



Legislation Details (With Text)

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Title: Resolution to Authorize the Operation of Sidewalk Cafes and Accept the Responsibility of Enforcing Compliance Within MDOT Rights of Way

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
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| 3/1/2021 | 2 | City Council | Approved | Pass |

Resolution to Authorize the Operation of Sidewalk Cafes and Accept the Responsibility of Enforcing Compliance Within MDOT Rights of Way

MDOT has several trunk lines throughout the City of Ann Arbor including North Main St, Jackson Rd, Huron St, and Washtenaw Ave. Several business on those streets wish to operate sidewalk cafes within MDOT rights of way. MDOT will allow side walk cafes alongside trunk lines provided that a municipality authorize their operation and accept the responsibility of enforcing compliance with municipal and MDOT ROW permits.

Prepared by: John W. Reiser Senior Assistant City Attorney

Reviewed by: Crystal Allen, Customer Service Supervisor

Approved by: Tom Crawford, City Administrator

Whereas, The City of Ann Arbor regulates businesses that wish to occupy adjacent sidewalks for customer seating, particularly during the Covid-19 pandemic in order to provide outdoor accommodations;

Whereas, Several City businesses are located alongside state trunk lines within the Michigan Department of Transportation (MDOT) right of way, including North Main Street (between M-14 and Huron Street), Jackson Road, Huron Street, and Washtenaw Avenue;

Whereas, City ordinance 4:14 of Chapter 47 authorizes the City Administrator to issue revocable sidewalk occupancy permits upon a determination that the occupancy will comply with certain standards;

Whereas, Public Act 300 of 1949 authorizes the MDOT to permit the use of the State highway right of way for the purposes of establishing sidewalk cafés, and MCL 257.676a requires persons, firms, or corporations who offer goods, merchandise, or wares for sale within the right of way of a state trunk line to have an MDOT-issued permit; and

Whereas, MDOT will issue sidewalk café permits only upon proof that the municipality in which the site is located has passed a resolution authorizing the proposed activity and agreeing to enforce compliance with the permit;

RESOLVED, That City Council authorizes the operation of a sidewalk café by businesses to which the Administrator has issued a City sidewalk occupancy permit;

RESOLVED, That each business that intends to operate a sidewalk café within the MDOT right of way be required to obtain a City sidewalk occupancy permit, an MDOT right of way sidewalk café permit, and comply with all conditions of both, and

RESOLVED, That this resolution, as passed by City Council, affirms that the City of Ann Arbor accepts the responsibility of enforcing compliance with both City and MDOT right of way sidewalk permits.