

ORDINANCE NO. 1533

**AN ORDINANCE OF THE CITY OF DES MOINES, WASHINGTON** relating to bicycle, pedestrian, and transit facilities along City streets, establishing a policy, and codifying a new chapter in Title 12 DMMC.

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

**WHEREAS**, a variety of users share limited space within the right-of-way including motor vehicles, public transit, bicycles, and pedestrians, and

**WHEREAS**, the Growth Management Act requires that the Comprehensive Plan Transportation Element include a pedestrian and bicycle component [RCW 36.70A.070(6)(vii)] that identifies and designates planned improvements for pedestrian and bicycle facilities and corridors that address and encourage enhanced community access and promote healthy lifestyles, and

**WHEREAS**, the Des Moines Comprehensive Plan goals include providing safe and environmentally friendly transportation while emphasizing transportation choices, and

**WHEREAS**, the City Council desires to design and maintain streets to allow for all transportation modes when practical, and

**WHEREAS**, RCW 47.04.320 was recently enacted by the Washington State Legislature through the creation of a Complete Streets Grant Program within the Washington State Department of Transportation's Highways and Local Programs Division to encourage street designs that safely meet the needs of all users and abutting property owners, and also protect and preserve a community's environment and character, and

**WHEREAS**, the topic of a Complete Streets Ordinance was discussed at the June 2, 2011 and February, 2012 Public Safety and Transportation Committee meetings, now therefore,

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**THE CITY COUNCIL OF THE CITY OF DES MOINES ORDAINS AS FOLLOWS:**

**Sec. 1.** A new chapter is added to Title 12 DMMC entitled "*Bicycle, pedestrian, and transit facilities in the right-of-way*", to read as follows:

**(1) Definitions.**

(a) Use of words and phrases. As used in this Ordinance, unless the context or subject matter clearly requires otherwise, the words or phrase defined in this section shall have the indicated meaning.

(b) "Complete street" means an improved roadway that provides accommodations and transportation improvements with all users in mind, including motorists, pedestrians, bicyclists, and public transit users.

**(2) Complete street principles and goals.**

(a) Bicycle and pedestrian ways shall be designed and built in accordance with the City's Comprehensive Transportation Plan, and Street Design and Construction Standards.

(b) Bicycle and pedestrian facilities should be accommodated in the planning, design, and construction of transportation facilities and transportation plans when feasible.

(c) Transit facilities should be accommodated in the planning, design, and construction of transportation facilities when feasible and coordinated with transit providers. Transit facilities should be incorporated into transportation plans, projects, standards and programs.

(d) Complete Streets should be designed and constructed in such a manner that they complement the context of the surrounding neighborhoods, providing a balance of adequate facilities for bicyclists, pedestrians, transit users and persons of all abilities.

(e) Street connectivity is encouraged to create a comprehensive, integrated, connected roadway network for all transportation modes.

**(3) Exemptions.**

(a) Notwithstanding the provisions of section 2 of this Ordinance, bicycle, pedestrian, and public transit facilities are not required to be established:

(i) Where their establishment would be contrary to public safety.

(ii) When the cost would be excessively disproportionate to the need or probable use.

(iii) Where there is no identified need.

(b) All exceptions shall be approved by the Planning, Building and Public Works Director.

**Sec. 2. Codification.** Section 1 of this Ordinance shall be codified as a new chapter in Title 12 DMMC entitled "*Bicycle, pedestrian, and transit facilities in the right-of-way*".

**Sec. 3. Severability - Construction.**

(1) If a section, subsection, paragraph, sentence, clause, or phrase of this ordinance is declared unconstitutional or invalid for any reason by any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance.

(2) If the provisions of this ordinance are found to be inconsistent with other provisions of the Des Moines Municipal Code, this ordinance is deemed to control.

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**Sec. 4. Effective date.** This ordinance shall take effect and be in full force thirty (30) days after its passage and approval in accordance with law.

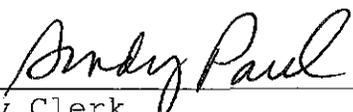
**PASSED BY** the City Council of the City of Des Moines this 9th day of February, 2012 and signed in authentication thereof this 9th day of February, 2012.

  
MAYOR

APPROVED AS TO FORM:

  
Assistant City Attorney

ATTEST:

  
City Clerk

Published: February 14, 2012

Effective Date: March 11, 2012

LEGAL NOTICE  
SUMMARY OF ADOPTED ORDINANCE  
CITY OF DES MOINES

ORDINANCE NO. 1533, Adopted February 9, 2012.

DESCRIPTION OF MAIN POINTS OF THE ORDINANCE:

This ordinance relates to bicycle, pedestrian, and transit facilities along City streets, establishes a policy, and codifies a new chapter in Title 12 DMMC.

The full text of the ordinance will be mailed without cost upon request.

Sandy Paul, CMC  
City Clerk

Published: February 14, 2012