



House Political Subdivisions

HB1513

Thursday February 6, 2025

Representative Donald W. Longmuir, Chair

Summary of Points:

- The City of Bismarck **opposes** the proposed change in time granted to the property owner to construct, rebuild, or repair sidewalks to be not fewer than two years and six months from the date of notice.
- The City of Bismarck does not oppose other elements of the bill.

My name is Gabe Schell, and I am the City Engineer for the City of Bismarck. On behalf of the City of Bismarck, I am providing testimony in opposition to HB1513 and respectfully request a “**Do Not Pass**” recommendation.

The City of Bismarck utilizes the powers granted to municipalities to require the adjacent property owner to construct, rebuild or repair sidewalks. The majority of the repaired sidewalks are hazardous sidewalks identified by the public. These hazards reflect a potential risk to the public or have already damaged or injured the public through a documented trip/fall incident. When reported, the City of Bismarck reviews the area of concern and reports the hazard and the duty to repair the sidewalk to the property owner. Many of these repairs are performed under an annual contract the City lets which allows the property owner the option to special assess the repair against the property. The property owner is also afforded the opportunity to have the sidewalk repaired by a licensed and bonded contractor and pay the contractor directly.

While the majority of the proposed changes are clerical in nature, the proposed requirement to provide not less than two years and six months from the time a notice is given to when the sidewalk needs to be constructed, rebuilt, or repaired would have a detrimental impact to public which relies on a safe sidewalk network for their transportation. This delay in construction would especially burden those of the public that have a physical disability that requires them to use a wheel chair or another mobility device. A sidewalk that is not compliant with Americans with Disabilities Act (ADA) requirements can result in extremely long detours to find an ADA compliant route.

In the instance of a rebuilt or repaired sidewalk, the adjacent property owner can still be found liable if an injury is sustained as a result of a hazardous sidewalk. A delay in repairing after notice is given can be detrimental to the property owner. A municipality could potentially be held civilly liable for damages during the two and a half year period. Two and a half years is far too long to expect sidewalk users to avoid or detour around the hazard.

The City of Bismarck currently provides notice to the property owner of the requirement to construct, rebuild or repair a sidewalk within the current construction season but provides extensions to the subsequent construction season if the landowner requests.

Again, we respectfully request a “**Do Not Pass**” recommendation on HB1513. Any questions can be directed to me at 701-355-1505 or gschell@bismarcknd.gov

Respectfully,

Gabe Schell

Gabe Schell, City Engineer