

**CITY OF BINGEN, WASHINGTON**

**ORDINANCE NO. 2013-07-617**

**AN ORDINANCE ADOPTING BINGEN MUNICIPAL CODE CHAPTER 12.10,  
COMPLETE STREETS**

WHEREAS, in 2007, the United States Congress passed the Energy Independence and Security Act, which outlines the Congressional policy regarding the use of Complete Street design techniques; and

WHEREAS, in 2011, Washington State Legislature passed the State Complete Streets Bill (ESHB 1071) creating a complete streets grant program to encourage street designs that safely meet the needs of all users and also protect and preserve a community's environment and character, and;

WHEREAS, the City of Bingen desires to have pedestrian and non-motorized facilities along transportation facilities;

WHEREAS, walking and biking are non-motorized travel modes that enhance health through physical activity and help to reduce air pollution; and

WHEREAS, the City of Bingen Comprehensive Plan includes a goal of providing a safe, efficient, and economic transportation network; and

NOW, THEREFORE, the City Council of the City of Bingen do ordain as follows:

Section 1. Bingen Municipal Code 12.10, Complete Streets is adopted to read as follows:

Chapter 12.10

Complete Streets

Sections:

12.10.010 Definitions.

12.10.020 Complete streets required and exceptions.

12.10.030 Design standards.

12.10.040 Severability.

12.10.010 Definitions.

A. "Complete street" means an arterial, collector or commercial local access roadway designed to enable safe, attractive, and comfortable access and travel for all users, including pedestrians, bicyclists, motorists and public transportation users of all ages and abilities, which are operated in a manner to enable all users to safety and comfortably move along and across such streets.

B. "Substantially redeveloped street" shall mean any street project involving reconstruction of the subgrade, widening of the pavement section, or installation of new curbs and gutters.

12.10.020 Complete streets required and exceptions.

A. All new or substantially redeveloped street projects in the City of Bingen shall to the extent feasible be designed and constructed as complete streets; provided, complete streets shall not be required in the following circumstances:

1. When there is not sufficient right-of-way to provide complete streets consistent with applicable safety standards;
2. When the nature of a particular street, including location, environmental constraints, traffic volumes, speed limits or other factors would make complete streets contrary to public health or safety;
3. Where there is a significant adverse environmental impact to streams, wetlands, steep slopes, or other critical areas;

4. Where there is a significant adverse impact on neighboring land uses, including impacts from right-of-way acquisition;
  5. When there is no identified present or future need for “complete streets;”
  6. When the cost would be disproportionate to the need or probable use; or
  7. Nonmotorized uses are prohibited by law.
- B. Except in unusual or extraordinary circumstances, complete street principles may not apply to ordinary maintenance activities designed to keep streets in a serviceable conditions (e.g. mowing, cleaning, sweeping, spot repair and surface treatments such as chip seal, overlay, or interim measures on detour or haul routes).

10.12.030 Design standards.

- A. Complete streets may be achieved through single projects or incrementally through a series of small improvements over time. It is the City’s intent that all sources of transportation funding be used to implement complete streets.
- B. The street design standards of the city as they now exist or may hereafter be amended shall be consistent with and provide design standards for implementing the requirements of this chapter.
- C. To the extent that any existing street design standard is inconsistent with the requirements of this chapter, the requirements of this chapter shall control.

10.12.040 Severability.

If any section, sentence, or phrase of this Chapter is held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence or phrase of this chapter.

**PASSED BY THE CITY COUNCIL OF THE CITY OF BINGEN, and effective five (5) days after the first date of posting or publication.**

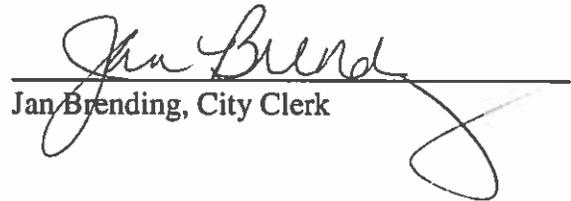
**DATED** this 16<sup>th</sup> day of April, 2013.

ATTEST:



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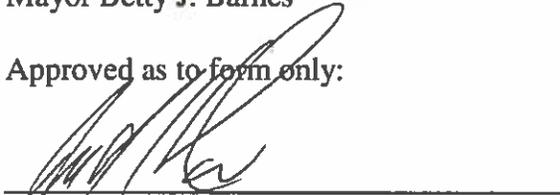
Mayor Betty J. Barnes



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Jan Brending, City Clerk

Approved as to form only:



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Anthony H. Connors  
City Attorney