

CREATION OF A PILOT PROGRAM re
MAINTAINING A PEDESTRIAN RIGHT OF WAY
IN THE INNER CITY FIRE DISTRICT

In the year Two Thousand Ten.....

Resolved by the City Council of the City of Burlington, as follows:

That WHEREAS, on May 10, 2010, City Council referred a proposed Ordinance in Relation to Streets and Sidewalks – Establishment of a pedestrian way, after First Reading, to the Ordinance Committee for review and further action; and

WHEREAS, the Ordinance Committee held a public hearing on the proposed ordinance on June 16, 2010; and

WHEREAS, the hearing was widely attended and the Ordinance Committee took testimony on the resolution and heard from many members of the community, presenting diverse opinions, at Public Forum; and

WHEREAS, Vermont state law, at 24 V.S.A. § 2291 specifically provides that “[f]or the purpose of promoting the public health, safety welfare and convenience, a town, city or incorporated village shall have the following powers: (1) [t]o set off portions of public highways of the municipality for sidewalks and bicycle paths and to regulate their use;” and

WHEREAS, the City already has adopted ordinances pertaining to “Unnecessary interference with use of sidewalk” (Sec. 27-4) and “Obstructing street or sidewalk prohibited; exception” (Sec. 27-31); and

WHEREAS, the Ordinance Committee, having then extensively deliberated the proposed ordinance, determined that taking legislative action by way of enacting an ordinance to establish a pedestrian right of way was premature at this time but that, instead, looking at ways to incent

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cooperative community action to ensure a safe public right of way in Burlington's downtown is a laudable goal for the City to have at this time;

NOW, THEREFORE, BE IT RESOLVED that the City Council hereby establishes a pilot program calling for education on maintaining an ADA compliant 5 foot right of way throughout the Inner City Fire District; and

BE IT FURTHER RESOLVED that the City Council refers this matter to the Public Works Commission so that a further hearing can be held to consider how such a right of way may be made properly identifiable to the public, and the Commission shall report its recommendations back to City Council on or before September 1, 2010.