



SIDEWALK OCCUPANCY SUBMITTALS

City of Ann Arbor

Planning & Development Services
100 N. Fifth Avenue, P.O. Box 8647
Ann Arbor, MI 48107
(734) 994-2674

When applying for a Sidewalk Occupancy permit to the Community Services Permit Desk, the following items must be included:

- Picture (digital, Polaroid, or any other) of the location to be occupied INCLUDING any equipment/apparatus used in conjunction with the event.
- Health Dept. Certificate (if selling food items not pre-packaged)
- Completed application
- Notification Form (unless in front of your own business)
- Liability Insurance
- Must maintain 6 foot wide clearance on sidewalk.
- Approval from businesses within 75 feet of desired location selling like items. Applicant must receive approval from any and all businesses within 75 feet of desired location that sell comparable items.

Please check the following boxes to acknowledge the understanding of the listed items:

- No cart or items in connection with the cart shall be left on the sidewalk overnight, or for a 24 hour period.
- No cart shall be affixed to any stationary object (light pole, parking meter, traffic control device, etc.)
- No person shall use a motorized generator in connection with sidewalk occupancy activities.
- No person shall drive a motorized vehicle upon or within any sidewalk area for any purpose including, but not limited to, placing the cart of any other apparatus used in connection with the sidewalk occupancy or to remove the cart.
- I have read and understand the provisions of Chapter 47.

PLEASE NOTE: Failure to submit all required items may result in delays in processing your application.

Permits within the boundaries listed below will be considered invalid during the times of said events:

- 1) *Ann Arbor Art Fair*
- 2) *Ann Arbor Summer Festival*
- 3) *Any Main Street Area Association sponsored event*

Signatures for acknowledgment of completeness:

Signature of Applicant

Print Name

Date

PROCEDURE TO RECEIVE PERMIT FOR SIDEWALK OCCUPANCY

Persons wishing to occupy public space must first obtain a Sidewalk Occupancy Permit from the City of Ann Arbor. Application packets are available from the Community Services Permit Desk. Applicants are asked to carefully review all packet information, which should include the following:

- A Permit Application
- A Notification Form
- An Insurance Requirement Form
- A Copy of Chapter 47, Section 4:14
- A Copy of Administrative Regulations
- A Copy of Merchant Association Representative Contact List

1. Applicants may apply for an annual permit or a daily permit. Annual permits are valid from May 1 to April 30.
2. Daily permits are valid only on the days specified on the permit.
3. ONLY the owner or manager of a street level business or property may submit applications for an annual permit between April 1 and April 30. After April 30, anyone may apply for an annual permit in accordance with the requirements set forth in Chapter 47, Section 4:14(2)(a).
4. Applications for a daily permit may be submitted by anyone in accordance with the requirements set forth in Chapter 47, Section 4:14(2)(b).
5. The applicant should clearly identify on the application the area they wish to occupy. It must also indicate the total square footage and the items to be displayed or reason for occupancy.
6. Prior to the issuance of the permit, the applicant must give written notice (on the form provided by the City) to the business(es) directly adjacent to the sidewalk area to be occupied and approval from any and all businesses within 75 feet in direct competition with applicant's items. All parties must be notified at least 72 hours before any sidewalk occupancy permit can be issued. Street level businesses wishing to occupy sidewalk space directly adjacent to (in front of) their business do not have to comply with this requirement. [See Administrative Rules for Additional Requirements]
7. Pursuant to Chapter 47, Section 4:14(12) applicants for sidewalk occupancy permits must submit evidence of adequate liability insurance coverage consisting of a certificate issued by an authorized agent of the insurance company with the required amendments and/or changes per the attached Insurance Requirement Form. Faxed copies must be sent directly from the insurance company.
8. Fees for Sidewalk Occupancy Permits are:
Annual Permit: \$1.00 per square foot of sidewalk space occupied between May 1 and April 30.
Daily Permit: \$0.05 per day per square foot of sidewalk space occupied.
9. Before using any sidewalk occupancy permit involving the sale of food or product for human consumption, a copy of the Application for Certification must be received from the County Health Officer.
10. The permit must be prominently displayed so that it is visible to the public while conducting activities permitted by this Chapter. The permit holder must provide refuse receptacles that cannot be deposited in City refuse containers.
11. The permit holder must provide for a pedestrian walkway at least 6 feet wide.

Return completed forms to:
Community Services Permit Desk
City of Ann Arbor – 6th Floor City Hall
100 N. Fifth Avenue, P.O. Box 8647
Ann Arbor, MI 48107-8647



PLEASE RETURN TO:
 Community Services Permit Desk
 City of Ann Arbor – 6th Floor City Hall
 100 N. Fifth Avenue, P.O. Box 8647
 Ann Arbor, MI 48107-8647
 Phone: (734) 994-2674
 Fax: (734) 994-8460

Date Received: _____

NOTE: Written notice must be provided to the business directly adjacent to the sidewalk area to be occupied. Liability insurance is also required.

APPLICATION FOR PERMIT FOR SIDEWALK OCCUPANCY

1. Name of Individual/Business: _____
2. Individual/Business Address: _____ State: _____ Zip: _____
3. Name of Applicant: _____
 Address of Applicant: _____ State: _____ Zip: _____
 Phone No(s): _____ Fax No: _____
 Email: _____ Liquor Lic. # (if applicable): _____
4. Address of Sidewalk Occupancy: _____
5. Purpose of Sidewalk Occupancy: _____

6. Dates of Occupancy: _____
7. Area of Occupancy (Square Feet): _____

Applicant's Signature _____

Date _____

OFFICE USE ONLY

Sidewalk Use Fee	_____
Total	_____
Date Paid	_____

Insurance Certificate on File: Yes <input type="checkbox"/> No <input type="checkbox"/>
Insurance Expiration Date: _____
Adjacent Property Owner Permission Slip Attached: Yes <input type="checkbox"/> No <input type="checkbox"/>
Approval From Like Businesses: Yes <input type="checkbox"/> No <input type="checkbox"/>
Outdoor Liquor Service: Yes <input type="checkbox"/> No <input type="checkbox"/>
Permit No. _____

City Authorization Signature _____

Date _____



City of Ann Arbor
Planning & Development Services
100 N. Fifth Avenue, P.O. Box 8647
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(734) 994-8460

NOTICE OF INTENT TO OCCUPY SIDEWALK

I, _____ hereby notify _____
(Applicant) (Business Name/Occupant)

of my intent to occupy sidewalk in front of _____
(Address)

for the purpose of selling _____
(Items)

My stand/table/cart will occupy _____ square feet of space. I anticipate occupying the area starting on _____ and ending _____.
(Beginning date) (Ending Date)

Pursuant to Section 4:14(1, L) this permit cannot be issued until the owner(s) or authorized agent(s) of this business/property have been notified of my intention. Objections to the issuance of this permit must be based on terms and conditions set forth in Section 4:14(1) of Chapter 47, Title IV, of the City of Ann Arbor Code. Objections to this request do not suggest the denial of the permit application.

- I have no objections to the occupancy
- I object for the following reasons: _____

Owner/Manager/Agent Signature

Date

If you, the applicant have attempted to serve the owner/agent/business you plan to occupy space in front of to no avail, please send this form certified mail, return receipt and provide the City of Ann Arbor with a copy of the receipt from the US Postal Services of this mailing. This receipt will serve as official notification for the purposes of this application of sidewalk occupancy.



CITY OF ANN ARBOR, MICHIGAN

Community Services Area

Planning & Development Services Unit

100 North Fifth Avenue, P.O. Box 8647,

Ann Arbor, Michigan 48107-8647

Merchant Association Representatives and University of Michigan Information

The following is a list of contacts for each of the Merchant Associations and their contact info. These contacts can also be used for any Art Fair questions.

Main Street Area Association

Maura Thompson, Events Coordinator

PO Box 7596

605 S Main St.

Ann Arbor, MI 48107-7596

734-668-7112

South University Merchants Association

Maggie Ladd, Executive Director

1103 South University, Suite 203

Ann Arbor, MI 48104

734-663-5300

State Street Area Association

Kathy Krick, Art Fair Director

PO Box 7469

Ann Arbor, MI 48107-7469

734-663-6511

The following are addition Art Fair Contacts:

Ann Arbor Street Art Fair

Shary Brown, Executive Director

721 E Huron St

Ann Arbor, MI 48104

734-994-5260

The Guild of Artists & Artisans

Alan Bogl, Art Fair Operations Director

118 N Fourth Ave.

Ann Arbor, MI 48104-1402

734-662-3382

Washtenaw Non-Profits Art Fair Booths

John Jourden

2832 Renfrew

Ann Arbor, MI 48105

734-761-8006

The following is for the notification to the University of Michigan of intent to occupy for Sidewalk Occupancy purposes ONLY:

University of Michigan

Hank Baier

AVP Facilities & Operations

3040 Fleming Bldg

503 Thompson St.

Ann Arbor, MI 48109-1340



CITY OF ANN ARBOR, MICHIGAN

100 North Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107-8647

<http://www.a2gov.org>

Administration (734) 994-2704

Community Development Services (734) 622-9025

Parks & Recreation Services (734) 994-2780

Planning & Development Services (734) 994-2674

Community Services Area

The City of Ann Arbor requires that you provide evidence of proper liability insurance coverage in order to obtain this permit. You or your insurance company must submit a valid certificate of insurance with the following information:

- _____ The certificate must be issued to the City of Ann Arbor.
- _____ The City of Ann Arbor must be named as additional insured.
- _____ The policy must be current and remain so for the duration of the permitted activity. Insurance that expires during this period may cause the permit to be suspended or revoked.
- _____ The policy must be signed and dated by the authorized agent. If your agent is faxing the information to Community Services, they should send it to the attention of the Permit desk at (734) 994-8460. We will only accept a faxed copy from the insurance agency and **NOT** from the permit applicant's office.
- _____ The cancellation clause must be amended to meet the City Attorney's office requirements, including:
 - Remove the words "endeavor to".
 - Provide for "10 days written notice to the certificate holder named to the left".
 - Remove all language beginning with "but failure to mail..." to the end of the clause ending with "agents or representatives".

City Code prescribes the required level of insurance, outlined below.

<u>Chapter-Application</u>	<u>Liability Amounts</u>
47 – Sidewalk Occupancy	\$500,000
79 – Peddler/Solicitor	\$500,000

Please submit this information along with your application or processing may be delayed until the necessary information is received. If you have questions or comments, please contact the Community Services Permit Desk at (734) 994-2674.

ORDINANCE NO. ORD-08-33

First Reading : September 8, 2008
Public Hearing : September 22, 2008

Approved: September 22, 2008
Published: September 28, 2008
Effective: October 8, 2008

STREETS

(Regarding the Ann Arbor Sidewalk Vendor Program)

AN ORDINANCE TO AMEND CHAPTER 47 OF TITLE IV OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor ordains:

Section 1. That Section 4:14 of Chapter 47 of Title IV of the Code of the City of Ann Arbor is amended as follows:

4:14. Street and sidewalk occupancy permits.

- (1) The City Administrator may issue revocable permits to occupy a portion of any city street or sidewalk if the Administrator determines the occupancy will not:
 - (a) Interfere with the use of the street or sidewalk for pedestrian or vehicular travel.
 - (b) Unreasonably interfere with the view or access to or use of property adjacent to said street.
 - (c) Reduce any sidewalk width to less than 6 feet.
 - (d) Interfere with street cleaning or snow removal activities.
 - (e) Cause damage to the street or sidewalk or to trees, benches, landscaping or other objects lawfully located therein.
 - (f) Cause a violation of any state or local laws.
 - (g) Be principally used for off-premises advertising.
 - (h) Conceal or detract from the appearance of landscaping features in

or adjacent to the street.

- (i) Be in or adjacent to property zoned exclusively for residential purposes.
 - (j) Be attached to or reduce the effectiveness of or access to any utility pole, sign or other traffic control device.
 - (k) Cause increased risk of theft or vandalism.
 - (l) Operate within 75 feet of a business with which it is in direct competition without first receiving permission from the business owner.
 - (m) Violate regulations adopted by the Administrator to interpret and implement the provisions of this section.
- (2) *Types of permits and application period.* There shall be 2 different permits available to an applicant, annual and daily.
- (a) *Annual.* Permits run from May 1 to April 30. From April 1 to April 30 of each year, the owner or manager of a business located at street level shall have first opportunity to apply for an annual permit beginning May 1 under this section 4:14 for sidewalk space directly adjacent to that business. Between April 1 and April 30 of each year, neither an owner nor a manager of a business located at street level shall be granted an annual permit for sidewalk space beyond the space directly adjacent to that business without the written consent of the owner or manager of the street level business(es) located directly adjacent to such additional sidewalk space. The written consent must be filed with the application. After April 30, anyone may apply for an annual permit. After April 30, the applicant for an annual permit shall provide written notice addressed to "Business Owner or Manager" at the address directly adjacent to the sidewalk area to be occupied, at least 72 hours before a permit can be issued to occupy any area between the edge of the vehicle use area of the street and the right-of-way or property line. The notice shall include a description of the area to be occupied, the goods or services to be offered, and a listing of the conditions for occupancy under section 4:14(1) above.
 - (b) *Daily.* All applicants who wish to apply for a daily permit beginning May 1 shall provide written notice addressed to "Business Owner or Manager" at the address directly adjacent to the sidewalk area to be occupied, at least 72 hours before a permit can be issued to occupy any area between the edge of the vehicle use area of the

street and the right-of-way or property line. The notice shall include a description of the area to be occupied, the goods or services to be offered, and a listing of the conditions for occupancy under section 4:14(1) above.

(3) *Permit fees:*

- (a) The fee for annual permits shall be \$1.00 for each square foot of sidewalk area to be occupied for the period beginning May 1 and ending April 30. The fee for a daily permit shall be \$0.05 per day for each square foot of sidewalk area to be occupied.
 - (b) In computing the area of occupancy on a sidewalk, all remaining sidewalk area of less than 6 feet in width shall be included.
 - (c) In computing the area of occupancy of the vehicular use area of any street which must be closed in connection with issuance of a permit, the entire width of the vehicle use area must be included.
- (4) In addition to the other requirements herein specified, the approval of the City Council shall be required for all such street occupancy involving the closing of the vehicle use area of any street in connection with the sale of goods or services.
- (5) All permits shall specify the name of the person to whom it is issued and the dates street or sidewalk occupancy is permitted. The permits shall be valid only for the period specified and for occupancy by the person to whom it is issued. An applicant may submit an application for a daily permit no sooner than 30 days in advance of the period during which a permit is desired.
- (6) Any group or association applying for such a permit in connection with the sale of goods or services shall supply with its permit application all rules by which members of the group are permitted to participate in the activities involving the street occupancy. No permit shall be issued if such rules violate any provisions of this Code.
- (7) Any street or sidewalk occupancy permit may be revoked by the Administrator upon a finding that the occupancy does not meet the standards of this section, any other provisions of this Code or other applicable law or that the space is needed for other street purposes or as provided for the revocation of permits under Chapter 76. Upon a revocation because the space is needed for other street purposes, only, the fee paid for any period after termination of the street occupancy shall be refunded.

- (8) Street or sidewalk occupancy permits of indefinite duration may be issued for newsracks which comply with this subsection upon the payment of a processing fee of \$2.00 per newsrack. To comply with this section, a newsrack must not occupy more than 2.5 square feet of street space, must not be more than 4.2 feet in height, must be used solely for the distribution of newspapers and may contain up to 4 square feet of advertising copy. As used in this subsection, "newspaper" means a news reporting periodical distributed at least quarterly. Newsracks regulated by this subsection shall be subject to the other provisions of this section, with the exception of subsection (3).
- (9) Persons who are refused a street or sidewalk occupancy permit, have their street occupancy permit revoked, or wish to protest the issuance of a street occupancy permit that has been issued, may have a hearing on that determination before the City Administrator. The decision of the administrator may be appealed to the City Council. Requests for a hearing or an appeal must be made within 5 days of the questioned decision.
- (10) Before any street or sidewalk occupancy permit is issued to an applicant proposing to sell or solicit for sale any food or produce for human consumption, certification must be received from the County Health Officer. For purposes of this subsection only, a non-motorized vendor cart or other similar non-motorized apparatus used for the sale or solicitation for sale of any food or produce for human consumption may be located on the sidewalk notwithstanding any other provision of the Ann Arbor City Code to the contrary.
- (11) The Administrator is authorized to adopt regulations subject to the approval of the City Council to interpret and implement the provisions of this section, except that the City Council may determine by resolution that on certain dates congestion in the city or a part of the city will be too great to permit street or sidewalk occupancy and that permits shall not be issued for those dates and locations.
- (12) Prior to issuance of a street or sidewalk occupancy permit, the applicant shall provide evidence of liability insurance as prescribed in section 4:3.
- (13) In addition to any other provisions of this Code, no person shall violate any of the following provisions:
 - (a) *Showing of permit.* All persons who are issued a permit under this section shall display their permit in a prominent manner so that it is visible to the public while conducting activities permitted by this chapter.

- (b) *Refuse.* The street or sidewalk occupancy permit holder shall provide refuse receptacles, which shall be used for all refuse generated by the street or sidewalk occupancy permit holder's activities conducted under this Chapter. Such refuse shall not be deposited in city refuse containers. The street or sidewalk occupancy permit holder shall remove the refuse receptacles at the end of the permit holder's business day and leave the public right-of-way clean and free of all refuse.
- (c) *Pedestrian obstruction.* No person shall conduct business or any activities permitted by this Chapter in such a manner as to obstruct the free and uninterrupted passage of the public along the sidewalk. A violation of this subsection shall be a civil infraction, which shall be punishable by a fine of not more than \$1,000.00 plus costs.
- (d) *Limited hours.* No person shall keep a vendor cart or any other apparatus used in connection with the vendor cart in the permitted area or on any other sidewalk area or allow it to remain for more than 24 hours. Any vendor carts or any other apparatus found in the permitted area or any other sidewalk area in violation of this section shall be subject to seizure and impoundment by the City.
- (e) *Affixing to stationary objects.* No person shall permit a vendor cart used in connection with the permitted sidewalk occupancy to be affixed to any stationary object, including but not limited to parking meters, light poles and traffic control devices, or any other stationary object located in the public street or sidewalk.
- (f) *Generators.* No person shall use a motorized generator in connection with any activities related to sidewalk occupancy.
- (g) *Sidewalk access.* No person shall drive a motorized vehicle upon or within any sidewalk area for any purpose, including but not limited to placing a vendor cart or any other apparatus used in connection with the sidewalk occupancy on the sidewalk or removing it from the sidewalk.
- (h) *Unattended carts.* No person shall leave a vendor cart used in connection with the permitted sidewalk occupancy unattended. Any vendor cart found in the permitted area or any other sidewalk area to be unattended shall be subject to seizure and impoundment by the City.

Section 2. That this ordinance shall take effect on the tenth day following legal publication.