

Fifty-ninth
Legislative Assembly
of North Dakota

ENGROSSED 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 a city designated by the governing
18 body and improved to encourage a high concentration of pedestrian use.
19 b. "Skyway" means an overhead walkway, whether open or enclosed, allowing
20 pedestrian traffic between buildings separated by a street, and includes all
21 corridors, passageways, methods of ingress and egress, and other
22 appurtenances necessary for an integrated and connected system.

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

1 **40-62-03. Plans and specifications.** The plans and specifications ~~shall~~ must provide
2 for improvement of the designated streets or construction of skyways in a manner designed for
3 ~~use primarily for~~ the free movement, safety, convenience, and enjoyment of pedestrians,
4 whether or not part of the mall is made available for emergency or other permitted vehicles. A
5 mall improvement may provide for and include space for seating, cafe tables, shelters, trees,
6 flower plantings, sculptures, newsstands, telephone booths, traffic signs, kiosks, fire hydrants,
7 street lighting, ornamental lights, trash receptacles, display cases, marquees, awnings,
8 canopies, overhead and underground radiant heating devices, walls, barriers, and all ~~such~~
9 other fixtures, equipment, facilities, and appurtenances as will in the governing body's judgment
10 enhance the free movement, safety, convenience, and enjoyment of pedestrians and benefit
11 the adjoining properties and the central business district and the city. Sidewalks may be
12 constructed of concrete, bricks, asphalt tiles, blocks, granite sets, or ~~such~~ other materials or
13 combinations of materials as the governing body may approve. The governing body may ~~in its~~
14 ~~discretion narrow~~ alter any roadway to be kept and maintained in the mall, may cause any
15 street vaults to be reconstructed or removed, may construct crosswalks at any point within or at
16 the ends of blocks, and may cause any roadway to curve and meander within the limits of the
17 street, if ~~deemed~~ determined desirable to enhance the usefulness or appearance of the mall,
18 regardless of any nonuniformity of street width or any curve or absence of curve in the
19 centerline of the street. A skyway may be ~~open or enclosed~~, heated or unheated, and may
20 include any fixtures, equipment, facilities, and appurtenances the governing body determines
21 will enhance the free movement, safety, convenience, and enjoyment of pedestrians and
22 benefit the adjoining properties and the central business district and the city.

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

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