

3

11162



Doc#2011- 10998  
Date 07/12/2011  
08:30:35 AM  
Filed & Recorded in  
Official Records of  
Faulkner County  
RHONDA WHARTON  
FAULKNER COUNTY CIRCUIT CLERK  
Fees \$25.00  
by \_\_\_\_\_ D. C.

355628

*[Signature]*

**City of Conway, Arkansas  
Ordinance No. O-11-53**

**AN ORDINANCE GRANTING A TEMPORARY FRANCHISE TO THE BIG HOUSE BURGER JOINT INC, TO UTILIZE CERTAIN AREAS OF DOWNTOWN CONWAY & SIMON PARK TO OPERATE A VENDING CART; DECLARING AN EMERGENCY; AND FOR OTHER PURPOSES.**

**Whereas,** Mike Willbanks of The Big House Burger Joint (mobile cart) desires to utilize a seven block perimeter of downtown & Simon Park to operate a vending cart, 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 Downtown Conway.

**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, 2011 is hereby granted from the City of Conway (hereinafter referred to as "City") to Mike Willbanks of **Big House Burger Joint Inc.** (hereinafter referred to as "Franchisee") for the purpose of the use of a vending cart in Downtown Conway & Simon Park for profit in a limited areas within the City of Conway. Franchisee, in the conduct of his business shall be authorized to utilize City Owned sidewalks located in a 7 block perimeter of downtown Conway area and Simon Park. Mr. Willbanks will contact the Mayor's Office prior to any event in Simon Park to ensure availability of the 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.

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

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

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

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

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

Section 10. 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 28<sup>th</sup> day of June, 2011.

**Approved:**



**Mayor Tab Townsell**

**Attest:**



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