

**AN ORDINANCE
GRANTING A TAXICAB FRANCHISE TO LADYBUG RANCH
LLC AND DIANA COVERT FOR A HORSE CARRIAGE SERVICE.**

WHEREAS, Section 741.01 of the Codified Ordinances ("Codified Ordinances") prohibits the operation of a taxicab business upon the public streets of the Village unless a franchise has been granted by Village Council; and

WHEREAS, Ladybug Ranch LLC and Diana Covert have applied a franchise to furnish horse-drawn carriage service on the public streets of the Village; and

WHEREAS, the Chief of Police or the Chief's designated representative, in accordance with Chapter 741 of the Codified Ordinances, has investigated the application and examined the carriages to be used in the business; and

WHEREAS, the Chief of Police has reported his findings to this Council and recommends that a franchise be granted to the applicants, subject to the terms and conditions set forth in this ordinance; and

WHEREAS, Section 741.04 of the Codified Ordinances authorizes Council to issue a franchise if it is satisfied as to the character of the applicants and the drivers and authorizes Council to include such other terms and conditions as it deems necessary.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE VILLAGE
OF CHAGRIN FALLS, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That Ladybug Ranch LLC and Diana Covert (the "Franchisee"), with a principal place of business located at 5619 Wilson Mills Road, Highland Heights, Ohio, is hereby granted a non-exclusive taxicab franchise to use the present and future public streets of the Village in the operation of a public horse-drawn carriage service. Such use is limited to one (1) horse-hitch and subject to routes and schedules that are approved by the Police Chief, which approval shall be granted only if there are no adverse health and safety concerns presented by the service routes or schedules proposed.

SECTION 2. That the franchise granted herein shall be and remain subject to compliance with all federal, state and local laws and ordinances, as they now exist or are hereafter amended, including Chapter 741 of the Codified Ordinances.

SECTION 3. That the franchise granted herein is subject to the Franchisee signing a written statement, set forth below, acknowledging that the Village assumes no liability or responsibility in granting a franchise to the Franchisee and the Franchisee agrees to indemnify, hold harmless and defend the Village, its officers, officials, agents, and employees, from and against any and all claims or suits, expense or liability, for any and all property damage or loss and/or personal injury, including death, to any and all persons, of whatsoever kind or character, arising out of or in connection with any acts or omissions by the Franchisee, its officers, agents, employees, drivers, licensees, invitees

and passengers, in the exercise of the franchise granted herein, and the Franchisee shall assume all liability and responsibility for same.

SECTION 4. That the franchise granted herein is subject to Franchisee maintaining a current general liability certificate of insurance, subject to the approval of the Mayor and the Law Director, endorsing the Village as an additional insured in an amount not less than One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) general aggregate, a current list of carriage drivers, and such other reasonable information as the Chief of Police shall deem necessary to protect the public health, safety, and welfare of the Village and its inhabitants, including information relating to the health and condition of the horses used in the carriage service and information relating to the type, condition, and number of carriages used in the service. Franchisee shall grant the Chief of Police or the Chief's designee access to inspect the horses and carriages used in the service.

SECTION 5. That the Franchisee shall not sell, convey or transfer this franchise to any other person, firm, corporation, or entity without the prior approval of this Council.

SECTION 6. That the Franchisee may terminate this franchise, at any time, by written notice to the Village.

SECTION 7. That the Village reserves the right to suspend or terminate this franchise and all rights of Franchisee if (i) Franchisee violates any provision of this Ordinance, including the requirement that Franchisee comply with all federal, state, and local laws and ordinances; (ii) Franchisee's agents and employees are convicted of any crime of moral turpitude, any DUI offense, or any offense relating to controlled substances; or (iii) whenever the continued operation by the Franchisee would constitute a danger to public health, safety, or welfare.

SECTION 8. That Franchisee shall file a written acceptance of this franchise and the terms and conditions contained in this Ordinance with the Clerk of Council within fourteen (14) calendar days of the effective date of this Ordinance. The acceptance shall state that the Franchisee agrees to be bound by and carry out the terms and conditions of this Ordinance. The franchise shall go in effect when the acceptance has been filed, and upon such filing, this Ordinance shall constitute a contract between the Village and the Franchisee.

SECTION 9. That if any part of this Ordinance shall be held invalid for any reason, such holding shall not invalidate or impair the remainder of this Ordinance. Franchisee is an independent operator and is not an agent, contractor, or employee of the Village. Franchisee has no authority, express or implied, to act on behalf of or bind the Village in any capacity. The Village's waiver of any term or breach hereof shall not be considered to be a waiver of any other term or breach, nor of a subsequent breach of the one waived.

SECTION 10. That actions of this Council concerning and relating to the passage of this legislation were adopted in lawful meetings of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in compliance with all legal

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INTRODUCED BY: MRS. EVANS


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requirements, including Chapter 114 of the Codified Ordinances of the Village of Chagrin Falls.

SECTION 11. That in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls, public notice of this Ordinance shall be given by posting a copy thereof for not less than fifteen (15) days in the Village Hall.

SECTION 12. That this Ordinance shall become effective upon its adoption by Council and signature by the Mayor or as otherwise may be provided for in the law.


PASSED: August 13, 2012



Council President


Submitted to the Mayor for
his approval on this
14 day of August, 2012

Approved by the Mayor
August 14, 2012



Mayor

I hereby certify that Ordinance No. 2012- 28 was duly enacted on the 13 day of August, 2012, by the Council of the Village of Chagrin Falls and posted in accordance with Section 113.01 of the Codified Ordinances of the Village of Chagrin Falls.



Clerk of Council

ACCEPTED BY:

LadyBug Ranch LLC and Diana Covert, individually, who agree to be bound by and carry out the terms and conditions of this Ordinance, including but not limited to the defense, indemnity and insurance provisions set forth in Sections 3 and 4 hereof.



Diana Covert
Individually and on behalf of Ladybug Ranch, LLC

Date: 8/20/12