

CHARTER TOWNSHIP OF MARQUETTE,
MARQUETTE COUNTY, STATE OF MICHIGAN
ORDINANCE NO. 032012

COMPLETE STREETS ORDINANCE

THE TOWNSHIP BOARD OF TRUSTEES FOR THE CHARTER TOWNSHIP OF MARQUETTE HEREBY ORDAINS:

SECTION 1 - Title. This Ordinance shall be known and cited as the Charter Township of Marquette Complete Streets Ordinance.

SECTION 2 - Purpose. The purpose of this ordinance is to regulate and control the development of land within the corporate limits of the Township in order to: (1) promote the public health, safety, comfort, convenience, and general welfare for walking, bicycling, and public transportation and to encourage increased use of these modes of transportation; (2) enable convenient travel as part of daily activities, improve the public welfare by addressing a wide array of health and environmental problems, and meet the needs of all inhabitants of the Township; (3) provide for the orderly growth and harmonious development of the Township consistent with the Master Plan and the Zoning Ordinance; (4) secure adequate traffic circulation to the roadways, streets and highways; to achieve the maximum utility and livability on individual parcels; and (5) provide logical procedures for the achievement of these purposes.

SECTION 3 - Definitions. For the purposes of this chapter, the following terms, phrases, words, and their derivations shall have the meaning given herein, and are derived from the language in Act 134 of the Public Acts of 2010, as amended, and Act 135 of the Public Acts of 2010, as amended:

Complete Streets means roadways, streets and/or public rights-of-way that incorporate complete streets infrastructure.

Complete Streets Infrastructure means roadways and/or public rights-of-way planned, designed, and constructed to provide appropriate access to all legal users in a manner that promotes safe and efficient movement of people and goods whether by car, truck, transit, assistive device, foot, or bicycle.

Street Project means construction, reconstruction, retrofit, or alteration, and includes the planning, design, approval, and implementation processes, *except that* the term "*street project*" does not include maintenance such as cleaning, sweeping, mowing, spot repair, or interim measures on detour routes.

Users means legal users of the roadways, streets and public rights-of-way, including pedestrians, bicyclists, motor vehicle drivers, public transportation riders and drivers, and people of all ages and abilities, including children, youth, families, older adults, and individuals with disabilities

SECTION 4 - Requirement of Infrastructure Ensuring Safe Travel.

(1) The Township shall develop and review standards to implement complete streets infrastructure. The Township shall make complete streets practices a routine part of its operations, shall approach transportation projects and programs as an opportunity to implement complete street practices and infrastructure in order to improve public and private streets and the transportation network for all users, and shall work in coordination with other departments, developers, agencies, and jurisdictions to achieve complete streets.

(2) The Township shall prioritize complete streets projects that are located near public service areas (e.g., schools, government facilities, libraries, public health facilities, parks, hospitals, etc.) and that provide improved access to other Township amenities as available.

(3) Projects on public or private streets shall incorporate complete streets infrastructure sufficient to enable reasonably safe travel along and across the right-of-way for each category of users; *provided, however*, that such infrastructure may be excluded, upon approval by the Planning Commission, where documentation and data available to the Township indicate that:

(A) Use by non-motorized users is prohibited by law;

(B) The cost would be excessively disproportionate to the need or probable future use over the long term;

(C) There is an absence of current or future need; or

(D) Inclusion of such complete streets infrastructure would be unreasonable or inappropriate in light of the scope of the project.

(4) As feasible, the Township shall incorporate complete streets infrastructure into existing public and private streets to improve the safety and convenience of users; construct and enhance the transportation network for each category of users; and enhance economic development.

(5) If the safety and convenience of users can be improved within the scope of pavement resurfacing, re-striping, or signalization operations on public or private streets, such projects shall incorporate complete streets infrastructure to increase safety for users.

(6) The Township shall review and, as deemed necessary by the Planning Commission, either revise or develop proposed revisions to all appropriate plans, zoning and subdivision ordinances/codes, laws, procedures, rules, regulations, guidelines, programs, templates, and design manuals, including the Master Plan of the Township to integrate, accommodate, and balance the needs of all users in all street projects on public and private streets.

SECTION 5 - Data Collection, Standards, and Public Input.

(1) The Township shall collect data measuring how well the roadways, streets and public rights-of-way within the Township are serving each category of users, as outlined in the current Road Facilities Plan or a potential, future Non-Motorized Plan.

(2) The Township shall develop and implement performance standards with measurable benchmarks reflecting the ability of users to travel in safety and comfort.

(3) The Township shall establish procedures to allow public participation in policy decisions and transparency in individual determinations concerning the design and use of roadways, streets and public rights-of-way.

(4) The Township shall implement, administer, and enforce this chapter and is hereby authorized to issue all rules and regulations consistent with this chapter.

(5) All initial planning and design studies, health impact assessments, environmental reviews, and other project reviews for projects requiring funding or approval by the Township shall: (A) evaluate the effect of the proposed project on safe travel by all users, and (B) identify measures to mitigate any adverse impacts on such travel that are identified.

(6) An assessment will be presented to the Planning Commission by Planning & Zoning Department staff within one year following the effective date of this chapter regarding: (A) the steps taken to implement this chapter; (B) outcomes of the measures mentioned in subsections (1) and (2) above; (C) additional steps planned; and (D) any desired actions that would need to be taken by the Township or other agencies or departments to implement the steps taken or planned.

(7) The Township will be charged with the drafting and review of policies to implement the complete streets practices by: (A) addressing short-term and long-term steps and planning necessary to create a comprehensive and integrated transportation network serving the needs of all users; (B) assessing potential obstacles to implementing complete streets practices throughout the Township, and identifying alternative solutions to those obstacles; (C) if useful, recommending adoption of policies containing additional steps; and (D) proposing revisions to the Master Plan, zoning and subdivision ordinances/codes, and other applicable laws to integrate, accommodate, and balance the needs of all users in all street projects. Township Planning & Zoning Department staff shall report on the matters within its purview to the Planning Commission.

SECTION 6 – Limitation of Liability. Nothing in this chapter authorizes the Township to impose any duties or conflict with limitations on authority established by Federal or State law at the time such action is taken. Further, nothing in this chapter shall be construed as creating any rights in and/or liability to third parties.

Severability. If a court of competent jurisdiction declares any provision of this Ordinance, or a statutory provision referred to or adopted by reference herein, to be unenforceable, in whole or in part, such declaration shall only affect the provision held to be unenforceable and shall not affect any other part or provision. Provided, however, that if a court of competent jurisdiction declares a penalty provision to exceed the authority of the Township, the penalty shall be construed as the maximum penalty that is determined by the court to be within the authority of the Township to impose.

Repeal. All ordinances or parts of ordinances in conflict or inconsistent with the provisions of this Ordinance are hereby repealed; provided that any violation charged before the effective date of this Ordinance under an ordinance provision repealed by this Ordinance shall continue under the ordinance provision then in effect.

Effective Date. This Ordinance shall take effect immediately following its adoption and publication as required by law. _____

This Ordinance was enacted by the Township Board of Marquette Charter Township, Marquette County, Michigan on the _____, 2012.

Dennis Liimatta, Supervisor

Randy Ritari, Clerk

Randy Girard, Manager

Jason McCarthy, Zoning Administrator