

**HOUSE BILL NO. 1525**

Introduced by

Representatives Clark, Dietrich, S. Kelsh

Senators Fischer, Flakoll, Grindberg

(Approved by the Delayed Bills Committee)

1 A BILL for an Act to amend and reenact sections 40-62-01 and 40-62-03 and subsection 1 of  
2 section 40-62-05 of the North Dakota Century Code, relating to city pedestrian mall  
3 improvements.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1. AMENDMENT.** Section 40-62-01 of the North Dakota Century Code is  
6 amended and reenacted as follows:

7 **40-62-01. Authority for pedestrian mall and skyway improvements - Definitions.**

8 1. The governing body of any city may by resolutions create a special improvement  
9 district, order and approve plans and specifications, determine the necessity,  
10 advertise and enter ~~into~~ contracts, issue special improvement warrants and bonds,  
11 and levy special assessments for the improvement of one or more streets within its  
12 central business district to be regulated and maintained as a mall for primarily  
13 pedestrian use, or for the construction of skyways within its central business  
14 district, in the manner and upon the terms and conditions set forth in chapters  
15 40-22 to 40-27, except as otherwise provided in this chapter.

16 2. For the purposes of this chapter, ~~"skyway":~~

17 a. "Pedestrian mall" means a street within the central business district of a city  
18 designated by the governing body and improved to encourage a high  
19 concentration of pedestrian use.

20 b. "Skyway" means an overhead walkway, whether open or enclosed, allowing  
21 pedestrian traffic between buildings separated by a street, and includes all  
22 corridors, passageways, methods of ingress and egress, and other  
23 appurtenances necessary for an integrated and connected system.

1           **SECTION 2. AMENDMENT.** Section 40-62-03 of the North Dakota Century Code is  
2 amended and reenacted as follows:

3           **40-62-03. Plans and specifications.** The plans and specifications ~~shall~~ must provide  
4 for improvement of the designated streets or construction of skyways in a manner designed for  
5 use primarily for the free movement, safety, convenience, and enjoyment of pedestrians,  
6 whether or not part of the mall is made available for emergency or other permitted vehicles. A  
7 mall improvement may provide for and include space for seating, cafe tables, shelters, trees,  
8 flower plantings, sculptures, newsstands, telephone booths, traffic signs, kiosks, fire hydrants,  
9 street lighting, ornamental lights, trash receptacles, display cases, marquees, awnings,  
10 canopies, overhead and underground radiant heating devices, walls, barriers, and all ~~such~~  
11 other fixtures, equipment, facilities, and appurtenances as will in the governing body's judgment  
12 enhance the free movement, safety, convenience, and enjoyment of pedestrians and benefit  
13 the adjoining properties and the central business district and the city. Sidewalks may be  
14 constructed of concrete, bricks, asphalt tiles, blocks, granite sets, or ~~such~~ other materials or  
15 combinations of materials as the governing body may approve. The governing body may ~~in its~~  
16 ~~discretion narrow~~ alter any roadway to be kept and maintained in the mall, may cause any  
17 street vaults to be reconstructed or removed, may construct crosswalks at any point within or at  
18 the ends of blocks, and may cause any roadway to curve and meander within the limits of the  
19 street, if ~~deemed~~ determined desirable to enhance the usefulness or appearance of the mall,  
20 regardless of any nonuniformity of street width or any curve or absence of curve in the  
21 centerline of the street. A skyway may be ~~open or enclosed~~, heated or unheated, and may  
22 include any fixtures, equipment, facilities, and appurtenances the governing body determines  
23 will enhance the free movement, safety, convenience, and enjoyment of pedestrians and  
24 benefit the adjoining properties and the central business district and the city.

25           **SECTION 3. AMENDMENT.** Subsection 1 of section 40-62-05 of the North Dakota  
26 Century Code is amended and reenacted as follows:

27           1. Vehicles ~~shall~~ may be permitted ~~to cross the mall at all street intersections except~~  
28           ~~those of two streets each forming part of the mall~~ within the pedestrian mall in  
29           designated driving and parking lanes as determined by the governing body.