

HOUSE BILL NO. 1513

Introduced by

Representatives VanWinkle, Koppelman, Brandenburg, Hauck, Hendrix, Morton, Heilman,
Dockter, Rohr, Nehring

Senators Paulson, Wanzek

1 A BILL for an Act to amend and reenact section 40-29-03 of the North Dakota Century Code,
2 relating to the notice to construct, rebuild, or repair sidewalks.

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

4 **SECTION 1. AMENDMENT.** Section 40-29-03 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **40-29-03. Notice to construct, rebuild, or repair sidewalks.**

7 1. Except as otherwise provided in this chapter, if the governing body deems it necessary
8 to construct, rebuild, or repair any sidewalk in the municipality, it shall notify each
9 owner of record at the last address shown in the recorder or the county treasurer or
10 occupant of any lot or parcel of land that would be benefited by the sidewalk to
11 construct, rebuild, or repair the ~~same~~sidewalk at the owner's own expense and subject
12 to the approval of the street commissioner or city engineer, within the time designated
13 in the notice.

14 2. The notice must be ~~directed in the manner hereinbefore~~ provided to the owner of
15 record or occupant and ~~must set forth what state the work is required to be~~
16 ~~done~~completed, the character of the ~~same~~work as specified in the ordinance, and the
17 time within which the owner is required to ~~do~~complete the work, which may not be
18 fewer than two years and six months from the date of the notice.

19 3. The work must be ~~done~~completed to the satisfaction of the street commissioner or city
20 engineer.

21 4. The notice may be general as to the owner of record or occupant but must be specific
22 as to the description of the lot or parcel of ground to be benefited by the sidewalk that
23 is to be built or repaired. The street commissioner or city engineer shall serve ~~such~~the

1 notice by certified mail or by delivering a copy ~~thereof~~of the notice to the occupant or
2 owner of record of each lot or parcel of occupied land described in the notice, or as to
3 the occupant by leaving a copy ~~thereof~~of the notice at the dwelling house ~~upon such~~on
4 the lot or parcel of land with ~~some person~~an individual over the age of fourteen years
5 ~~residing therein~~who resides at the dwelling house. If any lot or parcel of land is not
6 occupied and service by mail is deemed impractical, the commissioner or city engineer
7 may serve the notice by posting a copy ~~thereof~~of the notice in a conspicuous place
8 ~~therein~~ or immediately in front ~~thereof~~of the lot or parcel of land.

9 5. If ~~such~~a sidewalk is not repaired within the time fixed in ~~such~~the notice, the street
10 commissioner or city engineer, as soon as practicable, shall repair the ~~same~~sidewalk
11 and certify the cost ~~thereof~~of the repair, with the person's return of service of the
12 notice, to the city auditor, and the cost of ~~such~~the repairs must be paid out of the
13 sidewalk special fund.