

ORDINANCE NO. 1101
CITY OF FERNDALE
OAKLAND COUNTY, MICHIGAN

To add Article IV, Complete Streets, Section 16-50 to Chapter 16 of the Ferndale Codified Ordinances to encourage the implementation of a non-motorized network plan to provide complete streets that accommodate pedestrians, bicyclists, public transportation passengers, and users of all ages and abilities.

The Council of the City of Ferndale finds and declares as follows:

The term "Complete Streets" describes a comprehensive, integrated transportation network with infrastructure and design that allows safe and convenient travel along and across streets for all users, including pedestrians, bicyclists, motor vehicle drivers, public transportation riders and drivers, emergency vehicles, and people of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities; and

The City of Ferndale wishes to encourage walking, bicycling, and public transportation use as safe, convenient, environmentally friendly, and economical modes of transportation that promote health and independence for all people; and

The City of Ferndale recognizes that the careful planning and coordinated development of Complete Streets infrastructure offers long-term cost savings for local and state government, benefits public health, and provides financial benefits to property owners, businesses, and investors, while yielding a safe, convenient, and integrated transportation network for all users; and

The City of Ferndale wishes to encourage public participation in community decisions concerning street design and use to ensure that such decisions: (a) result in streets that meet the needs of all users, and (b) are responsive to needs of individuals and groups that traditionally are not incorporated in public infrastructure design; and

The City of Ferndale therefore wishes to initiate Complete Streets and desires that its streets form a comprehensive and integrated transportation network promoting safe, equitable, and convenient travel for all users while preserving flexibility, recognizing community context, and using the latest and best design guidelines and standards; and

It is the intent of the Council of the City of Ferndale in enacting this ordinance to encourage healthy, active living, reduce traffic congestion and fossil fuel use, and improve the safety and quality of life of residents of Ferndale by ensuring its routes are safe, convenient, and comfortable for walking, bicycling, and public transportation;

NOW, THEREFORE, THE CITY OF FERNDALD ORDAINS:

Section 1. That Chapter 16, Article IV, Complete Streets, Section 16-50, of the Codified Ordinances of the City of Ferndale, Michigan, be and is added to read as follows:

Section 16-50.

- (a) For the purposes of this Ordinance, "complete streets" are streets that safely accommodate all users of the right-of-way, including pedestrians, people requiring mobility aids, bicyclists and drivers and passengers of transit vehicles, trucks, automobiles and motorcycles.
- (b) In order to improve the safety and efficiency of the City's transportation system and to promote the health and economic opportunities of residents and visitors, it is the policy of the City to encourage complete streets, and in furtherance of that policy:
 - 1) City Council shall adopt a non-motorized transportation network plan. This plan shall be approved by the Planning Commission, in consultation with Community Development Services Department, the Department of Public Works, the Recreation Department and the Parks and Recreation Advisory Committee and the Downtown Development Authority before Council consideration.
 - 2) The non-motorized transportation network plan shall include, at a minimum, accommodations for accessibility, sidewalks, curb ramps and cuts, trains and pathways, signage and bike lanes and shall incorporate principles of complete streets and maximize walkable and bikeable streets within the City.
 - 3) After initial adoption, the non-motorized transportation network plan shall be updated regularly as part of the City master plan update process.
 - 4) Until the City Council adopts the initial non-motorized transportation network plan, the Planning Commission shall review all street plans prior to the adoption of the non-motorized plan, and all public street projects or public street reconstruction projects in the City shall be designed to safely accommodate all users of the right-of-way, including pedestrians, people requiring mobility aids, bicyclists and drivers and passengers of transit vehicles, trucks, automobiles and motorcycles with the following exceptions:
 - o Bicycle and pedestrian facilities are not required where they are prohibited by law.
 - o Public transit facilities are not required on streets not serving as transit routes.
 - o If the cost is excessively disproportionate to the need or probable use, of the overall project cost, the City Council may choose to not require bicycle, pedestrian and/or transit facilities.
 - 5) After initial adoption of the non-motorized transportation network plan, all public street projects or public street reconstruction projects in the City shall be in conformity with the non-motorized transportation network plan.

Section 2. Severability/repealer.

- (a) If any section, subsection, sentence, clause, phrase, or portion of this article is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate distinct and independent provision and such holding shall not affect the validity of the remaining portions.
- (b) All ordinances in conflict herewith are repealed.

Section 3. Savings Clause.

All proceedings pending and all rights and liabilities existing, acquired or incurred at the time this Ordinance takes effect are saved and may be consummated according to the law enforced when they are commenced.

Section 4. Repeal.

All regulatory provisions contained in other city ordinances which are inconsistent with the provisions of this ordinance, are repealed.

Section 5. Effective Date; Publication.

This ordinance shall become effective upon publication of a notice in a newspaper circulated in the City, stating the date of the enactment and the effective date of the ordinance, a brief notice as to the subject matter of this ordinance, and such other facts as the city clerk shall deem pertinent and that a copy of the ordinance is available for public use and inspection at the office of the city clerk.

MADE, PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF FERNDALE, OAKLAND COUNTY, MICHIGAN, THIS ___ DAY OF _____, 2010.

CRAIG COVEY, MAYOR

J. CHERILYNN TALLMAN, CITY CLERK

Date of Adoption: _____

Date of Publication: _____

CERTIFICATE OF ADOPTION

I hereby certify that the foregoing is a true and complete copy of the Ordinance passed at a meeting of the Ferndale City Council held on the ____ day of _____, 2010.