

AN ORDINANCE

of the City Council of the City of Berkley, Michigan
to Add New Article VI, Complete Streets, to Chapter 106, Streets, Sidewalks and Other
Public Places, of the City of Berkley Code of Ordinances to
Establish a Policy to Encourage Complete Streets,
and to Prescribe a Penalty for Violations.

THE CITY OF BERKLEY ORDAINS:

SECTION 1: New Article VI shall be added to Chapter 106 of the Berkley City Code, as follows:

ARTICLE VI. – COMPLETE STREETS**Sec. 106-300. Findings and Purpose.**

The City Council finds that “Complete Streets,” as defined in this article, are a design framework to enable safe and convenient access for all legal users of public streets, including pedestrians, bicyclists, transit riders, and motorists of all ages and abilities. Complete Streets are achieved when transportation agencies routinely plan, design, construct, reconstruct, operate, and maintain the transportation network to improve travel conditions for bicyclists, pedestrians, transit, motorists, and freight in a manner consistent with, and supportive of, the surrounding community. Development of pedestrian, bicycle, and transit infrastructure offers long-term cost savings and opportunities to create safe and convenient non-motorized travel. Streets that support and invite multiple uses, including safe, active, and ample space for pedestrians, bicycles, and transit are more conducive to the public life and efficient movement of people than streets designed primarily to move automobiles. Increasing active transportation (e.g., walking, bicycling and use public transportation) offers the potential for improved public health, economic development, a cleaner environment, reduced transportation costs, enhanced community connections, social equity, and more livable communities. The City of Berkley’s Master Plan, adopted in January 2007, and amended from time to time, addresses multiple forms of transportation including roads, mass transportation, and non-motorized transportation. Principles have been and continue to be adopted nation-wide at state, county, metropolitan planning organization, and city levels in the interest of proactive planning and adherence to federal regulation that guide transportation planning organizations to promote multi-modal transportation options and accessibility for all users. In response to the Complete Streets Initiative, the Michigan Legislature enacted an amendment to the Michigan Planning Enabling Act, in 2010 stating that a community’s master plan shall include all components of a transportation system and their interconnectivity including streets and bridges, public transit, bicycle facilities, pedestrian ways, freight facilities and routes, port facilities, railroad facilities, and airports, to provide for the safe and efficient movement of people and goods in a manner that is appropriate to the context of the community and, as applicable, considers all legal users of the public right-of-way.

Therefore, 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, the City, through this article, establishes it to be the policy of the City to encourage complete streets.

Sec. 106-301. Definition.

“Complete Streets” means, for purposes of this article, streets that are designed to enable safe and convenient access for all legal users of public streets, including pedestrians, bicyclists, transit riders, and motorists of all ages and abilities.

Sec. 106-302. Policy Established.

It shall be the policy of the City to encourage Complete Streets, and to implement this policy as follows:

- (1) The City Planning Commission shall create a non-motorized transportation network plan as part of the Master Plan update. This plan shall be created and approved by the City Planning Commission, in consultation with Community Development Services Department, the Department of Public Works, the Parks and Recreation Department, the Downtown Development Authority and the City Council.
- (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 Planning Commission adopts the initial non-motorized transportation network plan, the Planning Commission shall review all street plans and all public street projects or public street reconstruction projects in the City shall be designed to safely accommodate all legal users of the public 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:
 - a. Bicycle and pedestrian facilities are not required where they are prohibited by law.
 - b. Public transit facilities are not required on streets not serving as transit routes.
 - c. Encouraging walking, biking, or transit would be contrary to public health and safety,
 - d. The cost would be excessively disproportionate to the need or potential use,
 - e. The cost would result in an unacceptable diminishing of other City services,

- f. The project segment length would not result in a meaningful addition to the non-motorized network,
 - g. There is no identified long-term need, and/or
 - h. The public works project in question is due to an emergency that requires near-term action.
- (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, subject to the exceptions in subsection (4), above.

SECTION 2: Severability Clause

Should any word, phrase, sentence, paragraph, or section of this Ordinance be held invalid or unconstitutional, the remaining provisions of this ordinance shall remain in full force and effect.

SECTION 3: Penalty

All violations of this ordinance shall be misdemeanors and upon conviction thereof shall be punishable by a sentence of not more than ninety (90) days of confinement to jail or by a fine of not more than \$500, or both, in the court's discretion.

SECTION 4: Effective Date

This Ordinance shall become effective 30 days following the date of adoption.

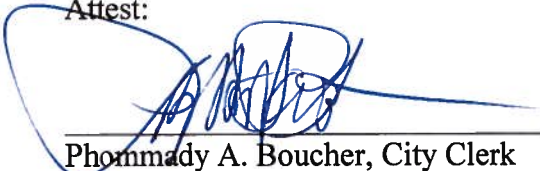
SECTION 5: Publication

The City Council directs the City Clerk to publish a summary of this ordinance in compliance with Public Act 182 of 1991, as amended, and Section 6.5 of the Berkley City Charter.

Introduced on the First Reading at the Regular City Council Meeting on Monday, February 5, 2018.

Passed on the Second Reading at the Regular City Council Meeting on Monday, March 5, 2018.


Daniel J. Terbrack, Mayor

Attest:

Phommady A. Boucher, City Clerk