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City of Conway, Arkansas

Ordinance No. O-15-95

AN ORDINANCE GRANTING A TEMPORARY FRANCHISE TO STEPHEN GIESE, OWNER OF THE GREEN CART DELI TO UTILIZE SIMON PARK TO OPERATE A VENDING CART; AND FOR OTHER PURPOSES.

Whereas, Stephen Giese of The Green Cart Deli (mobile cart) desires to utilize Simon Park in downtown Conway to operate a portable concession stand, and

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

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

Section 1: A temporary franchise that shall be in effect until September 1st, 2016 is hereby granted from the City of Conway (hereinafter referred to as "City") to Stephen Giese of 174 Stanley Road, Vilonia, AR 72173 (hereinafter referred to as "Franchisee") for the purpose of the use of a vending cart in Simon Park for profit in a limited area (Simon Park) within the City of Conway. Franchisee, in the conduct of his business shall be authorized to utilize the park and public grounds in and around Simon Park not including the public parking lots or driveways except when the city shall notify Mr. Giese of the events that reserve the park for other purposes. Mr. Giese should make every effort to notify the City in advance of usage dates of Simon Park.

Section 2: This franchise is non-exclusive.

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

Section 4. Franchisee shall be responsible for obtaining insurance in the amount of \$25,000 per person for bodily injury claims with a \$50,000 aggregate limit for bodily injury claims and \$25,000 for property damages, and that this franchise shall not be valid without such insurance. Franchisee shall be responsible for being current with all Advertising and Promotion taxes/permits and any other applicable taxes/fees owed to the City of Conway and should remit all payments in a timely manner.

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

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

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

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

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

PASSED this 8th day of September, 2015.

Approved:



Mayor Tab Townsell

Attest:



Michael O. Garrett
City Clerk/Treasurer