



Legislation Text

File #: 18-0583, **Version:** 2

Resolution to Approve the Third Thursday of July Annually as the Opening Day of the Ann Arbor Art Fair, to Approve Street Closings for the Annual Ann Arbor Art Fair, to Affirm the Requirements for Temporary Outdoor Sales, Service and Consumption of Alcohol and the Standards For Temporary Outdoor Sales on Private Property, and to Affirm the Allocation of Fees Among the Art Fair Organizations

The 2018 Ann Arbor Art Fair is scheduled for July 18-22, 2018. Five separate organizations, each covering separate but adjacent portions of downtown Ann Arbor, sponsor the annual event.

Historically, City Council has been presented with one or more resolutions in connection with the closure of streets, temporary outdoor sales and use of the public right-of-way in connection with temporary liquor licenses and regulations of quadricycles and other traffic issues during the designated dates for the Art Fair. For the 2018 Art Fair, the City Administration worked with a committee representing each of the five fair organizations to identify issues that impact the Art Fair as a whole thereby providing both the City and the respective Art Fair Directors with a uniform planning tool for identifying needed services and proper allocation of City fees between the organizations for 2018 and subsequent Art Fairs.

The attached resolution specifically addresses the following:

- Timing of the Art Fair
- Established boundaries for Art Fair
- Use Restrictions of City streets and right of way during the Art Fair
- City services for which fees will be assessed and allocated between the organizations that sponsor the Art Fair

The resolution also recommends Ann Arbor Downtown Development Authority continue to support free parking for church attendees as needed as long as the Art Fair continues to be scheduled on dates that include a Sunday.

The proposed resolution is recommended for Council approval.

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Reviewed by: Derek Delacourt, Community Services Area Administrator
Approved by: Howard S. Lazarus, City Administrator

Whereas, The Ann Arbor Art Fair is an established community event in the City of Ann Arbor sponsored by five separate organizations, each covering separate but adjacent portions of downtown Ann Arbor held beginning on the third Thursday of July each year and ending on or before the following Sunday, with the Wednesday before being utilized for event setup and related City site inspections;

Whereas, Five organizations sponsor the Art Fair (“the organizations”), which are State Street Area

Association, The South University Merchants Association, Inc., The Ann Arbor Street Art Fair, Inc., Michigan Guild of Artists and Artisans d/b/a The Guild of Artists and Artisans, Washtenaw Non-Profits;

Whereas, The organizations annually request street closings and related services from the City to permit a successful event;

Whereas, Advanced planning for future Art Fairs will allow both the separate organizations and the City Administration to budget for services, allow for and calendar City scheduled and DDA scheduled public improvement projects within the boundaries of the Art Fair outside of the Art Fair dates and other cooperative efforts;

Whereas, City Council is permitted under Chapter 47, Streets and Sidewalks, and Chapter 79, Solicitors and Peddlers, of the Ann Arbor City Code to restrict the issuance of permits during special events, or at times when congestion in the City or a part of the City is too great to allow sidewalk occupancy, and has historically restricted issuance of such permits during Art Fair; and

Whereas, Chapter 55 of the Ann Arbor City Code establishes the requirements for temporary outdoor sales on private property;

RESOLVED, That the dates of Art Fair be established as beginning on the third Thursday of July each year and ending on or before the following Sunday with the Wednesday before being utilized for event setup and related City site inspections;

RESOLVED, That City Council approve the closing of the streets identified in the attached Street Closure map beginning on the third Wednesday of July until the third Sunday of July, which closures are subject to the following restrictions:

- Streets must be barricaded using AAPD-approved barricades and designated locations to insure restriction of traffic;
- Parking is prohibited on designated streets identified on the Buffer and Street Closure map attached to this resolution except and limited to vehicles that clearly display Art Fair Authorized permits.
- Annual Sidewalk Occupancy Permits are invalid within the Art Fair boundaries except for sidewalk occupancy allowed by Art Fair organizations on those streets closed by City Council for the Art Fair. Each organization must file a list of Art Fair Sidewalk Occupancy Permit the organization has issued with the City Clerk prior to the start of the Art Fair and issued authorization permits must be displayed by the vendor on-site during the Art Fair '
- Peddler/Solicitor Permits, including permits for pedicabs, are invalid within the Art Fair boundaries during the Art Fair from the time scheduled for setup to begin until the streets within the boundaries are released for vehicular traffic
- Commercial Quadricycle Permits are invalid within the Art Fair boundaries during Art Fair from the time scheduled for setup to begin until the streets within the boundaries are released for vehicular traffic.
- Temporary Outdoor Liquor Permits within the City right of way shall be processed in accordance with MLCC requirements and separately reviewed and approved by Ann Arbor Police Services.

RESOLVED, That fees for the use and cost of City services to be provided within the boundaries of

each fair be calculated, assessed, and allocated among the organizations that sponsor the Art Fair based on the following formula:

**City Service Cost Allocation
Organization**

Square Footage

Percentage of Total

State Street Area Association	303,163	30%
The South University Merchants Association, Inc	205,007	20%
The Ann Arbor Street Art Fair, Inc.	225,747	23%
Michigan Guild of Artists and Artisans d/b/a The Guild of Artists and Artisans	250,015	25%
Washtenaw Non-Profits	17,110	2%
Total	1,001,042	100%

RESOLVED, That the fees to be paid to the City by each organization are intended to cover City services as necessary to support the event;

RESOLVED, That as has historically been the practice, the organizations apply for a permit and when issued the permit specify the amount of fees to be charged to the organizations for each of the City services listed above;

RESOLVED, That each organization be liable to the City for a percentage of the total fee amount to be calculated based on the percentages set forth in the above table, except that as with past Art Fairs the Washtenaw Non-Profits be required to pay no more than \$300.00;

RESOLVED, That all fees shall be paid no later than 30-days in advance of the Wednesday of Art Fair;

RESOLVED, That City Council approve liquor licensee requests for temporary authorization for outdoor sales, service and consumption of alcoholic beverages during Art Fair within the defined areas in the City's right-of-ways within the boundaries of the Art Fair reviewed and approved by Ann Arbor Police Services;

RESOLVED, That each fair organization shall provide insurance coverage satisfactory to the City Attorney in connection with the occupancy and use of City public right of ways during the dates of the Ann Arbor Art Fair, inclusive of setup and take-down dates, which insurance shall name the City of Ann Arbor as an additional insured;

RESOLVED, That City Council rescinds all previous resolutions regarding temporary outdoor sales or displays of goods and services on private property within the Street Closure Map;

RESOLVED, That for the 2018 Art Fair only, City Council authorizes the issuance of zoning compliance permits under Section 5:10.15(2)(h) of the Ann Arbor City Code, subject to permittee compliance with the following standards:

1. Outdoor sales areas located more than 50 feet from the public right-of-way (sidewalk or alley) require a 10-foot wide emergency access/escape passageway.

2. A 6-foot wide pedestrian passage between sales and display booths shall be maintained. The 6 feet shall be measured from the element of the booth projecting furthest horizontally into the required passage. No canopy, awning, overhang or other element shall project into the required pedestrian passage.
3. For every 50 lineal feet of booth, a 10-foot wide aisle way shall be provided.
4. The maximum length of travel, measured from the most remote point on the private property to the public right-of-way along the natural and unobstructed line of travel shall not exceed 200 feet. The path of travel must be under the control of or available to all person(s) using the private property.
5. Booths and associated pedestrian passageways arranged so as to form a dead-end, or where there is not a connection at both ends of the passageway leading to the public right-of-way, shall be designed so that the length of the dead-end aisle is not more than 22 times the least width of the aisle.
6. Booth material shall be made of fire retardant material.
7. There shall be no open flames for cooking, demonstration, or entertainment purposes.
8. Each private property area shall be equipped with fire extinguishers arranged so that no point of the private property areas shall be more than 75 feet from an extinguisher. The fire extinguishers shall be class 2-A 10-BC
9. Wiring for temporary electrical power shall comply with the requirements of the current National Electrical Code.
10. A Zoning Compliance Permit application form must be filled out, submitted to, and approved by the City for all proposed areas on private property no later than June 29, 2018;
11. The above standards apply to owners of commercially zoned property fronting on the streets closed by this Resolution;

RESOLVED, That beginning with the 2019 Art Fairs and subsequent Art Fairs, all outdoor sales on private property may only occur in accordance with Section 5:10.15(2)(f) of the City Code;

RESOLVED, That the Mayor's Art Fair Committee is dissolved and City staff assigned by the City Administrator shall meet with representatives of each fair organization and other stakeholders as necessary to implement this resolution and to resolve issues related to the Art Fair;

RESOLVED, That the Ann Arbor Downtown Development Authority is encouraged to continue to support free parking for church attendees as needed as long as the Art Fair continues to be scheduled on dates that include a Sunday;

RESOLVED, That the City Clerk be directed to mail to any current Commercial Quadricycle permit holder a certified copy of this Resolution as notice of prohibited operation during the Art Fairs and in 2019 and thereafter include a copy of this resolution with any application packet for such a permit; and

RESOLVED, That the City Clerk be directed to mail a copy of this resolution to the Ann Arbor Downtown Development Authority to advise the Authority of City Council's recommendation and support.

As Amended and Approved by Ann Arbor City Council on April 16, 2018