

**Fifty-ninth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 4, 2005**

HOUSE BILL NO. 1525
(Representatives Clark, Dietrich, S. Kelsh)
(Senators Fischer, Flakoll, Grindberg)
(Approved by the Delayed Bills Committee)

AN ACT to amend and reenact sections 40-62-01 and 40-62-03 and subsection 1 of section 40-62-05 of the North Dakota Century Code, relating to city pedestrian mall improvements.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

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

1. The governing body of any city may by resolutions create a special improvement district, order and approve plans and specifications, determine the necessity, advertise and enter ~~into~~ contracts, issue special improvement warrants and bonds, and levy special assessments for the improvement of one or more streets within its central business district to be regulated and maintained as a mall for primarily pedestrian use, or for the construction of skyways within its central business district, in the manner and upon the terms and conditions set forth in chapters 40-22 to 40-27, except as otherwise provided in this chapter.
2. For the purposes of this chapter, "~~skyway~~":
 - a. "Pedestrian mall" means a street within a city designated by the governing body and improved to encourage a high concentration of pedestrian use.
 - b. "Skyway" means an overhead walkway, whether open or enclosed, allowing pedestrian traffic between buildings separated by a street, and includes all corridors, passageways, methods of ingress and egress, and other appurtenances necessary for an integrated and connected system.

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

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

nonuniformity of street width or any curve or absence of curve in the centerline of the street. A skyway may be ~~open or enclosed~~, heated or unheated; and may include any fixtures, equipment, facilities, and appurtenances the governing body determines will enhance the free movement, safety, convenience, and enjoyment of pedestrians and benefit the adjoining properties and the central business district and the city.

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

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

Speaker of the House

President of the Senate

Chief Clerk of the House

Secretary of the Senate

This certifies that the within bill originated in the House of Representatives of the Fifty-ninth Legislative Assembly of North Dakota and is known on the records of that body as House Bill No. 1525.

House Vote: Yeas 90 Nays 0 Absent 4

Senate Vote: Yeas 45 Nays 0 Absent 2

Chief Clerk of the House

Received by the Governor at _____ M. on _____, 2005.

Approved at _____ M. on _____, 2005.

Governor

Filed in this office this _____ day of _____, 2005,

at _____ o'clock _____ M.

Secretary of State