledgeable of this equipment; and

WHEREAS, the City of Conway Sanitation Department shall appropriate funds from the Sanitation Enterprise Revenue Appropriation account (50.990) into the Sanitation Enterprise Heavy Equipment Account (50.118.934).

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

SECTION 1. The City of Conway hereby approves a waiver of the bid requirements in order for the Sanitation Department to utilize The G.W. Van Keppel Co. to purchase the Landfill Trash Compactor to the amount of \$442,992.

SECTION 2. All ordinances in conflict herewith are repealed to the extent to the conflict.

SECTION 3. This ordinance is necessary of the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 25th day of May, 2010.

APPROVED:

Mayor Tab Townsell

ATTEST:

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

City of Conway
 Landfill Trash Compactor
 Bid Opening Date: Friday, May 21st, 2010
 City Hall - Downstairs Conference Room @ 10:00am

Total Cost of Landfill Trash Compactor

\$ SEE ATTACHMENT

Unsigned bids will be rejected:

Authorized Agent Bidding on this project:

RIGGS - CAT
Company Name

DON DIXON
Company Representative Name

Don Dixon
Representative's Signature

9125 INTERSTATE 30 dond@jariggs.com
Address Email Address

LITTLE ROCK, AR. 72209
City State Zip

501-680-7059 501-570-3225
Telephone Number Fax Number

5-20-2010
Date

Please feel free to submit additional information on this bid on a separate piece of paper; however this sheet should be included & signed with any bid submitted.



Caterpillar Financial Services Corporation
 2120 West End Avenue
 Nashville, TN 37203-0001
 Phone: (615) 341-1000

FINANCE PROPOSAL

CITY OF CONWAY SANITATION

Dealer: J.A. RIGGS TRACTOR COMPANY
Sales person:
Quoted by: Rebecca Hassell
Quote date: 05/20/2010
Quote #: RH9-57267

This is Caterpillar Financial Services Corporation's confirmation of the following finance proposal. This is a proposal only and is subject to credit approval, execution of documentation, and execution and approval of the application survey.

Terms

Financing Type: Governmental
Number of Payments: 36
Payments: Arrears

Good if:
Acknowledged by: 08/19/2010
Funded by: 08/19/2010

	Model	Ann. Hours	Qty	Sale Price	Amount Financed	Payment	Balloon	Fixed Rate
NEW	826H	1500	1	500,000.00	500,300.00	13,788.86	33,009.58	3.5000

	Model	Insurance	Payment w/Insurance
NEW	826H	611.83	14,400.69

The estimate for insurance is provided through Caterpillar Insurance Company (Provided by Westchester Insurance Company in Rhode Island) and is not an offer to contract for insurance.

Conditions

Sales/Use/Property taxes: Lessee's responsibility (May not be included in the above payment amount).

Insurance: Insurance is the responsibility of the Borrower or Lessee. Physical damage coverage is required on all equipment whether financed or leased. On leased equipment, general liability coverage, minimum \$ 1,000,000 per occurrence is required.

Please note: This finance proposal is acceptable only in its entirety and is subject to final credit approval by Caterpillar Financial Services Corporation. Equipment cannot be delivered until documents are executed by Caterpillar Financial Services Corporation. Equipment must reside in United States at all times.

We appreciate the opportunity to provide you with a proposal for this transaction.

Proposed by:

Acknowledged by:

 Caterpillar Financial Services Corporation

 CITY OF CONWAY SANITATION

City of Conway
Landfill Trash Compactor
Bid Opening Date: Friday, May 21st, 2010
City Hall - Downstairs Conference Room @ 10:00am

Total Cost of Landfill Trash Compactor

	\$ 505,949.00 Delivered
8.25% Sales Tax	41,740.79 (IF APPLICABLE)
TOTAL WITH TAX	\$ 547,689.79

Unsigned bids will be rejected:

Authorized Agent Bidding on this project:

Al-jon Manufacturing LLC

 Company Name

Lesley R. Bailey

 Company Representative Name



 Representative's Signature

15075 Al-jon Avenue		lbailey@aljon.com
_____		_____
Address	Email Address	
Ottumwa	Iowa	52501
_____	_____	_____
City	State	Zip
(888) 255-6681 ext. 5692		(641) 682-6294
_____		_____
Telephone Number		Fax Number

May 19, 2010

 Date

Please feel free to submit additional information on this bid on a separate piece of paper; however this sheet should be included & signed with any bid submitted.



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

**AN ORDINANCE APPROPRIATING DONATION FUNDS TO THE CONWAY POLICE DEPARTMENT;
 AND FOR OTHER PURPOSES**

WHEREAS, the Conway Police Department received funds in the amount of \$37,912 from the County's General Improvement fund as part of the Central Arkansas Planning Development grant that was applied for on behalf of the Metro SWAT team and;

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

SECTION 1. The City of Conway shall accept the donation proceeds and appropriate from the City's Donation Revenue Account (01.909) to the Police Department's SWAT expenditure account (01.113.337).

SECTION 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 3. This ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 25th date of May, 2010.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



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

**AN ORDINANCE APPROPRIATING ASSET FORFEITURE FUNDS TO THE POLICE DEPARTMENT;
 AND FOR OTHER PURPOSES**

WHEREAS, the Conway Police Department needs approximately \$5,000 to replenish their confidential buy money and \$3,520 to purchase a software system to use for properly testing dispatch applicants and;

WHEREAS, money in the Conway Police Department Asset Forfeiture account is allowed, by law, to be used for such purposes as these;

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

Section 1. The City of Conway shall appropriate the following funds from the Asset Forfeiture Revenue account, 21.503, into the Asset Forfeiture expenditure accounts listed below:

\$5,000 - 21.113.297 Buy Money Expenditure Account
 \$3,520 - 21.113.909 Capital Software

Section 2. All ordinances in conflict herewith are repealed to that extent of the conflict.

SECTION 3. This ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 25th day of May 2010.

Approved:

Mayor Tab Townsell

Attest:

Michael O. Garrett
City Clerk/Treasurer



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

AN ORDINANCE APPROPRIATING FUNDS FOR THE SENIOR CITIZENS PROGRAM, FCCDD, & BOYS & GIRLS CLUB OF FAULKNER COUNTY; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES

WHEREAS, there is a need to support with funding different agencies that provide transportation throughout the City of Conway; and

WHEREAS, Senior Citizens, FCCDD, Boys & Girls Club of Faulkner County all provide a valuable service for the City; and

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

SECTION 1. The City shall enter into an agreement for one year with the agencies listed above and appropriate \$85,407 from General Fund – Fund Balance Appropriation Account (01.990) to the following

\$6,250	(01.106.886) Boys & Girls Club of Faulkner County,
\$15,000	(01.106.872) Faulkner County Council on Development Disabilities
\$21,453.50	(01.106.863) Senior Citizen

SECTION 2. All ordinances in conflict herewith are repealed to the extent of the conflict.

SECTION 3. This ordinance is necessary for the protection of the public peace, health and safety and an emergency is hereby declared to exist, and this ordinance shall be in full force and effect from and after its passage and approval.

PASSED this 11th day of May, 2010.

APPROVED:

Mayor Tab Townsell

ATTEST:

Michael O. Garrett
City Clerk/Treasurer



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

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 (date) , 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. The boundaries of this area shall start at the corner of Main St and Front St and move north along Front St to Mill St, then west along Mill St to Parkway Ave, then South along Parkway Ave to North St, then west along North St to Locust St, then south along Locust to Prairie St, then east along Prairie to Court St (the thirty minute route will move south along Locust St to Main St instead of to Prairie St, then north on Court St and continue the route as follows) north along Court St to Oak St, then West along Oak St to Front St, then South along Front St to the point of beginning.

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 \$ shall be charged for this franchise.

Section 4: Franchisee shall be responsible for obtaining insurance in the amount of \$ per person for bodily injury claims, with a \$ aggregate limit for bodily injury claims and \$ 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

May 18, 2010

**875 Granite LN
Conway, Arkansas 72034**

“Re: Letter of Intent”

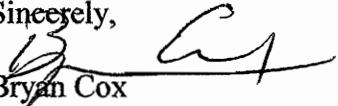
The “Forever Yours Horse and Carriage” has been established to provide old-world charm carriage rides within the thriving downtown Conway Arkansas area, (and within the city limits, such as streets, parks and public places). Josh Riley and Bryan Cox, owner and co-owner of “Forever Yours Horse and Carriage, believe that Conway, Arkansas has a unique charm and warmth that will enhance the customers experience(s) of our downtown area, through quality old-world charm horse carriage rides. “Forever Yours Horse and Carriage”, will also provide carriage rides for paid customers of any downtown eating establishments. Our horse carriage rides will be designed so that the customer will receive the finest quality in our services.

“Forever Yours Horse and Carriage” has been created to bring romance and love to every customer that use our service(s). We are created to give the customer(s) an experience by offering carriage rides, which after utilizes our services, will leave a lasting, loving and heart felt impression for a lifetime. We have also included servicing the entire family with the experience of viewing the beauty of the downtown Conway area. “Forever Yours Horse and Carriage” will extend our services for weddings, anniversaries, engagements and other reasonable services requested by our clients.

“Forever Yours Horse and Carriage” has set guidelines that we will not operate during normal business hours 4 a.m. – 5:00 p.m. Monday – Friday. The operating hours have been determined to be Thursday, Friday, Saturday and Sundays 5:45 p.m. – 10:30 p.m. as the council may consider giving us an hour before and after these hours for preparation and breakdown. The main concern is that we have no impact on the flow of traffic in and around the downtown Conway area. The route submitted to the council is the desired route determined by “Forever Yours Horse and Carriage”; however we would like to submitted a request for slight modifications to the council on a “as needed” basis.

This letter of intent, by no means, has been submitted as legally binding.

Sincerely,


Bryan Cox
875 Granite LN
Conway, Arkansas 72034
Phone – 501-908-2426
Email address – bcox011164@yahoo.com

Josh Riley
203 East Oak St.
Conway, Arkansas
501.697.0842

**“Forever Yours Horse and Carriage”
Route Plan**

Starting Point – On the corner of Main St and Front St – Next to Simon Park

Turn left onto Front St – traveling North along Front St to Mill St

Turn left onto Mill street – traveling West along Mill St to Parkway Ave

Turn left onto Parkway Ave – traveling South along Parkway Ave to North St

Turn Right onto North St – traveling West along North St to Locust

Turn Left onto Locust St – Traveling South along Locust St to Prairie St

Turn left onto Prairie St – traveling East along Prairie St to Court St

Note: the thirty minute route will travel South on Locust St to Main St then travel East along Main St to Court St and continue route.

Turn left onto Court St – traveling North along Court St to Oak St

Turn left onto Oak St – traveling West along Oak St to Front St


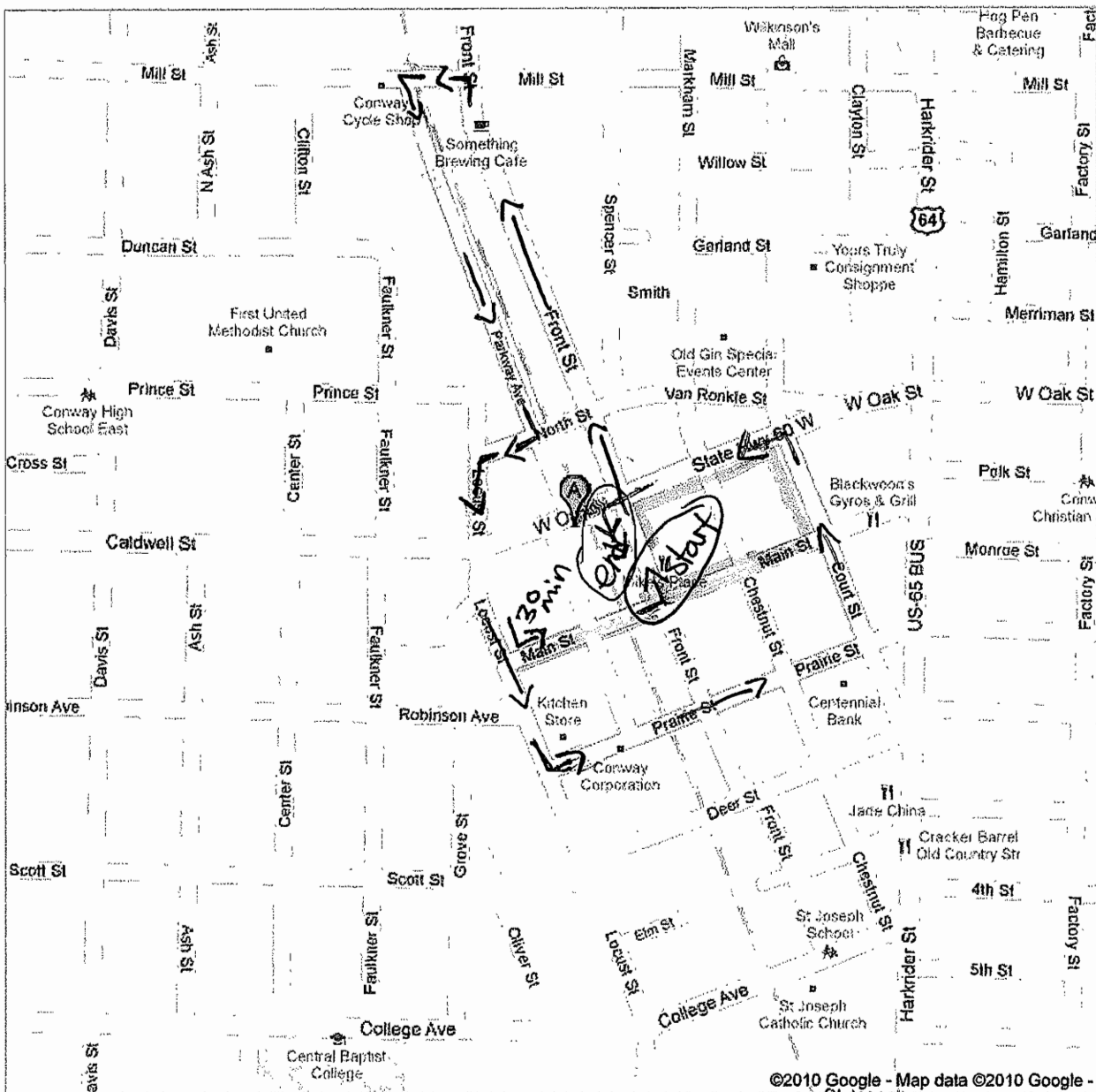
Turn left onto Front St – traveling South along Front St to starting location at corner of Main St and Front St

Google maps

Address 1201 Oak St
Conway, AR 72034



Get Google Maps on your phone
Text the word "GMAPS" to 466453

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S



City of Conway - Mayor's Office
1201 Oak Street
Conway, AR 72032
www.cityofconway.org



Memo:

To: Mayor Tab Townsell & City Council Members

CC: Michael O. Garrett, City Clerk/Treasurer

From: May 21st, 2010

Re: Horse Drawn Carriages

For reference I have included the last ordinance we passed in 2003 for a temporary franchise for a horse drawn carriage & additional information from other cities.

If you have additional questions please let me know.

④ City of Conway (CW)

Doc#2003- 29294
Date 11/11/2003
02:50:20
Filed & Recorded in
Official Records of
Faulkner County
SHARON RIMMER
FAULKNER COUNTY CIRCUIT CLERK
Fees \$17.00
by _____ D.C.

230040

29571

ORDINANCE NO. O-03-144

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, Michael Allen of 3681 Nutter Chapel Road desires to utilize streets and public grounds and parks for the purpose of offering 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 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 to raise funds for charitable purposes:

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 31, 2002, is hereby granted from the City of Conway, Arkansas (hereinafter referred to as "City") to Michael Allen of 3681 Nutter Chapel Road (hereinafter 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. 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: 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: This franchise shall be exclusive except during the month of December, during which time carriage rides may be offered by non-profit organization(s) who request a temporary franchise to offer carriage rides.

Section 4: Fees - A fee of \$50 shall be charged for this franchise..

Section 5: 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 6: 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 7: 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 8: 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 9: This franchise shall not be transferred to any other party.

Section 10: 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 11: Any accidents must be reported immediately to the proper authorities. Failure to do so will be adequate grounds for revocation of this franchise.

Section 12: 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 13: 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 14: That the City assumes no maintenance or liability responsibility for Franchisee's plant and appurtenances.

Section 15: 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 16: 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 17: 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 18: 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 23rd day of September 2003

APPROVED:



Tab Townsell, Mayor

ATTEST:



Michael O. Garrett, City Clerk

***From the City of Eureka Springs, AR, Municipal Code
Adopted Aug. 13, 2007***

CHAPTER 4.28 ANIMAL-DRAWN VEHICLES

Sections:

- 4.28.01 Definitions
- 4.28.02 Compliance
- 4.28.03 Privilege
- 4.28.04 Permit and fee
- 4.28.05 Hearing
- 4.28.06 Change of hours, routes, rates
- 4.28.07 Semi-daily route cleaning
- 4.28.08 Boarding and disembarking
- 4.28.09 Drivers
- 4.28.10 Review of permits

4.28.01 Definitions The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal-drawn vehicle means any vehicle used and/or designed for the transporting of human passengers on paved surfaces when drawn by one or more horses, mules, donkeys, ponies or burros and operated by a trained and experienced driver.

Operated for hire on the public streets and ways means the business enterprise of offering and/or providing rides to the public in an animal-drawn vehicle for good and valuable consideration. (Ord. No. 1089, 4.44.01, 4-4-80)

Depot means the place where the city, in concert with the Chief of Police, has authorized a holder of an animal-drawn vehicle business franchise to park animal-drawn vehicles for hire out of service awaiting a passenger.

For hire means an agreement to transport a person or persons for a fare.

Veterinarian means a person licenses to practice veterinary medicine.

(Ord. No. 1936, Sec. 1, 12-8-03)

4.28.02 Compliance All persons having one or more animal-drawn vehicles operated for hire on the public streets and ways within the city are required to comply with the terms and provisions of this article (Ord. No. 1089, Sec. 4.44.02, 4-4-80)

4.28.03 Privilege Having one (1) or more animal-drawn vehicles operated for hire on the public streets and ways within the city is declared to be a privilege, and no person shall have one or more animal-drawn vehicles operated for hire on the public streets and ways within the city unless every regulation and requirement of this article is complied with. (Ord. No. 1089, Sec. 4.44.03, 4-4-1980)

4.28.04 Permit and fee Before any person or business shall have one or more animal-drawn vehicles operated for hire on the public streets and ways within the city, such person or business shall pay an application fee of Three Hundred Fifty Dollars (\$350.00) to the Finance Department of the city and shall file with the Finance Department an application for a franchise, verified by oath, setting forth the following information:(Ord. No. 1936, Sec. 2, 12-8-03)

- A. The applicant is able to comply with the ordinances of the city and the laws of the state.
- B. The applicant has a policy of liability insurance in force or a valid binder for such policy with respect to the business enterprise in which the animal-drawn vehicles are employed, wherein the minimum policy limits are \$10,000.00/\$20,000.00/\$5,000.00.
- C. The applicant attaches proof of such liability insurance policy or binder to the application.

D. The applicant agrees to maintain such liability insurance in force if the permit is issued and exercised.

E. The trade name of the business enterprise of the applicant; the name and address of each partner if a partnership; the name and address of each officer, director and shareholder if a corporation.

F. A list of the animal-drawn vehicle(s) proposed for use by the applicant, setting forth the style, type of construction and passenger seating capacity of each animal-drawn vehicle and a statement as to the ownership of each animal-drawn vehicle and as to whether ownership of any animal-drawn vehicle is subject to any lien(s) or security agreement(s) and, if so, in favor of whom.

G. A list of the animals proposed for use by the applicant in conjunction with the animal-drawn vehicles, the age of each animal, the physical health of each animal, as verified by a veterinarian licensed by the state, and a statement as to the ownership of each such animal and as to whether such ownership is subject to any lien or security agreement and, if so, in favor of whom.

H. A complete statement of all facts pertaining to the experience, qualifications and financial responsibility of the applicant and the ability of the applicant to operate the proposed business enterprise.

I. The proposed hours of operation of the proposed business enterprise.

J. The proposed routes of the proposed enterprise, including the points of departure, termination, boarding and disembarking.

K. The proposed schedule of rates to be charged by the applicant while conducting the proposed business enterprise.

L. The names, ages and addresses of the proposed drivers of each animal-drawn vehicle and the training and experience of each driver with respect to driving an animal-drawn vehicle. (Ord. No. 1089, Sec. 4.44.04, 4-4-80)

M. That with the operation of this franchise there will be no more than three franchises operating within the city limits.

N. That no person or business can own more than two franchises nor more than two-thirds of the exclusive routes allowable for use by animal-drawn vehicles operated for hire.

O. Each franchise holder will provide to the Police Chief a current list of emergency telephone numbers of persons who can take temporary responsibility for the animal(s) and/or animal-drawn vehicle(s). (Ord. No. 1936, Sec. 3, 12-8-03)

4.28.05 Hearing Upon the payment of the fee and the filing of the application required by this chapter, the application shall be placed on the agenda of a regular meeting of the City Council to be held within thirty (30) days after the filing of the application for consideration by the Council. The applicant shall be present at the meeting. A franchise shall be granted only upon the affirmative vote of a majority of the members elected to the Council. Each application shall be considered on its own merits and in light of requirements for public safety, convenience and necessity of the city, its inhabitants and visitors. If the application is not granted, the Clerk/Treasurer shall promptly refund the application fee to the applicant.

If a franchise is granted, the application fee shall be deemed to be a franchise fee; and the franchise so granted shall be valid for a period of five (5) years from the date of issuance unless earlier suspended or revoked. (In the event of suspension or revocation of a franchise, there shall be no refund of the franchise fee.) If the franchise holder is in compliance with all the terms and conditions set out in this chapter, and of all applicable safety requirements and city ordinances, the franchise holder may request, within forty-five (45) days of the expiration of the franchise date, that the franchise be extended for another term of five (5) years. If the renewal is granted the franchisee agrees to comply with all terms and conditions required by the city for the operation of a franchise. The request of the franchise holder will be considered before other applicants will be considered. (Ord. No. 1936, Sec. 4, 12-8-03)

4.28.06 Change of hours, routes, rates Vehicles can be operated only on streets which have been pre-approved by the City Council and the Chief of Police. Each franchisee is to operate within their own designated routes as approved. No animal-drawn vehicles are to be permitted upon any other franchisee's routes unless otherwise pre-approved. No animal-drawn vehicles are to be permitted on

Spring Street between the junction of Highway 23 and Main Street and the junction of Hillside and Spring Street before 6:00 p.m. unless pre-approved by the Chief of Police.

The franchisees shall make no changes in the routes to be followed, including points of boarding, disembarking, departure and termination, which were set forth in the hearing on the application unless each such change is approved by the City Council at a regular meeting. (Ord. No. 1936, Sec. 5, 12-8-03)

4.28.07 Semi-daily route cleaning required Each franchisee shall cause the route over which the permitted business enterprise is operated to be thoroughly cleaned with respect to any and all animal excrement at least twice each day on the days of operation. The first such cleaning shall be at the midpoint in the hours of operation for the day, and the second such cleaning shall be at the close of the day. All animal excrement removed from the route shall be transported in compliance with the regulations of the state Department of Health and disposed of outside of the city limits in compliance with such regulations.

(Ord. No. 1089, Sec. 4.44.07, 4-4-80)

It shall be the responsibility of the franchise holder to provide the proper collection bags for droppings from animals pulling vehicles and to take the necessary steps to keep all streets, alleys, and other public ways of the city of Eureka Springs cleared of droppings from animals pulling vehicles. (Ord. No. 1936, Sec. 6, 12-8-03)

4.28.08 Boarding and disembarking A franchisee shall allow passengers to board and disembark only at the pre-established route termini and at other pre-established points on the route as set forth in the application and approved by the Council. (Ord. No. 1089, Sec. 4.44.09, 4-4-80)

No animal-drawn vehicle for hire driver shall solicit passengers for hire except at the depot. The driver of said vehicle shall remain in the driver's seat or immediately adjacent to said vehicle at all times when such vehicle is upon the public streets; provided further, that nothing herein contained shall be held to prohibit any driver from alighting to the street or sidewalk for the purpose of assisting passengers into or out of said vehicle. No driver of said vehicle shall solicit patronage in a loud or annoying tone of voice, or in any manner annoying any person, or to obstruct the movement of any person or follow any person for the purpose of soliciting patronage. (Ord. No. 1936, Sec. 7, 12-8-03)

4.28.09 Drivers Each driver of an animal-drawn vehicle operated by a franchisee shall be at least 18 years of age and qualified by training and/or experience to drive an animal-drawn vehicle on the public streets and ways of the city.

4.28.10 Review of permit The City Council may, upon its own initiative or upon the petition of any resident or property owner of the city, review any franchise at any regular or special meeting of the Council upon at least 72 hours' prior notice to the franchisee of the time and place that the permit will be reviewed and the reasons for such review. If a majority of the members elected to the City Council finds, after the franchisee has been granted an opportunity to be heard, that the permit should be suspended or revoked, as the case may be, such suspension or revocation shall not be revoked unless a majority of the Council find that the franchisee is not in compliance with the provisions of this article and/or that such suspension or revocation is necessary in order to preserve the public health, safety, peace and/or welfare. (Ord. No. 1936, Sec. 9, 12-8-03)

Little Rock, AR
Excerpt from Municipal Code

ARTICLE IX. HORSE-DRAWN VEHICLES

Sec. 34-101. Short title.

The City Transportation Code shall be amended to add this article which shall be known as the "Horse-Drawn Vehicles Code."

(Ord. No. 19051, § 1, 1-20-04)

Sec. 34-102. Definitions.

The following words and phrases, when used in this article, shall have the following meanings:

Certificate holder means any person holding one (1) or more certificates of convenience and necessity issued by the board of directors for the operation of horse-drawn vehicles.

Director means the director of the fleet services department or his designee.

For hire means the provision of services, or the offering of the services, of a horse-drawn vehicle for the payment of money or other consideration.

Horse-drawn vehicle means a wagon, coach or other vehicle which is powered in whole or in part by one (1) or more equine animals, but does not include such a vehicle that is used only as part of a properly permitted parade.

Person means any person, firm, corporation, partnership, entity, or association of persons of any kind.

(Ord. No. 19051, § 1, 1-20-04; Ord. No. 20,044, § 41, 11-3-08)

Sec. 34-103. Application for certificate of convenience and necessity--Requirements.

Unless otherwise authorized by the board of directors, there shall only be three (3) certificates of convenience and necessity granted for the operation of horse-drawn carriages in the city. Any person desiring to secure a certificate of convenience and necessity shall submit an application addressed to the director and shall pay a one-hundred-dollar nonrefundable application fee. This application shall be in writing, verified by the affidavit of the applicant, or if the applicant is a corporation, partnership, entity, or association of persons of any kind, by its duly authorized officer or agent, and shall provide the following facts and any other information required by regulations promulgated by the director:

(1) The full name and address of:

- a. The applicant if the applicant is an individual.
- b. Each partner if the applicant is a partnership.
- c. Each officer and director if the applicant is a corporation, entity, or association of persons of any kind.

(2) What, if any, previous experience the individual applicant, or if the applicant is a partnership, the partners, or if the applicant is a corporation or other association of persons, the officer and directors have had in horse-drawn vehicle operations.

(3) The number of such vehicles the applicant desires to operate.

(4) The passenger capacity of each vehicle.

(5) The insurance to be carried, the amount of the insurance and the name and address of the company issuing the policy.

(Ord. No. 19051, § 1, 1-20-04; Ord. No. 20,044, § 42, 11-3-08)

Sec. 34-104. Issuance of a certificate of convenience and necessity.

(a) The director may issue any or all of the three (3) certificates of convenience and necessity authorized by this article if it is determined that the application is in compliance with the terms and conditions set forth in section 34-113, as long as once a year the director submits a resolution for board approval that ratifies the issuance or renewal of the certificate. If the certificate is issued prior to the adoption of such a resolution, the applicant may operate at its own peril if it is otherwise in compliance with all terms and conditions of this article and the attached rules and regulations, as long as the applicant agrees immediately to cease operations should the board of directors fail to ratify the issuance, or the renewal, of a certificate of convenience and necessity.

(b) If the director denies an application for a certificate of convenience and necessity, the applicant may appeal to the board of directors by filing an appeal with the city clerk no later than three (3) days after receipt of notice from the director that the application has been denied. The board shall hold a public

Little Rock, AR
Excerpt from Municipal Code

hearing on whether to grant the certificate, and shall determine whether the applicant has met all of the criteria set forth in this article. Notice of the public hearing shall be provided to the applicant at least three (3) business days before the hearing, and shall be noted on the agenda for the board meeting at which it is scheduled. The time and place of the hearing, and the manner by which it shall be conducted, shall be determined by the board of directors. The board may deny the application for a certificate of convenience and necessity if it determines that:

- (1) The applicant is not in compliance with the terms and conditions of this article;
- (2) The applicant has failed to comply with the terms and conditions of similar ordinances, rules or regulations in other cities;
- (3) The applicant has ever been convicted of any federal, state, or local law or regulation designed to prevent cruelty to animals, even if such conviction has been expunged because of the successful completion of a period of probation;
- (4) The applicant has ever failed to fulfill any financial obligations associated with the operation of a horse-drawn carriage attraction, the care of the horses, the payment of license or inspection fees, or the payment of legitimate claims against the applicant arising out of the operation of a horse-drawn carriage; or
- (5) The board determines that at the time of the application, an additional certificate of convenience and necessity would not be in the best interests of the city.

(Ord. No. 19051, § 1, 1-20-04)

Sec. 34-105. Procedure to increase the number of certificates.

(a) Only the board of directors has the authority to increase the number of certificates of convenience and necessity authorized by this article. Upon an application for such an increase, the board shall first direct the city manager, after consultation with the director, to determine if a need exists for additional certificates. If the city manager concludes that an increase in certificates is appropriate, the board shall be provided with a report to that effect which sets forth the manager's findings. If the board agrees that additional certificates are appropriate, then it shall schedule a public hearing to discuss the issue. The time, place and manner of the hearing, and the manner in which the hearing is conducted, shall be determined by the board of directors provided the hearing must have been advertised at least once in a daily newspaper no less than seven (7) nor more than fourteen (14) days prior to the date set for the hearing.

(b) If the city manager concludes that an increase in certificates is not appropriate, the board shall be provided with a report to that effect which sets forth the basis for the manager's conclusions. This report shall be made during a regular meeting of the board of directors and notice that the report is being presented shall be advertised at least once in a daily newspaper no less than seven (7) nor more than fourteen (14) days prior to the presentation of the report. Copies of the report shall be available to the public no less than two (2) business days prior to the hearing. After receiving the report, the board shall permit time for interested parties to comment upon the manager's conclusions. If the board, after receiving the report and any comments, decides to consider the issuance of additional certificates, then it shall set an additional public hearing, to be held during a regular meeting of the board of directors, to discuss the following issues:

- (1) Whether the demands of the public require the proposed or additional horse-drawn vehicle service within the city, or in any particular part of the city.
- (2) Whether the existing service is sufficient to properly meet the demands and needs of the public.
- (3) Whether any identified applicant for an additional certificate is financially responsible.
- (4) Whether increased traffic congestion on the streets will result by the increase of additional certificates, or whether the safe use of the streets by the public, both vehicular and pedestrian, will be preserved by the grant of any additional certificate.
- (5) Whether any other factor, deemed relevant by the board of directors, suggests that the issuance of, or refusal to issue, additional certificates is advisable or necessary.

(Ord. No. 19051, § 1, 1-20-04)

Sec. 34-106. License fees and requirement to display license.

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The annual license fee for a certificate of convenience and necessity is seventy-five dollars (\$75.00) for each horse-drawn vehicle owner and fifty dollars (\$50.00) for each horse-drawn vehicle in use.

This license and attachments shall be in the possession of the operator of the horse-drawn vehicle at all times when the vehicle is on a public right-of-way. This license fee shall be due and payable on the first day of January of each year, and shall expire one (1) year thereafter, but the license may be renewed from year to year, upon the payment of the required fee.

(Ord. No. 19051, § 1, 1-20-04; Ord. No. 20,044, § 43, 11-3-08)

Sec. 34-107. Discontinuance of service--Transfer of certificates.

(a) Any person licensed to operate horse-drawn vehicles who intends to discontinue the use of any or all vehicles with a certificate of convenience and necessity shall immediately file with the director a statement, verified by affidavit, of the number of vehicles to cease operation, and the reasons for such action. The failure to file this statement within one (1) business day from the day use of the horse-drawn vehicle is discontinued shall lead to suspension of any other permits issued to the certificate holder. The withdrawal of any vehicle from operation, for the purpose of conditioning, overhauling or repairing shall not be considered discontinuing operation under this section. If proper notice is given that use of a particular horse-drawn vehicle will be discontinued, and if a substitute vehicle complies with the provisions of this article, then the director shall transfer the certificate of convenience and necessity to the new vehicle.

(b) No holder of a certificate of convenience and necessity may sell, assign, lease or otherwise transfer the rights and privileges granted thereunder to any other person without first having been granted written permission to do so by the board of directors.

(Ord. No. 19051, § 1, 1-20-04)

Sec. 34-108. Revocation or suspension of certificate of convenience and necessity, licenses and horse-drawn vehicle driver permits.

(a) Any certificate of convenience and necessity, horse-drawn vehicle licenses and horse-drawn vehicle driver permits which have been issued to any person may be suspended by the director upon a reasonable belief that there is good cause for such a suspension, and may be revoked after a public hearing on the issue has been held. Except for suspension because of issues of public safety, any revocation shall be effective upon the expiration of three (3) days after the mailing of such notice to the certificate, license or permit holder. For revocations based upon public-safety violations, the revocation shall be effective immediately upon such a finding by the director, provided written notice is promptly mailed to the certificate, license or permit holder. In addition to public safety concerns, and the other reasons set forth in this article, the director may revoke a certificate of convenience and necessity if the certificate holder has failed, or shall fail, to file with the secretary of state any report required by Arkansas law.

(b) Any person whose certificate of convenience and necessity, horse-drawn vehicle license or horse-drawn vehicle driver permit has been revoked by the director may appeal such revocation to the board of directors by giving notice in writing to the director within ten (10) days of the date of mailing of such notice to the certificate, license or permit holder as set out above, provided that the holder shall not be permitted to operate during the pendency of an appeal if the revocation is based upon a public safety violation.

(c) Notice of suspension shall be sent by registered mail, return receipt requested, to the listed office of the certificate, license or permit holder. A copy of the suspension shall be provided to the chief of police, and shall be publicly posted at the office of the director. In addition, the director shall attempt to contact the certificate, license or permit holder by telephone, or telefacsimile, on the date the suspension is issued.

(Ord. No. 19051, § 1, 1-20-04; Ord. No. 20,044, § 44, 11-3-08)

Sec. 34-109. Safety and health.

(a) All carriages shall display the international sign for slow-moving vehicles on the rear of such vehicle.

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(b) All restrictions and requirements for motorized vehicles contained in city ordinances and state statutes shall apply to horse-drawn vehicles except those which by the nature of horse-drawn vehicles, could have no application.

(c) No horse-drawn vehicle shall operate during non-holiday weekday rush hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m.

(d) No child under the age of twelve (12) years old may ride in a horse-drawn vehicle unless there is also in that vehicle a supervising adult (a person at least eighteen (18) years of age who has charge of the child or children). The supervising adult is responsible for maintaining control over the child at all times; failure to do so will be grounds for the operator of the vehicle to stop the vehicle at the nearest safe place and require the adult and all children accompanying that person to leave the vehicle.

(e) Each certificate holder is required to have and maintain an office within Pulaski County to which can be directed any reports of lost articles, complaints, inquiries, and related matters, and shall maintain a listing in such business directories as are commonly available to the public.

(Ord. No. 19051, § 1, 1-20-04)

Sec. 34-110. Insurance required--Accident/incident report.

(a) Every applicant for a license to operate a horse-drawn vehicle, whether the vehicle is to be operated by the owner or some other person, in addition to the other requirements of this chapter shall maintain and file with the director for each vehicle to be operated a policy of commercial general liability insurance which meets the requirements of this chapter and any applicable regulations promulgated by the director.

(b) Insurance required by this part shall be carried in a firm which has been duly licensed or permitted to do an insurance business in the state, and shall be kept and maintained continually in force and effect so long as the applicant shall be licensed to operate vehicles on the streets of the city.

(c) Insurance as required herein shall be a policy of liability insurance in the sum of three hundred thousand dollars (\$300,000.00) because of bodily injury per person in any one (1) accident, with an aggregate of six hundred thousand dollars (\$600,000.00) per incident.

(d) There shall be attached to all liability insurance policies issued pursuant to the requirements of this part, the following endorsement, or its equivalent:

"In consideration of the premium stated in the policy to which this endorsement is attached, the company hereby waives a description of the vehicles to be insured hereunder and agrees to pay any final judgment for personal injury, including death, resulting therefrom, or damage to property, caused by any and all vehicles or equine animals operated by the assured pursuant to the horse-drawn vehicle license issued by the City of Little Rock, within the limits set forth in the schedule shown hereon, and further agrees that upon its failure to pay any such final judgment, the judgment creditor may maintain an action in any courts of competent jurisdiction to compel such payment. Nothing contained in the policy or any endorsement thereon, nor the violation of any of the provisions thereof by the assured, shall relieve the company from liability hereunder or from the payment of such judgment. The policy to which this endorsement is attached shall not expire, nor shall cancellation take effect until after ten days' notice in writing by the company shall have been given to the Director of the Parks Department in the City of Little Rock at its office in City Hall, said ten days notice to commence to run from the date notice is actually received at the office of the Director. Attached to and forming a party of policy number _____, issued by Company to _____."

(e) The certificate holder, on or before the fifth day of each month, shall file with the director a report showing the number of accidents or incidents, if any, in the preceding month, in which any horse-drawn vehicle or equine animal owned and/or operated by him was involved, the nature of the damage, if any, to person or property resulting therefrom, the name and address of all persons who have outstanding claims because of any horse-drawn vehicle accident, or because of any incident in which a person was kicked, bitten, or stepped on by the equine animal in such a manner as to cause injury to the person, and whether any claims were settled during the preceding month.

(f) The failure to file the required report within the time provided for, or the filing or causing or intentionally permitting the filing or causing the filing of a false report, shall be a violation of this article

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and shall also be grounds for suspension and revocation of the certificate holder's certificate of convenience and necessity.

(g) If any policy of insurance covering any or all of the vehicles, authorized to be operated under a certificate of convenience and necessity expires, and the operator fails to replace it immediately with another policy of insurance fully complying with the provisions of this article, the certificate of convenience and necessity and the licenses issued thereunder shall be ipso facto suspended. The certificate of convenience and necessity may be reinstated by the board of directors upon application, with or without a hearing, upon compliance in full with all the provisions of this article. If the board of directors reinstates the certificate of convenience and necessity, the director, upon notice from the board, shall reinstate the license.

(h) It shall be unlawful for any person to operate or cause to be operated any horse-drawn vehicle for hire upon any public street in the city unless the required policy of insurance for the vehicle shall have been filed with the director, and shall be in full force and effect.

(i) In the event of any final judgment against the owner or operator of any horse-drawn vehicle for injury to or death of, any person, or damage to property from the negligence of the owner or operator or for any reason regardless of fault, remaining unsatisfied for a period of thirty (30) days, the board of directors, upon complaint of the owner of the judgment, or of any other person shall forthwith revoke the certificate of convenience and necessity and all vehicle licenses of the owner or operator.

(Ord. No. 19051, § 1, 1-20-04)

Sec. 34-111. Stops and stands.

(a) The director, with the approval of the director of the public works department, parking division, if in the public right-of-way, is authorized and empowered to establish designated stops and stands for horse-drawn vehicles, and to issue permits for such stands.

(b) For the purpose of taking on and discharging passengers, a horse-drawn vehicle shall stop at the far corner of all intersections, and while so stopped shall keep as close to the right-hand curb as practicable, and shall take on and discharge passengers as quickly as possible, so as not to unreasonably interfere with traffic.

(Ord. No. 19051, § 1, 1-20-04)

Sec. 34-112. Teasing or harassment of equine animals prohibited.

It shall be unlawful for any person to tease, torment, or otherwise harass any equine animal being used as a draft animal under the terms of this article. Prohibited activity shall include, but not be limited to, striking, kicking, or throwing objects of any type at the animal, or taking any action with the purpose of spooking, stampeding or startling the animal.

(Ord. No. 19051, § 1, 1-20-04)

Sec. 34-113. Special provisions for specialty horse-drawn vehicles.

(a) A certificate of convenience and necessity is not required for a horse-drawn carriage that is used only for specialty rides. A specialty ride is a ride that occurs on a special occasion, such as a wedding, and the operator of the vehicle does not operate more than four (4) times a week in any given week. Notwithstanding the fact a certificate is not required, a horse-drawn vehicle operator who provides specialty rides shall:

- (1) Comply with all other provisions of this article, including but not limited to insurance requirements, and the applicable rules and regulations for horse-drawn vehicles;
- (2) Be accompanied by a following vehicle that protects the horse-drawn vehicle from traffic;
- (3) Obtain a city business license for this service; and
- (4) Agree immediately to cease operations if the director, upon reasonable belief, notifies the operator that the right to operate on the streets of the city has been suspended because of a violation of the applicable regulations approved by this article.

(b) If a person operating under this section is notified by the director to cease operations, and the person wishes to appeal that decision, the procedure set forth in section 34-108 shall be followed.

(Ord. No. 19051, § 1, 1-20-04)

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Sec. 34-114. Initial rules and regulations.

(a) The initial set of regulations shall be according to the attachment to this article. Nothing in the inclusion of these initial regulations prohibits the director from amending, deleting, or adopting additional regulations as set forth in this article, provided that before the end of any year in which such changes have been made, the board of directors shall, by ordinance, incorporate these changes as a part of this Code.

(b) The initial rules and regulations are as follows:

CITY OF LITTLE ROCK DEPARTMENT OF PARKS AND RECREATION

REGULATIONS FOR HORSE-DRAWN CARRIAGES

Section 1. General. The director of the fleet services department shall promulgate, administer and enforce these rules and regulations. The purpose of these rules and regulations is to aid in the implementation, interpretation and enforcement of the ordinance to permit operation of horse-drawn carriages in Little Rock.

Section 2. Definitions. The following words and phrases, when used in this chapter, shall have the following meanings:

A. *Certificate holder* means any person holding one (1) or more certificates of convenience and necessity issued by the board of directors for the operation of horse-drawn vehicles.

B. *Director* means the director of the fleet services department, or his designee.

C. *For hire* means the provision of services, or the offering of the services, of a horse-drawn vehicle for the payment of money or other consideration.

D. *Horse-drawn vehicle* means a wagon, coach or other vehicles which are powered in whole or in part by one (1) or more equine animals, but does not include such a vehicle that is used only as part of a property permitted parade.

E. *Leather diaper* means a manure bag, often made of synthetic leather, that is attached to the shafts on one (1) end and to the breeching on the horse harness on the other end. Most of weight of the diaper is borne by the shafts rather than the horse.

F. *Person* means any person, firm, corporation, partnership or association of persons of any kind.

Section 3. Applicability. These regulations shall apply to horse-drawn vehicles for hire in the City of Little Rock.

Section 4. Application for certificate of convenience and necessity. An application for a certificate of convenience and necessity shall be addressed to the director. This application shall be in writing, verified by the affidavit of the applicant, or if the applicant be a corporation, partnership or association of persons of any kind by its duly authorized officer or agent, and shall state the following facts:

A. The full name and address of:

(1) The applicant, if the applicant is an individual;

(2) Each partner, if the applicant is a partnership; or

(3) Each officer and director, if the applicant is a corporation, entity or association of persons of any kind.

B. What, if any, previous experience the individual applicant, or if the applicant is a partnership, the partners therein have had, or if the applicant is a corporation or other association of persons, the officer and directors have had in horse-drawn vehicle operations;

C. The number of such vehicles the applicant desires to operate;

D. The passenger capacity of each vehicle;

E. The amount of insurance to be carried and the company issuing the policy;

F. A full-color photograph of the horse and carriage.

Section 5. Safety and health.

A. All animals used to draw vehicles for hire in the city shall be made available for examination by a veterinarian experienced in the treatment of horses and mules upon reasonable demand by the director. Failure to allow such examination shall be grounds for suspension of the operating permit issued hereunder.

B. Horse-drawn vehicles shall not operate during the nonholiday weekday rush hours of 7:00 a.m. to 9:00 a.m. and 4:00 p.m. to 6:00 p.m. except upon approval of the board of directors. Horse-drawn vehicles

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shall not operate in the River Market area of downtown on July 4, December 31, or upon specific days as indicated to certificate holders by the director.

C. Each certificate holder is required to have and maintain an office to which can be directed any reports of lost articles, complaints, inquiries, and related matters, and shall maintain a listing in all such business directories as are commonly available to the public.

D. Each certificate holder shall maintain an emergency telephone number where the owner or manager may be contracted in case of an emergency.

E. The holder of the certificate of convenience and necessity shall have a veterinarian readily available to assist and come to the aid of any injured horse or mule.

F. No equine animal teams shall be used in the downtown area for normal rides for hire.

G. Each certificate holder shall maintain records of the date and hours worked by each equine animal.

H. No equine animal shall work at a pace faster than a walk; a slow trot will be allowed on inclines.

Section 6. Horse-drawn vehicles--Mandatory equipment.

A. Each horse-drawn vehicle shall be equipped with electric turn (or emergency flashing lights), tail lights and front lights (or side mounted lights with housings of the type that illuminate from the front and rear simultaneously), which are visible for a distance of 500 feet.

B. Each horse-drawn vehicle shall have brakes.

C. Each horse-drawn vehicle shall be equipped with the international sign for slow-moving vehicles attached to the rear of the vehicle.

D. Each harness shall be equipped with a leather diaper.

E. Each operator of a horse-drawn vehicle shall ensure that any feces or urine deposited on the public right-of-way or any private property within the city is cleaned up immediately after such deposit or as soon thereafter as is reasonable.

F. No horse-drawn vehicle may carry more passengers than was originally intended. No horse-drawn vehicle shall exceed three times the animal's weight, including the weight of the vehicle and all passengers.

Section 7. Horse-drawn vehicle stands.

A. The certificate holder shall keep their horse-drawn vehicle stand clean, free of manure and urine at all times. Urine should be diluted with water or water with disinfectant as it occurs.

B. Water for the equine animals shall be maintained in full view and all times.

C. Stands should have a sign posting the hours of operation whenever possible.

D. For the purpose of taking on and discharging passengers, a horse-drawn vehicle shall stop at the far corner of all intersections, and while so stopped shall keep as close to the right-hand curb as practicable, and shall take on and discharge passengers as quickly as possible, so as not to unreasonably interfere with traffic.

Section 8. Care and shelter of equine animals.

A. Equine animals should be wormed regularly, vaccinated for tetanus, eastern/western sleeping sickness and have a negative Coggins test on file with the certificate holder on an annual basis.

B. No equine animal may be used to draw horse-drawn vehicle unless the animal is in good health and the following requirements are met:

(1) The equine animal may not have any open sores or wounds, nor may such equine animal be lame or have any other ailments, unless the driver has in the driver's possessions a written statement by a veterinarian that the equine animal is fit for such work, notwithstanding such condition.

(2) The hoofs of equine animal must be properly shod. Borium-tipped, hardtack, rubber shoes or rubber pads should be utilized to help prevent slipping.

C. A veterinarian knowledgeable in the treatment of equine animals shall examine and shall certify the fitness of the equine animal to perform such work prior to its use to draw a horse-drawn vehicle. After the initial examination, the certificate holder will be required to provide the results of annual veterinary examinations to the director. The equine animal shall be examined for its general physical condition, which is to include inspection of teeth, legs, hooves and shoes, cardiovascular exam and for its physical ability to perform the work or duties required of it. The exam shall also include a record of any injury, disease, or deficiency observed by the vet at that time, together with any prescription or humane

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correction of the same. A health certificate signed by the examining vet shall be kept by the certificate holder and contain the name, age and condition of the equine animal.

D. Equine animals used to pull horse-drawn vehicles shall have water made available to them during their work period.

E. No equine animal shall work more than eight (8) consecutive hours on pavement for more than five (5) consecutive days. Following each sixty (60) minutes of continuous work the animal shall have a fifteen-minute rest period.

F. No animal shall be subject to cruel or harassing treatment.

G. An equine animal shall not be sold or disposed of except in a humane manner.

H. If a horse exhibits signs of a treatable condition making him unfit for work, he shall be placed on rest until the operator can produce such certificates from an approved veterinarian and farrier.

Section 9. Harnesses.

A. No animal will be worked with a harness or bit that is not safe and humane.

B. Harnesses, bridles, bits and padding must be properly fitted and kept in clean and good repair at all times. The harness shall be kept free of makeshifts like wire, rope, and rusty chain.

Section 10. Weather conditions.

A. Owners and drivers shall use caution when working equine animals in adverse weather conditions such as snow, ice, heavy rain or other slippery conditions.

B. Horse-drawn vehicles shall not operate when temperature exceeds ninety-three (93) degrees Fahrenheit, nor in temperature below thirty-two (32) degrees Fahrenheit. Equine animals shall not be worked when the combined total of temperature (in degrees Fahrenheit) and humidity (in percent) less wind speed (in m.p.h.) is above one hundred fifty (150), only when the temperature is above eighty (80) degrees Fahrenheit.

C. During winter months, equine animals stationed outdoors while awaiting passengers shall be covered with a blanket when the temperature is below thirty-six (36) degrees Fahrenheit. All blankets shall be kept clean at all times.

Section 11. Feeding and care.

A. Equine animals must receive adequate and substantial feeding daily, which is free from contamination. The feed should be sufficient quantity, nutritive value, and frequency to meet normal daily requirements for the condition and size of animal so as to maintain a healthy flesh. Each stall must contain a clean block of salt at all times. Electrolytes will be added as a daily supplement when the temperature is above seventy-five (75) degrees Fahrenheit.

B. Clean drinking water must be in the stalls and available to the equine animal at all times.

C. Box stalls shall be large enough for equine animals to lie down and turn around. The minimum size shall be no less than 12 x 12 feet for draft horses; no tie stalls shall be allowed.

D. The operator must make available, upon request by the director, the premises used to house the horses under the certificate.

Section 12. Driver qualifications and conduct. No person shall operate a horse-drawn vehicle for hire upon the streets of the city, and no certificate holder who owns or controls a horse-drawn vehicle for hire shall permit the horse-drawn vehicle to be driven, unless the driver of the horse-drawn vehicle shall have first obtained a current horse-drawn vehicle driver permit which has been approved and issued as designated under this article.

A. Horse-drawn vehicle driver qualifications.

(1) Each applicant must be at least eighteen (18) years of age.

(2) The applicant shall have an appropriate and valid driver's license as required pursuant to state law.

(3) The applicant must have experience in working with horses.

B. Horse-drawn vehicle driver permit application. Any person desiring a horse-drawn vehicle driver's permit shall obtain and complete a horse-drawn vehicle driver permit application. The form of such application shall be developed by the director and shall include, but not be limited to, the age, name and address of the applicant.

C. Investigation. The horse-drawn vehicle operator shall ensure that each driver permit applicant obtain a criminal record check and a traffic record from each state of the driver applicant's previous and current residence for the thirty-six (36) months preceding the driver permit application. The horse-drawn vehicle

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driver permit applicant shall return the criminal record check(s) and traffic record(s) to the administrator. Drivers are responsible for reporting to the administrator any change in qualifications or other licensing or permitting information previously supplied within ten (10) days of the change. Failure to do so may lead to revocation of the driver's permit.

D. *[Operator reporting.]* A horse-drawn vehicle operator shall report to the administrator any matter the operator is aware of that would disqualify a horse-drawn vehicle driver under this chapter.

E. *Fee.* Each applicant for a horse-drawn vehicle driver permit shall pay to the city a nonrefundable fee of twenty dollars (\$20.00) at the time the original application is filed.

F. *Duplicate horse-drawn vehicle driver permit.* If a horse-drawn vehicle driver's permit has been lost or destroyed, the payment of five dollars (\$5.00) as a replacement fee shall be required, and the director shall issue a duplicate horse-drawn vehicle driver's permit.

G. *Horse-drawn vehicle driver permit term, renewal.* A permit issued under this section shall be valid for a one-year period commencing on the date of issue, and extending through the twelve (12) months past the date of issue. Permits shall be renewed in the following manner:

- (1) Submittal of a horse-drawn vehicle driver permit renewal application to the director;
- (2) Submittal of the required criminal background report(s) and the required traffic record(s);
- (3) Payment of a twenty dollar (\$20.00) renewal fee at the time of submittal of the permit renewal application.
- (4) The permittee shall comply with all applicable ordinances and regulations of the city.

H. *Horse-drawn vehicle driver conduct.*

- (1) The horse-drawn vehicle driver shall obey all traffic laws and regulations of the city and state.
- (2) No horse-drawn vehicle driver shall operate a horse-drawn vehicle while under the influence of alcohol or narcotic drugs.
- (3) No horse-drawn vehicle driver shall permit passengers in excess of the passenger capacity design of the horse-drawn vehicle.
- (4) No horse-drawn vehicle driver shall permit passengers to stand on any part of the horse-drawn vehicle while in motion. Horse-drawn vehicle drivers shall take all necessary precautions to prohibit such activity. The horse-drawn vehicle driver shall ensure that all passengers are seated except when loading or unloading.
- (5) The horse-drawn vehicle driver shall at all times be responsible for the proper and humane care and treatment of the equine animal under his or her direct supervision and control.
- (6) Horse-drawn vehicle drivers shall be in the driver's seat and have the driving lines in hand before loading or unloading passengers.
- (7) The driver of each horse-drawn vehicle, during travel from one-half (1/2) hour after sunset and one-half (1/2) hour before sunrise and at all times as conditions for poor visibility exist, shall cause the front and tail lights (or the side-mounted lights with housings of the type that illuminate from the front and rear simultaneously) of the horse-drawn vehicle to be in operation.
(Ord. No. 19051, § 1, 1-20-04; Ord. No. 20,044, §§ 45--48, 11-3-08)

Sec. 34-115. Penalty for violation.

In addition to the possible suspension or revocation of a certificate of convenience and necessity, any person who violates or fails to comply with, or who permits or causes any person in his or its employ to violate or fail to comply with any of the provisions of this part, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in accordance with section 1-9 of this Code.

(Ord. No. 19051, § 1, 1-20-04)