



North Dakota Senate Political Subdivisions
Chairman – Senator Randy Burckhard
January 20, 2020

Testimony

By: Brian K. Billingsley, AICP
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Senate Bill 2188
Urging a "Do Not Pass" Recommendation

I am writing on behalf of The City of Minot to express our **opposition** to SB 2188 (Consumer Merchandise). We assert the bill is too broad and will have many unintended consequences that will negatively affect our community.

The provision limiting cities from regulating sales of commercial merchandise could disrupt residential neighborhoods. This bill would prevent cities from curbing recurrent yard sales and garage sales. We would have no control over their frequency and operating hours. In addition, this bill would neutralize municipal home occupation rules. Undesirable commercial businesses would be welcome into quiet residential neighborhoods. We would not be able to intervene when a homeowner calls us to register a complaint about a disturbance in his/her neighborhood.

Some people may interpret this legislation as a means to undermine municipal standards that cities apply to all new commercial developments (i.e. landscaping, building design, and parking requirements). These standards help improve the appearance of our community and attract customers and desirable businesses to our centers of commerce.

This legislation may also open the door to the unnecessary marketing of business ventures in non-commercial zones. The provision limiting cities from marketing commercial merchandise could be interpreted as a loophole to allow commercial advertising through the placement of billboards in residential neighborhoods.

For these reasons, we strongly urge your committee to recommend a "do not pass" on SB 2188.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brian B.", with a stylized flourish at the end.

Brian K. Billingsley, AICP
Community & Economic Development Director

Cc: Mayor Shaun Sipma
Minot City Council
Harold Stewart, City Manager
Shane Goettle, Special Assistant City Attorney
Blake Crosby, North Dakota League of Cities