

**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 FERNDALE 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.

**CITY OF FERNDALE  
REQUEST FOR COUNCIL ACTION**

**FROM:** Melanie Piana, Councilwoman  
**TO:** Ferndale City Council  
**SUBJECT:** Complete Streets Ordinance Approval

**SUMMARY & BACKGROUND:**

Complete Streets is a best practice with growing national and state support that calls for cities to rethink how they design or redesign road infrastructure projects to accommodate all users, not just cars. The city of Ferndale has already set policies that promote walkability, encourage investments in public transportation, increase bicycling and create safer spaces for pedestrians, as means to become a more environmentally friendly community, reduce energy consumption and provide options for all residents.

A Complete Streets Ordinance is another way for the City of Ferndale to achieve its commitment to better connect these modes of transportation, increase safety and convenience and promote health and independence as part of daily activities to meet the needs of all users of the streets including children, youth, adults, families and people with disabilities. This ordinance will ensure the Department of Public Works, Community Development Department, Parks and Recreation Department and the Downtown Development Authority jointly plan for and agree on the direction for non-motorized infrastructure improvements in the city.

Recent state and federal transportation policy changes encourage communities to adopt Complete Streets policies, and such a policy is essential for Ferndale to access future federal and state funding for infrastructure improvements. Recent federal and state policies include:

- August 1, 2010, Governor Jennifer Granholm signed into law Complete Streets House Bills 6151 and 6152.
- October 2010, the Michigan Legislature adopted a FY2011 transportation budget that includes language that gives funding preference to communities that have Complete Streets policies.
- The Federal government launched a Sustainable Communities grant program that gives HUD, EPA, and DOT funding preferences to communities that support Complete Streets policies.

The Michigan Municipal League, Southeast Michigan Council of Governments (SEMCOG) and the Michigan Suburbs Alliance all support Complete Streets practices for their municipal members.

The following actions were completed in preparation for council to consider approval of the Complete Streets Ordinance:

- Parks and Recreation Director reviewed the draft ordinance language.
- The Downtown Development Authority Board of Directors passed a resolution in support, with amendments which were incorporated into the final ordinance.
- The Planning Commission voted unanimously in support of the draft Complete Streets Ordinance, with amendments which were incorporated into the final ordinance. Planning Commission Vice-Chair Luke Forrest helped shape and write the draft policy.
- The City Attorney provided legal review.
- The Ferndale Environmental Sustainability Committee hosted a Complete Streets presentation at their Green Tuesday meetings.
- The Ferndale Seniors group hosted a Complete Streets presentation.

**ATTACHMENTS:** Planning Commission September 2010 Meeting Minutes  
City Attorney Legal Review

**RECOMMENDED ACTION:**

Moved by, seconded by, to approve Ordinance No. 1101, an ordinance 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.



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September 7, 2010

Mr. Robert J. Bruner, Jr., City Manager  
City of Ferndale  
300 E. Nine Mile Road  
Ferndale, Michigan 48220

*Via E-Mail Only*

***Re: Complete Streets***

Dear Mr. Bruner:

As requested, I've reviewed the draft of the Complete Streets Ordinance, scheduled to be considered by the Plan Commission at its September meeting. In considering the draft ordinance, I have also reviewed Public Act 134 of 2010 and Public Act 135 of 2010, along with complete street ordinance amendments being considered by Michigan municipalities, including the City of Lansing. Public Act 134 modifies the Michigan Planning Enabling Act (2008 PA 33) to require consideration of utilities and transportation as part of a master plan adopted or amended by cities, villages, townships, or counties. Public Act 135 addresses distribution of funding for transportation programs in the State and adds a new section 10p that requires the Michigan Department of Transportation and local road agencies to adopt "Complete Streets" policies. "Complete Streets" is defined to mean a planning concept emphasizing the design and operation of streets to enable safe access for all users, including pedestrians, bicyclists, motorists and transit riders of all ages and abilities.

Public Act 135 requires the Michigan Department of Transportation, local road agencies and municipalities that receive appropriations under Public Act 51 to adopt "Complete Streets" policies no later than two years after the effective date of the Act (this deadline is August 2, 2012). A "Complete Streets" policy is defined as a document that provides guidance for the planning, design, and construction of roadways or interconnected network of transportation facilities being constructed or reconstructed and designated for a transportation purpose that promotes complete streets and meets all of the following requirements:

- (i) is sensitive to the local context and recognizes that needs vary according to urban, suburban, and rural settings.
- (ii) considers the functional class of the roadway and project costs and allows for appropriate exemptions.
- (iii) considers the varying mobility needs of all legal users of the roadway, of all ages and abilities.

The complete streets policy may take the form of an ordinance, resolution or general policy that ensures both adequate accommodation of all users of transportation systems and the consideration of the safety and convenience of all users of transportation systems in all phases of project planning and development.

Under Public Act 135 of 2010, section 10k(2) provides:

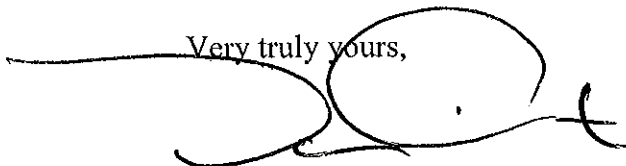
Of the funds allocated from the Michigan transportation fund to the state trunk line fund and to the counties, cities, and villages, a reasonable amount, but not less than 1% of those funds shall be expended for construction or improvement of nonmotorized transportation services and facilities.

I've reviewed Section 1020.13 of the City of Lansing's Code of Ordinances which notes it is policy of [Lansing] to encourage complete streets and further provides there should be a nonmotorized network plan, and to the extent financially feasible, future construction or re-construction of City rights-of-way or any parts thereof shall be in conformity with the nonmotorized network plan and that it shall be a goal of the City to fund adequately the implementation of the nonmotorized network plan, which shall include targeting at least five percent of State Act 51 funds received by the City annually in furtherance of the plan's implantation. (Emphasis added)

In looking at the current ordinance draft in (b) 1), the language provides that nonmotorized transportation network plan "shall be approved" by the Planning Commission and the Parks and Recreational Advisory Committee in consultation with Community Development Services, Department of Public Works, the Recreation Department and the Downtown Development Authority before Council consideration. It may be appropriate to consider modifying this language to provide the Plan "shall be reviewed" by the Planning Commission prior to consideration by Council (rather than the Plan having to be approved by the Planning Commission which may not find consensus on a particular plan). Additionally, the reference to review by the Parks and Recreational Advisory Committee (Parks and Recreation Board created by Section 13-29) as currently created is outside the scope of the duties for the Parks and Recreation Board set forth in Section 13-34). Proposed Section 4 provides, "all public streets 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 certain limited exceptions. It may be appropriate to consider whether more flexibility should be reserved to Council. The language used in the City of Lansing's ordinance limits the application of the policy "to the extent financially feasible". Otherwise, the content of the proposed ordinance draft is consistent with Public Act 135.

If you should have any questions or wish to discuss these comments, please do not hesitate to contact me.

Very truly yours,



P. Daniel Christ

PDC/bbo

cc: Councilmember Melanie Piana  
Ms. Cherilynn Tallman, City Clerk  
Ms. Marsha Scheer, Community Development Director