

An Ordinance Entitled "COMPLETE STREETS"

THE CITY OF YPSILANTI ORDAINS:

That Chapter 94, Article IX, Sections 300 through 304, "**Complete Streets**," of the City Code be created as follows:

Insert text:

Article IX: Complete Streets

Sec. 94-300. Purpose

- (a) The intent of this Article is to provide for the planning, design, construction, and maintenance of a transportation system within the City of Ypsilanti that provides for the varying access and mobility needs of all users, regardless of age, ability, or trip purpose. The road network must function as an integral part of the overall transportation system and provide for safe, accessible, comfortable, and efficient transportation options for people and goods in order to support the City's quality of life, economic vitality, and environmental sustainability.
- (b) This Article shall serve as the City of Ypsilanti's "Complete streets policy" for the purposes of the State of Michigan's Act 51 of 1951, as amended (MCL 247.660p).

Sec. 94-301. Definitions

The following words, terms and phrases when used in this article shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Complete streets means roadways planned, designed, and constructed to provide appropriate access to all legal users in a manner that promotes safe, efficient, and convenient movement of people and goods whether by car, truck, transit, assistive device, foot, bicycle, or other means.

Maintenance means routine maintenance or preventive maintenance, or both, as provided in the State of Michigan's Act 51 of 1951, as amended.

Preservation means an activity undertaken to preserve the integrity of the existing roadway system, as provided in the State of Michigan's Act 51 of 1951, as amended.

Sec 94-302. Applicability.

Any project involving the construction, reconstruction, capacity enhancement, or preservation of a roadway, bridge, public parking facility, or other transportation right-of-way within the City of Ypsilanti shall be subject to the provisions of this ordinance, regardless of the agency having jurisdiction over the facility. Projects involving only maintenance of a roadway, bridge, publicly owned parking lot, or other transportation right-of-way shall conform to the plans and standards referenced in this ordinance but shall not be required to undergo the full review process described.

Sec. 94-303. Design and construction of complete streets

- (a) All projects subject to this ordinance shall be presented to the Planning Commission for approval during the scoping and conceptual design process. This review shall serve as the Planning Commission review of a capital project as required under Act 33 of 2008, MCL 125.3861. During this review, the Planning Commission shall base their findings upon:
 - (1) Consistency with the City's Master Plan, Non-Motorized Transportation Plan, and other current adopted transportation plans, considering both the overall goals of and any specific improvements identified in those plans.
 - (2) The needs of all legal users of the facility.
 - (3) The access and operation of emergency vehicles.
 - (4) Management of vehicular access points to private properties.

- (5) Current design standards published by the American Association of State Highway Transportation Organizations (AASHTO), the Michigan Manual on Uniform Traffic Control Devices (MMUTCD) (MDOT), and the Americans with Disabilities Act Accessibility Guidelines (ADAAG).
 - (6) Any publications or advisories produced by the Michigan Department of Transportation's Complete Streets Advisory Council.
 - (7) Necessary or desired modifications to lighting, street trees, and related elements of the travel corridor that affect user safety, travel speed, and comfort
- (b) The final engineering designs shall incorporate the findings of the Planning Commission as administered by the City Manager or their designee. Exceptions to this requirement shall only be granted by the City Council or other legislative body having jurisdiction over the project upon finding any one or more of the following:
- (1) The cost would result in an unacceptable diminishing of other city services
 - (2) The scale of the project does not permit a meaningful addition to the nonmotorized transportation network.
 - (3) The cost of conforming to plans for additional travel modes would exceed 25% of the project cost, exclusive of costs related to right-of-way acquisition and ADA compliance.
- (c) The City of Ypsilanti shall meet or exceed State requirements for the funding of non-motorized transportation enhancements in accordance with Act 51 of 1951, as amended.

Sec. 94-304. Review of implementation

Upon the completion of the annual Act 51 Street Financial Report, the Department of Public Services shall provide the City Council with a summary of transportation projects performed during the past year, including funding sources for each, and a calculation of the share of the City's Act 51 funding spent on non-motorized transportation facilities.

- 2. Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.
- 3. Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.
- 4. Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.
- 4. Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.
- 5. Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published by printing the same in the newspaper of record. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED, AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS _____ DAY OF _____, 2011

FRANCES MCMULLAN, City Clerk

Attest

I do hereby confirm that the above Ordinance No. _____ was published in the Ypsilanti Courier on the _____ day of _____, 2011.

FRANCES MCMULLAN, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the _____ day of _____, 2011.

FRANCES MCMULLAN, City Clerk

Notice Published: _____
First Reading: _____
Second Reading: _____
Published: _____
Effective Date: _____