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6 CREATION OF A PILOT PROGRAM re  
7 MAINTAINING A PEDESTRIAN RIGHT OF WAY  
8 IN THE INNER CITY FIRE DISTRICT  
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14 In the year Two Thousand Ten.....

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

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

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

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

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

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

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

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

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

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

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